



PLANNING COMMISSION

AGENDA REPORT

VI.1

MEETING DATE: OCTOBER 10, 2011

ITEM NUMBER:

SUBJECT: TIME EXTENSION FOR PLANNING APPLICATION PA-07-35: DESIGN REVIEW FOR A TWO-UNIT, TWO-STORY RESIDENTIAL COMMON INTEREST DEVELOPMENT (CONDOMINIUMS) AT 1509 ORANGE AVENUE

DATE: SEPTEMBER 29, 2011

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER
(714) 754-5136 WENDY.SHIH@COSTAMESACA.GOV**

DESCRIPTION

The property owner is requesting a second time extension for a design review to construct a two-unit, two-story residential common interest development (condominiums).

APPLICANT

Grant Fluegge is representing the property owner, Farzad Shaygan.

RECOMMENDATION

Approve a retroactive two-year time extension to March 24, 2013, by adoption of Planning Commission resolution, subject to conditions.

BACKGROUND

Project Site

The property is located near the southern border of the City, surrounded by a preschool to the south, commercial uses to the west, and multiple-family residences to the north and east. A public alley separates the property from the preschool and the commercial uses. The property has been vacant and has had two ownership changes since 2005.

Staff notes that the property has had a number of property maintenance violations over the years such as dilapidated fencing, torn fence screening, graffiti, and weeds. The current property owner and applicant have both been notified of this and are working on correcting the violations. At the time of publication of this report, new fencing and screening material is being installed and the site will be secured.

Previous Entitlements

The following chart provides a chronology of entitlements for the construction of a detached two-unit, two-story residential common interest development (condominiums):

Date	Application	Entitlement
Nov. 26, 2007	PA-07-35	Design review for two condominiums approved
Mar. 24, 2008	PM-07-181	Parcel map to facilitate the subdivision for condominiums approved
Jan. 12, 2009	PA-07-35 Time Extension	Time extension approved to coincide with parcel map expiration date of March 24, 2011 (SB 1185 ¹)
Mar. 24, 2011	<i>PA-07-35 expired</i>	
Mar. 24, 2015	PM-07-181 expiration date (AB 333 and AB 208 ²)	

1 Senate Bill SB 1185 granted automatic one-year time extension for tentative maps.

2 Assembly Bills 333 and 208 each granted automatic two-year time extensions for tentative maps.

The Planning staff report and meeting minutes for the planning applications can be viewed on the City's website at the link below:

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

The plans for the condominium project are attached for reference.

Second Time Extension Request for Planning Application PA-07-35

The applicant requests a second time extension for the project approval because of the change in ownership and uncertainty of the economic condition over the past year. The property owner has secured funding and is now ready to move forward with the project; plans were submitted for plan check on September 20, 2011. The applicant anticipates

starting construction in November 2011, if the time extension is approved and permits obtained. Pursuant to the State Subdivision Map Act and recent assembly bills, the parcel map approval will remain valid until March 24, 2015.

The Zoning Code allows the final review authority (Planning Commission for this project) to extend a planning application for successive periods of one year upon showing of good cause by the applicant.

ANALYSIS

Staff recommends approval of a retroactive two-year time extension to March 24, 2013, for the following reasons:

- *The Commission's previously-adopted approval findings are still applicable to the project.*

The Commission determined that the project meets the purpose and intent of the Residential Design Guidelines. The applicable Residential Development Standards and Residential Design Guidelines have not changed since the Commission approved the project in 2007. While the proposal includes a minor departure from the recommended building height for flat roofs (22 feet maximum recommended; 25 feet proposed), the flat roofs are integrated with the overall design of the residences and encompass a limited amount of the roofline. The Commission determined that the project 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. Additionally, the second floor windows are placed so as to minimize privacy impacts and direct views into windows on adjacent residences to the north. Therefore, it was determined that the proposed development would not negatively impact the surrounding properties or aesthetics of the neighborhood.

The City Council adopted Ordinance No. 10-3 regarding permitted construction hours after approval of this project. Therefore, the previous condition of approval No. 14 is no longer applicable (deleted) and the applicant is notified that all construction activities would be subject to the new ordinance. The applicant is also notified that the project would be subject to applicable adopted codes (such as Building, Mechanical, Electrical, etc.) at the time of construction plans submittal.

- *The applicant has shown good cause for needing the time extension.*

Due to the change in property ownership and economic conditions, the applicant was unable to obtain building permits and begin construction prior to the expiration of the application. The applicant has secured funding for the project and submitted construction plans to begin the plan check process. The property will be

in compliance with property maintenance standards while it remains vacant. Staff recommends a retroactive two-year time extension to March 24, 2013, to allow additional time for the applicant to obtain building permits and to begin construction of the project that was approved by the Commission in 2007.

- Approval of the time extension will allow development of the vacant property.

The proposed project satisfies all applicable Code requirements and the intent of the Residential Design Guidelines. Approval of the project will allow development of the vacant lot and provide additional home ownership opportunities in the City.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve a two-year time extension. This would allow additional time for the applicant to obtain permits for the construction of the project as proposed.
2. Deny the application. If Commission denies the time extension, the planning application expires and the project may not be constructed as proposed. The applicant could not file a similar request for six months.

CONCLUSION

Approval of the time extension would allow the applicant additional time to obtain building permits so the previously approved project can be constructed. Staff recommends approval of a retroactive two-year time extension given that applicable Code sections and Residential Design Guidelines have not changed since the original approval and that the Commission's previously-adopted approval findings are still applicable to the project.



WENDY SHIH
Associate Planner



CLAIRE FLYNN, AICP
Acting Asst. Development Services Director

Attachments: 1. Draft Planning Commission Resolutions
2. Location Map
3. Plans

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

Farzad Shaygan
19 Spike Moss
Irvine, CA 92612

Grant Fluegge
27762 Antonio Pkwy., Ste L-1, 422
Ladera Ranch, CA 92694

Valenti Design and Consulting
330 E. Hullett St.
Long Beach, CA 90805

File: 101011PA0735TimeExt

Date: 092911

Time: 1:30 p.m.

RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A TIME EXTENSION FOR PLANNING APPLICATION PA-07-35

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

WHEREAS, an application was filed by Grant Fluegge, representing the property owner, Farzad Shaygan, with respect to the real property located at 1509 Orange Avenue, requesting approval of a second time extension for a design review to construct two, two-story residential common interest development (condominiums), in the R2-MD zone;

WHEREAS, on November 26, 2007, Planning Commission approved PA-07-35 by adoption of Resolution No. PC-07-84, of which is attached hereto as Exhibit "1";

WHEREAS, a time extension request for PA-07-35 was approved by the Planning Commission on January 12, 2009;

WHEREAS, a second time extension request for PA-07-35 was filed by the applicant;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2011, to consider the second time extension request;

WHEREAS, the time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-07-35, as specified in Exhibits "A" and "B" respectively, of Resolution No. PC-07-84. These findings and conditions of approval, with exception of condition No. 14 related to construction hours, are still applicable to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **APPROVES** a retroactive extension of time for Planning Application PA-07-30 to **March 24, 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-07-35. This action is also based on the evidence in the record and findings and subject to the applicant's compliance with each and all of the conditions as specified in Resolution No. PC-07-84.

PASSED AND ADOPTED this 10th day of October 2011.

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COLIN MCCARTHY
Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, 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 October 10, 2011, by the following votes:

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

Secretary, Costa Mesa
Planning Commission

EXHIBIT 1

RESOLUTION NO. PC-07-84

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-07-35

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

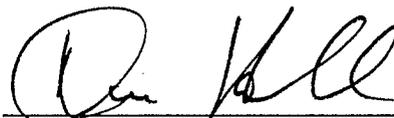
WHEREAS, an application was filed by Arne Valenti, authorized agent for the owners of the property, Scott and Valerie Vincent, with respect to the real property located at 1509 Orange Avenue, requesting approval of a design review to construct two, two-story condominium units, in the R2-MD zone; and

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-07-35 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-07-35 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 26th day of November, 2007.

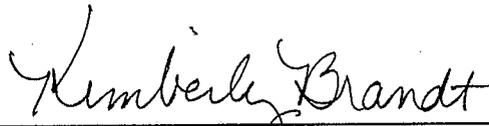


Donn Hall, Chair
Costa Mesa Planning Commission

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, RIGHEIMER
NOES: COMMISSIONERS: EGAN
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 on surrounding properties.
 - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
 - c. The project is consistent with the General Plan designation of Medium Density Residential. Under this designation two dwelling units are allowed on the subject property and two dwelling units are proposed. Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
 - e. The cumulative effects of all planning applications have been considered.
- B. 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 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 on adjacent residences to the north. Approval of the condominium units 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 is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

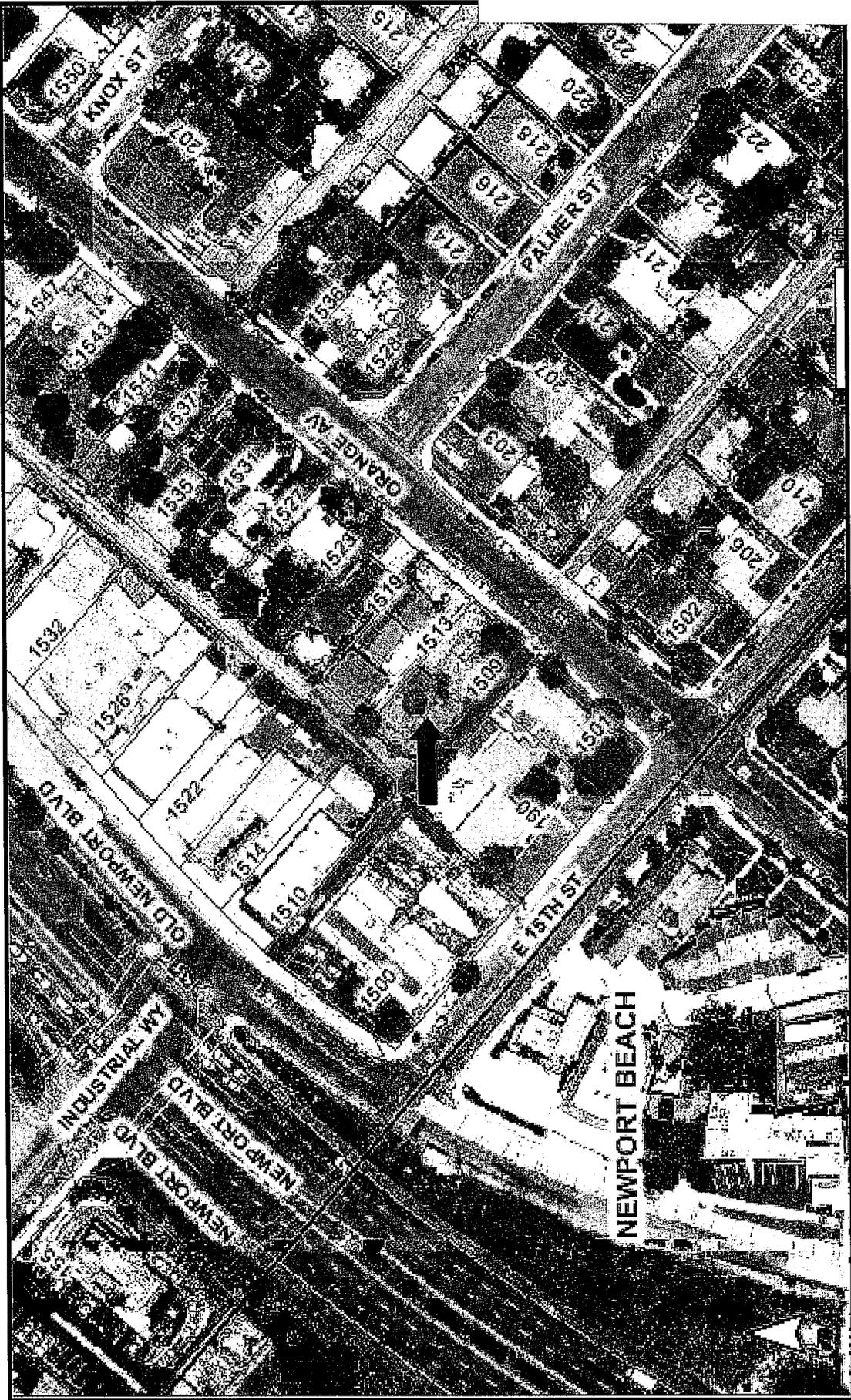
CONDITIONS OF APPROVAL

1. The approved address of individual units (A and B) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
2. 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.
3. Green building practices and techniques, such as compliance with the United States Green Building Councils (USGBC) LEED program and low impact development (LID) shall be applied wherever possible.
4. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
5. 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.
6. 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.
7. The site plan submitted with initial working drawings shall contain a notation specifying the project is a 2-unit, common interest (condominium) development.
8. Homeowners Association CC&Rs shall include a requirement that residents park in garages.
9. The CC&Rs shall include a provision mandating binding arbitration in the event of any dispute between the two property owners relating to the homeowner's association.
10. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
11. 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. The conditions of approval, Code requirements, and special district requirements of Planning Application PA-07-35 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
13. 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.
14. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
- Eng. 15. 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.
- Trans. 16. Provide a clear and unobstructed sidewalk on-site for pedestrian access from Orange Avenue leading to entrance of new rear unit for visitors, deliveries, trash service, and emergency response.

LOCATION MAP



DEVELOPED FOR:
 SCOTT & VALERIE WINGENT
 1675 TAMIH AVE
 LAGUNA BEACH, CALIFORNIA
 949-294-8880

ORANGE ESTATES
 1509A & B ORANGE AVENUE
 COSTA MESA, CA

DESIGNED BY:
 ANNE
 EVALUENTI
 DESIGNS
 50 NORTH CLASSICAL STREET, SUITE 303
 ORANGE, CALIFORNIA 92667-1914

REVISIONS

APPROVED DATE
 2005-11

SCALE 1/8" = 1'-0"

DATE 10/19/05

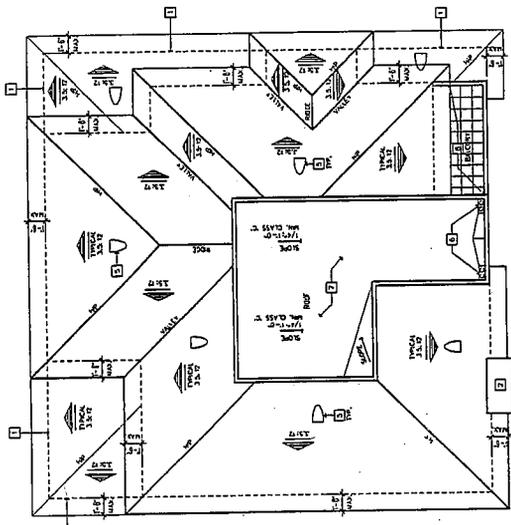
DESIGNER A.L.V.

PROJECT NO. 05-010

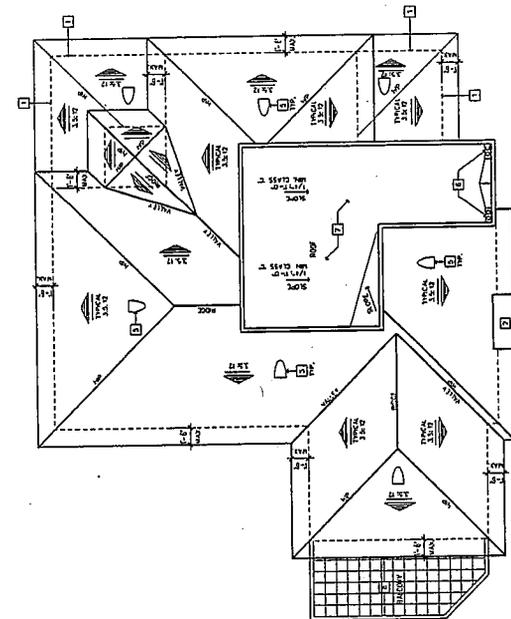
ROOF PLAN

A4

MESA CONSULTING
 WINGENT DISTRICT RECORDS



FRONT UNIT - ROOF PLAN



REAR UNIT - ROOF PLAN

- GENERAL ROOF NOTES**
- SEE DRAWING FOR ALL NOTES
 - ROOF SHALL BE AS SHOWN UNLESS OTHERWISE NOTED
 - ALL ROOF JOINTS SHALL BE SEALED WITH BUTYL RUBBER GUM
 - ALL ROOF FLASHINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS
 - ALL ROOF FLASHINGS SHALL BE INSTALLED OVER THE FINISH SURFACE
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- ROOF KEY NOTES**
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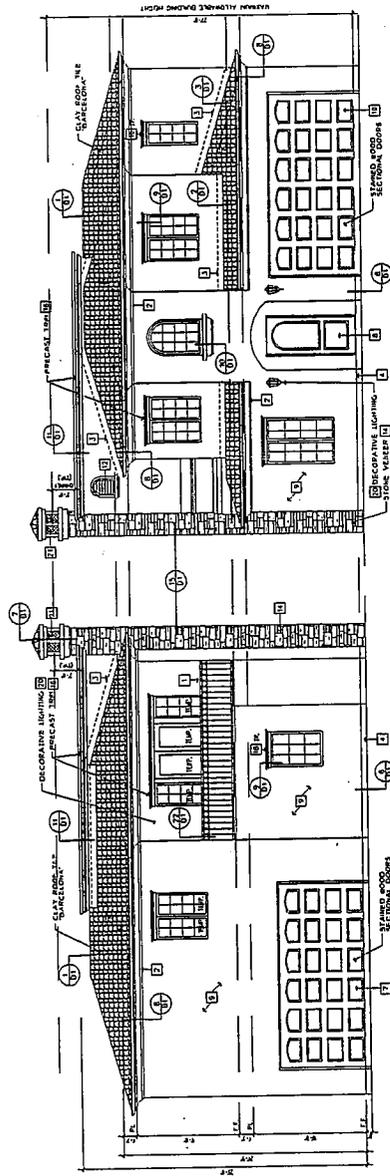
ATTIC VENT. CALCULATIONS

FLOOR	AREA (SQ. FT.)	PERCENT	VENTS
FIRST FLOOR (147 S.F.)	147	100%	2
SECOND FLOOR (177 S.F.)	177	121%	2
TOTAL	324	221%	4
1/200 HIGH AND LOW	162	50%	2
1/100 HIGH AND LOW	324	100%	2
TOTAL	324	100%	4
SECOND FLOOR (177 S.F.)	177	121%	2
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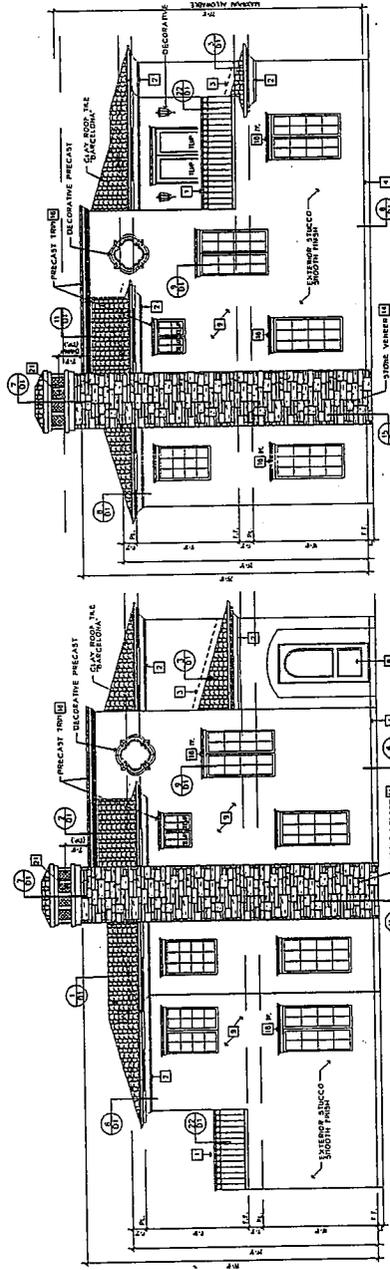
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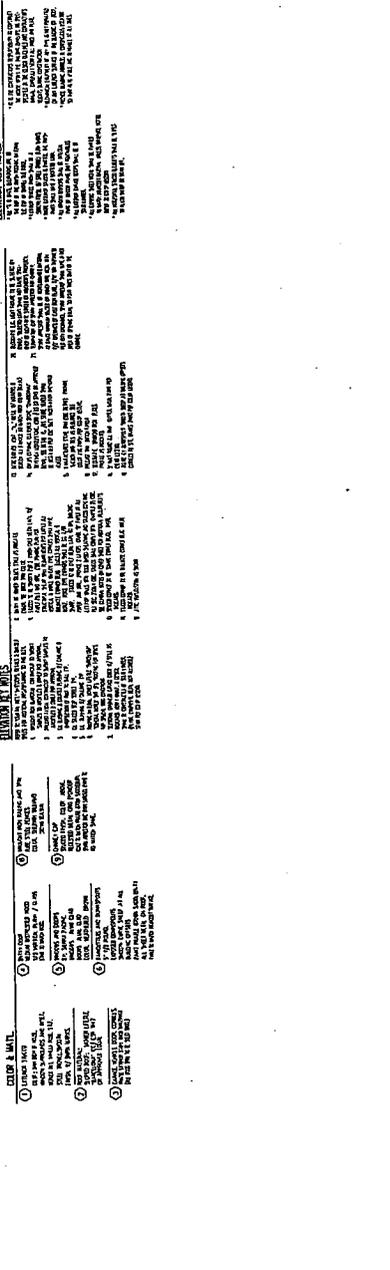
<p>ARZNE DESIGNS 84 NORTH GARDEN STREET SUITE 202 ORANGE, CALIFORNIA 92667-3139-044</p>	<p>ORANGE ESTATES 1509A & B ORANGE AVENUE COSTA MESA, CA</p>	<p>DEVELOPED FOR SCOTT & VALERIE WAGNER 1575 TAHITI AVE LAGUNA BEACH, CALIFORNIA 949-294-8880</p>	<p>REVISIONS</p>	<p>WEEK CONSIDERED WATER DISTRICT MEETINGS</p>	<p>APPROVED DATE</p>	<p>DATE</p>	<p>NO. 10/10/06</p>	<p>ELEVATIONS</p>	<p>A10</p>
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REAR UNIT - REAR ELEVATION



FRONT UNIT - FRONT ELEVATION



FRONT UNIT - LEFT ELEVATION



FRONT UNIT - LEFT ELEVATION

CLIP & MITL

1. BRICK TILES
2. SLATE ROOFING
3. STONE VENEER
4. PRECAST CONCRETE
5. DECORATIVE LIGHTING
6. SECTIONAL DOORS
7. STONE VENEER
8. SLATE ROOFING
9. PRECAST CONCRETE
10. DECORATIVE LIGHTING
11. STONE VENEER
12. SECTIONAL DOORS

BLINDING KEY NOTES

1. BRICK TILES
2. SLATE ROOFING
3. STONE VENEER
4. PRECAST CONCRETE
5. DECORATIVE LIGHTING
6. SECTIONAL DOORS
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