



PLANNING COMMISSION

AGENDA REPORT

VI.7

MEETING DATE: OCTOBER 10, 2011

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-11-22: DESIGN REVIEW AND VARIANCE FROM MAXIMUM NUMBER OF STORIES AND BUILDING HEIGHT REQUIREMENTS FOR A NEW COMMUNITY BUILDING AT 2775 MESA VERDE DRIVE EAST

DATE: SEPTEMBER 29, 2011

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER
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PROJECT DESCRIPTION

This is a revised proposal for a new community building at Villa Venetia Apartments. The project was previously submitted under Planning Application PA-11-15, which was denied without prejudice by the Planning Commission on August 22, 2011. This action allowed the applicant to resubmit a revised proposal without the requisite six month delay.

The applicant reduced the proposed overall building height from 61 feet to 44 feet (inclusive of architectural tower and decorative chimney). The architectural tower element was reduced from 61 feet to 41 feet, which is consistent with the existing 41-foot high leasing office building. All other aspects of the proposal remain the same.

The applicant requests approval of a proposed 23,109 square-foot community building with below-grade parking for use by tenants of both Villa Venetia (subject property) and Pine Brook Village (across Golf Course Drive to the east) apartments. As an accessory structure providing recreational amenities, the new community building is not subject to additional parking requirements. Other planned improvements which are not subject to discretionary review include parking lot restriping and carport redesigns. The overall net gain in new parking spaces is 89 spaces. The Design Review includes:

1. **Variance** from maximum number of stories and building height requirements (two stories/27 feet allowed; three stories/44 feet proposed).
2. **Deviation from the Residential Design Guidelines** for second-to-first floor ratio (80 percent maximum recommended; 86 percent proposed).

APPLICANT

The applicant is Peak West Development LLC, representing the property owner, UDR Villa Venetia Apartments LP.

RECOMMENDATION

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

PLANNING ZONING REVIEW SUMMARY

Location: 2775 Mesa Verde Drive East Planning Application: PA-11-22

Request: Design Review: Variance from maximum number of stories and building height requirements and deviation from Residential Design Guidelines for a new community building serving both Villa Venetia and Pine Brook Village apartments.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	<u>R3</u>	North:	<u>R1 (SFR) and C1 (commercial)</u>
General Plan:	<u>High Density Residential</u>	South:	<u>PI (Tanager Park); R1 (SFR); R3 (multi-family)</u>
Lot Dimensions:	<u>Irregular</u>	East:	<u>PDR-MD (multi-family)</u>
Lot Area:	<u>20 acres</u>	West:	<u>R1 (SFR)</u>
Existing Development:	<u>468-unit apartment complex.</u>		

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>City Requirement</u>	<u>Proposed/Provided</u>
Lot Size:	12,000 SF	20 acres (844,733 SF)
Lot Width:	100 FT	Approx. 620 FT
Density:	1 unit/2,178 SF	1 unit/1,805 SF ¹
Open Space (includes landscaped areas, walkways, pool, tennis court, and lake):		
Open Space	40% min. required	40% (340,269 SF) proposed
	43% (366,128 SF) existing	
Building Height:	2 stories/ 27 FT	3 stories/ 44 FT²
Building Setback (Golf Course Drive):	10 FT min.	25 FT – 32 FT
2 nd to 1 st floor ratio ³ :	80% max. ³	86% (5,693 SF/6,635 SF)³
Building Separation:	10 FT min.	31 FT min.
Parking:		
Covered	471	653
Open	255	162
TOTAL	726 ¹	815

CEQA Status Exempt- Class 3
 Final Action Planning Commission

- 1 Existing density and parking approved under Zone Exception Permit ZE-114-69 for a residential project containing both Villa Venetia (subject property) and Pine Brook Village apartments (across Golf Course Drive to the east). The new community building does not trigger additional parking requirements.
- 2 Variance requested to deviate from maximum building height requirements. 44 ft. building height includes a 2 ft. decorative chimney cap (maximum roof height is 41 ft. for the tower element).
- 3 Residential Design Guidelines (second floor area calculation includes "open volume" area).

BACKGROUND***Project Site***

Villa Venetia is a 468-unit apartment complex bounded by Adams Avenue, Mesa Verde Drive East, and Golf Course Drive. It was originally developed as part of a larger residential community, which includes the 496-unit Pine Brook Village apartments located across Golf Course Drive to the southeast. Both apartment complexes are under common ownership. The property is zoned R3 (Multiple-Family Residential District) and has a General Plan land use designation of High Density Residential.

The Villa Venetia apartment community features a central open space containing a lake, tennis courts, pools/spa, barbeque grilling area, and a leasing office with a community/fitness center.

***Previous Planning Application PA-11-15
(61-Foot High Community Building)***

During the Planning Commission meeting on August 22, 2011, five residents in the surrounding neighborhood spoke in opposition to the proposed community building. The residents concerns included:

- The loss of the existing scenic/lake view from Golf Course Drive which is enjoyed by many passerby's;
- Aesthetic impacts of the overall building height;
- Additional approvals of building height variances for the Villa Venetia/Pine Brook development;
- Increased traffic on Golf Course Drive.

Planning Commission denied Planning Application PA-11-15 due to the height of the proposed community building, which exceeded the height of the existing leasing office by 17 feet.

***Project Description for Planning Application PA-11-22
(44-Foot High Community Building)***

The applicant reduced the proposed building height from 61 feet to 44 feet for this application. All other aspects of the proposal remain the same.

As described in the previous staff report, the applicant proposes a number of upgrades to the property, including the following:

- Construct a new Italianate-themed, 23,109 square-foot community building, for both Villa Venetia and Pine Brook Village apartments, which will house resident amenities including a fitness center, yoga/exercise room, business center, great room, media room, poker room, and large outdoor patio areas. It will also have below-grade parking. The existing community/fitness center, which is in the same building as the leasing office, will be converted into additional management office space.
- Reconstruct carports and replace upper deck tennis court with parking for a net gain of 89 parking spaces on the property (includes parking beneath the new community building).

- Reconfigure the manmade lake, canals, and add an “amenity courtyard” with pool, spa, splash pad fountain, cabanas, fire pit and barbeque grills.

This application is for the proposed community building, which requires approval of a design review, including a variance and deviation from the residential design guidelines. The community building is strictly for the use of residents of Pine Brook Village and Villa Venetia, and it is not proposed to be leased to third parties. Additionally, the building does not include additional administrative office space for leasing purposes. Therefore, as an accessory use, no additional parking is required for the new building.

The other site upgrades will comply with applicable Code standards and are included for informational purposes with this application.

According to the applicant, the proposed project is anticipated to generate approximately 30 to 40 short-term construction jobs. The new community building will also create one or two additional positions in property operations.

Variance for Building Height & Story Limit

The applicant requests approval of a variance to deviate from the maximum number of stories and building height requirement for the new community building (maximum two stories/27 feet allowed; three stories/44 feet proposed).

The following describes the varying building heights of the proposed community building and a comparison with the previous proposal under Planning Application PA-11-15:

Description	Proposed Height Above Grade Level PA-11-15¹	Proposed Height Above Grade Level PA-11-22
Partially Subterranean Parking Structure with 20 Parking Spaces	6 feet AGL	6 feet AGL
Level 1: Fitness/Business Center	19 feet AGL	19 feet AGL
Level 2: Terrace Kitchen/Great Room/Media Room	40 feet AGL	40 feet AGL
Roof Tower with Open Volume	58 feet AGL	41 feet AGL
Overall Building Height	61 feet (58 feet AGL + 36" spire)	44 feet (includes 2 ft. chimney plus 2 ft. decorative cap above the great room)
Net Change in Proposed Building Height	17 feet reduction in overall building height	

1 Planning Application PA-11-15 was denied without prejudice by the Planning Commission on August 22, 2011.

Code defines building height as the “distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening.” In this case, while the hip roof ridge of the majority of the building is at 40 feet and the tower at its highest point is at 41 feet, the chimney cap is included for an overall building height of 44 feet.

For zoning purposes, Code also indicates that any basement level four feet above grade shall be considered a story. Because the partially subterranean basement is six feet above grade at the driveway, it is considered a story for an overall number of three stories for the community building (parking structure + level 1 + level 2 = 3 stories).

Deviation from Residential Design Guidelines

The design review includes a deviation from the design guideline for second-to-first floor ratio (80 percent maximum recommended; 86 percent proposed). The proposed floor plan and overall design of the building did not change from the applicant’s previous submittal.

The first floor area is 6,635 square feet, which includes all enclosed building space. The second floor area is 5,693 square feet, which includes the massing calculation of the tower element and open volume space above the yoga/exercise room.

ANALYSIS

Justification for Approval of PA-11-22

Staff recommends approval of the application because staff believes the following can satisfy legal findings for approval of the project. While the proposal may meet the legal standard to justify variance approval in staff’s opinion, it should be noted that the revised proposal has not addressed the community’s concerns with regard to the loss of the lake amenity.

- *The unique size and shape of the 20-acre lot allows an opportunity to seek relief from the maximum number of stories and building height requirement.*

Specifically, the parcel on which the new 23,109 square-foot community building is proposed is 20 acres, more than twice the size of other multiple-family residential properties in the immediate area. The community building will provide a centralized location (along Golf Course Drive) for additional amenities serving both Villa Venetia and Pine Brook Village apartments, which were developed together as a 40-acre apartment community.

Condition no. 2 through 4 limits the use of the community building to onsite residents of Villa Venetia and Pine Brook Village, and prohibits any change in the operation of the building as a residential amenity space unless approved by the Development Services Director.

The property is also uniquely shaped and bounded by Adams Avenue, Mesa Verde Drive East, and Golf Course Drive. Villa Venetia and Pine Brooke Village apartments straddle Golf Course Drive, which spans between Mesa Verde Drive East and the Costa Mesa Golf and Country Club site. The community building would only be visible off-site from Golf Course Drive and the apartment buildings immediately surrounding the new facility.

Staff believes that it would be appropriate to consider these special circumstances applicable to the property to justify approval of the variance request. Additionally, it would be consistent with the existing apartment community that was approved by the Planning Commission and City Council in 1969, under Zone Exception Permit ZE-114-69. The approval includes deviations from maximum number of stories and building height. The project was approved based on its unique qualities as a small planned community, where a comprehensive approach was considered in designing the orientation of structures, landscaping, recreation areas, living unit size and vehicular access separation from pedestrian access.

Condition no. 7 states that the variance from the maximum building height and number of stories shall only be applied to the community building as currently proposed.

- The proposed building height is considered compatible with neighboring development (Pine Brook Village and Mesa Verde Collection) and proposed development (Mesa Verde Senior Residential Community.)

Staff believes that the proposed design and location of the community building will not negatively impact views from on- or off-site. The proposed structure is similar in scale to the existing leasing office building. The new building will also be located 25 feet to 32 feet from the Golf Course Drive property line (10 feet required) and more than 100 feet away from any Pine Brook Village apartments across Golf Course Drive and more than 300+ feet away from the single family homes at Mesa Verde Collection. The scale and architecture of the proposed building is similar to the design of the proposed two to four stories, 52-foot high Mesa Verde Senior Residential Community at the northwest corner of Harbor Boulevard and Mesa Verde Drive.

Additionally, existing mature trees line the street in front of the proposed building. The applicant will plant additional trees and plantings within the street setback as shown on the conceptual Golf Course Drive elevation plan and per the City's Landscaping Standards. An elevation plan comparing existing and proposed building heights along Golf Course Drive is also provided in Attachment no. 4.

Some of the two-story apartment buildings on- and off-site were also built over garages (three stories total). The existing two-story leasing office/community building has varying roofs ranging from 27 feet to 41 feet above grade. The main roof ridge of proposed community building is 40 feet above grade, which includes four feet of parking structure that projects above majority of the grade (except the lower grade at the driveway).

- Consistent with existing residential properties in the R3 zone. Privacy concerns related to building height and window locations are also addressed through architectural design.

The applicant has reduced the proposed architectural tower element from 61 feet to 41 feet, which is consistent with the existing 41-foot high leasing office building. A decorative cap for the chimney above the great room, which is centrally located on the building and not highly visible from off-site, will bring the overall building height to 44 feet. Therefore, staff believes that approval of the variance for number of stories and building height will not constitute a grant of special privileges inconsistent with the limitation upon other structures in the same zone and on the same property, which contains buildings that exceed two stories and 27 feet high.

The tower element of the proposed building is for architectural purposes, enclosing and projecting above the elevator/staircase. The tower does not contain a platform or attic space; therefore, no privacy impacts are associated with views into apartments from the tower.

Condition no. 6 does not allow the tower to contain functional bells, clocks, or devices which have noise generating features.

The southwest elevation of the proposed building is parallel to Building Y of the apartment complex. Privacy impacts are eliminated because there are no clear glass windows located along this entire elevation. There are four recesses with metal faux windows which are designed to resemble real windows. The single large window featured in the proposed "poker room" is translucent glass and not vision glass.

All other building elevations are not adjacent to apartment units.

- Shade/shadow effects of the proposed structures will be limited to the onsite residents.

The location of the Villa Venetia across from Pine Brook Village limits aesthetic impacts to these properties under a single ownership. The residents of these communities would be primarily affected by the proposed structure. The architect indicated that the shade/shadow impact to the apartment units is not significant, especially considering that the shadows would not affect any active outdoor recreation use. Additionally, the new community building will be located at an angle to the sun's east-west direction and approximately 30 feet away from apartment Building Y, which is similar or greater than other buildings within the same complex that are parallel to one another.

Therefore, the proposed building height is considered compatible with the existing residential structures.

- 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 site contains two and three-story structures with heights ranging from 26 feet to 41 feet and the second floor exceeding 80 percent of the first floor. Staff believes that the proposed building complements and further enhances the existing Italianate architecture on the property with the tower element, covered loggia, arched windows and columns, and cast stone accents/details.

The windows on the west elevation of the proposed community building face existing windows and decks on apartment Building Y. However, all windows on this elevation will have translucent glass so as to minimize privacy impacts and direct views into existing windows on the same property. In order to further minimize privacy impacts and to soften the back side of the community building, staff has included **condition no. 1**, requiring landscape screening to include trees, vines, and/or other planting materials under the direction of the Planning Division.

- Approval of the application will facilitate additional parking, common amenities, and overall upgrade of the property.

With exception of the building story/height variance, the project complies with all applicable Residential Development Standards. The project will increase on-site parking by 89 spaces of which 20 spaces are provided in the proposed partially subterranean parking structure. The proposal will create a central community building with additional resort-style amenities for two apartment complexes. The applicant has also indicated that the entire property will be upgraded, and while specific paint colors have not been selected at this time, it will include Italianate color scheme for all new and existing structures.

Demolition of the Lake

During the August 22, 2011, Planning Commission meeting, residents in the surrounding neighborhood spoke in opposition to the proposed community building. In addition to concerns with aesthetic impacts of the overall building height, the residents were concerned with the loss of the existing scenic/lake view from Golf Course Drive which is enjoyed by many passerbys.

From a technical standpoint with regard to zoning compliance, the proposed swimming pool/sundeck would satisfy the open space requirement for the project in the same manner as the manmade lake. Code is silent as to making distinctions between a pool area and an artificial lake, as both would qualify as open space areas. Staff reviewed the original approval of the development in 1969 which did not contain any conditions for the retention of the artificial lake along Golf Course Drive.

If Planning Commission wishes to consider a condition that may help beautify Golf Course Drive despite the demolition of the lake, Commission may include the following suggested condition:

The applicant shall provide a water feature and enhanced landscaping in the landscape setback area along Golf Course Drive adjacent to the proposed pool area. Schematic drawings for the water feature shall be approved prior to issuance of the building permit for the community building to the satisfaction of the Development Services Director.

This condition may or may not satisfy the community's concerns regarding the loss of the lake amenity but it appears that the applicant is willing to incorporate a water element into the design. Schematic drawings of a water feature may be available before or at the Planning Commission meeting.

GENERAL PLAN CONFORMITY

The building height deviation and design review do not have bearings on changing the use, density, or intensity of the existing property. Therefore, the granting of the deviation will not permit a project which is inconsistent with the High Density Residential General Plan land use designation for the property.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow the applicant to construct the community building as proposed, subject to conditions and Code requirements.
2. Deny the application. If Commission denies the application, the proposed community building would not be permitted and a similar request may not be submitted for six months unless the application is denied without prejudice. A community building that complies with City standards (two stories/27 feet high) and Residential Design Guidelines could be permitted at staff level.

ENVIRONMENTAL DETERMINATION

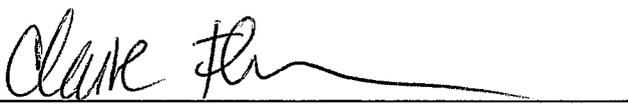
The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures. If the project is approved, it would be exempt from CEQA under Section 15303 for New Construction. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

Staff recommends approval of the application because legal findings could be made to justify approval of the variance to deviate from the maximum number of stories and building height requirement.



 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)

Gary Polodna
Peak West Development LLC.
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Greenwood Village, CO 80111

UDR Villa Venetia Apartments LP
1745 Shea Center Dr., Ste. 200
Highlands Ranch, CO 80129

File: 101011PA1122	Date: 092911	Time: 1:30 p.m.
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RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-11-22 FOR A DESIGN REVIEW AND VARIANCE FOR A NEW COMMUNITY BUILDING

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

WHEREAS, an application was filed by Peak West Development, LLC, representing the property owner UDR Villa Venetia Apartments LP, with respect to the real property located at 2775 Mesa Verde Drive East, requesting approval of a Design Review for a new 23,109 square-foot community building with below-grade parking for use by tenants of both Villa Venetia and Pine Brook Village apartments in the R3 zone. The Design Review includes the following:

1. **Variance** from maximum number of stories and building height requirements (two stories/27 feet allowed; three stories/44 feet proposed).
2. **Deviation from the Residential Design Guidelines** for second-to-first floor ratio (80 percent maximum recommended; 86 percent proposed).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2011, 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-11-22 for a design review and variance for a new community building, 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-11-22 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 10th day of October 2011.

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COLIN MCCARTHY
Chair, 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 variance for building height and story limit and design review do not have bearings on changing the use, density, or intensity of the existing property. Therefore, the granting of the deviation will not permit a project which is inconsistent with the High Density Residential General Plan land use designation for the property.
 - 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 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 number of stories and building height requirements. Specifically, the variance could be justified due to the unique size, shape, and location of the parcel, which is 20 acres, more than twice the size of other multiple-family residential properties in the immediate area. The property is also uniquely shaped and bounded by Adams Avenue, Mesa Verde Drive East, and Golf Course Drive. The community building would only be visible off-site from Golf Course Drive and the apartment buildings immediately surrounding the new facility.
 - b. The deviation granted is subject to conditions as will assure that the deviation authorized will not constitute a grant of a special privilege inconsistent with the limitation upon other structures in the same zone and on the same property. The intent of the Code related to scale and character of existing residential neighborhood is still met with the approval of the variance. The proposed structure is similar in scale with the existing development on the property, which contains buildings that also exceed two stories and 27 feet in height. The new building will also be located 25 feet to 32 feet from the Golf Course Drive property line (10 feet required) and more than 100 feet away from any Pine Brook Village apartments across Golf Course Drive and more than 300+ feet away from the single family homes at Mesa Verde Collection. The scale and architecture of the proposed building is similar to the design of the proposed Mesa Verde Senior Residential Community at the northwest corner of Harbor Boulevard and Mesa Verde Drive.

- c. The building height deviation and design review do not have bearings on changing the use, density, or intensity of the existing property. Therefore, the granting of the deviation will not permit a project which is inconsistent with the High Density Residential General Plan land use designation for the property.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g) (14) in that:
 - a. The project meets the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. This design review includes site planning, preservation of overall open space, landscaping, appearance, mass and scale of structures, location of windows, varied roof forms and roof plane breaks. A condition is included to require at least 50 percent of the lake area visible from Golf Course Drive to be preserved to address the community's concerns regarding the loss of the lake amenity. This would also be consistent with the intent of the original approval of the development which included significant water features.
 - b. The proposed development plan meets the broader goals of the General Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. The proposed building complements and further enhances the existing Italianate architecture on the property with the tower element, covered loggia, arched windows and columns, and cast stone accents/details. All windows on the southwest elevation, facing existing apartments on the same property, will have translucent glass so as to minimize privacy impacts. A condition requiring screen landscaping to include trees, vines, and/or other planting materials, under the direction of the Planning Division, is included to further minimize privacy impacts and to soften the back side of the community building.
- D. 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.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- F. An aesthetic analysis of the compatibility between the site and adjacent residential uses related to shade/shadow impacts, neighborhood character, and privacy, demonstrated limited impacts to onsite residents. The proposed project is considered compatible with surrounding residential uses, including Pine Brook Village, the Mesa Verde Collection, and the proposed Mesa Verde Senior Residential Community.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng
1. Provide landscape screening, including trees, vines, and/or other planting materials, along the west side of the new community building to further minimize privacy impacts and to soften the appearance of the back (west) side of the building. The landscape plan shall be approved prior to issuance of building permits. This condition shall be completed under the direction of the Planning Division.
 2. Any change in the proposed operation of the community building as a residential amenity space may be subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 3. The use of the community building shall be limited to the onsite residents of Villa Venetia and Pine Brook Village. Leasing of the building to third parties is expressly prohibited.
 4. The building shall not be used as an extension of the leasing office (i.e. provision of additional administrative offices) unless approved by the Development Services Director.
 5. Windows on the southwest elevation of the second floor shall not contain clear glass / vision glass unless expressly approved by the Development Services Director after making appropriate findings with regard to privacy impacts.
 6. The tower shall not contain any functional bells, clocks, or devices which have noise generating features.
 7. The variance from the maximum allowable building height and number of stories shall only be applied to the community building as currently proposed. The variance shall not apply to buildings elsewhere on the property nor any other future changes to the community building unless the appropriate approvals for such a request are obtained.
 8. The approved address/unit of the building shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
 9. Detailed exterior elevation plans with corresponding sample color/materials board shall be submitted to the Planning Division as part of the plan check submittal package.
 10. 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.
 11. SCAQMD Rule 403 shall be adhered to, ensuring the cleanup of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation,

open storage pile, or disturbed surface area beyond the property line of the emission sources. Particulate matter deposits on public roadways are also prohibited.

12. Adequate watering techniques shall be employed to partially mitigate the impact of construction –generated dust particulates. Portions of the project site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day.
13. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph.
14. 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 storm water 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 storm water 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.
15. To avoid an alley-like appearance, the driveway shall be developed without a center concrete swale. Design shall be approved by the Planning Division.
16. All rooftop mechanical equipment shall be screened under the direction of the Planning staff.
17. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.
18. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
19. 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.
20. 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.
21. The conditions of approval, Code requirements, and special district

requirements of Planning Application PA-11-22 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

22. 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.
23. If construction activity occurs from March 15 to August 15, the applicant shall retain a qualified biologist to survey the project site for the presence of any occupied nests of birds and waterfowl within the immediate vicinity of the proposed community building site, no more than three days prior to any construction activity (i.e. draining the lake, recontouring the lake, grading, earthmoving, etc.). If active nests of migratory birds are located, the biologist shall determine reasonable measures to ensure protection of nesting migratory birds. These measures shall depend on factors such as the bird species and the construction schedule. The applicant shall implement the recommendations of the biologist to the satisfaction of the Development Services Director with regard to protection of migratory birds and waterfowl prior to commencement of construction activity (i.e. draining the lake, recontouring the lake, grading, earthmoving, etc.).
24. If construction activity occurs from November 15 to March 15 (wintering season), the applicant shall retain a qualified biologist to perform preconstruction surveys on a weekly basis during the first month prior to construction. The applicant shall implement the recommendations of the biologist to the satisfaction of the Development Services Director with regard to protection of migratory birds and waterfowl prior to commencement of construction activity (i.e. draining the lake, recontouring the lake, grading, earthmoving, etc.).
25. The City will review the need for a pedestrian crosswalk on Golf Course Drive, adjacent to the proposed community building, within one year following the completion of the project. If the need for crosswalk is determined, the applicant shall be responsible for full cost of providing a flashing crosswalk with decorative treatments and required access improvements. The applicant shall post a bond or similar financial commitment for an amount of \$60,000 towards these improvements. The commitment expires if the need for crosswalk is not determined in the on year following the completion of the project.

Trans

RESOLUTION NO. PC-11-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA DENYING PLANNING
APPLICATION PA-11-22 FOR A DESIGN REVIEW AND
VARIANCE FOR A NEW COMMUNITY BUILDING**

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

WHEREAS, an application was filed by Peak West Development, LLC, representing the property owner UDR Villa Venetia Apartments LP, with respect to the real property located at 2775 Mesa Verde Drive East, requesting approval of a Design Review for a new 23,109 square-foot community building with below-grade parking for use by tenants of both Villa Venetia and Pine Brook Village apartments in the R3 zone. The Design Review includes the following:

1. **Variance** from maximum number of stories and building height requirements (two stories/27 feet allowed; three stories/44 feet proposed).
2. **Deviation from the Residential Design Guidelines** for second-to-first floor ratio (80 percent maximum recommended; 86 percent proposed).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2011, 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-11-22 for a design review and variance for a new community building, with respect to the property described above.

PASSED AND ADOPTED this 10th day of October 2011.

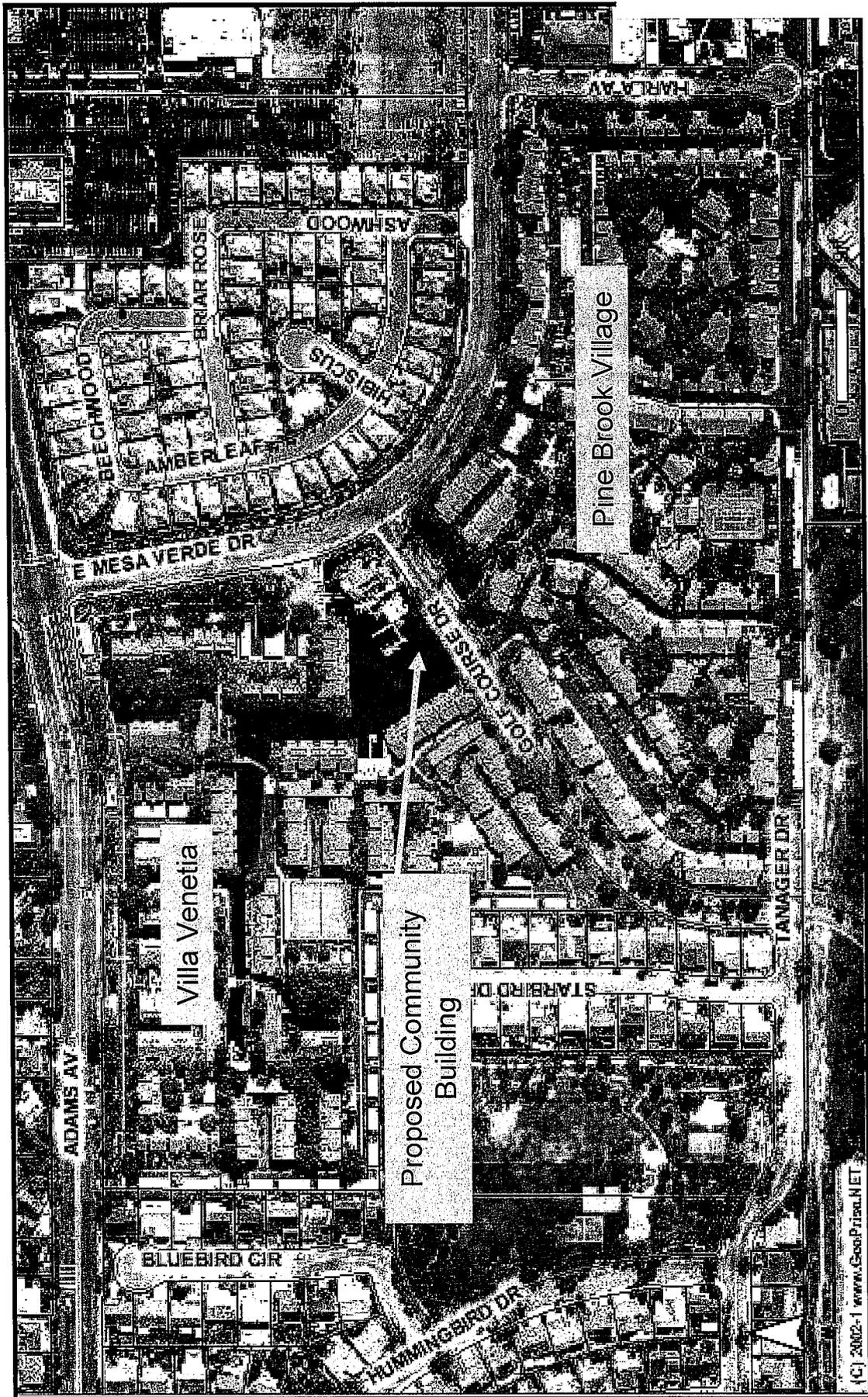
COLIN MCCARTHY
Chair, Costa Mesa Planning Commission

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 not compatible and harmonious with uses both on site and 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.
 - 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 proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (g)(1) because:
- a. Special circumstances applicable to the property do not exist to justify approval of the variance from building height and number of stories requirements.
 - b. 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.
 - c. Granting of the deviation will allow a development which is not in accordance with the General Plan.
- C. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(14) because:
- a. The project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. 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.
 - b. The proposed development plan does not meet the broader goals of the General Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.
- D. The Costa Mesa Planning Commission has denied PA-11-22. 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.

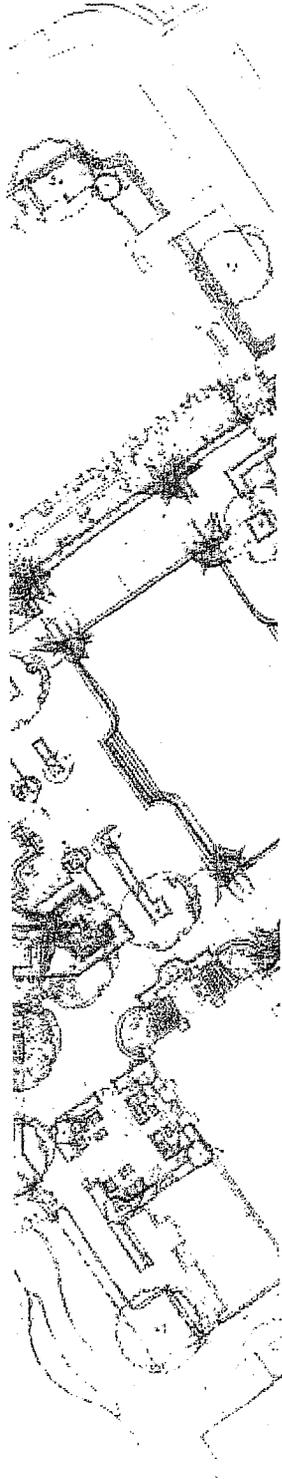
LOCATION MAP



(C) 2002-1 www.GeoPriso.NET

ATTACHMENT 3

Villa Venetia Apartments



CONCEPTUAL PLANNING PACKAGE

September 7th, 2011

Sheet Index:

- 01 | Site Context Plan & Existing Conditions
- 02 | Overall Site Concept Plan
- 03 | Proposed Amenity Courtyard Area
- 04 | Community Building | Floor Plans
- 05 | Community Building | Elevations
- 06 | Parking Study Analysis
- 07 | Open Space Analysis
- 08 | Golf Course Drive Elevation
- 09 | Conceptual Grading
- 10 | Community Building Photo Simulations



Client
UDR
Highlands Ranch, Colorado

Project Management
PeakWest Development, LLC
Greenwood Village, Colorado

Architect
NewmanGarrison + Partners
Narajoyt Beach, California

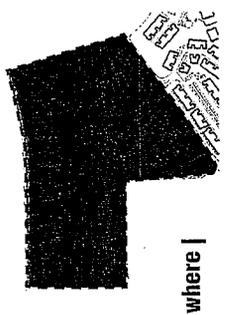
Landscape Architect
LandStudio360
Orange, California

al

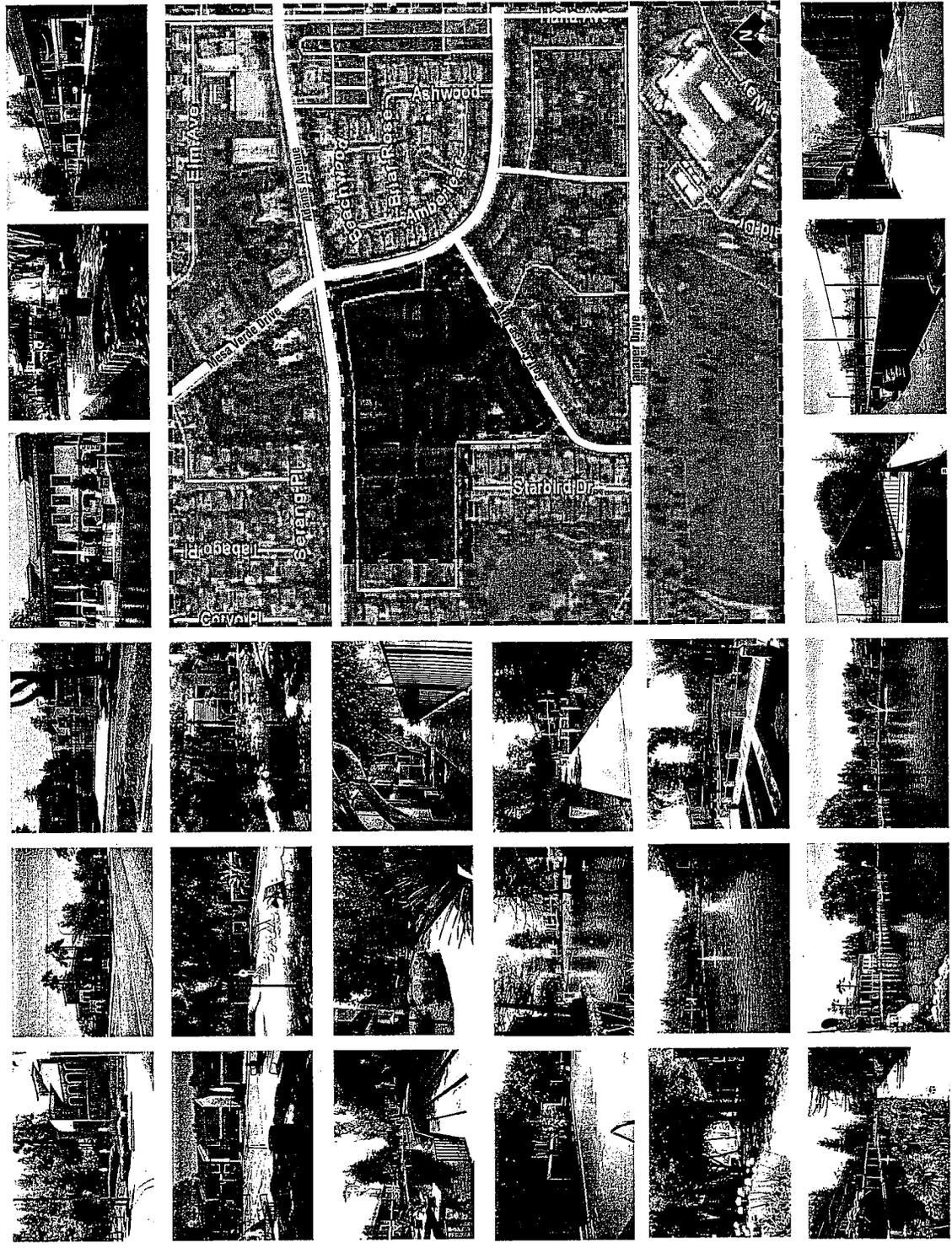
LandStudio360

LEGEND | what

Total Site Area	19.4 Acres
Existing	
Residential Buildings	23
Community / Leasing Building	1
Total Existing Apartments	468
Total Existing Parking Stalls	726
Proposed	
Residential Buildings	23
Community Building	1
Leasing Building	1
Total Proposed Apartments	468
Total Proposed Parking Stalls	815

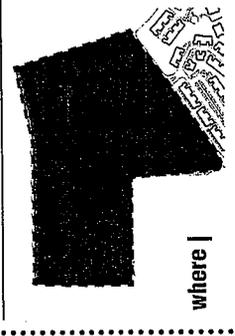


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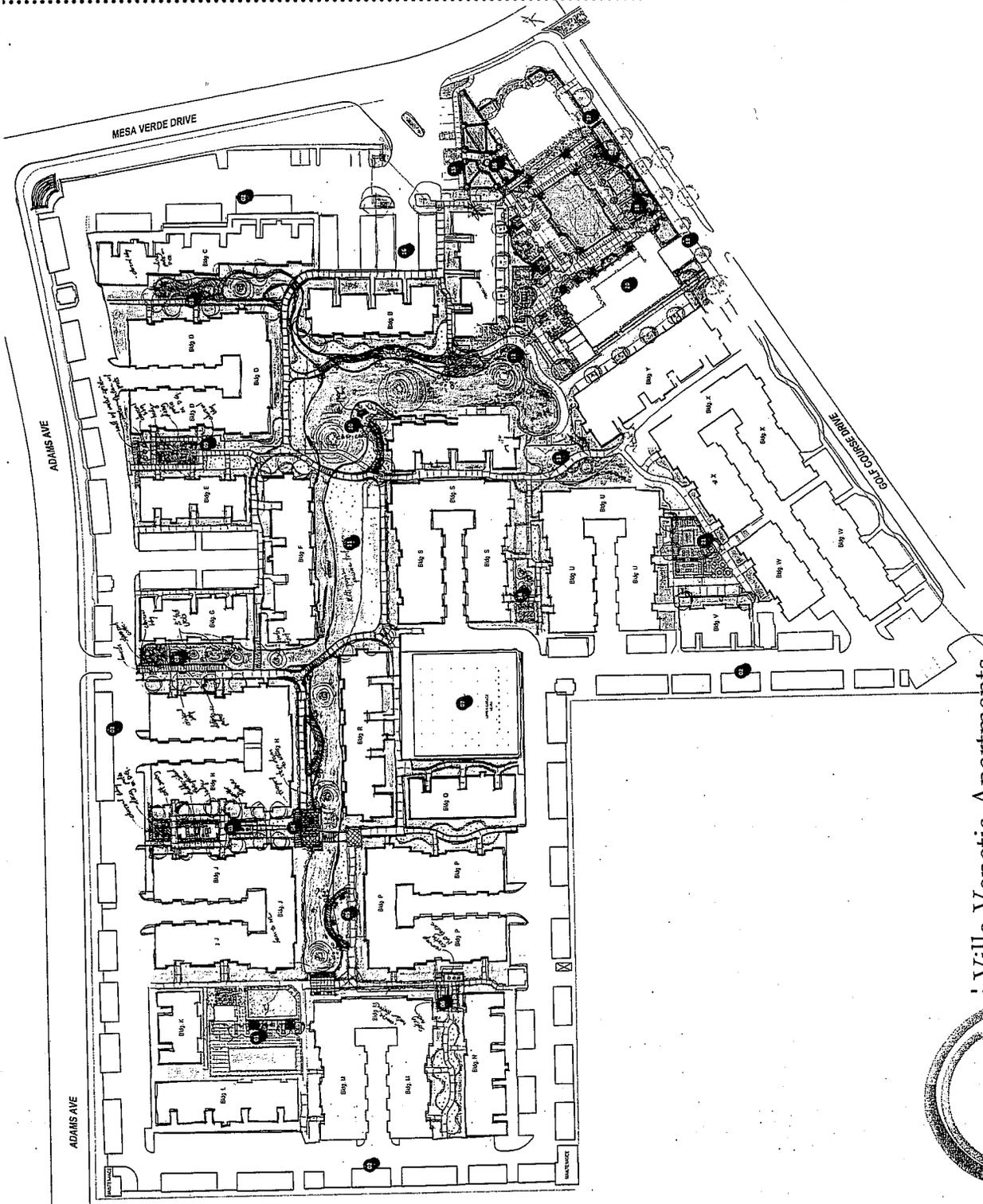
LEGEND | what.....

- 41 Secondary Pool Courtyard
- 42 Cantilevered Parking
- 43 Community Amenity Area with Fireplace, Charcoal BBQ, and Seating Area
- 44 Lakeside Firepit and Seating Area
- 45 Lake Overlook
- 46 Community Seating Area with Re-Configured Fountain
- 47 Two-Level Parking Deck with Removal of Existing Tennis Courts
- 48 Communal Seating Area with Charcoal BBQ
- 49 Community Amenity Area with Charcoal BBQs, Fountain and Dining Area
- 50 Lake Overlook with Firepit
- 51 Multi-Purpose Passive Turf Area
- 52 Re-Defined Lake Edge with Geyser
- 53 Apartment Community Walkway
- 54 Communal Seating Area with Re-Configured Water Feature
- 55 Vehicular Entry Gate
- 56 Future Resident Parking
- 57 Leasing Office
- 58 Proposed Amenity Courtyard with Pool, Spa, Splashpad Fountain, Cabana and BBQs (see also M-10000000)
- 59 Resident Parking Access Drive from Golf Course Drive
- 60 New Community Building
- 61 Secondary Spa Amenity Courtyard



where |

Villa Venetia
CONCEPT SCHEMATIC PACKAGE
 Concept Plan 02
 Overall Site Concept Plan

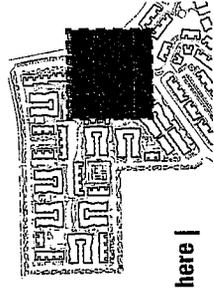


Villa Venetia Apartments
 Overall Site Concept Plan
 UOR | Peak West | Costa Mesa, California | July 22nd, 2011



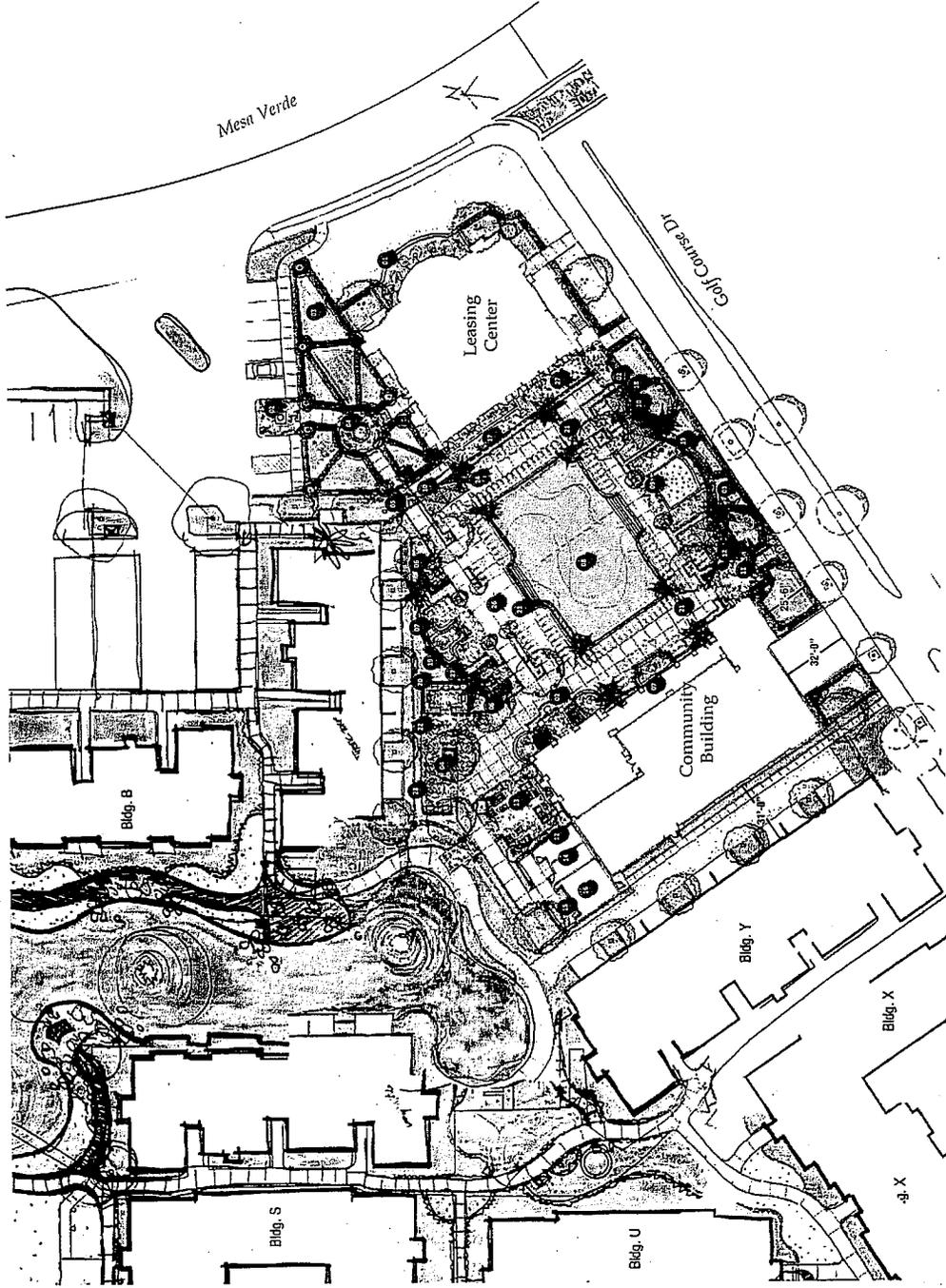
LEGEND | what.....

- 01 Water feature with water troughs/decorative spitters and signage on wall
- 02 Object d'art or sculpture
- 03 Parterre garden
- 04 Raised seat wall with specimen tree as focal point
- 05 Entry portico
- 06 Fire pit with soft seating area
- 07 Spa pool with water spitter
- 08 Swimming pool (4,150 S.F.) with beach entry
- 09 Pop-Jai Fountain (20' x 20') with seat walls on 3 sides
- 10 Cabana (10' x 10') - 7 total; with daybed and/or sectional sofa, pool look-ups, & ceiling fan in each cabana
- 11 Entry court to Community Building and pool area entry
- 12 Wall Fountain
- 13 Fireplace with soft seating furniture lounge area
- 14 Restrooms (400 S.F.)
- 15 Shower alcove
- 16 Pool equipment room (400 S.F.)
- 17 Tubular steel pool fence (5' high)
- 18 6' high CMU wall with plaster finish to match architecture
- 19 Arched colonnade to match architecture of Community Building
- 20 Outdoor kitchen area with BBQ grills (7 total), covered ice bucket, and bar counter w/ 6 bar stools
- 21 Chaise lounge (112 total)
- 22 Table with 4 chairs with umbrellas (10 total)
- 23 Table with 2 chairs (3 total)
- 24 Lounge Daybed (6 total) with umbrellas (5 total)
- 25 Sand Chair (8 total)
- 26 Colored concrete with retardant finish
- 27 Colored concrete pavers set on concrete sub base
- 28 Stone paving set on concrete sub base



where |

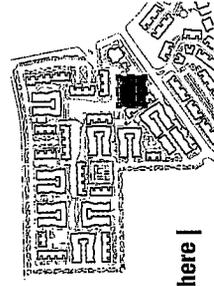
Villa Venetia
CONCEPT SCHEMATIC PACKAGE
 Concept Plan 21
 Proposed Amenity Courtyard Area



LEGEND | what

Villa Venetia Community Building
Area Tabulations

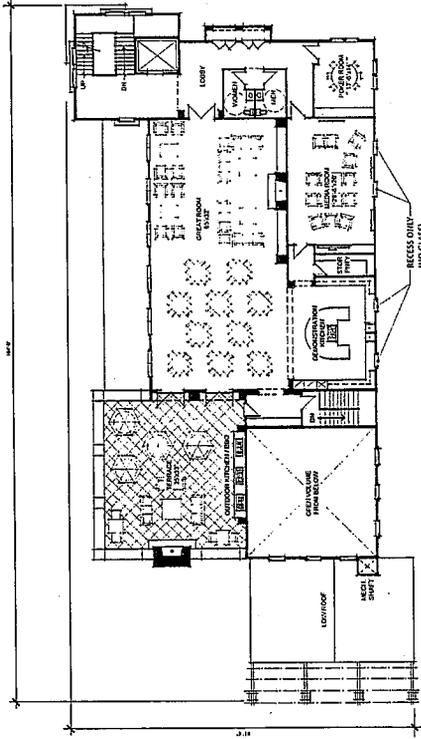
Area Tabulations	Conditioned		Unconditioned		Other		Total
	Area	Volume	Area	Volume	Area	Volume	
Public Level	524	7,628	0	0	524	7,628	524
Building Entry	748	11,220	0	0	748	11,220	748
Subtotal Public Level	1,272	18,848	0	0	1,272	18,848	1,272
Level 1							
Office Reception	5,285	78,278	0	0	5,285	78,278	5,285
Food Preparation	450	6,750	0	0	450	6,750	450
Food Equipment	400	6,000	0	0	400	6,000	400
Food Storage	1,420	21,300	0	0	1,420	21,300	1,420
Food Waste	625	9,375	0	0	625	9,375	625
Subtotal Level 1	8,180	122,703	0	0	8,180	122,703	8,180
Level 2							
Resident Amenities	4,732	70,980	0	0	4,732	70,980	4,732
Storage	1,200	18,000	0	0	1,200	18,000	1,200
Subtotal Level 2	5,932	88,980	0	0	5,932	88,980	5,932
TOTAL	22,014	338,531	0	0	22,014	338,531	22,014



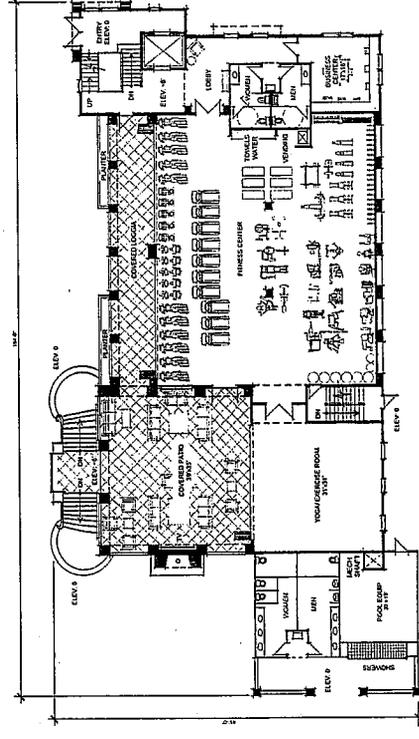
where |

CONCEPT SCHEMATIC PACKAGE
Community Building Floor Plans 25

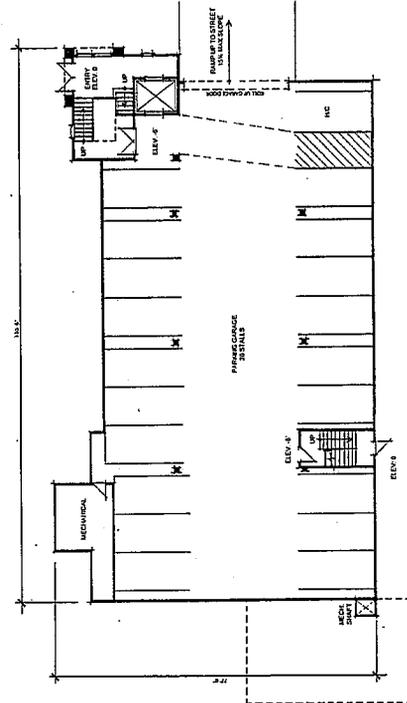
Villa Venetia 04



LEVEL 2 - FLOOR PLAN



LEVEL 1 - FLOOR PLAN



SUBTERRANEAN PARKING LEVEL

Villa Venetia Apartments
Proposed Community Building | Floor Plan
UOR | Peak West | Costa Mesa, California | September 7th, 2011

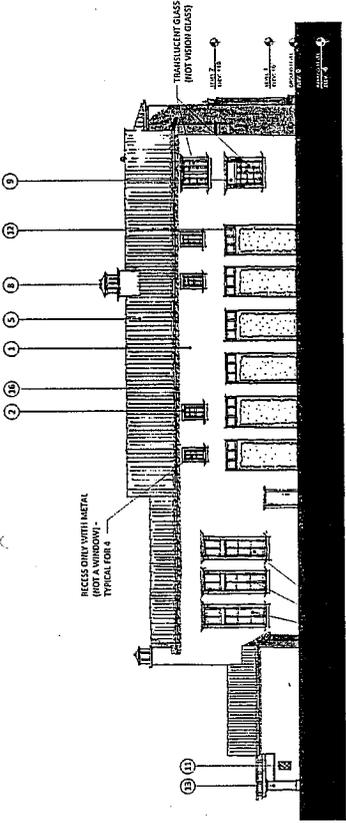


NEWGARRISON PARTNERS
ARCHITECTURE + PLANNING
100 BAY STREET, SUITE 200
SAN FRANCISCO, CA 94111
P: 415.775.8100

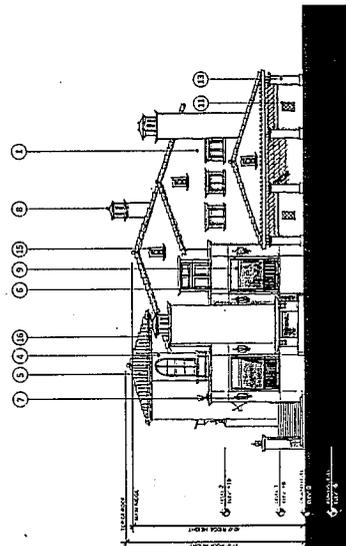
LEGEND | what.....

MATERIAL SELECTIONS

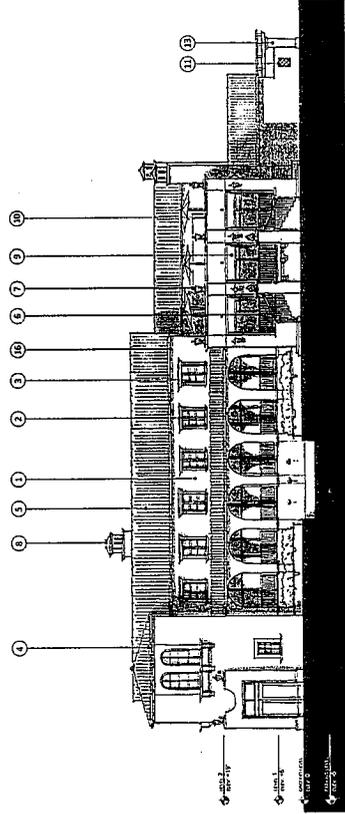
- ① STUCCO WALLS
- ② STUCCO DETAILS (FORM)H
- ③ COLORED ALUMINUM WINDOW SURROUNDS AND DOORS
- ④ CAST STONE WINDOW SURROUNDS
- ⑤ CONCRETE 5" TILE ROOF
- ⑥ WROUGHT IRON RAILINGS
- ⑦ DECORATIVE METAL LIGHT FIXTURES
- ⑧ DECORATIVE METAL CHIMNEY CAPS
- ⑨ GAINES ANVILS W/ IRON HARDWARE
- ⑩ CAST STONE WALL CAPS
- ⑪ CAST STONE ACCENTS/DETAILS
- ⑫ DECORATIVE METAL ACCENTS/DETAILS
- ⑬ CAST STONE COLUMNS
- ⑭ CAST STONE FIREPLACE SURROUND
- ⑮ RECESSED GABLE DETAILS W/ IRON
- ⑯ COMPOSITE WOOD PAPER TILES - PAINTED



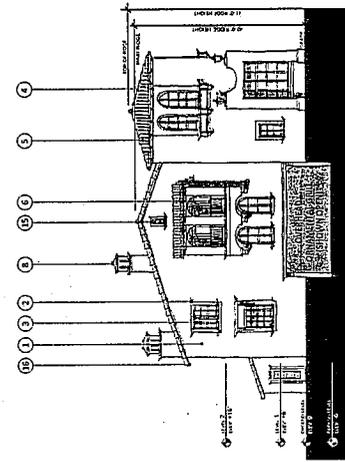
WEST ELEVATION



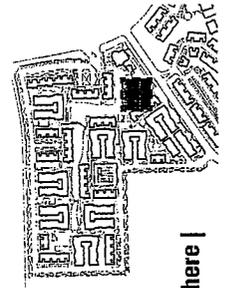
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

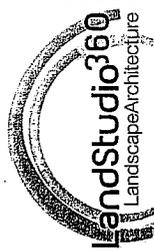


where |

Villa Venetia
CONCEPT SCHEMATIC PACKAGE
 Community Building Elevations
 05

NEWMAN GARRISON | PARTNERS
 ARCHITECTURE + PLANNING
 10000 BELT ROAD, SUITE 201
 FORT MYERS, FL 33907
 P 889.2688

Villa Venetia Apartments
 Proposed Community Building | Elevations
 UTR | Peak West | Costa Mesa, California | September 7th, 2011



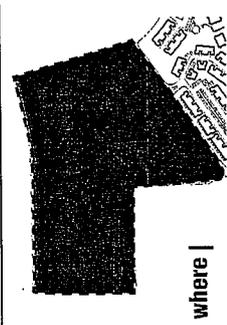
LEGEND | what

EXISTING PARKING STALL QUANTITIES

- Existing Parking in Garages 185 Stalls
- Existing Parking Under Canopies 238 Stalls
- Existing Parking Under Tennis Court 48 Stalls
- Existing Parking in Standard Stalls 244 Stalls
- Existing Accessible Parking Stalls 5 Stalls
- Existing Future Resident Stalls 6 Stalls
- Total Existing Stalls 726 Total Stalls**

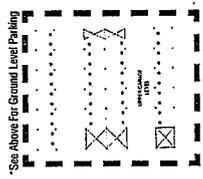
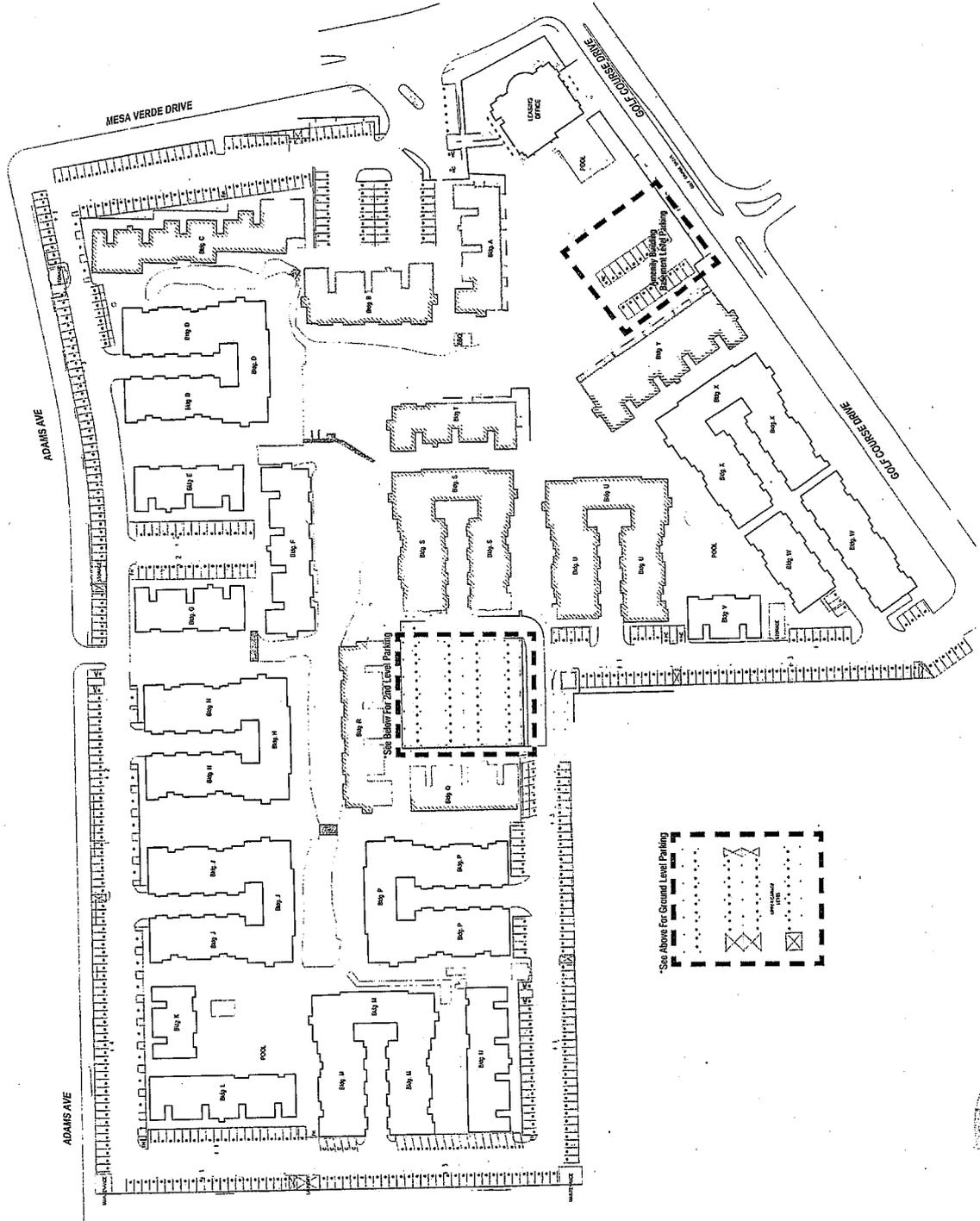
PROPOSED PARKING STALL QUANTITIES

- Parking in Garages 185 Stalls
- Parking Under Canopies 400 Stalls
- Parking in Parking Garage 48 Stalls
- Parking atop Parking Garage 40 Stalls
- Parking in Community Building 20 Stalls
- Parking in Standard Stalls 86 Stalls
- Parking in Compact 5 Stalls
- Accessible Parking Stalls 9 Stalls
- Future Resident Stalls 22 Stalls
- Total Proposed Stalls 815 Total Stalls**
- Net Gained Stalls 89 Stalls**



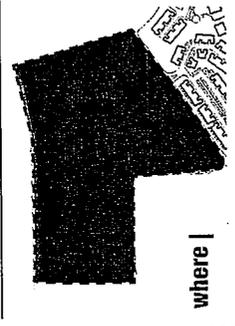
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Villa Venetia
CONCEPT SCHEMATIC PACKAGE
 Concept Plan
 Parking Study



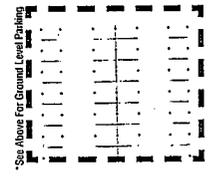
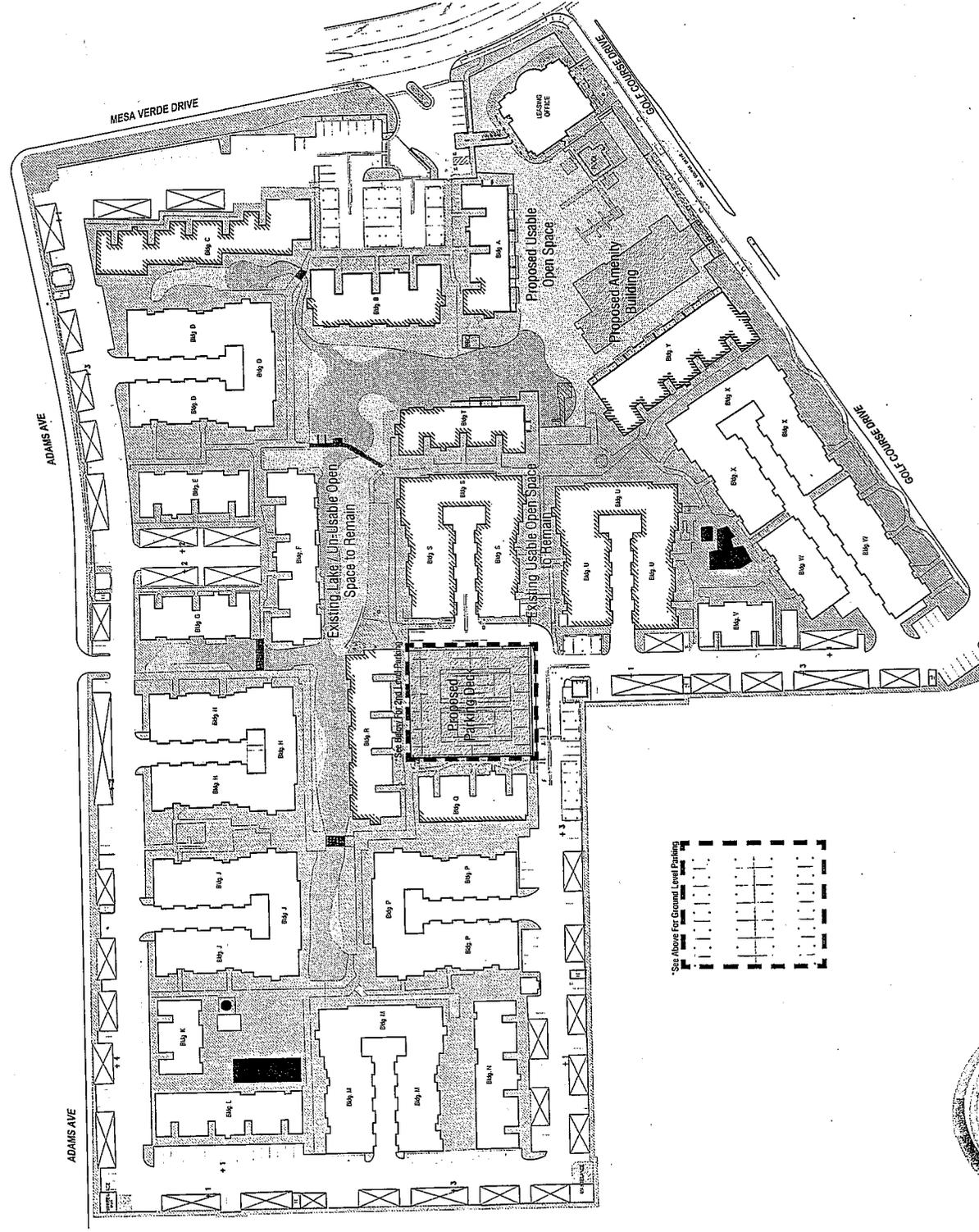
LEGEND | what

TOTAL SITE AREA	
Total Site	19.4 ACRES
EXISTING OPEN SPACE	
Existing Overall Open Space	8.4 ACRES
Percentage Overall Open Space	43.2%
Existing Lake/Un-Usable Open Space	2.3 ACRES
Total Usable Open Space	6.1 ACRES
Percentage Usable Open Space	31%
PROPOSED OPEN SPACE	
Proposed Overall Open Space	7.8 ACRES
Proposed Percentage Overall Open Space Proposed Lake/ Un-Usable Open Space	40.2%
Proposed Total Usable Open Space	0.9 ACRES
Proposed Percentage Usable Open Space	6.9 ACRES
Proposed Percentage Usable Open Space	35.6%
REQUIRED OPEN SPACE	
City of Costa Mesa Minimum Open Space	40%



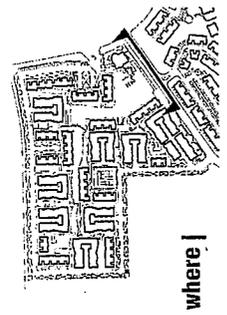
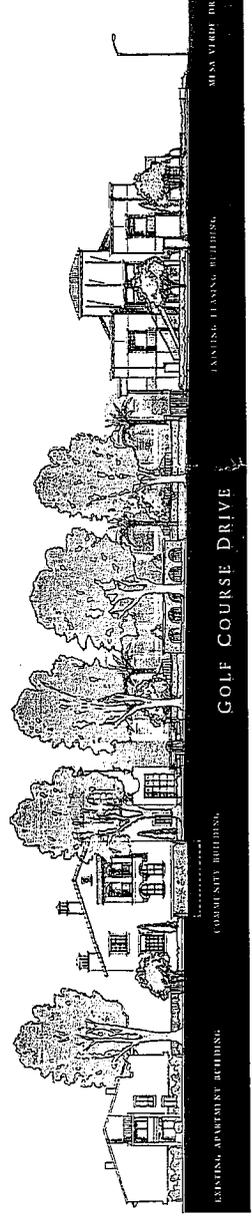
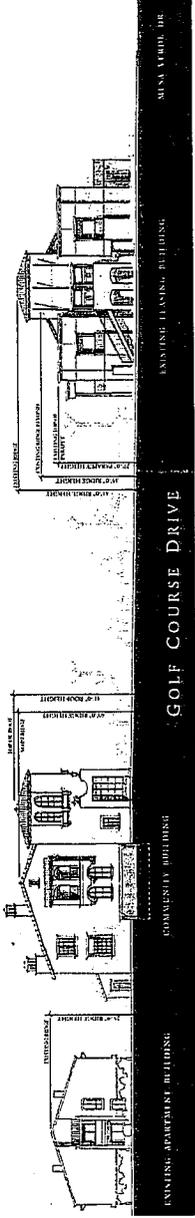
where |

Villa Venetia
CONCEPT SCHEMATIC PACKAGE
 Concept Plan & b
 Open Space Study 07



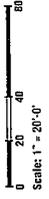
Villa Venetia Apartments
 Open Space Study Analysis
 UDR | Peak West | Costa Mesa, California | July 22nd, 2011

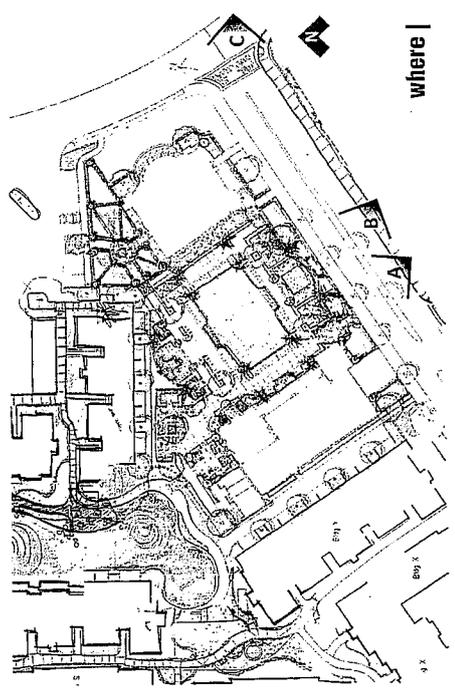
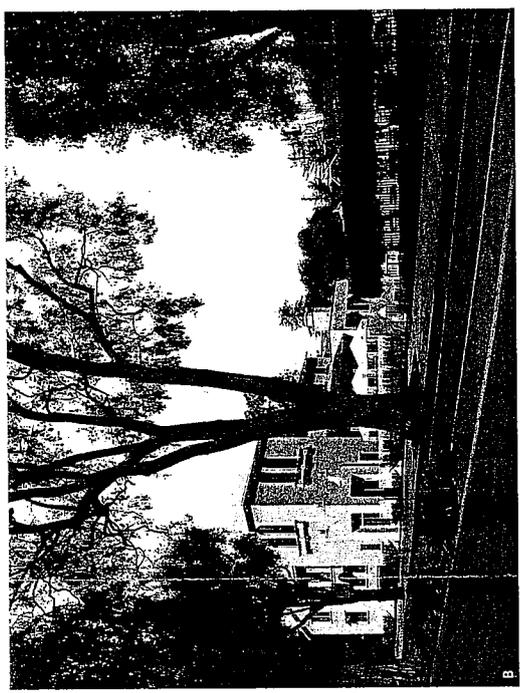




Villa Venetia
CONCEPT SCHEMATIC PACKAGE
 Conceptual Elevation
 Golf Course Drive & 9
 08

Villa Venetia Apartments
Golf Course Drive Elevation
 UDR | Peak West | Costa Mesa, California | September 7th, 2011





where |

