



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: JULY 8, 2013

ITEM NUMBER: PH 2

SUBJECT: PLANNING APPLICATION PA-12-25/ TENTATIVE TRACT MAP NO. 17509 FOR AN 8-UNIT RESIDENTIAL DEVELOPMENT AT 2519½ AND 2525 SANTA ANA AVENUE

DATE: JUNE 27, 2013

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, PRINCIPAL PLANNER

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DESCRIPTION

The proposed project involves an 8-unit two-story detached, residential development on a 0.708-acre site at 2519½ and 2525 Santa Ana Avenue (APNs: 43919242 and 43919241) north of Monte Vista Avenue. The project includes the following:

1) **Design Review PA-12-25** to construct an 8-unit, two-story detached single-family residential development, including the following:

- a. Variance from open space requirement (40% required, 38% proposed);
- b. Variance from common lot requirement and establishment of a homeowners association;
- c. Variance from minimum driveway length (19 feet required, 16 feet proposed for two front units);
- d. Variance from parkway landscaping (3 feet required on one side/10 feet total on both sides, 2 feet proposed one side / 7 feet total on both sides)
- e. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 15 feet proposed);
- f. Administrative Adjustment to reduce the rear second floor setback (20 feet required, 15 feet proposed);
- g. Administrative Adjustment to reduce the distance between the buildings (10 feet required, 8 feet proposed);
- h. Minor Modification to reduce the side yard setback requirement for main buildings (5 feet required, 4 feet proposed);
- i. Minor Modification to reduce front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed)
- j. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
- k. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 4 feet proposed).

2) ***Tentative Parcel Map No. 17509*** to subdivide a 0.708-acre parcel for an 8-unit small lot subdivision. A small lot subdivision is a single-family detached residential project sited on individual dwelling unit lots with easements over commonly used areas.

APPLICANT

The applicant is Peter Zehnder authorized agent for the property owners, 2525 Santa Ana Partners LP.

RECOMMENDATION

Staff recommends that the Planning Commission:

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

OR

2. Deny the project without prejudice.

PLANNING APPLICATION SUMMARY

Location: 2519 ½ and 2525 Santa Ana Ave. Application Number: PA-12-25, TT-17509
 APN: 43919242 and 43919241

Request: Eight unit residential development and a subdivision map.

SUBJECT PROPERTY:

Zone: R2-MD

General Plan: MDR

Lot Dimensions: irregular

Lot Area: 0.708-acres

Existing Development: Two parcels currently developed with four residential structures

SURROUNDING PROPERTY:

North: Two-story Residential development (Mesa Bungalows Homeowners)

South: Single family residence

East: Residential

West: Single family residential

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed R2-MD zone	Proposed/Provided
Lot Area	12,000 SF	0.708-acre - 30,858 SF
Maximum Site Coverage	60% - 18,514 SF	Approx. 62% ¹
Open space	40% minimum	(11,623 SF) - 38% ¹
Density:		
Medium Density Residential Land Use	Max. 12 units per acre	12 dwelling units per acre
Zone – R2-MD	Max. 8 dwelling units 1 du/3,630 sq. ft.	8 dwelling units 1 du/3,857 sq. ft.
Min. Lot Size for Ind. Dwelling Unit Lot	3,000 sq. ft. 3,500 sq. ft. average	3,234 sq. ft. 3,857 sq. ft.
Building Height	Two-stories / 27 feet	27 feet
Distance between main buildings	10 ft.	8 ft. ²
Building Setbacks:		
Front (Santa Ana Ave.)	20 ft.	15 ft. ³
Interior Side	5 ft.	4 ft. (north) ⁴ 13' (south) 10' (abutting 2519 Santa Ana)
Rear yard (first floor)	10 ft.	15 ft.
Rear yard (second floor)	20 ft. (2 nd floor)	15 ft. ⁵
Average Side Setback of 2 nd Floor	10 ft.	4 ft. ⁶
% ratio of 1 st floor to 2 nd floor	80%	92% ⁷
Common Lot	Required	Not provided ⁸
Driveway Length	19 ft.	16 ft. (two units) ⁹
Parkway landscaping	3 feet min. aggregate 10 feet	2 feet, aggregate 7 feet ¹⁰
Parking	Two garage and two open per unit 16 garages and 16 open	16 garages and 16 open parking spaces (four compact stalls – 16 feet long)
Total	40 spaces	40 spaces
Location of front perimeter wall	10 feet	8 feet ¹¹
¹ - Variance from open space requirement – see staff report for discussion. ² - Administrative Adjustment for distance between buildings. ³ - Administrative Adjustment for front setback ⁴ - Minor Modification for side yard setback ⁵ - Administrative Adjustment for 2 nd floor rear yard setback ⁶ - Deviation from Residential Design Guideline ⁷ - Deviation from Residential Design Guideline ⁸ - Variance from common lot requirement ⁹ - Variance for reduced driveway length ¹⁰ - Variance width of parkway landscaping ¹¹ - Minor Modification for front setback of perimeter wall		
Final Action	Planning Commission	
CEQA Review	Exempt, Class 32, New Construction/Infill Development	

BACKGROUND

The 0.708-acre project site abuts residential uses on the north, west and south. The site contains two parcels (APNs: 43919242 and 43919241). The two parcels contain four existing residential structures. The property is zoned R2-MD with a maximum development potential of 8 units (12 dwelling units / per acre).

Existing Private Access Easement

The parcel at the rear of 2519 Santa Ana Avenue is addressed as 2519 ½ Santa Ana Avenue. This property (2519 ½ Santa Ana Avenue) is currently provided street access through an eight-foot wide easement (Attachment 6). With the proposed subdivision, this parcel will be consolidated with 2525 Santa Ana Avenue, which takes direct access from Santa Ana Avenue. It should be noted that continued use of this easement for vehicular or pedestrian access was not considered with review of the development proposal. Since the access easement is a private agreement between the applicant and the adjacent property owner (2519 Santa Ana Ave.), staff is not making a determination whether or not the easement access rights will remain in effect after the subdivision occurs on the proposed parcel. As a private easement, the City Attorney's office has indicated that a determination is not required to process this planning application.

Neighboring Properties and Density Pattern

While all residential properties between Del Mar Avenue and Monte Vista are zoned R2-MD, these properties are abutting R1 zoning district to the west (Westminster Avenue). The following refers to the related densities and setbacks of the neighboring properties to the north and south of the project site.

Address	Site Area	Density	Rear Setback (approx.)
276 Monte Vista	0.4 acre	10 du/acre	3 feet*
2517 Santa Ana Ave.	0.34 acre	12 du/acre	20 feet
2529 & 2535 Santa Ana Ave.	0.90 acre	12 du/acre	15 feet
2545 Santa Ana Ave.	0.90 acre	13 du/acre	18 feet
2553 Santa Ana Ave.	0.91 acre	10 du/acre	13 feet
2565 Santa Ana Ave.	0.46 acre	15 du/acre	44 feet
2569 Santa Ana Ave.	0.46 acre	15 du/acre	30 feet
301-317 Cape Pacific Ave.	0.9 acre	10 du/acre	18 feet
281 Del Mar Ave.	0.72 acre	14 du/acre	3 feet*

* Side yards abutting R1 district (Refer to attached map for locations)

Adjoining Properties

North - (Mesa Bungalows Homeowners) 2529 Santa Ana Avenue

A ten-unit common interest development approved in 1998 (Development Review 98-08) includes ten detached, single-family residential units with an 11-foot minimum side yard setback along the south, and 43 percent open space. The two-story units are developed with larger second floor footprints at the rear, which is the abutting side yard for the proposed development lot. The applicant is proposing a 4-foot setback to the property line interfacing this development.

South – 2517 Santa Ana Avenue

This property is developed with four detached single story units. The existing structures are located approximately four feet from the side property line. The applicant is proposing a 5-foot setback to this property for the first and second floor. The second floor average setback is recommended to be 10 feet per City's Residential Design Guidelines.

East – 2519 Santa Ana Avenue

This abutting property is developed with a single family residence. An easement for the benefit of the rear parcel was recorded to allow street access. The easement is included as Attachment 6. The proposed development is independent of that access easement and takes vehicular and pedestrian access from 2525 Santa Ana Avenue. The proposed development is separated from this property by an existing wood fence and a proposed 2-foot landscaped area along the common drive.

West – 2520, 2524, 2530 Westminster Avenue

The west of the proposed site is developed with single family residential (R1); three of which abut the site on the west. All three lots are approximately 50 feet in depth. One property includes a rear detached two-car garage, which is approximately five feet from the property line. The applicant is proposing a 15-foot rear setback along the common property line shared with these properties.

ANALYSIS

Proposed Project

The proposed plan includes eight two-story detached units on separate lots. The proposed site is an L-shaped parcel with the narrow dimension fronting Santa Ana Avenue. The development functions as a traditional subdivision with housing units on both sides of the private drive at a density of 12 dwellings per acre. Rolled curbs are proposed for the interior street.

The proposed lots feature a driveway length of 19 feet which meets the minimum requirement -- with the exception of the two front units where a 16-foot driveway is proposed. These units are proposed to include a restriction in the CC&Rs that will prohibit them from parking standard size vehicles and encroaching onto the 20-foot two-way drive.

Code requires a minimum side yard setback of five feet and the Residential Design Guidelines recommend a 10-foot setback to the second floor. The proposed side yard setback for the first and second floor is four feet. This translates to approximately 188 feet of building mass with a four-foot setback (approximately 62 percent of the 300-foot property line).

Code requires a minimum rear yard setback of 20 feet; the proposed project is designed with a 4-foot setback at the rear. This translates to approximately 94 feet of building mass at the four feet setback (approximately 71 percent).

An access easement separates the front portion of the site from the neighboring property to the south. This easement was granted to the rear portion for ingress and egress to and from Santa Ana Avenue. The proposal uses a new drive approach from 2525 Santa Ana

Avenue, and does not incorporate the access easement for vehicular or pedestrian access. The deed and legal description for this access is attached for reference.

Variances

Open Space

Code defines open space as follows:

“Open space. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas; first floor decks; unenclosed patios with solid or lattice roofs; water courses; and surfaces covered by not more than 5 feet in depth by projections which are at least 8 feet above grade.

Open space shall not include the following: driveways; parking lots; other surfaces designed or intended for vehicular travel; and upper floor decks, balconies or areas under projections which are less than 8 feet above grade. “

In this case, the front porches appear to have projections greater than 5 feet and are therefore included as “coverage” and not as “open space.” If the front porches are modified to comply with the definition of open space, this would reduce the coverage calculation.

The development includes 38 percent open space throughout the site in the form of landscaping and private patios to the side of the units; this calculation does not include the front porches. Six of the eight units are designed with a side yard that connects to the front porch that functions as the private open space area similar to a back yard. The other two include a traditional rear yard. The front porches have been consistently included in the building footprint for all projects in calculating site coverage. The proposed development has a shortfall of 2 percent from the required open space. The Planning Commission has recently approved an open space variance of 1% for the property at 2157 Tustin Avenue

Common Lot

A small lot subdivision in R2-MD zoning is permitted by approval of a Residential Common Interest Development (RCID). The City’s Zoning Code requires a common lot for RCIDs. A common parcel is defined as “an area containing at least 10 feet of street setback landscape areas.” With the revised tract map a common lot is not proposed. The intent of the common lot is to allow for common ownership and formation of a homeowners association that would own and maintain the common areas. The site configuration provides for common use and access through an easement and maintenance agreement. If approved, this development is still considered a small lot subdivision and would be subject to requirements of establishing a maintenance association. If approved, the applicant will be required to submit CC&Rs for review and approval by staff to ensure that maintenance requirements are addressed.

The Planning Commission previously approved four projects with a variance from the common lot requirement. They were approved pending the formation of a maintenance association, and that the homeowners are subject to the same CC&Rs as a homeowners association.

Minimum Driveway Length

The project site is an L-shaped lot with the narrow portion facing Santa Ana Avenue. Within the narrow width of 66 feet; a standard two-car garage, two open parking spaces, and a minimum 20-foot driveway are proposed. This design, with the two units situated perpendicular to the main drive, provides for a shorter driveway (16 feet vs. 19 feet) for two of the units. The proposed configuration is approved by the Transportation Division for compact vehicle parking and back out from the driveways. If approved, the compact vehicle requirement is required to be included in the CC&Rs for the first two parcels. This will be communicated to the homebuyers of these parcels, which will remain in effect with the land title of the two lots.

Parkway Landscaping

The 66-foot wide front portion of the parcel restricts the landscaping along the driveway (3 feet require, 2 feet proposed). In addition, the code requires an aggregate of 10 feet for landscaping on both sides of a driveway. The proposed site plan provides 4 feet of landscaping along the front porches for the first two units, which increases the area to 6 feet for the rest of the units. The reduced 2-foot setback affects more than 50 percent of the length of the driveway; however, adequate landscaping is provided along the porches and common areas on the opposite side. The applicant has not submitted detailed landscape plans referring to the tree, plant type and quantities. If approved, the project will be conditioned to include upright planting such as bamboos to ensure adequate screening from the neighbor to the south. In addition, the common drives and parking areas are conditioned to be finished with decorative hardscaping such as decorative pavers or stamped concrete to enhance the visibility from the street.

Administrative Adjustment

Front Yard Setback

The site is designed with one unit facing on the side of the street that is at 15 feet from the front property line. This unit includes a side yard that is separated from the street by a privacy wall. The privacy fence will be screened by additional landscaping to provide an enhanced street elevation; the proposed combination of 10 feet private yard and 5 feet street landscaping will allow for installation of an adequate number of trees and plants to meet the perimeter landscape requirement. In addition, the privacy walls are required to be finished with a design and finish that will match the residential development.

Rear Yard Second Floor Setback

The applicant is proposing a 4-foot rear setback for the two structures at the rear. This affects approximately 75 percent of the interface with the low density development to the west of the site. All three homes on the west include large back yards (approximately 50 feet in depth); and one includes a detached two-car garage approximately five feet from

the rear property line. The applicant is proposing a four-foot landscape hedge to screen the structures from the neighboring properties. This setback area is depicted as connected to the common landscape area at the rear; however, a detailed landscape plan has not been submitted. To screen the two-story structures, a condition is included that 15-gallon upright trees be installed at 10 feet on center within the setback area to be installed by the developer and maintained by the maintenance association.

It should be noted that the existing R2-MD properties abutting single family residences to the west include varying rear and side yard setbacks depending on the lot orientation. Even though the setback along the R1 zoned properties range from 44 feet to 13 feet along the west of the property; there are instances where a side yard is abutting R1 district and a 3 feet setbacks is provided. If approved with conditions, the rear setback will include a five-foot buffer with extensive landscaping.

Distance between Buildings

Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 8 feet between four homes and 9 feet between three homes. This configuration was intended to provide more open space at the rear and provide additional setback to the residences west of the site. It should be noted that the homes are designed with off-sets and an adequate number of windows, where each room has alternatives for placement of clear glass windows.

Minor Modification for Side Yard Setback

The proposed site plan includes a 4-foot side yard setback where a minimum of five feet is required. This translates to approximately 188 feet of building mass at a four-foot setback (approximately 62 percent of the 300-foot property line). A detailed landscape plan has not been submitted. However, the homes are designed with side patios located along the side of the homes, which are not abutting the residences to the north. If approved, the developer is conditioned to install a row of trees on the side yards which are subject to a condition in the CC&Rs requiring maintenance of the full landscaping within this setback with no option to convert it to hardscape.

Residential Design Guidelines

Second Floor to First Floor Ratio

The guidelines recommend an 80 percent second floor to first floor ratio for better massing and improved aesthetics. The proposed units exceed this requirement and the footprint of the second floor is almost as large as the first floor. All units include a larger front porch to enhance the front and side elevations. Two of the end units include a front and a side porch. There is a variety of elevation design and materials proposed that will meet the intent of the guidelines and provide a desirable streetscape, as well as four-sided architecture. If approved, a condition is included to require installation of architectural enhancements on the side yards specifically for the one unit along Santa Ana Avenue frontage.

Average Side Setback for Second Floor

The guidelines recommend an average side yard setback of ten feet for the second floor. The applicant is proposing the same setback of four feet for both the first and second floor; however, spaces on the second floor along this edge include passive spaces such as closets and bathrooms. The bedrooms are oriented to the front and side of the house with limited windows at the rear. If approved, a condition is included to require installation of a row of trees on the northerly edge to alleviate any privacy issues and buffer the residences to the north.

Parking

The 8-unit development is required to provide 16 enclosed garage spaces and 16 open parking spaces. The proposed site plan provides a 20-foot wide common drive and the driveways in front of the garages are 19 feet long for six of the units that would accommodate two standard size vehicles and 16 feet for two of the units (four spaces) that could accommodate only compact size vehicles. The Transportation Division has verified that the proposed driveways and parking spaces meet the required back out distance into the private street and are adequate for vehicle circulation with the exception of the front two units that will be restricted to compact vehicles by the recorded CC&Rs for the development.

Landscaping

A detailed landscape plan has not been submitted. If approved, the site will be required to install extensive front and on-site landscaping with an emphasis on perimeter landscaping abutting the properties to the north, south and west. The privacy wall and project perimeter walls are also conditioned to match the contemporary architecture of the buildings. If approved, conditions of approval require that the developer install a significant number of trees within the side and rear setback to be maintained by the maintenance association with no option to be converted to hardscape in the future.

Subdivision

The proposed subdivision includes eight numbered lots and an easement that include the main drive and the landscape lots in the front and rear of the site. The average lot size for the units range from 3,234 square feet to 4,092 square feet. The applicant is proposing a subdivision that would require establishment of a maintenance association and recordation of CC&Rs. If the variance from the common lot requirement is approved, the subdivision will not include a common lot and the maintenance of the common areas will be provided through establishment of a maintenance association.

GENERAL PLAN CONFORMANCE

Design & Density of Proposed Project in Conformance with General Plan

Subject to conditions, the design and density of the proposed project are in conformance with 2000 General Plan. The proposed project achieves certain land use and housing objectives of the 2000 General Plan related to new construction of ownership housing. The proposed development is comprised of eight single-family residences on individual

dwelling unit lots with a maintenance agreement over easement areas. This is referred to as a “small lot subdivision.”

As a detached, single-family residential development, the proposed project conforms to the following General Plan objectives:

- *Land Use Objective LU-1A.4:* This objective strongly encourages the development of residential uses and owner-occupied housing where feasible to improve the balance between rental and ownership housing opportunities. As an ownership-housing product, the proposed project complies with this objective.
- *Housing Objective HOU-3.2:* This objective requires the following: (1) provision of opportunities for the development of well-planned and designed projects which, through vertical or horizontal integration and (2) provision of compatible residential, commercial, industrial, institutional, or public uses within a single project or neighborhood.

Subject to compliance with conditions of approval, staff believes that the design of the proposed structures would meet the intent of the City’s Residential Development Standards and Design Guidelines. The proposed structures include front elevations with stepping forms both horizontally and vertically to provide architectural transition to second stories. Covered porches at the front elevations incorporate enhanced detailing, including articulations, projections, and varied building materials. Additional architectural enhancements are required by conditions of approval.

***Land Use Policy Issues versus Code Regulations:
Small Lot Subdivisions with Deviations Requested***

The proposed project involves both land use policy and regulatory compliance issues. While the deviations from code regulations (i.e. variances, administrative adjustments, minor modifications, etc.) could legally be justified, it is a policy decision of the Planning Commission whether to support and promote small lot subdivision(s) with this extent of deviations in this area.

The policy issue does not relate to the proposed residential design or land use intensity, which are considered compatible with the existing land uses subject to conditions and in conformance with General Plan policies. Instead, the most significant land use policy issue involves the suitability of the project site and compatibility of the proposed small lot residential development.

Subject to conditions, staff believes that the proposed design and density could be considered appropriate and compatible with the character of the neighborhood. The design would incorporate important architectural elements, façade articulation, and massing techniques.

Conditions of approval may address and minimize project impacts. However, the larger policy decision relates to whether or not the Costa Mesa Planning Commission finds that the proposed small lot subdivision would strengthen and reinforce the City’s vision for residential development in this neighborhood. Staff is deferring policymaking decisions to the Planning Commission and focusing this report on compliance with the Zoning Code regulations and the legally-mandated findings for approval.

JUSTIFICATIONS FOR DENIAL

Staff received letters of opposition from the neighboring properties to the south and west of the project site (Attachment 5). The following refers to the address of residences that submitted the opposition letters:

- 2519 Santa Ana Avenue
- 2517 Santa Ana Avenue
- 2516 Westminster Avenue
- 2520 Westminster Avenue
- 2524 Westminster Avenue
- 2530 Westminster Avenue

Despite the fact that the project achieves ownership housing objectives of the General Plan and conforms with the density limits, Planning Commission may find that the project is not compatible with the neighborhood for a number of reasons. Such concerns may outweigh the benefits of the proposal to provide ownership housing in a small lot subdivision.

Additionally, the following concerns were expressed at a community meeting on Thursday, June 27, 2013. Other than the density issue, these concerns are addressed in detail by conditions of approval in the following section.

- *Density:* The project is too dense for the neighborhood and will potentially reduce the home values in the area.
- *Side yard setback:* The 4-foot setback is imposing on the properties to the north (privacy, shade and shadow and aesthetic issues with the massing).
- *Maintenance Association:* This structure has not been practiced in the past and may have consequences if a homeowner is not cooperative.
- *Deviation Requests:* There is significant number of proposed deviations from Code requirements.
- *Inadequate Parking:* There is inadequate street parking on Santa Ana Ave; the proposed parking must comply with Code requirements.
- *Poor visibility:* Main driveway for ingress and egress is poorly visible and may cause safety problems.

Planning Commission may find that the approval findings cannot be met. The Commission may believe that the concerns of the community are not fully addressed despite proposed conditions of approval.

Specifically, Planning Commission may find that:

- The project fails to comply with the Costa Mesa Zoning Code and fails to meet the purpose and intent of the Residential Design Guidelines.

- The creation of the subdivision is not consistent with the General Plan or Zoning Code.
- No special circumstances existing in order to justify the variances, administrative adjustments, and minor modifications.
- Granting the deviations would not be in accordance with the General Plan designation for the property.

Staff has attached a resolution for denial of the proposed project. A denial without prejudice will allow the applicant to resubmit a revised proposal to the Planning Commission at a future hearing without a 6-month waiting period.

JUSTIFICATIONS FOR APPROVAL

Staff has worked with the City Attorney's office to ensure that the findings for approval, especially for the variance requests, meet the minimal requirements of the law.

As indicated previously, it is a policy decision of the Planning Commission to approve or deny the project. If the Planning Commission is considering approval of the project; the following justifications could be applied.

Code Section 13-29(g)(1) requires any of the following findings for variances and administrative adjustments:

1. Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.
 2. The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
 3. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity. Because the property is located in a Medium Density Residential land use and promotes home ownership opportunities, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The proposed development is a multiple-family residential development, which is consistent with the uses allowed in the R2-MD zone. Per the Zoning code, the maximum density allowed in the R2-MD zone is 8 units; 8 units are proposed. The proposed development intensity will be in accordance with the medium density general plan designation for the property.
 - Variance from open space requirements will reduce the overall open space area by approximately 500 square feet for the entire site (approx. 2%). The property is an L-shaped lot with a narrow width of 66 feet along the front facing Santa Ana Avenue. Unlike the typical subdivisions that the common drive provides access to opposite sides of the development, for the first 135 feet, the common drive is only serving two units; this creates an imbalance in the open space ratio for the front portion of the lot. The requested deviation from open space requirements is

considered a minimal deviation that is offset by enhanced landscaping and private open space areas.

The proposed development is not designed as a traditional subdivision with private back yards. Each unit has an average of 520 square feet of private open space to the side that connects to the front porch. The remainder of the open space is provided in the front street setback, side yard and within the front, side and rear setbacks. The L-shaped parcel limits the open space in the front of the property; therefore, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The small reduction in the open space is justified since the site design allows for adequate private and common open space and does not jeopardize the single family detached living style that is intended with the common interest development projects. An open space variance of 1% was recently granted for the property at 2157 Tustin Avenue.

- Variance from landscape parkway requirement will reduce the minimum 3-foot requirement for a portion of the driveway (approx. 44%). The property is an L-shaped lot with a narrow street frontage of 66 feet. This allows for a two car garage and two open parking spaces and a minimum 20-foot wide two-way driveway. The reduced landscape parkway applies to 134 feet of the property (44 percent); the remainder of the site provides a 6-foot landscape setback on both sides. The requested deviation from parkway landscaping is offset by enhanced on-site landscaping and private open space areas. Because the property is L-shaped and the variance is applied to the front portion of the property, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. As conditioned, the applicant is required to install a significant bamboo hedge for screening from the property to the south. The residential structures are more than 28 feet from the southerly property line; therefore, no immediate privacy issues are anticipated.
- Variance from common lot requirement will allow a subdivision that will be subject to CC&Rs and a maintenance association instead of a homeowners association formed as a corporation. The subdivision includes 8 separate parcels with each parcel containing a portion of the common areas. Instead of a common lot, an easement over the common areas will allow access and maintenance of the common areas by the maintenance association. The project design meets the intent of a common interest development in that the homeowners will be subject to CC&Rs and membership in a maintenance association to ensure that access and maintenance of the common areas are provided. The property is L-shaped; therefore, the front parcels are smaller in size. Creating a common parcel in front portion of the site will result in substandard parcels that do not meet the minimum lot size requirement. Because the property is not a standard rectangular parcel, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. In addition, the project promotes home ownership opportunities in this area. Similar variances have been approved during the past year for properties located at 1596 Santa Ana Avenue, 135 and 141 Monte Vista Avenue, and 2157 Tustin Avenue.

- Reduced Distance Between buildings – The proposed reduction will not negatively impact the privacy of the new residents in that there are minimal windows in the side yards. The proposed floor plans provide for four-sided architecture with window and daylight opportunities on all sides. The proposed 8 and 9 feet distance between buildings is provided to allow a larger setback at the rear interfacing the R1 residential zoning on the west. Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 8 feet at two locations to meet the rear yard setback requirements. The reduced setbacks are justified with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. A condition is included that requires high windows and frosted glass be used when windows are directly facing one another. The Planning Commission has recently approved an administrative adjustment allowing a reduction in the distance between buildings to 6 feet for the project located at 2157 Tustin Avenue within the same zoning district.
- The Administrative Adjustment for the reduced front setback and encroachment into front landscape setback requirement along Santa Ana Avenue is offset by an 5-foot landscape setback and decorative privacy walls along the public right-of-way. The frontage on Santa Ana Avenue is conditioned to be accented with extensive landscaping. The proposal includes a small yard for the unit along Santa Ana Avenue. Code requires a minimum 10 feet of setback for fencing over 3 feet in height. The property is L-shaped parcel with a 66-foot wide street frontage. The proposed privacy walls will encroach five feet into the landscape setback and will affect approximately 50% of the street frontage; the remaining frontage will provide accent landscaping and an entry to the community. The front unit is located at 15 feet from the property line and in keep with the neighboring setbacks and how the buildings are oriented.

As conditioned, installation of 36-inch box trees along that street frontage and a decorative privacy wall that is compatible with the building designs and materials will alleviate the aesthetic impacts of the reduced setback.

- The existing R2-MD properties abutting single family residences to the west include varying rear and side yard setback depending on the lot orientation. Even though the setback along the R1 zoned properties range from 44 feet to 15 feet along the west of the property, there are existing instances of 3-foot setbacks where the side of the property is abutting R1 zoning. The proposed setback exceeds the first floor minimum setback requirement (10 feet required, 15 feet proposed); therefore adequate separation between the building first floor and outdoor patio will be provided. The second floor footprint is stepped; therefore, only 30 percent of that interface will be less than 20 feet. As conditioned, approximately 40 percent of the westerly property line will include 24-inch box trees for screening.
- To promote land use compatibility, the development project provides enhanced landscaping to the north and west; in addition, the second floors are designed with bedrooms oriented to the front and side of the house not the rear abutting the residences to the north and west. Code requires a 5-foot setback for main buildings along the side property line shared with the adjacent residential track. A minor modification to reduce this setback to four feet on the north side will not have a

significant impact on privacy of the residences to the north. In addition, as conditioned, extensive landscaping will provide additional buffer to the residences.

- The reduced rear yard setback is proposed as passive space with extensive trees to buffer the residences to the west. The setback along the west side will be included in the common area landscaping and conditioned to be enhanced with significant number of trees. In addition, the homes are oriented with bedrooms facing front and side of the house minimizing privacy impacts to the adjoining properties.
- Building Designs are compatible with other medium density development in the area. The overall architectural design promotes excellence and compatibility. The two-story structures are contemporary style homes with contemporary accents and finishes. The proposed units are not within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines (92 % proposed); however the staggered wall design and roof elements diminishes the boxy design appearance from all four sides. As conditioned, no modifications can be made to the exterior elevations without approval from Planning.
- Adequate on-site parking is provided. Each of the 8-units is provided with a two garage space and two open parking spaces with exception of two front units. These units include compact parking since the narrow width of the parcels do not allow for a full length driveway. A condition has been included to require that the compact parking stall requirements be included in the CC&Rs for the front two units.
- The proposed Tentative Tract Map is consistent with subdivision requirements. The proposed property is physically suitable to accommodate the proposed small lot subdivision. Engineering staff has confirmed that there are no interferences with the City's or other utility agencies' right-of-way areas and/or easements within the tract.

ADDITIONAL CONDITIONS

The following additional conditions may further address concerns expressed by the residents at the community meeting and in written correspondence. The applicant has not concurred with these conditions at the time of publication of this report.

- *Front Porch / Open space requirement:*

To comply with the 40 percent open space requirement, the front porches shall be modified to qualify as “open space” areas as defined by the Zoning Code. Specifically, the front porches of each residence shall feature projections (i.e. porch entry roof/overhang) at a maximum depth of 5 feet. The modification to the porch shall be shown on the architectural drawings submitted for plancheck. A building permit shall not be issued until this requirement is met.

- *Front wall along Santa Ana:*

The applicant shall submit a detailed wall and fence plan for review. The location and heights of fences/walls shall comply with Code requirements, as well as any visibility standards for traffic safety related to ingress and egress. The privacy wall along Santa Ana Avenue shall provide a minimum 8-foot landscape setback to the public right-of-way, unless otherwise approved by the appropriate final review authority depending on the extent of deviation from Code-required setbacks for fences/walls.

- *Second floor side yard setback:*

To the satisfaction of the Development Services Director, the second floor plans and rear elevations for Lots 1, 2, 3 and 5 shall be modified to provide an average 6-foot side yard setback to the northerly property line. The rear elevations shall be enhanced by additional architectural features (i.e., dormers, shutters, etc.) and variety of materials and colors to provide visual interest from the neighboring properties. The design modifications to these properties shall be reflected on architectural drawings prior to issuance of building permits.

- *Standard parking stalls:*

Two standard size parking stalls (9 feet by 18 feet) shall be provided at the rear of the site for guest parking to the satisfaction of the Development Services Director and Transportation Manager. These spaces shall remain unassigned and available to all homeowners and included in the footprint of the easement area covered in the Maintenance Agreement.

- *Maintenance Agreement:*

The applicant shall submit a Buyer’s Disclosure Form to the Development Services for review/approval prior to issuance of building permits. The disclosure notice shall indicate that the most significant implication of no HOA for the City is the lack of an enforcement body for conditions which the City has an interest in maintaining and/or which City required as a condition of approval. For example, cross lot

- Attachments:
1. Draft Planning Commission Resolutions and Exhibits
 2. Applicant's Project Description
 3. Location Maps
 4. Zoning Map
 5. Public Comments
 6. Grant Deed for Access Easement
 7. Project Plans/Elevations/Landscape Plan

Distribution: Director of Economic & Development Services/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (6)
File (2)

Peter Zehnder
2525 Santa Ana Partners
2454 Alton Pkwy
Irvine, CA 92606

John and Laurie Bushnell
2519 Santa Ana Ave.
Costa Mesa, CA 92627

Jessie Salem
2516 Westminster Ave.
Costa Mesa, CA 92627

Jeff Lassiter
2520 Westminster Ave.
Costa Mesa, CA 92627

Daniel Hoffman
2524 Westminster Ave.
Costa Mesa, CA 92627

Carleton Waters
2530 Westminster Ave.
Costa Mesa, CA 92627

Thomas Neth
248 Monte Vista Ave.
Costa Mesa, CA 92627

Vinay and Elsa Jatwani
1116 Dolphin Terrace
Corona del Mar, CA 92625

parking, access, or drainage easements or maintenance requirements may not be enforced over time by private individuals. The buyer's notice shall specify that the CC&R's includes a statement that the City is a third party beneficiary of the CC&R's and that the City may, but is not required to enforce such provisions. Both the buyer's notice and the CC&Rs shall be approved by the City Attorney's office prior to issuance of the first certificate of occupancy.

PUBLIC NOTICE

The project was originally scheduled for the June 4th and June 24th, 2013 Planning Commission hearing. The first site plan included two rear units at four feet from the rear property line. The applicant requested to continue the hearings and revised the site plan to provide a larger setback (15 feet) between the project and the single family residential uses to the west. This modified the project description; therefore new public notices were provided to refer to the correct project description.

ENVIRONMENTAL DETERMINATION

If the project is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15332, Class 32, for new construction of infill projects. If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

ALTERNATIVES

The Planning Commission has the following alternatives:

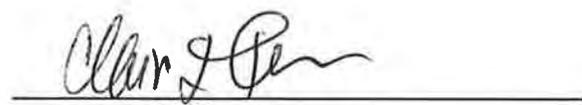
1. Approve the project, subject to conditions of approval.
2. Deny the project without prejudice.

CONCLUSION

Resolutions for approval and denial of the project are attached for consideration by the Planning Commission. The project involves a larger policy decision relating to whether or not the Costa Mesa Planning Commission finds that the proposed small lot subdivision would strengthen and reinforce the City's vision for residential development in this neighborhood.

In this case, staff believes that project impacts could be minimized and technically addressed by conditions of approval. The proposed conditions of approval are extensive; at the time of publication of this report, the applicant has not consented to all of the conditions. However, given the policy implications, staff is deferring the decision on this project to the Planning Commission.


MINOO ASHABI
Principal Planner


CLAIRE FLYNN, AICP
Assistant Director Development Svs.

RESOLUTION NO. PC-13-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-12-25 AND TENTATIVE TRACT MAP
17509 LOCATED AT 2519½ AND 2525 SANTA ANA AVENUE**

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

WHEREAS, an application was filed by Peter Zehnder, authorized agent for 2525 Santa Ana Partners LP, owner of real property located at 2519½ and 2525 Santa Ana Avenue, for the following:

1) **Design Review PA-12-25** to construct an 8-unit, two-story detached single-family residential development, including the following:

- a. Variance from open space requirement (40% required, 38% proposed);
- b. Variance from common lot requirement and establishment of a homeowners association;
- c. Variance from minimum driveway length (19 feet required, 16 feet proposed for two front units);
- d. Variance from parkway landscaping (3 feet required on one side/10 feet total on both sides, 2 feet proposed one side / 7 feet total on both sides)
- e. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 15 feet proposed);
- f. Administrative Adjustment to reduce the rear second floor setback (20 feet required, 15 feet proposed);
- g. Administrative Adjustment to reduce the distance between the buildings (10 feet required, 8 feet proposed);
- h. Minor Modification to reduce the side yard setback requirement for main buildings (5 feet required, 4 feet proposed);
- i. Minor Modification to reduce front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed)
- j. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
- k. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 4 feet proposed).

2) **Tentative Parcel Map No. 17509** to subdivide a 0.708-acre parcel for an 8-unit small lot subdivision. A small lot subdivision is a single-family detached residential project sited on individual dwelling unit lots with easements over commonly used areas.

WHEREAS, a duly noticed public hearing held by the Planning Commission on June 4, June 24, and July 8, 2013 with all persons having the opportunity to speak for and against the proposal;

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-12-25 and Tentative Tract Map 17509 without prejudice.

PASSED AND ADOPTED this 8th day of July, 2013.

Jim Fitzpatrick, Chair
Chair, Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed project does not comply with the performance standards as prescribed in the Zoning Code.
 - 3. The proposed project is not consistent with the General Plan or Zoning Code.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that 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. 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, and any other applicable design features.

- C. The subdivision of the property for residential common interest development is not consistent with the City's General Plan and Zoning Code.

- D. The Costa Mesa Planning Commission has denied Zoning Application PA-12-25 and Tentative Tract Map 17509. 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.

- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

RESOLUTION NO. PC-13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-12-25 AND TENTATIVE TRACT MAP 17509 LOCATED AT 2519½ AND 2525 SANTA ANA AVENUE

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

WHEREAS, an application was filed by Peter Zehnder, authorized agent for 2525 Santa Ana Partners LP, owner of real property located at 2519½ and 2525 Santa Ana Avenue, for the following:

1) **Design Review PA-12-25** to construct an 8-unit, two-story detached single-family residential development, including the following:

- a. Variance from open space requirement (40% required, 38% proposed);
- b. Variance from common lot requirement and establishment of a homeowners association;
- c. Variance from minimum driveway length (19 feet required, 16 feet proposed for two front units);
- d. Variance from parkway landscaping (3 feet required on one side/10 feet total on both sides, 2 feet proposed one side / 7 feet total on both sides)
- e. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 15 feet proposed);
- f. Administrative Adjustment to reduce the rear second floor setback (20 feet required, 15 feet proposed);
- g. Administrative Adjustment to reduce the distance between the buildings (10 feet required, 8 feet proposed);
- h. Minor Modification to reduce the side yard setback requirement for main buildings (5 feet required, 4 feet proposed);
- i. Minor Modification to reduce front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed)
- j. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
- k. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 4 feet proposed).

2) **Tentative Parcel Map No. 17509** to subdivide a 0.708-acre parcel for an 8-unit small lot subdivision. A small lot subdivision is a single-family detached residential project sited on individual dwelling unit lots with easements over commonly used areas.

WHEREAS, a duly noticed public hearing held by the Planning Commission on June 4, June 24, and July 8, 2013 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within

Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-12-25 and Tentative Tract Map 17509.

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-12-25 and Tentative Tract Map 17509 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 8th day of July, 2013.

Jim Fitzpatrick, Chair
Chair, Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed use is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The project, as conditioned, is consistent with the General Plan.
 - The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that:
- a. The project complies with the City of Costa Mesa Zoning Code and 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, and any other applicable design features. The overall architectural design promotes excellence and compatibility. The two-story structures are cottage style homes with front porches and contemporary accents and finishes. The proposed units are not within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines; however the staggered wall design and roof elements diminishes the boxy design appearance from all four sides.
- b. The proposed project is a medium density development with adequate private and common open space. The proposed plans allow for adequate landscaping and separation between buildings.
- c. The proposed development plan and subdivision 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.
- C. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Tentative Tract Map 17519 in terms of type, design and intensity 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. The applicant has requested deviations from development standards and conditions of approval have been applied to the project to compensate for specified deviations.

D. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(1) because:

a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.

b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

c. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Additional facts and findings are as follows:

- The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity. Because the property is located in a Medium Density Residential land use and promotes home ownership opportunities, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. The proposed development is a multiple-family residential development, which is consistent with the uses allowed in the R2-MD zone. Per the Zoning code, the maximum density allowed in the R2-MD zone is 8 units; 8 units are proposed. The proposed development intensity will be in accordance with the medium density general plan designation for the property.
- Variance from open space requirements will reduce the overall open space area by approximately 500 square feet for the entire site (approx. 2%). The subdivision includes 8 separate parcels with each parcel containing a portion of the common areas. Instead of a common lot, an easement over the common areas will allow access and maintenance of the common areas by the maintenance association. The project design meets the intent of a common interest development in that the homeowners will be subject to CC&Rs and membership in a maintenance association to ensure that access and maintenance of the common areas are provided. The property is L-shaped; therefore, the front parcels are smaller in size. Creating a common parcel in front portion of the site will result in substandard size parcels that do not meet the minimum lot size requirement. Because the property is not a standard rectangular parcel, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. In addition, the project promotes home ownership opportunities in this area. Similar variances have been approved during the past year for properties located at 1596 Santa Ana Avenue, 135 and 141 Monte Vista Avenue, and 2157 Tustin Avenue.

- Variance from landscape parkway requirement will reduce the minimum 3-foot requirement for a portion of the driveway (approx. 44%). The property is an L-shaped lot with a narrow street frontage of 66 feet. This allows for a two car garage and two open parking spaces and a minimum 20-foot wide, two-way driveway. The reduced landscape parkway applies to 134 feet of the property (44 percent); the remainder of the site provides a 6-foot landscape setback on both sides. The requested deviation from parkway landscaping is offset by enhanced on-site landscaping and private open space areas. Because the property is L-shaped and the variance is applied to the front portion of the property, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. As conditioned, the applicant is required to install a significant bamboo hedge for screening from the property to the south. The residential structures are more than 28 feet from the southerly property line; therefore, no immediate privacy issues are anticipated.
- Variance from common lot requirement will allow a subdivision that will be subject to CC&Rs and a maintenance association instead of a homeowners association formed as a corporation. The subdivision includes 8 separate parcels with each parcel containing a portion of the common areas. Instead of a common lot, an easement over the common areas will allow access and maintenance of the common areas by the maintenance association. The project design meets the intent of a common interest development in that the homeowners will be subject to CC&Rs and membership in a maintenance association to ensure that access and maintenance of the common areas are provided. The property is L-shaped; therefore, the front parcels are smaller in size. Creating a common parcel in the front portion of the site which will result in substandard size parcels that do not meet the minimum lot size requirement. Because the property is not a standard rectangular parcel, the strict application of development standards deprives the property of privileges enjoyed by others in the same General Plan designation and zoning district. In addition, the project promotes home ownership opportunities in this area. Similar variances have been approved during the past year for properties located at 1596 Santa Ana Avenue, 135 and 141 Monte Vista Avenue, and 2157 Tustin Avenue.
- The proposed Administrative Adjustment to reduce the distance between the buildings will not negatively impact the privacy of the new residents in that there are minimal windows in the side yards. The proposed floor plans provide for four-sided architecture with window and daylight opportunities on all sides. The proposed 8 and 9 feet distance between buildings is provided to allow a larger setback at the rear interfacing the R1 residential zoning on the west. Common interest developments are required to maintain a minimum 10 feet separation between structures. In this design, this distance is reduced to 8 feet at two locations to meet the rear yard setback requirements. The reduced setbacks are justified with off-sets and adequate number of windows, where each room has alternatives for placement of clear glass windows. A condition is included that requires high windows and frosted glass be used when windows are directly facing one another. The Planning Commission approved an administrative adjustment to reduce the distance to 6 feet

between buildings for the project located at 2157 Tustin Avenue within the same zoning district.

- The Administrative Adjustment for the reduced front setback and encroachment into the front landscape setback requirement along Santa Ana Avenue is offset by an 5-foot landscape setback and decorative privacy walls along the public right-of-way. The frontage on Santa Ana Avenue is conditioned to be accented with extensive landscaping. The proposal includes a small yard for the unit along Santa Ana Avenue. Code requires a minimum 10 feet setback for fencing over 3 feet in height. The property is L-shaped parcel with a 66-foot wide street frontage. The proposed privacy walls will encroach five feet into the landscape setback and will affect approximately 50% of the street frontage; the remaining frontage will provide accent landscaping and an entry to the community. The front unit is located at 15 feet from the property line and is in keeping with the neighboring setbacks and building orientation.

As conditioned, installation of 36-inch box trees along that street frontage with a decorative privacy wall that is compatible with the building designs and materials will alleviate the aesthetic impacts of the reduced setback.

- The existing R2-MD properties abutting single family residences to the west include varying rear and side yard setback depending on the lot orientation. Even though the setback along the R1 zoned properties range from 44 feet to 15 feet along the west of the property, there are existing instances of 3-foot setbacks where the side of the property is abutting R1 zoning. The proposed setback exceeds the first floor minimum setback requirement (10 feet required, 15 feet proposed); therefore adequate separation between the building first floor and outdoor patio will be provided. The second floor footprint is stepped; therefore, only 30 percent of that interface will be less than 20 feet. As conditioned, approximately 40 percent of the westerly property line will include 24-inch box trees for screening.
- To promote land use compatibility, the development project provides enhanced landscaping to the north and west; in addition, the second floors are designed with bedrooms oriented to the front and side of the house not the rear abutting the residences to the north and west. Code requires a 5-foot setback for main buildings along the side property line shared with the adjacent residential track. A minor modification to reduce this setback to four feet on the north side will not have a significant impact on the privacy of the residences to the north. In addition, as conditioned, extensive landscaping will provide additional buffer to the residences.
- The reduced rear yard setback is proposed as passive space with extensive trees to buffer the residences to the west. The setback along the west side will be included in the common area landscaping and conditioned to be enhanced with a significant number of trees. In addition, the homes are oriented with bedrooms facing the front and side of the house minimizing privacy impacts to the adjoining properties.

- Building Designs are compatible with other medium density development in the area. The overall architectural design promotes excellence and compatibility. The two-story structures are contemporary style homes with contemporary accents and finishes. The proposed units are not within the limits of 80 percent second-floor to first-floor ratio recommended in the City's Residential Design Guidelines (92 % proposed); however the staggered wall design and roof elements diminishes the boxy design appearance from all four sides. As conditioned, no modifications can be made to the exterior elevations without approval from Planning.
 - Adequate on-site parking is provided. Each of the 8-units is provided with two garage spaces, and two open parking spaces with the exception of two front units, which include a shorter driveway. These units include compact parking since the narrow width of the parcel does not allow for a full length driveway. A condition has been included to require that the compact parking stall requirements be included in the CC&Rs for the front two units.
 - The proposed Tentative Tract Map is consistent with subdivision requirements. The proposed property is physically suitable to accommodate the proposed small lot subdivision. Engineering staff has confirmed that there are no interferences with the City's or other utility agencies' right-of-way areas and/or easements within the tract.
- E. 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.
- F. The proposed use of the subdivision is for residential ownership purposes, which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- G. The subdivision of the property for residential ownership is consistent with the City's General Plan and Zoning Code.
- H. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the tract.
- I. 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).
- J. The project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for New Construction.
- K. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The expiration of Planning Application PA-12-25 shall coincide with the expiration of the approval of the Tentative Tract Map 17509 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial 2-year period.
 2. The conditions of approval for PA-12-25 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 3. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
 4. The private, interior fences or walls between the homes shall be a minimum of six feet in height. The privacy fencing along Santa Ana Avenue shall be decorative fencing complementary to the home designs subject to review and approval of the Development Services Director.
 5. The landscape setback on Santa Ana Avenue shall be enhanced with a minimum of four 36-inch box size trees and extensive landscaping for an enhanced entrance to the project subject to review and approval by Planning Division.
 6. The existing access easement between the proposed parcel and 2519 Santa Ana Avenue is not required for pedestrian or vehicular access. The proposed site plan and subdivision does not include any portions of the of the existing access easement.
 7. The side elevations on Santa Ana Avenue shall be enhanced by additional architectural features (i.e., dormers, shutters, etc.) and variety of materials and colors to improve the boxy appearance of the structures from Santa Ana Avenue.
 8. Prior to issuance of certificate of occupancy, the applicant shall construct a minimum 6-foot tall decorative block wall around the perimeter of the project site, unless otherwise approved by the Developer Services Director. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and landscaping.
 9. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents and also businesses during construction.

The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.

10. The subject property's ultimate finished grade level may not be filled/raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site 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. Applicant is advised that recordation of a drainage easement across the private street may be required to fulfill this requirement.
11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
12. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, 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 or a variance, or in the requirement to modify the construction to reflect the approved plans.
13. To avoid an alley-like appearance, the private street shall not be developed with a center concrete swale. The private street shall be complemented by stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
14. Two (2) sets of detailed landscape and irrigation plans, consistent with the preliminary plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

The landscape plans shall include extensive landscaping in form of a row of 15-gallon size trees at ten feet on center along the northerly and southerly property lines to be installed by the developer and maintained by the maintenance association. The homeowners shall be restricted to convert these landscape areas to hardscaping. This condition shall be included in the CC&Rs.

The landscape plans shall include an extensive hedge (i.e., bamboo or similar species) that will provide a tall landscape buffer between the driveway and the property to the south.

- The westerly property lines abutting the residential uses to the west shall include a minimum of six 24-inch box trees for screening.
15. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 16. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 17. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
 18. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened upon view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
 19. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
 20. Provide proof of recordation of TTM 17509 and CC&Rs prior to issuance of building permits.
 21. Applicant shall provide proof of establishment of a maintenance association prior to release of any utilities.
 22. Prior to the issuance of building permits, the applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department.
 23. Design, grading, and construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading as well as the appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final written report, subject to review by the City of Costa Mesa Building official prior to issuance of grading permits.
 24. Prior to issuance of building permits, the developer shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following requirements: (1) require that the maintenance's association effectively manage parking. If onsite parking is not appropriately managed by the maintenance association, the Development Services Director shall require implementation of corrective measure(s) to address onsite

- parking problems in the future; (2) require that the maintenance association contract with a towing service to enforce the parking regulations; (3) Require that the maintenance association address third party intervention by the City of Costa Mesa; (4) Any subsequent revisions to the CC&Rs related to these provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.
25. The CC&Rs shall include provisions that will prohibit parking of standard size vehicles on the two front units with 16-foot long driveways and to prohibit encroachment into the 20-foot minimum driveway aisle.
 26. Prior to issuance of building permits, developer shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 27. Applicant shall provide proof of establishment of a maintenance association prior to release of any utilities.
 28. If the project is constructed in phases, the perimeter wall, landscaping along the frontages, and irrigation shall be installed prior to the release of utilities for the first phase.
 29. The project entrance is not designed for vehicular gates. A buyer notification shall be provided to future buyers that the community will not be able to accommodate gates without physical changes to the proposed ingress and egress configuration.
 30. To comply with the 40 percent open space requirement, The front porches shall be modified to qualify as "open space" areas as defined by the Zoning Code. Specifically, the front porches of each residence shall feature projections (i.e. porch entry roof/overhang) at a maximum depth of 5 feet. The modification to the porch shall be shown on the architectural drawings submitted for plancheck. A building permit shall not be issued until this requirement is met.
 31. The applicant shall submit a detailed wall and fence plan for review. The location and heights of fences/walls shall comply with Code requirements, as well as any visibility standards for traffic safety related to ingress and egress. The privacy wall along Santa Ana Avenue shall provide a minimum 8-foot landscape setback to the public right-of-way, unless otherwise approved by the appropriate final review authority depending on the extent of deviation from Code-required setbacks for fences/walls.
 32. To the satisfaction of the Development Services Director, the second floor plans and rear elevations for Lots 1, 2, 3 and 5 shall be modified to provide an average 6-foot side yard setback to the northerly property line. The rear elevations shall be enhanced by additional architectural features (i.e., dormers, shutters, etc.) and variety of materials and colors to provide visual interest from the neighboring properties. The design modifications to these properties shall be reflected on architectural drawings prior to issuance of building permits.
 33. Two standard size parking stalls (9 feet by 18 feet) shall be provided at the rear of the site for guest parking to the satisfaction of the Development Services Director and Transportation Manager. These spaces shall remain unassigned and available to all homeowners and included in the footprint of the easement area covered in the Maintenance Agreement.

34. The applicant shall submit a Buyer's Disclosure Form to the Development Services for review/approval prior to issuance of building permits. The disclosure notice shall indicate that the most significant implication of no HOA for the City is the lack of an enforcement body for conditions which the City has an interest in maintaining and/or which City required as a condition of approval. For example, cross lot parking, access, or drainage easements or maintenance requirements may not be enforced over time by private individuals. The buyer's notice shall specify that the CC&R's includes a statement that the City is a third party beneficiary of the CC&R's and that the City may, but is not required, to enforce such provisions. Both the buyer's notice and the CC&Rs shall be approved by the City Attorney's office prior to issuance of the first certificate of occupancy.
- Bldg. 35. Submit grading plans including a hydrology report and soils report.
36. Provide an erosion control plan.
37. Submit a soils report for the projects, Recommendation of the Soils Report shall be printed on the architectural and grading plans.
38. On graded sites the top of exterior foundation wall shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. Refer to 2010 California Residential Code R403.1.7.3
39. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet. Refer to California Residential Code Sec. R 401.3.
- Eng. 40. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Cross lot drainage shall not occur. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa.
41. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the Cit of Costa Mesa.
42. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
43. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.
44. Submit subdivision application and comply with conditions of approval and code requirements.
45. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. residential sidewalk on Randolph Avenue per City of Costa Mesa Standards with the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
46. Applicant/Developer is hereby advised that no removal of trees from the public right-of-way will be permitted without specific approval from the Parks and Recreation Commission and compliance with mitigation measures as determined by the Commission to relocate the trees and/or to compensate the City for the loss of trees from the public right-of-way.

Conditions of the Commission must be incorporated onto the plans prior to plan approval. The approval process may take up to three months, therefore, the applicant/developer is advised to identify all tree affected by the proposed project and make timely application to the Parks and Recreation Commission to avoid possible delays.

- 47. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then remove any existing driveways and/or curb depressions that will not be used and replace with full height curb and sidewalk at applicant's expense.
- 48. Private on-site drainage facilities and parkway culverts or drains will not be maintained by the City of Costa Mesa, they shall be maintained by the owner of the property.
- 49. The applicant shall comply with all of the engineering conditions for Tract Map 17509 as set forth in a separate the City Engineer's letter.
- Fire 50. Dwellings will require the installation of a residential fire sprinkler system.
- 51. Provide smoke detectors.
- Trans. 52. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. At the current rate per trip end, the traffic impact fee is estimated at \$11,779. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- Utilities 53. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.

2525 Santa Ana Project Description

The proposed project is an eight (8) unit subdivision development submitted under the Residential Subdivision Development guidelines in the City of Costa Mesa.. The site is in the R2 MD zone and is approximately 31,000 square feet in size.

The site comprises two lots which include 2519 ½ and 2525 Santa Ana Avenue. The property is currently occupied by four residential units which are being used as rental income property. The buildings have been constructed or moved onto the site over a period from the late 1940's through the early 1950's. All of the existing buildings are in substandard condition and would need substantial upgrades to comply with current building codes.

The concept for the development is to design a single family detached home community that will be compatible with the existing architectural ambiance of the surrounding neighborhood. The specific site constraints present a certain challenge in designing an infill small lot community that allows for a high level of neighborhood livability and best enhances the surrounding neighborhood with its eclectic mix of original cottage style homes, multifamily rental units and other similar small lot developments which have been built over the last 10-15 years.

The architectural design can be best described as "contemporary cottage". The building shapes and roof elements are leaning toward the cottage style with a distinctly farm house look, however, we are using more contemporary elements in window and door treatments, interior finishes, decking and landscape. We have also incorporated a very casual updated floor plan that represents the best opportunity for enjoying the wonderful indoor outdoor living made possible by our Coastal Costa Mesa environment.

The homes have been designed with three bedrooms and two and one half baths with approximately 1,881 square feet of living space. The floor plans have been designed to create living spaces that are functional and efficient resulting in a very spacious feel with the correct amount of private living area versus open family and entertaining spaces.

Exterior building materials and finishes will be consistent with the contemporary cottage design and utilize a combination of stucco and wood siding, metal roof material and details may be used where applicable. The perimeter fence and yard fences will be a combination of concrete block and wood or wood like material that is consistent with the modern cottage community aesthetic.

Each home will have several unique areas of private open space and yards that allow for the desired indoor-outdoor livability that our coastal climate provides. There will be a number of common area landscape spaces that will be designed with a theme of coastal sensibility and California native plant materials. The project will utilize as many sustainable building practices as feasible and employ several community green building practices such as using draught tolerant landscape materials and low flow irrigation. Energy efficient fixtures, appliances, heating system and tank less water heaters will be featured in all homes. We are designing the community to include solar electrical systems subject to location feasibility and the current financial rebate and assistance programs in place at the time of construction.

Vehicular access to the homes will be accommodated in a common driveway accented with permeable concrete elements and decorative paving where applicable. Each home will have an attached, two car garage with two additional guest parking spaces provided. The project is being submitted under the Residential Subdivision application. The homes will be detached with no common walls. There will be 8 lots for individual home ownership classified as single family residences. The common areas and driveways will be included in the subdivided lots and easements will be created to allow for access over the driveways and guest parking. A maintenance committee will be formed and will be subject to CC and R's that will provide for the maintenance and/or replacement of driveways which would have the common use of all the homeowners.

This subdivision will allow the homes to be classified as single family residences for purposes of financing the purchase and or refinance of the individual homes. This classification allows for the best possible rates, fees and lending requirements in today's government sponsored lending environment. A byproduct of the recent financial crisis has been the severe impact to borrowers and homeowners of condominium homes in terms of higher lending rates, fees and restrictions on qualifying for loans. The restrictions also place a very large burden on contractors and developers in terms of significantly increased insurance costs, construction loan rates, fees and conditions. The subdivision versus condominium classification is significant benefit to the homeowner and the community.

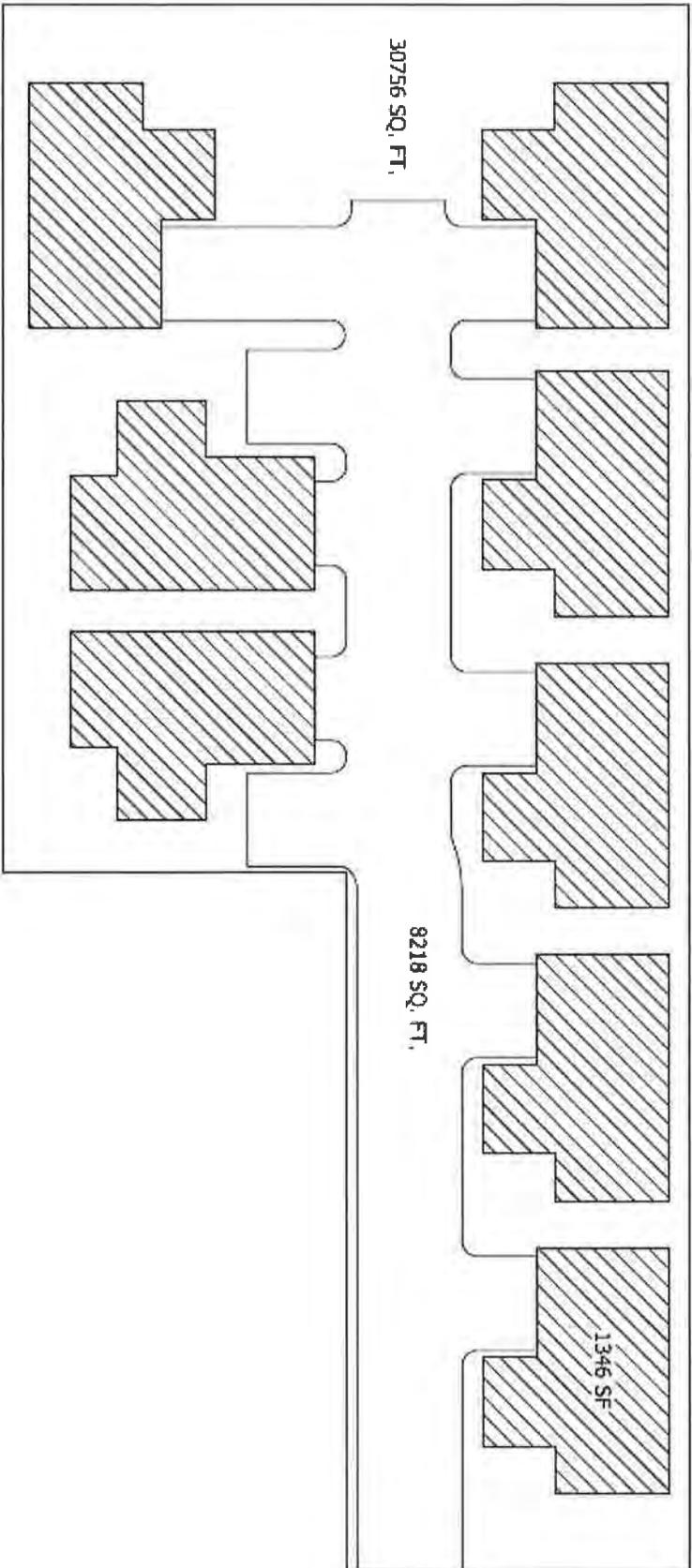
Although the subject site has very difficult size and configuration restrictions, the project has been designed to significantly minimize its impact to our neighbors. The allowable density of eight units can be achieved easily with a design of several large attached buildings with no light or space between buildings. This typical condominium plan will require no variances or modifications to existing code.

It is very important to note that the proposed design of detached homes which includes ten feet between buildings and private open space in excess of requirements is significantly more desirable to the neighborhood than the design of an attached condominium development.

There will be several requested variances and /or administrative adjustments to existing code which would not be required if the project were to be planned as an attached condominium. The buildings have been designed to have no direct line of sight windows from the proposed homes into any adjacent property. Mitigation measures will be adopted to ensure the proposed development takes into consideration any future impact on its surrounding neighbors.

The project has been developed with the direction of staff to fulfill the intent of the current zoning codes while taking into consideration the specific challenges of site dimension, parking requirements, fire and safety regulations, transportation patterns and open space requirements. The proposed development plan will enhance the neighborhood property values far in excess of the alternative condominium proposal currently allowable within City planning codes.

We believe the proposed development plan more than meets the intent of the current zoning codes and requirements and provides a much needed opportunity for quality home ownership in Costa Mesa. This unique project represents a comfortable coastal lifestyle community that we hope can serve to be a model for future development.

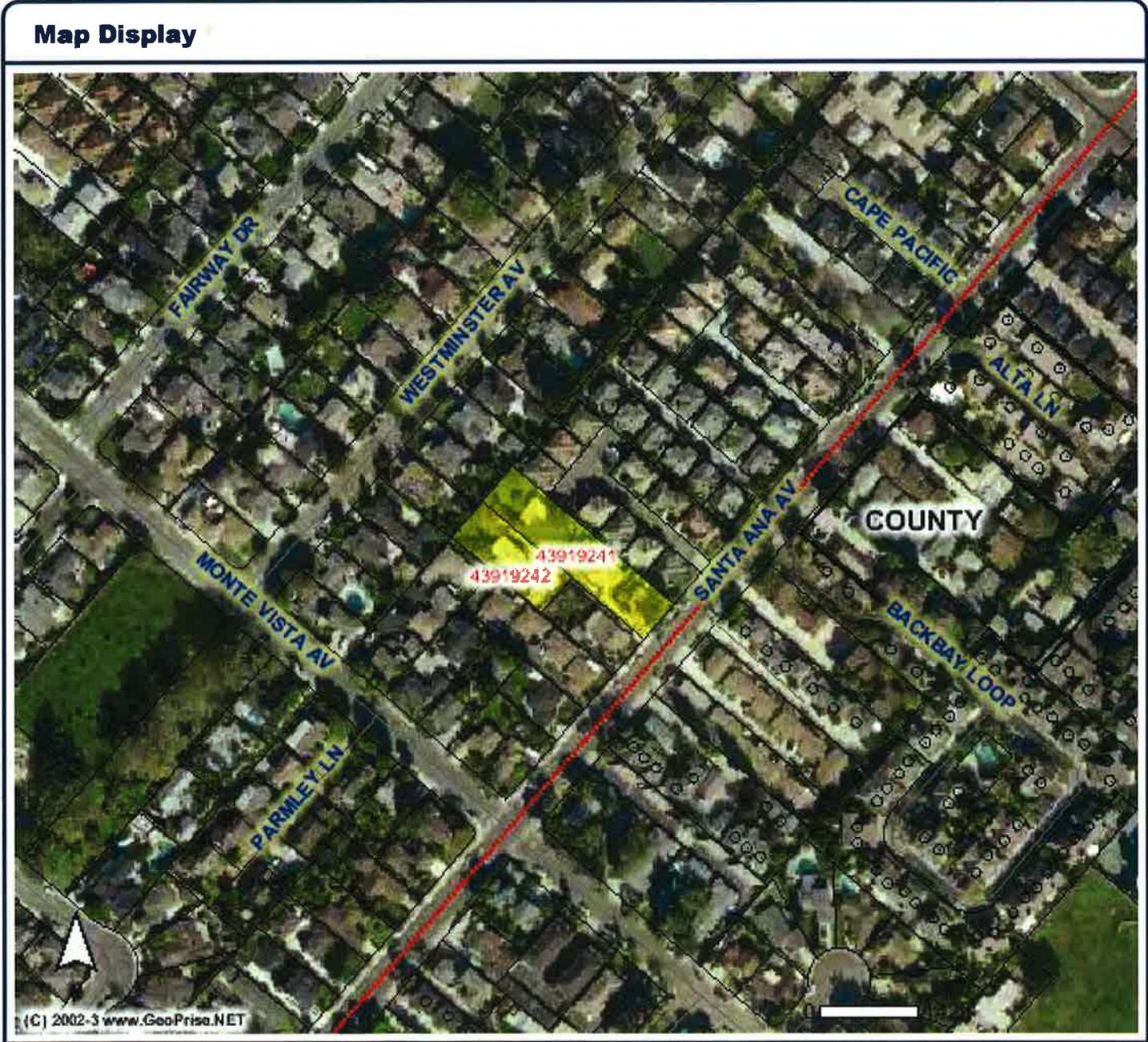


Lot size: 30,756 S.F.
 (8) Homes: 8 x 1,346 S.F. = 10,768 S.F.
 Driveways and Parking = 8,218 S.F.
 Covered space: 18,986 S.F./30,756 S.F. = 62%;
38% open space



Legend

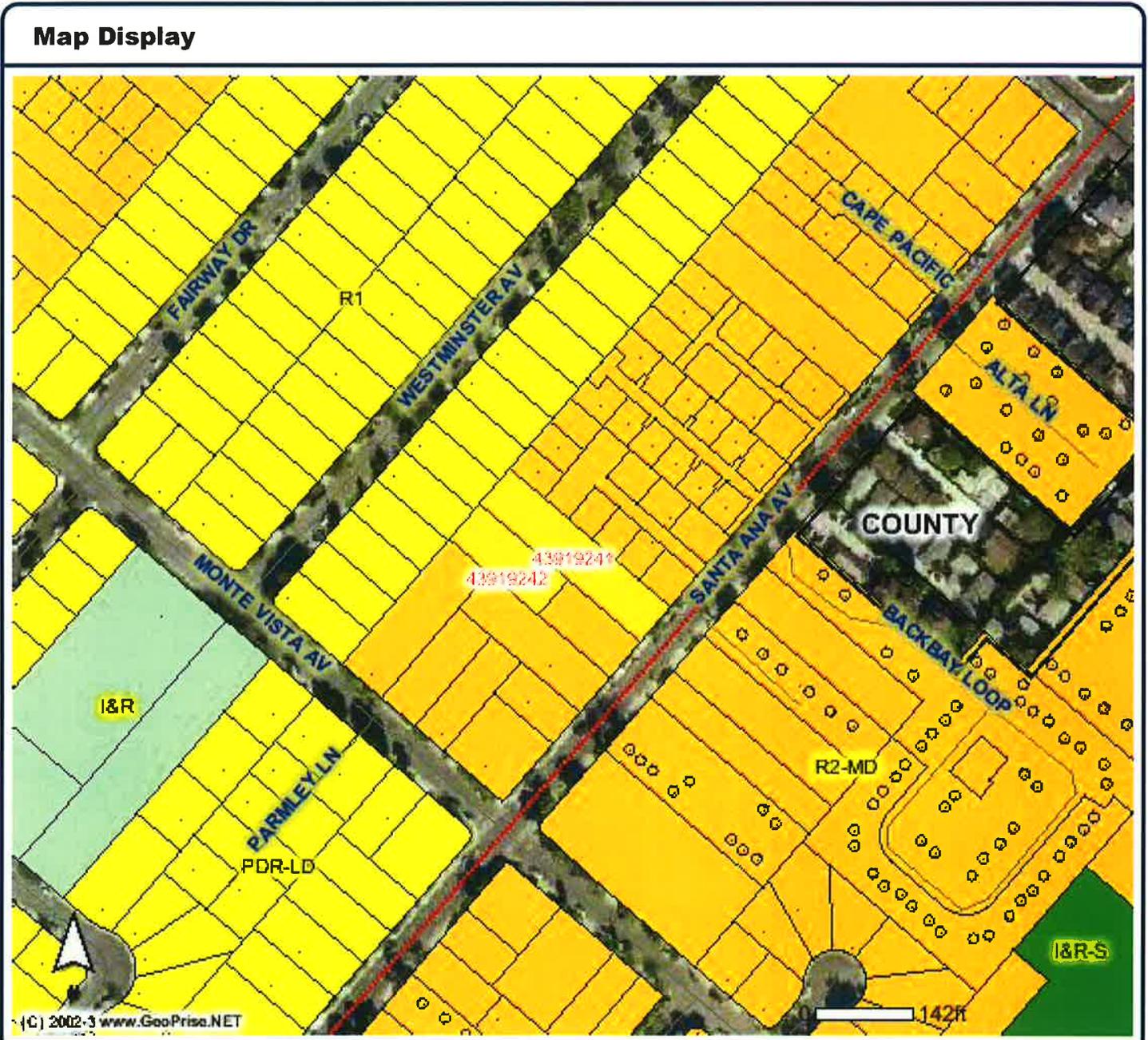
Address Points	Roads	Major Newport BLVD	SECONDARY Hydrology Channels
Freeway	Collector Freeway (cont)	Primary (cont)	





Legend

Address Points	Collector	SECONDARY Hydrology Channels	Street Centerlines
Freeway Roads (cont)	Major Newport BLVD	Parcel Lines	City Boundary
	Primary (cont)	Street Names	



Received
City of Costa Mesa
Development Services Department

JUN 05 2013

Vinay and Elsa Jatwani
1116 Dolphin Terrace
Corona del Mar, CA 92625

RE: 2519 and 2525 Santa Ana Ave Project Plans

City of Costa Mesa Planning Commission:

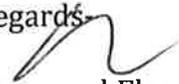
We are the owners of the property located at 2517 Santa Ana Ave Costa Mesa, CA 92625. We received the notice regarding the plans for the property at 2519 and 2525 Santa Ana Ave.

We are concerned regarding items d., f., g., and i. We would like the plans to be in accordance to the City of Costa Mesa. The items we are concerned about will impact our current tenants. We have one-story cottages and the two-story building will impact the privacy of my property. In addition, the side yard and front yard set backs will put the property too close to my property.

I will be attending the hearing but I want to make sure you address these issues and that the city does not allow the builder to move the existing guidelines.

Thank you for your time.

Regards,


Vinay and Elsa Jatwani
949-702-2241

YOUSEFI, BELQIS

JUN 02 2013

From: Paul Loubet [loubet.paul1@gmail.com]

Sent: Sunday, June 02, 2013 8:21 AM

To: PLANNING COMMISSION

Subject: PA-12-25 & TT- 17509

Commissioners, I have read the public notice and must communicate my strong objection to each and every variance and deviation requested.

There is a reason the City has codes, ordinances and design standards, it is to promote the health, welfare and safety of its citizens, both property owners and neighbors. The sheer number of exceptions requested for this one project are absurd, they do nothing but enhance the developers profits while degrading the quality and caliber of the neighborhood.

They can do better, I have seen far too many variances being granted, and very few enhanced the character of Costa Mesa. None of the variances requested better the design of the project or character of the neighborhood, and they in fact degrade the safety and ambiance of our neighborhoods.

They can do better, make them come up with a better plan. Keep the side yard setbacks for safety. Keep the open space for attractiveness. Keep the driveway widths, so cars can pass each other. The buildings need articulations for appeal and character, they have designed bland boxes.

Maintain your standards, they are there for a reason. Don't forget the standards are minimums, and they are not meeting minimum standards. Have they exceeded any standard?

I do not object to a couple of minor variances that are needed due a properties uniqueness, but the number requested are at a level that this project will be a big mistake if granted, and will open the door to others who think the City Standards are just guidelines, why follow them.

Please send them back to the drawing board, any good architect can design this project and adhere to the standards.

Paul Loubet
949-677-9459

YOUSEFI, BELQIS

From: Elsa Jatwani [ejatwani@hotmail.com]
Sent: Monday, June 03, 2013 8:18 PM
To: PLANNING COMMISSION
Subject: 2519 and 2525 Santa Ana Avenue
June 3, 2013

Received
City of Costa Mesa
Development Services Department
JUN 02 2013

Vinay and Elsa Jatwani
1116 Dolphin Terrace
Corona del Mar, CA 92625

RE: 2519 and 2525 Santa Ana Ave Project Plans

City of Costa Mesa Planning Commission:

We are the owners of the property located at 2517 Santa Ana Ave Costa Mesa, CA 92625. We received the notice regarding the plans for the property at 2519 and 2525 Santa Ana Ave.

We are concerned regarding items d., f., g., and i. We would like the plans to be in accordance to the City of Costa Mesa. The items we are concerned about will impact our current tenants. We have one-story cottages and the two-story building will impact the privacy of my property. In addition, the side yard and front yard set backs will put the property too close to my property.

I will be attending the hearing but I want to make sure you address these issues and that the city does not allow the builder to move the existing guidelines.

Thank you for your time.

Regards-

Vinay and Elsa Jatwani
949-702-2241

Elsa Jatwani 949-702-2241

YOUSEFI, BELQIS

From: Craig & Catherine Richards [richardsclan@sbcglobal.net]
Sent: Tuesday, June 04, 2013 6:26 PM
To: PLANNING COMMISSION
Subject: Objection to Application PA-12-25 & TT-17509

To Whom It May Concern,

My husband and I are writing to submit our objections to Application PA-12-25 & TT-17509 and its proposed multiple variance modifications.

Firstly, we would like you to know that this is the first time we have submitted an objection to a variance notice as we have always thought the person(s) requesting the variance and the City would take into consideration their neighbors quality of life as well the overall well-being of the City of Costa Mesa. Unfortunately, we have learned first hand this is not the case.

We have lived in Eastside Costa Mesa since 1983. We, as well as the other residents of Eastside Costa Mesa have chosen this neighborhood for its charm and quality of life. The recent intrusive variance requests the City has been approving as of late is turning this part of Eastside Costa Mesa into a highly dense unattractive area. The City has a obligation to the residents of this city to keep this charming area as it should be, charming. There is no need for the City to keep approving these obtrusive variance changes which are only helping the construction company's make more money by cramming as many buildings onto one lot and over taxing our resources such as water, sewage, electricity, roads not even to mention the school system. The variances the City already has in place is sufficient for all to use.

We hope that each of you as City representatives will take a step back and look at the overall picture of this community and the road it is headed in is not a better one with the high density and obtrusive homes that are now blighting our community. Once the buildings are built there is no going back. Thank you.

Kind regards,

--Catherine

Sent from my iPad

June 3, 2013

City of Costa Mesa
Attn: Planning Division
77 Fair Dr.
Costa Mesa, CA 92626

Received
City of Costa Mesa
Development Services Department

JUN 05 2013

Re: Official Public Notice

Dear Planning Division Staff:

Thank you for the Official Public Notice of the Planning Commission hearing on June 10, 2013 regarding a high density development on Santa Ana Ave. (Application No. PA-12-25 & TT-17509). My husband and I appreciate the opportunity for input. Since we will be out of state on the date of the hearing, we are submitting our comments via this communication.

In a nutshell, we cannot state strongly enough our opposition to all the variances requested by the developer. As life-long residents of Eastside Costa Mesa, we have watched over the decades as our neighborhood has largely been transformed into high density housing due to the size of the parcels. While we understand that property values have skyrocketed over the years, there are also quality of life issues that we feel should be maintained. Specifically, these include provision for adequate setbacks, parking, consideration of privacy for surrounding neighbors (building multi-story residences where the neighborhood is primarily single story), and not cramming residences together like brownstones or building so many that they are carved up on postage-stamp lots (like the houses that are now being built on the corner of Monte Vista Ave. and Elden Ave.).

We believe the building codes exist for a reason and if they are continually waived for every developer why have them at all? The developer builds and sells the properties for a tidy profit, moves on to the next project, and the surrounding neighbors are left with the resulting issues of almost zero lot lines, increased street traffic and parking, reduced privacy, and other issues that result from high-density living.

We hope the Planning Commission will strongly consider the quality of life issues for the surrounding neighbors and neighborhood as they review these variance requests. Perhaps just once we can say no to the big developers and the almighty dollar and try to preserve at least some of what used to give our city a charming residential character.

Sincerely,
Thomas S. Neth



Janet B. Neth



Received
City of Costa Mesa
Development Services Department

JUN 07 2013

Re: PA-12-25 # TT 17509

2507 Back Bay Loop
Costa Mesa, CA 92627

Dear Costa Mesa Planning Commission Members,

Thank you for sending a public notice form regarding proposed projects at 2519 and 2525 Santa Ana Avenue.

This project is simply unwise.

At the present time there is inadequate street parking along this portion of Santa Ana Avenue and it simply would not make sense to worsen this situation by adding many, many new residents in eight new units ---- eight new units! This is absurd!

The design may be acceptable in less populated areas, but it definitely would not be a wise one for this particular area along Santa Ana Avenue. There are too many variances in the design.

I would urge the applicants, Santa Ana Partners, to go elsewhere with their plans.

And I urge the Costa Mesa Planning Commission members to turn down this very unwise proposal.

Sincerely,

Shirley Finnie

LAW OFFICES OF
DAVID M. DANNY
4500 East Pacific Coast Highway
Fourth Floor
Long Beach, California 90804-3293
Telephone: (562) 597-0029 ext. 141
Fax: (562) 494-3958

Direct Dial: (562) 391-2479 ext. 141
Email: DMDLawOffice@aol.com

May 22, 2013

Mr. Peter Zehnder
P.O. Box 15126
Newport Beach, CA 92659

Via
Regular Mail
and Email
Pete@bettershelter.com

RE: *My Clients: John and Laurie Bushnell*
My Clients' Property: 2519 Santa Ana Avenue, Costa Mesa, CA
Your Properties: 2519 ½ Santa Ana (rear lot) and 2525 Santa Ana (neighboring property)
Matter: Proposed Incorporation of Easement into Eight Unit Development Project on your Properties

Dear Mr. Zehnder:

Please be advised that this office has been retained by Mr. and Mrs. John Bushnell to represent them in connection with asserting and/or preserving their rights regarding the eight foot access easement across the southerly border of their property (2519 Santa Ana) servicing the rear lot you recently purchased (2519 ½ Santa Ana), along with the neighboring property to the south (2525 Santa Ana).

It is my understanding that you are attempting to utilize the eight foot easement over my clients' property to service the development of your proposed eight unit townhouse project and have submitted plans to the City of Costa Mesa incorporating the same whereby the easement has been designated as a "public access-pedestrian gate."

As you are aware, this eight foot easement was created at the time my clients' lot was divided by the original owner/seller to provide access to the rear lot that would have otherwise been "land locked." This easement is intended to service only the rear lot by providing ingress and egress thereto, and any attempts to expand the use of the easement to service the neighboring property and the eight unit development thereon would be far beyond the scope of the permissible use of the easement and constitute an improper "surcharge" thereof. In addition, by a consolidation of the rear lot with the neighboring lot, the rear property would no longer be "land locked" and the easement may become extinguished as a matter of law.

I am aware of your prior correspondence and discussions with my client as to your proposals to best incorporate the easement and/or access relative to your development, but my clients are simply not interested in selling or entering into any other arrangement regarding the easement.

Thus, you need to redesign your project in such a manner that it will not have any impact on the existing easement, nor incorporate the same for usage or otherwise into your proposed development. If the proposed plan is not reconfigured, my clients will lodge their complaints and oppose any approval of the proposed development at the hearing set for June 10, 2013, in addition to seeking any other legal and/or injunctive relief to which they may be entitled.

In addition to the easement issue, my clients have indicated that you have stated your intention to remove the fence along the south borderline of their property, but, consistent with your surveyor's monument markers, the fence is entirely within their property line and have advised you of the same. Please do not take any action relative to removing the fence as part of your project until you have provided a survey establishing the contrary, in which case, my clients will voluntarily relocate the fence.

In addition to the above issues, my clients would like to advise you that they are very concerned that their 40-year-old macadamia tree valued at \$40,000 that borders the property could be damaged during any excavation that may occur along the property line, along with other construction issues such as noise, debris, dirt, the lack of construction fencing and other privacy issues. Hopefully, these matters will be taken into account, minimized and/or eliminated during the construction process.

If you have any questions or wish to discuss the matter, please do not hesitate to call.

Very truly yours,

David M. Danny
DMD: js

Cc: Clients, Ms. Minoo Ashabi, Mr. Peter Naghavi, Ms. Claire Flynn, Mr. Gary Armstrong

April 30, 2013

Peter Naghavi

Economic & Developmental Services Director/Deputy CEO

City of Costa Mesa, CA

Dear Peter,

Thank you for returning our telephone call today and explaining our inquiry concerning the recent resubmittal of construction plans by 2525 Santa Ana Partners LP for their proposed eight single family home development which will border the side and rear of our property located at 2519 Santa Ana Avenue.

Our point of contention relates to the use of our property in the recently resubmitted plans. The fact that as the servient tenement, of an ingress and egress easement, which granted the property to our rear a dominant tenement, we still own the property underlying the easement. The current resubmitted plans do however incorporate our property as mentioned on the drawing with the symbol "a pedestrian gate" and the words "public access easement."

Our property should not be included or incorporated into the previous, current, or any future development plans in anyway whatsoever period.

As a general rule, the owner of the dominant tenement (that is, the property benefitting from the easement, here, 2519 ½ Santa Ana Avenue) must use the easement in a way that imposes the least burden on the servient tenement (that is, the owner of said property underlying the easement, here 2519 Santa Ana Avenue). Locklin v. City of Lafayette, (1994) 7 Cal. 4th 327. And every other incident of ownership inconsistent with reasonable use of the easement is reserved to the owner of the servient tenement. Scrubby v. Vintage Grapevine, Inc (1995) 37 Cal. App. 4th 697.

This inclusion of our property in the plans constitutes overuse of the easement and increased potential liability. We encourage the planning department, the planning commission, and the city council to disregard the symbol "pedestrian gate" and the words "public access easement" or any other use or depiction, by 2525 Santa Ana Partners LP, of our property from their development plans from this date forward.

Sincerely,



John and Laurie Bushnell (949) 646-2117

Owners of the property located at 2519 Santa Ana Avenue, Costa Mesa, CA 92627

April 30, 2013

Peter Naghavi

Economic & Developmental Services Director/Deputy CEO

City of Costa Mesa, CA

List of correspondence chronologically arranged from August 28, 2012 through December 26, 2012 between My wife and I, and Peter Zehnder, of 2525 Santa Ana Partners LP & our initial mitigation request to the City of Costa Mesa 10/31/2012, outlining our concerns regarding his development project attached.

Dear Peter,

Please review the attached correspondence and present this file to the city council, planning department, and planning commission with any plan associated with the eight home 2525 Santa Ana Partners LP development. All of the attached documents have been given to the front desk duty representative at the planning department and time stamped sequentially to date.

In summary, Mr. Zehnder has from the beginning, tried to incorporate our property into his development planning by referring to it as if the easement is in fact his property. As you know an easement is a conditional use of an owner's property, granted in this situation as an easement of necessity for ingress and egress to the landlocked home in the rear of our lot recorded in 1950.

In his initial conversation with us and his letter dated August 28, 2012, he contends and infers with language suggesting the relinquishment of certain portions or all of our eight foot easement bordering his newly acquired land would be a benefit to his project by increasing our home value, provide additional off street parking, more open space, emergency entrances, driveway setbacks etc. In his follow-up letter dated November 15, 2012, he even goes so far as to indicate that the city planning staff believes our long term benefit would be to incorporate our property into his plans.

As you can see, in our responses, we have rejected his proposals. We do not share his views that giving up 1,000 square feet of our property increases our home value, nor do we believe the city planning department staff have any interest or legal right to make the statements of benefits he mentions in his letter.

Consequently, as we continue to reject his attempts, he continues to ramp up his demands to use our property. In the same November 15, 2012, letter he even tries to intimidate us about our property line fence. In our response dated December 26, 2012, we retained a civil engineer and challenged him to prove his allegations but have not received a response to date.

Page (2)

This brings us full circle. His first plan, submitted in October 2012, seems to have been rejected. His latest plan, submitted last week, is now under review in the planning department and prompted our office visit Monday April 29, 2013. It was after viewing his latest development project plan, and noticing the Public Access Easement language referring to our property, by Mr. Zehnder, we called you, as the highest official overseeing the planning department, to inquire why his plan was allowed to reference our property.

As you can see, Mr. Zehnder seems to think he can prescribe/dictate public access and use of our private property as if it were his own, and has done so from the beginning of this project, contrary to California real estate law, in his development plan.

**Peter Zehnder
P.O. Box 15126
Newport Beach, Calif. 92659
949-230-5426
pete@bettershelter.com**

Mr. and Mrs. John Bushnell
2519 Santa Ana Ave
Costa Mesa, Calif. 92627

August 28, 2012

Re: Easement and property line adjustment.

Dear Lori and John,

I have prepared some architectural plans with 3-D renderings for the proposed development that is being planned on 2525 and 2519 ½ Santa Ana Ave. I hope these preliminary exhibits and drawings will be helpful in reviewing our proposal and request to eliminate the easement and adjust the property line between 2519 and 2525 Santa Ana.

As you know, there is currently an 8 foot easement recorded on your property which allows ingress and egress access to the property located at 2519 ½ Santa Ana. The current easement and driveway is approximately 2 feet from your home and within a few inches of your air conditioner and water heater.

Our development plans include both properties at 2519 ½ and 2525 Santa Ana. In order to provide the development the best possible architectural design, driveway access and setbacks from your residence we are proposing to eliminate the existing easement and adjust the property line to allow all driveway access for our development to be solely within the new boundary and remove any access from within your property.

As shown on the architectural plans, the optimum design would utilize 4 feet of the existing easement for driveway access to accommodate all vehicle access for the development and allow the fire department the required access width to comfortably enter the site for emergency purposes. This adjusted dimension will also allow the development to provide 4 additional off street guest parking than required by the City of Costa Mesa. This alignment will also allow us to include more open space adjacent to your rear yard (see exhibit).

We then propose to construct a new boundary fence and landscape buffer within approximately 2 additional feet so all maintenance and responsibility for the fence and landscape would be our responsibility. As shown in the drawings, this will result in an additional 2 feet of private use property for the approximately 134 feet depth of your Northerly property line.

(135)

At the rear of your property we propose to construct a new property fence and landscape buffer solely within our property boundary. This would be connected to the new fence along the North property line creating a completely private environment for your property and eliminating any possibility of access from our development or other public visitation. You would also be able to privatize your rear and side yards with a front gate if desired at the North property line.

We will, of course work with you on the design and materials used for the property fences and landscaping to make sure the final design is compatible for both properties for the future.

The properties we are developing are within the allowable zoning to construct 8 new homes. As you are well aware, there are many different ways to build these 8 homes within the existing codes in the city of Costa Mesa. The 8 homes can be built within the existing property boundaries leaving the access easement intact which we believe will only continue to negatively impact your property.

The design of our proposed development results in a much more desirable living environment for both yourselves and our residents. I hope you agree that the combination of replacing the existing poorly maintained properties with our beautiful new homes and eliminating the existing public access over your property will greatly enhance the use and value of your beautiful cottage.

Thank you very much for your consideration to our proposals. Of course, feel free to contact me anytime with any questions or concerns.

Sincerely,

Peter Zehnder
Managing Partner



Features of the proposed development:

- 1. Elimination of existing run down and unsafe adjacent properties.**
- 2. Construction of 8 new homes with valuation of over 5 million dollars.**
- 3. Eliminate the access rights and use of your property by others.**
- 4. Creation of approximately 4 foot private side yard along existing dwelling.**
- 5. Additional 2 feet of private open space in rear yard.**
- 6. Construction of new boundary fences and landscaping.**
- 7. Enhanced property value and enjoyment of your private property.**

August 29, 2012

Re: Easement and Property Line Adjustment Proposal

Dear Peter,

In response to our meeting this afternoon on our front porch, concerning the artist rendering of your planned development of the properties located at 2525 and 2519 ½ Santa Ana Ave, Costa Mesa, California, into eight single family homes. We have given careful consideration of the seven features contained in your written proposal. We are willing to entertain negotiations toward your purchase of some portion of our easement property line located at 2519 Santa Ana Ave, Costa Mesa, California.

Your proposal suggests that we relinquish four feet of our property line contained in the eight foot easement to 2519 ½ Santa Ana Ave, Costa Mesa, California, in return for landscaping and new fence construction highlighted in your seven feature presentation today.

We hereby decline the suggestion to relinquish the four feet of our property line contained in the eight foot easement to you as a trade, for merely your quit claiming of the easement recording, installation of some new landscaping and fencing alone, as you have presented. We await your response to entertain negotiations toward your purchase of some portion, but not four feet, of the above mentioned parcel.

Additionally, contrary to your belief, the legal description of our lot size is 66 feet by 135 feet, as documented by First American Title Company, not the 66 feet by 134 feet, as you stated today. Our existing easement fence rests exactly dead center of our property line, as reinforced by your recent surveyor marking, not the one foot encroachment onto your property as you stated today.

Sincerely,

John and Laurie Bushnell

**2525 Santa Ana Partners L.P.
P.O. Box 15126
Newport Beach, Calif. 92659**

John and Laurie Bushnell
2519 Santa Ana Avenue
Costa Mesa, Calif. 92627

November 15, 2012

Dear John and Laurie,

I have been well aware of your reluctance to relinquish any significant portion of your property that is encumbered by the ingress and egress easement. As I mentioned previously, the configuration that is most desirable from the City of Costa Mesa's point of view would be to vacate the easement and add four feet to the property located at 2525 Santa Ana and four feet of private use property to your current lot.

With your concerns in mind, we have designed the project in such a way that will not suggest the adjustment of the current lot lines nor disturb the easement. I want you to know that neither I nor the City planning staff believe this to be the best solution for the long term benefit of your property or our development, however, I do respect your feelings and certainly your right to not allow any changes to the existing property lines and easement rights.

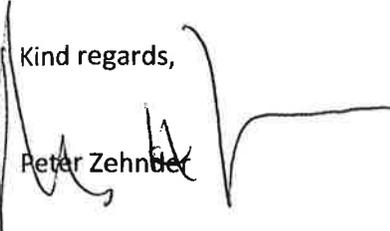
I also thank you for your offer to negotiate for a portion of the easement property, however, it appears that anything less than the four feet that has been discussed will not result in a significant impact on the development and I cannot at this time justify a purchase of less than four feet. The project meets the requirements of the city zoning codes without the addition of a portion of the easement property, however, the addition of four feet will allow for additional on site parking and open space which would benefit the new homes and the neighborhood.

If you would possibly consider the sale of those four feet of property in question, I would be happy to make a proposal, however, I don't believe at this time that less than four feet will help resolve the issues for the City.

I would also like to invite you both to meet with myself and City staff to further discuss the options and perhaps help come to a mutually beneficial resolution. I really think we can come up with something that will be better for everyone than leaving the existing condition in place for years to come.

Thank you very much for all your consideration to these requests. Please feel free to contact me any time.

Kind regards,


Peter Zehnder

December 26, 2012

2525 Santa Ana Partners L.P

P.O. Box 15126

Newport Beach, CA 92659

Dear Peter and Partners,

We hope that you and your partner's families enjoyed a great Christmas holiday.

Please understand that we are not offering for sale any of our property located at 2519 Santa Ana, Avenue, Costa Mesa, California, more commonly referred to as Parcel 43, Lot 122, Tract 300.

We intend to keep all of the 8900 square feet: 66 feet by 135 feet as legally described by First American Title Company as purchased in April of 2009.

You have recently stated that our Northeasterly property line fence is encroaching approximately one foot onto your development. We disagree and contend that our fence is exactly on the property line.

We want to be fair with you and your partners by asking that you present us, with a legal bonded survey, performed by a licensed/registered civil engineer/surveyor, and recorded in the County of Orange, officially wet stamped and sealed showing all three corner monuments bordering your planned development that interface our property.

We have retained a registered civil engineer to read your official survey and verify your allegations of encroachment.

If our fence is not exactly on the property line, and is actually encroaching, we will move it well inside of our property line immediately.

Kind Regards,

John L. Bushnell

December 26, 2012

Received
City of Costa Mesa
Development Services Department

2525 Santa Ana Partners L.P

P.O. Box 15126

Newport Beach, CA 92659

JAN 03 2013

Dear Peter and Partners,

We hope that you and your partner's families enjoyed a great Christmas holiday.

Please understand that we are not offering for sale any of our property located at 2519 Santa Ana, Avenue, Costa Mesa, California, more commonly referred to as Parcel 43, Lot 122, Tract 300.

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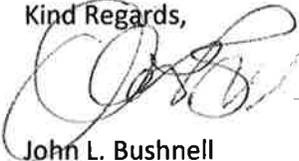
You have recently stated that our Northeasterly property line fence is encroaching approximately one foot onto your development. We disagree and contend that our fence is exactly on the property line.

We want to be fair with you and your partners by asking that you present us, with a legal bonded survey, performed by a licensed/registered civil engineer/surveyor, and recorded in the County of Orange, officially wet stamped and sealed showing all three corner monuments bordering your planned development that interface our property.

We have retained a registered civil engineer to read your official survey and verify your allegations of encroachment.

If our fence is not exactly on the property line, and is actually encroaching, we will move it well inside of our property line immediately.

Kind Regards,



John L. Bushnell

2525 Santa Ana Partners L.P.
P.O. Box 15126
Newport Beach, Calif. 92659

Received
City of Costa Mesa
Development Services Department

DEC 05 2012

John and Laurie Bushnell
2519 Santa Ana Avenue
Costa Mesa, Calif. 92627

November 15, 2012

Dear John and Laurie,

I have been well aware of your reluctance to relinquish any significant portion of your property that is encumbered by the ingress and egress easement. As I mentioned previously, the configuration that is most desirable from the City of Costa Mesa's point of view would be to vacate the easement and add four feet to the property located at 2525 Santa Ana and four feet of private use property to your current lot.

With your concerns in mind, we have designed the project in such a way that will not suggest the adjustment of the current lot lines nor disturb the easement. I want you to know that neither I nor the City planning staff believe this to be the best solution for the long term benefit of your property or our development, however, I do respect your feelings and certainly your right to not allow any changes to the existing property lines and easement rights.

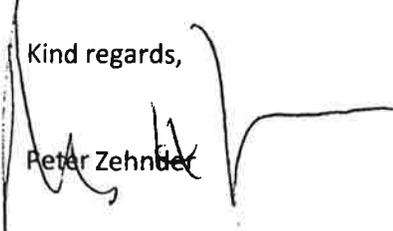
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If you would possibly consider the sale of those four feet of property in question, I would be happy to make a proposal, however, I don't believe at this time that less than four feet will help resolve the issues for the City.

I would also like to invite you both to meet with myself and City staff to further discuss the options and perhaps help come to a mutually beneficial resolution. I really think we can come up with something that will be better for everyone than leaving the existing condition in place for years to come.

Thank you very much for all your consideration to these requests. Please feel free to contact me any time.

Kind regards,


Peter Zehnder

2525 Santa Ana Partners L.P.

P.O. Box 15126

Newport Beach, California 92659

Dear Peter and Partners,

We want to thank you for your reply. We are glad to hear that you have decided to design your project in such a way that does not disturb our current property lot line. We do not want to sell any of our property. We feel it is in our best interest to keep our lot intact as indicated on our title.

We do accept your kind offer to meet with us and the City of Costa Mesa Planning Department Staff to further discuss a mitigation plan associated with our list of concerns.

We are concerned about a drainage plan to prevent the flooding of our property due to the expansive concrete the building of eight new homes will require, the set-back distances of the new homes, the concrete excavation exposing potential damage to the root structure of our very expensive 50 year old Macadamia Nut tree on our rear property line, the privacy we will lose to the two-story homes overlooking our home, the parking issues associated with eight to sixteen new cars rolling past our home each day, the noise and dust from demolition, bulldozing, and construction, and the need for higher fences and trees to be planted and maintained on your property for our privacy.

These are just some of our concerns we need you and your partners to mitigate. These concerns feed into the larger issue of having our daily lives and privacy impacted by such a large number of homes constructed so close to our home.

Sincerely,



John and Laurie Bushnell

11/28/12

To: Costa Mesa City Council, Engineering Department, Planning Department, and Planning Commission.

From: John and Laurie Bushnell, Homeowners of 2519 Santa Ana Ave, Costa Mesa, Ca 92627

Date: 10/31/12

INFORMATIONAL BACKGROUND; AND CITY ASSISTED DEVELOPER MITIGATION REQUEST FOR OUR LIST OF CONCERNS, IMPACTING THE EASTSIDE PROPERTY WE OWN, LOCATED AT 2519 SANTA ANA AVENUE, BY THE PROPOSED MULTI HOME DEVELOPMENT PLANS, SUBMITTED TO YOU RECENTLY, BY MR. PETER ZEHNDER .

INFORMATIONAL BACKGROUND

Peter Zehnder of Bettershelters and his associates initially approached us in July and offered to purchase our home, and we declined his offer.

Since then in August, he purchased the lot next door to the North of us located at 2525 Santa Ana Ave consisting of 20,000 square feet.. He is currently in, or has by now, closed escrow, to purchase the lot to the west directly behind us, located at 2519 ½ Santa Ana Ave consisting of 10,000 square feet.

He is proposing to combine those two lots consisting roughly of 30,000 square feet. Once together, he plans to construct a multi home development consisting of eight single family two story homes.

Since his initial offer to purchase our home, he has visited, and spoken to my wife on a number of occasions with questions about the nuances of our lot. His real estate agent called us numerous times aggressively attempting to purchase our home to the point of becoming a nuisance. We continued to decline those offers as well. We repeatedly told the agent that we didn't want to sell our home.

EASEMENT CLARIFICATION

After a few more visits to our home, and during some very clever conversations with my wife, he has attempted to gain use of our property located next door to 2525 Santa Ana Avenue for his advantage in this proposed development, by incorporating the easement described below, she has repeatedly declined.

For clarification, the lot behind us at 2519 ½ Santa Ana Avenue currently has a recorded easement on our title providing the need for an eight foot access driveway to and from the single landlocked home for the use of its occupant. It is not, and was never intended to be a public access driveway.

It runs 135 feet long from east to west and eight feet wide from north to south of our border with the property next door located at 2525 Santa Ana Avenue.

This easement was recorded in 1952 when the original lot was divided and sold, thus creating the landlocked condition with the rear lot. This was a decade before the City of Costa Mesa existed.

(2)

The newly combined properties once they are officially purchased by Mr. Zehnder, will in fact unlock the original landlocked requirement that created the 1952 easement. Access now will be provided through his newly acquired adjacent lots.

There will be no need for an easement across that particular portion of our property any longer.

He is going to demolish the home to our rear at 2519 ½, and it will no longer exist. He is going to demolish the homes next door at 2525, and they will no longer exist. Leaving one huge graded dirt lot consisting of 30,000 square feet for his development. The 2519 ½ address will no longer exist as well.

The 1,000 square feet of our property, prompting the 1952 recorded easement over it, will not be needed because there will no longer be a landlocked home requiring access over our property by the current planned development.

Current city code requires much wider access for new multi home developments.

We feel the easement recorded in 1952 should now be dismissed and quit claimed back to us by Mr. Zehnder in accordance with current California State Real Estate Law. This situation is a civil law issue.

PETER ZEHNDER'S EASEMENT AND PROPERTY LINE ADJUSTMENT PROPOSAL LETTER & PRESENTATION

M. Zehnder personally approached us on August 29, 2012, on our front porch to discuss a seven-point proposal he drew up concerning his remedy to the easement and property line adjustment. It was contained in a two page letter, accompanied with a glossy spiral bound artist's rendering of the way he envisioned his use of our property and easement. In addition he provided sketches of the eight homes he was planning to construct next door and behind our home.

We listened to his presentation, and later read the letter and viewed to renderings very carefully.

We were not impressed and sent him our reply respectfully declining his offer by mail that same day, and have not heard from him to date.

THE CITY OF COSTA MESA STRIVES TO PROMOTE BEAUTY AND RESIDENTIAL CHARACTER

The City of Costa Mesa Planning Commission states that its mission is to promote land use patterns and developments that reinforce neighborhood identity, and beautification of the city. Its goal is to maintain a balance of land uses throughout the community to preserve the residential character of the city.

(3)

OUR LIST OF CONCERNS FOR CITY ASSISTED DEVELOPER MITIGATION

We are senior citizens and own a very well maintained 1929 Craftsman Beach Cottage. It is one of about a dozen or more historical type homes that still exist in Costa Mesa, and one of very few still standing on the Eastside. We purchased this home because of the eastside location and its beauty.

Our home has well maintained yards, shrubs, trees, and fencing surrounding our lot. We have a number of mature fruit trees, including a mature Macadamia Nut tree on our rear property border.

We are concerned that the excavation process to install the concrete driveways and parking areas for the two-story multi-home development directly behind our fence will damage its 40 year old root system of the Macadamia leading to killing this beautiful very expensive (\$40,000) tree.

We are concerned about the engineering being considered for the planned drainage system destined to be installed by the developer. When we receive an el nino cycle of extreme rain storms, as in the past, the current runoff from the lots being purchased for development, have flooded our backyard. This will be amplified greatly by the vast amount of concrete proposed to be used in the new development.

We are concerned about our current fences being damaged or destroyed, by the developer, during the construction process.

We are concerned about the initial demolition process, noise, and dust from the bulldozing we will have to endure.

We are concerned about the impending influx of critters such as raccoons, coyotes, field mice and rats, that are now living in one of the rear abandoned homes to be demolished on the adjacent lot next door.

We are concerned about continuing construction noise during the building process.

Additionally, we will not allow construction vehicles, workers, and other development associates access over our property via the previous landlocked required easement when the developer takes title. This constitutes an extreme over use of the easement as our legal counsel has advised.

SUMMARY

We want to emphasize that we are very concerned that our privacy, and that our quality of life will be severely impacted both during and after construction of the eight two story homes currently planned by the developer.

Eastside developments previously approved by the city don't seem to be implementing the city mission to reinforce neighborhood identity, and beautification.

(4)

Currently, we notice eastside homes with reasonably large lots being replaced at an alarming rate with crowded cookie cutter style developments of eight and ten rows of two story projects forcing overflow street parking.

Just for example on our block of Santa Ana Avenue alone between Del Mar and Monte Vista there are only a half dozen regular homes remaining.

Please help us deflect this invasion of our privacy to our home by requiring the developer to insure that the future occupants of this two story eight home development will not be able to look directly into our front porch, kitchen, dining room, and our front and back yards.

We request that you require the developer to plant high trees, and build high fences, next to our current common fences to mitigate our privacy issue.

We request that the Costa Mesa City Council, the Engineering Department, the Planning Department, and the Planning Commission as well carefully consider and require the developer to mitigate the concerns we have mentioned in the body this letter, before granting the necessary construction permits, and approving any plans that have been submitted to date, for this particular development by Peter Zehnder.

Sincerely,

John and Laurie Bushnell

2519 Santa Ana Ave

Costa Mesa, CA 92627

(949) 646-2117

Attachments:

Easement and Property Line Adjustment Proposal letter dated, August 28, 2012, by Peter Zehnder

Easement and Property Line Adjustment Proposal rejection letter, dated, August 29, 2012, by John and Laurie Bushnell

ASHABI, MINOO

From: Daniel Hoffmann [dhoffmann51@gmail.com]
Sent: Wednesday, May 01, 2013 3:14 PM
To: ASHABI, MINOO
Cc: jbushnel@bis.doc.gov; Jeff Lassiter; Waters Family
Subject: 2525 Santa Ana Avenue Project

Dear Minoo

Just wanted to briefly thank you for the time you took to meet with Laurie and John Bushnell and me regarding the subject project.

Compared to the 22 August 2012 Schematic Site Plan, there has been not material change as to the size of the development (8 house at ca. 1, 800 sqft each) and the associated setback of 4 feet from the side and rear property lines. Considering that rear setbacks are traditionally 20 feet, we find it audacious that the developer proposes this.

Obviously, nobody wants to look at a "Berlin Wall" 4 feet away from ones property. I believe such little setback will result in a diminution of the value of the properties that are facing such development. We will take an official position in form of a formal letter.

Again, thank you very much for your assistance and cooperation

All the best
Daniel

Daniel Hoffmann
2524 Westminster Ave
Costa Mesa, CA 92627
+1.949.400.8208
+1.949.722.8782 f
dhoffmann51@gmail.com

Westminster Homeowners Opposite 2525 Santa Ana Avenue

c/o Daniel Hoffmann
2524 Westminster Avenue
Costa Mesa, CA 92627
949.400.8208
dhoffmann51@gmail.com

May 24, 2013

VIA E-MAIL (planningcommission@costamesaca.gov, martha.rosales@costamesaca.gov) ONLY

To the
Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 9262

Dear Planning Commissioners:
Chair Fitzpatrick,
Vice Chair Dickson,
Commissioners McCarthy, Mathews, Sesler, Naghavi,

Claire Flynn, Assistant Development Services Director,
Martha Rosales, Recording Secretary, Planning Commission

Subject: "2525 Santa Ana Avenue" Proposed Development ("Development")
By: 2525 Santa Ana Partners, LP; Attn: Peter Zehnder ("Developer")

Please accept this correspondence on behalf of the "Westminster Homeowners opposite 2525 Santa Ana Avenue", the homeowners located on the 2500 block of Westminster Avenue that will be most significantly impacted by the "2525 Santa Ana Avenue" development project ("Homeowner", "Homeowners"). The following four Homeowners are signatories of this letter:

2530 Westminster Ave – Carleton WATERS, waterspeab@earthlink.net
2524 Westminster Ave – Daniel HOFFMANN/Elizabeth D’ORAZI; dhoffmann51@gmail.com
2520 Westminster Ave – Jeff LASSITER; jeff.lassiter@gmail.com
2516 Westminster Ave – Jessie SALEM; jsalem@bellportgroup.com

Please refer to Exhibit 1, Tract Map and Exhibit 2, Vicinity Map for proximity of the Homeowners to the Development.

The Homeowners have all been longer-term owners and residents of property on Westminster Avenue, some for well over 15 years. Most of the Homeowners have over the years expanded their respective dwellings from their original 980 sq.ft. California Cottage to larger houses; hence, they are familiar with property development. Over the years, most of the Homeowners have witnessed the development of the properties adjacent to the Development and have generally been supportive of such development.

On April 29, 2013, Homeowner Hoffmann had the opportunity to meet with Ms. Minoo Ashabi, Principal Planner at the Planning Department. Also present at the meeting were Mrs. and Mr. Bushnell, residing at 2519 Santa Ana Ave. We would like to thank Ms. Ashabi for sharing with us the most recent drawing "Schematic Site Plan", dated April 18, 2013 ("Plan"), outlining the plan for the Development which consists of the properties commonly referred to as 2525 Santa Ana Avenue (Lot 41, Tract 300, please refer to attached Exhibit 1 - Tract Map) and 2519½ Santa Ana Avenue (Lot 42, *ibid.*) Lot 41 and 42 are zoned as R2-MD. The information obtained from Ms. Ashabi was shared by Homeowner Hoffmann with the other Homeowners using the attached Exhibit 3, Schematic Site Plan dated August 22, 2012, which, in terms of layout of the Development, is only marginally differing from the April 18, 2013 version. The Homeowners have also reviewed a full set of Development documents, dated August 22, 2012 by JZMK Partners.

Pursuant to review of the Development documents and due discussion among the Homeowners, we have decided to write this correspondence. Please accept this letter with our comments, suggestions and complaints as a **formal protest against the Development as it is currently presented** on the Development documents dated August 22, 2012 (Exhibits 2 to 4), updated with the Plan. **In general, the Development is requesting extreme variances from standard sideyard and backyard setbacks that are far greater than variances that are allowed through an administrative action. The resulting mass of building will create unacceptable impacts to the adjacent properties of the Homeowners, including visual impacts and shade impacts that will result in excess moisture and potential mildew issues. As a result, the adjacent properties of the Homeowners will incur diminution of value.**

1. Current Layout of 2525 (Lot 41) and 2519½ (Lot 42) Santa Ana Avenue

The properties that comprise the Development have hitherto been known as 2525 Santa Ana Avenue (Lot 41, Exhibit 1) and 2519½ Santa Ana Avenue (Lot 42, *ibid.*) Lot 41 has currently three houses, some of which are in dilapidated conditions, surrounded by nice trees. Generally speaking, we welcome development of this property per se.

Lot 42 is tucked away from Santa Ana Avenue and currently accessible only via an easement provided by the adjacent Lot 43 (commonly referred to as 2519 Santa Ana Avenue).

Currently there is one house on Lot 42 surrounded by large trees. Research has indicated that the dwelling on Lot 42 was built sometime before 1929. The dwelling, while currently not an "eye candy" represents the heritage of the area where our city was incorporated in.

RECOMMENDATION: We recommend that the house be considered for preservation as it is one of the last remaining houses that connects the "rural" past to our city. We therefore copy this correspondence to Mr. Robert Palazzola, President of the Costa Mesa Historical Society.

2. Proposed Development – "Creeping Rezoning"

The Developer proposes a "common interest development" consisting of nine (9) lots: one common lot and eight (8) lots, each occupied by a two-story, single family dwelling unit of approx. 1,880 sqft ("SFDU"), please refer to Exhibit 3 – Schematic Site Plan. The common lot is the driveway connecting the eight (8) lots to Santa Ana Avenue, as well as common green areas. Notably absent are common **recreational areas** that should be included, as these SFDU will likely be "starter homes"

for younger couples with children. Such recreational areas would contribute to the stability of homeownership and increased quality of life.

More importantly though is the fact that the Developer can only achieve placing 8 SFDU by resorting to **significantly substandard setbacks of 4 feet on all three sides** of the Development (please refer to Exhibit 3):

- 300 ft side property line to the North of the Development
- 132 ft rear property line to the West of the Development (plan West), and
- 166 ft side property line to the South of the Development (plan South)

Obviously, such altering of the currently required 5 feet side setbacks and 20 feet rear setbacks for the second story of these SFDU in line with current R2-Medium Density (R2-MD) zoning allows for increasing density without appropriately following protocol for rezoning to higher density. Therefore, any approval of the attempt by the Developer to "squeeze in" more dwellings into the given space can only be interpreted as a **"creeping rezoning" towards higher density zoning**, without consideration for the neighbors and adjacent neighborhoods, let alone the proper steps to be taken for rezoning.

With the current layout, it is further obvious, that the Developer has to maximize the utilization of the space to satisfy his return on the investments (ROI). Presumably, the Developer overpaid for the properties and now is attempting to substantially increase the density of development to satisfy his ROI requirements, to the detriment of the adjacent property owners. The Developer and his investor will soon be gone; but we, the adjacent property owners (and subsequent owners) have to live with the development, the visual impairment of a 2 story structure only 4 feet from our property line, and the resulting shade and potential mildew issues, for the rest of our lives.

SUMMARY: We, the Homeowners **strongly object the Plan of the Development in its current form.** We see it as a not-so-veiled attempt by the Developer to rezone the area. Obviously, once the precedent is set for higher development densities, then the precedent will become the standard. **We object to this creeping rezoning and request that the current Plan of Development be rejected.**

In the following section, we would like to present the specific, significant, and detrimental impacts that the Development under the current Plan has to the Homeowners.

3. Impact to Homeowners - Fire Danger

Several of the Homeowners have one-story garage structures that are close to the rear property line of the Development. Some of these structures are existing non-conformities. In particular, we make reference to the garage structure of Homeowner Lassiter. The setback of the garage is three (3) feet from the property line. Obviously, a fire, emanating either from the garage or the SFDU in the Development, could act like a tinder box, potentially endangering the entire neighborhood.

RECOMMENDATION: We recommend that the Planning Commission take the layout of the Homeowner's properties into considerations and require the appropriate setback as currently required by the City.

4. Impact to Homeowners – Utilities

The Development along the property lines to the Homeowners is subject to electric power easements. As per current plan, the SFDU to be built in the rear of the Development will have to be located **under utility lines**, (refer to Exhibit 5). Of course the Developer may choose to place the utilities underground. We consider this a potential fire hazard for the neighborhood. However, the utility lines in question are also shared by the Homeowners. Obviously, the Homeowners do not want to be impacted in any way.

REQUEST: We request that

- a. The Developer add the utility easements on the Plan to clearly delineate the locations and impacts of these easement on the Development
- b. The Developer indemnify the Homeowners for any and all impairments associated with the utilities that could result from development.

5. Impact to Homeowners – "Berlin Wall" and the "Right to Quiet Enjoyment"

As a result of

- i. The substandard setbacks of only 4 feet from the rear property line to the Homeowners,
- ii. The sheer 22-foot high vertical walls without any architectural finesse, located only four (4) feet away from the rear property line (refer to Exhibit 4 – Rear Elevations)
- iii. Windows in the 22 foot high vertical walls (Exhibit 4 – Rear Elevations) allowing direct viewing into the Homeowners' backyards and bedrooms; and,
- iv. The fact that most dwellings of the Homeowners are one-story buildings,

the Homeowners will be facing and faced with a **"Berlin Wall" of epic proportions**.

In addition, the Homeowners will lose privacy and disruption of their **right to quiet enjoyment**. The attached photographs (Exhibit 5) of the adjacent properties (2535 Santa Ana Avenue), with a setback of 16 feet (and 20 feet for the second story), illustrate the "Berlin Wall" effect and loss of privacy that occurs when the setback is only reduced slightly.

Obviously, a Berlin Wall in the Homeowners' backyards and the ensuing lack of privacy coupled with the diminished right to quiet enjoyment result in a **diminution of value of the Homeowners' properties**. This will have a significant impact to all the properties along the 2500 block of Westminster Avenue, considered a very highly desirable neighborhood where property has been fetching and has been appraised at over \$1 million in value. Lower tax values and the decline of a neighborhood will be the result, very much to the detriment of the City of Costa Mesa.

RECOMMENDATION: As a result of the aforementioned, we strongly recommend that

- a. The layout of the Development with substandard setbacks of 4 feet be rejected and that the Developer be directed to redesign the layout using the currently required rear setbacks of 20 feet for two-story buildings
- b. The SFD of the Development have architectural setback features particularly on the second story to lessen the "Berlin Wall" impact and visual effect.
- c. The Developer be instructed to remove any windows overlooking the Homeowners' backyards and bedrooms so as to provide privacy to the Homeowners, or install only celestory windows that reduce the potential for privacy invasion.
- d. The Developer be instructed to provide visual barriers between the Development and the Homeowners' properties as deemed standard care and practice in the industry.

We, the Homeowners, would welcome the opportunity to sit down with the Commissioners prior to the June 10, 2013 meeting in search of a more equitable solution.

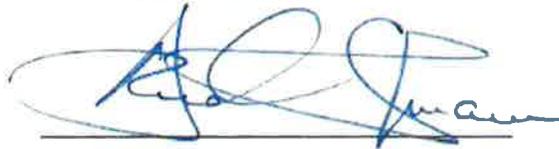
Sincerely,

The Homeowners

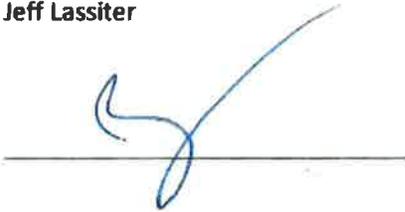
2530 Westminster Ave
Carleton Waters



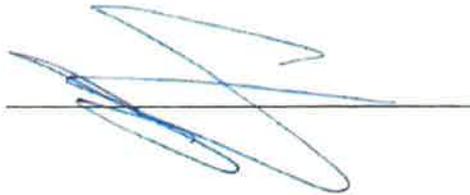
2524 Westminster Ave
Daniel Hoffmann



2520 Westminster Ave
Jeff Lassiter



2516 Westminster Ave
Jessie Salem



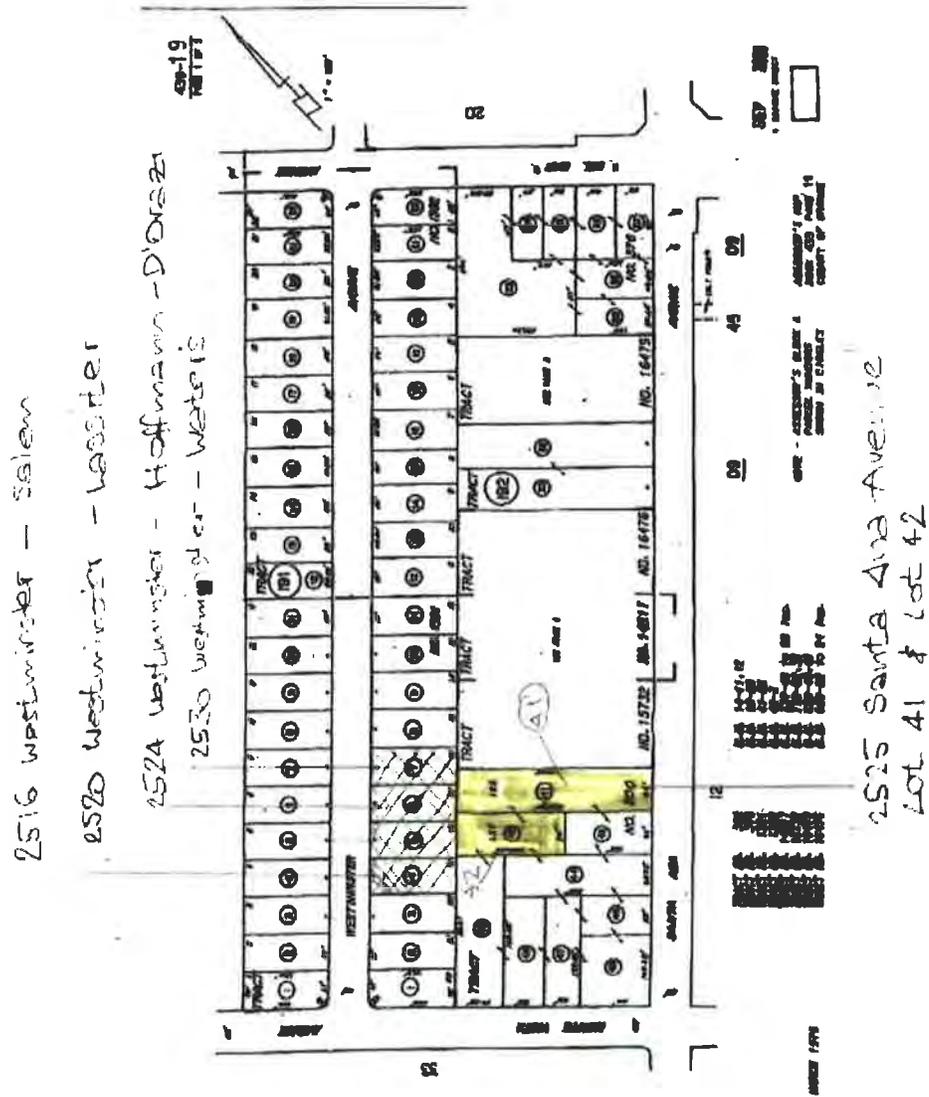
Encl: Exhibit 1 – Tract Map
Exhibit 2 – Vicinity Map
Exhibit 3 – Schematic Site Plan
Exhibit 4 – Rear Elevations
Exhibit 5 – Photographs

DISTRIBUTION:

Robert Palazzola, President, Costa Mesa Historical Society
Carleton Waters
Daniel Hoffmann
Jeff Lassiter
Jessie Salem

Exhibit 1 – Tract Map

Order Number: 3259895 (3)
 Page Number: 7



First American Title

Exhibit 2 – Vicinity Map



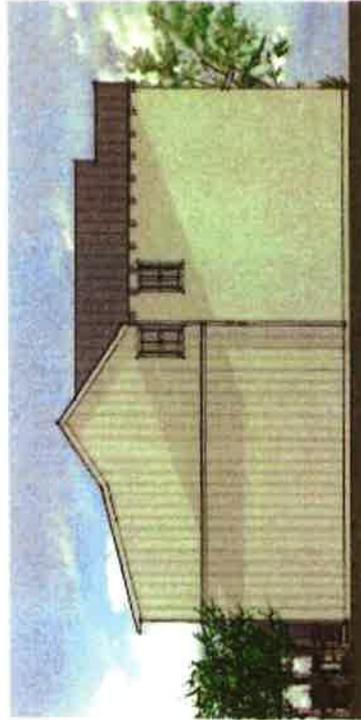
SITE CONTEXT PLAN/ VICINITY MAP
TRACT 300 LOTS 41,42
COSTA MESA, CA

betershelter

© 2012 Betershelter 2012

 **J Z M K**
P A R T N E R S
www.jzmk.com
800.427.6250

Exhibit 4 – Rear Elevations



ELEVATIONS - PLAN 1A
TRACT 300 LOTS 41.42
COSTA MESA, CA

bettershelter

© 2013 Partners 2013

www.jzmkpartners.com

Exhibit 5 – Photographs - Views from Homeowners



Comment: Development located north of 2525 Santa Ana Avenue opposite Westminster Ave. Note the impact of **16 feet setbacks** and **20 feet setback** on Homeowners' properties. Also noted the utilities



Comment: Same development as above. Impact of structure with 16 ft and 20 ft (2nd story) setback



Comment: Backyards and setbacks between adjoining Westminster properties

55675
Grant Deed

THIS FORM FURNISHED BY RELIANCE TITLE COMPANY AFFIX I. R. S. 5

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JAMES W. ANDERSON and FLOSSIE ANDERSON, husband and wife

, do hereby

GRANT to

HARRY HUGO, a married man, as his separate property,

the real property in the
State of California, described as:

County of Orange

The Southeasterly 135 feet of the Southwesterly 66 feet of the
Northeasterly 396 feet of Lot 122 of Tract No. 300, as per map
thereof recorded in Book 14, pages 11 and 12 of Miscellaneous
Maps, records of said Orange County.

RESERVING unto the Grantors herein, their heirs and assigns, an
easement over the Northeasterly 8 feet of said land for ingress
and egress.

SUBJECT TO:

Taxes for the fiscal year 1950-51.

Covenants, conditions, restrictions, reservations, easements and
rights of way of record, if any.

Dated: November 11, 1950

James W. Anderson
Flossie Anderson

STATE OF CALIFORNIA
COUNTY OF

ORANGE

SS.

On November 11, 1950
before me, the undersigned, a Notary Public in
and for said County and State, personally appeared

James W. Anderson and
Flossie Anderson.

knows to me to be the person(s) whose name(s) are
subscribed to the within instrument and acknowledged that
they executed the same.

WITNESS my hand and official seal.

Charles Hanna
(Seal) Notary Public in and for said County and State.
My Commission Expires November 17, 1950

SPACE BELOW FOR RECORDER'S USE ONLY

RECORDED AT REQUEST OF

RELIANCE TITLE COMPANY

NOV 21 1950 at 9:00 A. M.

BOOK 2104 PAGE 391

OFFICIAL RECORDS
Orange County, California

Reby McFarland
County Recorder

WHEN RECORDED, PLEASE MAIL THIS INSTRUMENT TO:

HANNA ESCROW COMPANY

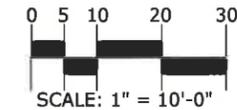
P. O. BOX 205, Costa Mesa, California



Peter Zehnder
 2525 Santa Ana Partners, L.P.
 2454 Alton Pkwy
 Irvine, Calif. 92626
 © JZMK Partners

SITE PLAN
TRACT 300 LOTS 41,42
 COSTA MESA, CA

80



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JOB # 12029 04-06-2013 P-01



SITE PERSPECTIVE VIEW

TRACT 300 LOTS 41,42
COSTA MESA, CA

Peter Zehnder
2525 Santa Ana Partners, L.P.
2454 Alton Pkwy
Irvine, Calif. 92626

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JOB # 12029 06-11-2013 P-02

-81-



ENTRY VIEW FROM SANTA ANA

TRACT 300 LOTS 41,42
COSTA MESA, CA

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2525 Santa Ana Partners, L.P.
2454 Alton Pkwy
Irvine, Calif. 92626

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PLAN 1 A - PERSPECTIVE VIEW 1

TRACT 300 LOTS 41,42
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PLAN 1 A - PERSPECTIVE VIEW 2

TRACT 300 LOTS 41,42
COSTA MESA, CA

84

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JOB # 12029-06-11-2013 — P-05



PLAN 1 A - PERSPECTIVE VIEW 3

TRACT 300 LOTS 41,42
COSTA MESA, CA

JS

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JOB # 12029-06-11-2013 P-06



VIEW OF PLANS 1C, 1CR

TRACT 300 LOTS 41,42
COSTA MESA, CA

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2454 Alton Pkwy
Irvine, Calif. 92626

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JOB # 12029-06-11-2013 P-07



INTERIOR VIEW 1



INTERIOR VIEW 2

INTERIOR VIEWS

TRACT 300 LOTS 41,42
COSTA MESA, CA



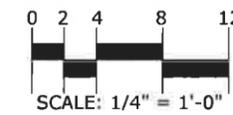
FIRST FLOOR
3BR, 2.5BA 1881 SF



SECOND FLOOR

FLOOR PLANS - PLAN 1A

TRACT 300 LOTS 41,42
COSTA MESA, CA



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PARTNERS

JOB # 12029 06-11-2013 P-09

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FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

ELEVATIONS - PLAN 1 A

TRACT 300 LOTS 41,42
COSTA MESA, CA

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JOB # 12029 06-11-2013 P-10



FIRST FLOOR
3BR, 2.5BA 1881 SF



SECOND FLOOR

FLOOR PLANS - PLAN 1C

TRACT 300 LOTS 41,42
COSTA MESA, CA



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FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

ELEVATIONS - PLAN 1C

TRACT 300 LOTS 41,42
COSTA MESA, CA



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P A R T N E R S

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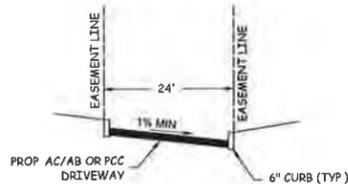
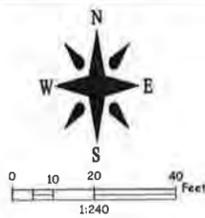
JOB # 12029 06-11-2013 P-12

TENTATIVE TRACT NO. 17509

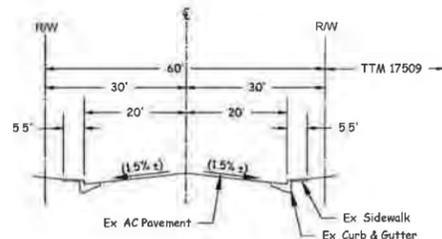
PORTIONS OF LOT 122 OF TRACT NO. 300, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 14, PAGES 11 AND 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.

DATE OF PREPARATION:

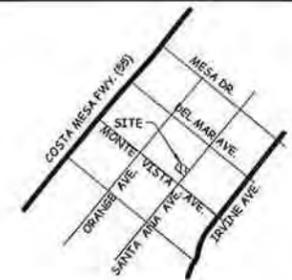
SEPTEMBER 2012



TYPICAL SECTION: DRIVEWAY
NOT TO SCALE



TYPICAL SECTION: SANTA ANA AVENUE
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

NOTES:
0.708 ACRES GROSS AND NET
LAND NOT SUBJECT TO INNUNDATION OR OVERFLOW
NO LAND OR PARKS TO BE DEDICATED

PROPOSED LAND USE:
8 SINGLE FAMILY RESIDENCES

ASSESSOR'S PARCEL NUMBERS:
439-192-41 & 42

SETBACK REQUIREMENTS:
FRONT 20'
SIDES 5'
REAR 10'

LEGAL DESCRIPTION:
ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
APN: 439-192-41
THE SOUTHWESTERLY 66 FEET OF THE NORTHEASTERLY 330 FEET OF LOT 122 OF TRACT NO. 300, AS PER MAP RECORDED IN BOOK 14, PAGES 11 AND 12 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY EXCEPT THE NORTHWESTERLY 330 FEET THEREOF.
APN: 439-192-42
THE SOUTHWESTERLY 66.00 FEET OF THE NORTHEASTERLY 396.00 FEET OF LOT 122 OF TRACT NO. 300, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 14, PAGES 11 AND 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA EXCEPT THEREFROM THE NORTHWESTERLY 330.00 FEET ALSO EXCEPT THEREFROM THE SOUTHEASTERLY 135.00 FEET

BASIS OF BEARINGS:
THE BASIS OF BEARINGS SHOWN HEREON IS THE CENTER LINE OF SANTA ANA AVENUE BEARING NORTH 40°37'49" EAST AS SHOWN ON TRACT NO. 15732 FILED IN BOOK 779, PAGES 33 & 34 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA

OWNER/SUBDIVIDER:
BETTER SHELTER
P.O. BOX 15126
NEWPORT BEACH, CA 92669

SITE ADDRESS:
2519 & 2525 SANTA ANA AVENUE
COSTA MESA, CA 92627

FLOOD ZONE:
ZONE X, OUTSIDE THE 500 YEAR FLOOD BOUNDARIES

ESTIMATED GRADING QUANTITIES:
RAW CUT: 335 CY
RAW FILL: 875 CY
IMPORT: 540 CY

ENGINEER:
ROBIN B. HAMERS & ASSOCIATES, INC.
234 E. 17TH STREET, SUITE 205
COSTA MESA, CA 92627
(949) 548-1192

AREA SUMMARY TABLE		
LOT #	AREA (SF)	AREA (ACRE)
1	4,092	0.094
2	3,696	0.085
3	3,696	0.085
4	3,960	0.091
5	4,440	0.102
6	4,441	0.102
7	3,234	0.074
8	3,300	0.076
TOTAL	30,859	0.708

LEGEND:

AC	ASPHALTIC CONCRETE
BW	BACK OF WALK
C	CENTERLINE
FG	FINISHED GRADE
A	EASEMENT NOTE
W	WATER METER
PP	POWER POLE
S	SIGN
TC	TOP OF CURB
---	PROPERTY LINE
---	CENTERLINE
---	CURB & GUTTER

EASEMENTS:
THE FOLLOWING EASEMENTS PER FIDELITY NATIONAL TITLE COMPANY PRELIMINARY TITLE REPORTS, ORDER NOS. 23008903 & 23008904, BOTH DATED MAY 10, 2012, ARE PLOTTED HEREON UNLESS OTHERWISE NOTED:
A AN EASEMENT ALONG LOT LINES IN FAVOR OF SANTA ANA HEIGHTS WATER COMPANY FOR INSTALLING, MAINTAINING, REPLACING AND REPAIRING WATER PIPE LINES, DITCHES, OR OTHER CONDUITS FOR THE DISTRIBUTION OF WATER, RECORDED NOVEMBER 31, 1927, IN BOOK 9, PAGE 416, OFFICIAL RECORDS.
B AN EASEMENT ALONG LOT LINES FOR ELECTRIC LIGHTS, POWER, TELEPHONE LINES, PIPE LINES AND DITCHES AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 19, 1927, IN BOOK 19, PAGE 134, OFFICIAL RECORDS.
C AN EASEMENT FOR INGRESS AND EGRESS PER DEED RECORDED 12/2/91 AS INST. NO. 91-702112, OR R AND OTHER DEEDS OF RECORD, OVER THE NORTHEASTERLY 8.00 FEET OF THE SOUTHEASTERLY 135.00 FEET OF LOT 122 OF TRACT NO. 300, M.M. 14/11-12 THIS EASEMENT BENEFITS THE S.W. 1/4 OF THE PROPERTY BEING SUBDIVIDED.
D PROPOSED ACCESS AND UTILITY EASEMENT



NO.	DATE	DESCRIPTION

PREPARED BY:
ROBIN B. HAMERS & ASSOC., INC.
CIVIL ENGINEERS
234 E. 17TH STREET, SUITE 205
COSTA MESA, CALIFORNIA 92627
(949) 548-1192

REGISTERED PROFESSIONAL ENGINEER
ROBIN B. HAMERS
NO. RCE 31720
CIVIL
STATE OF CALIFORNIA

DATE: 6/13/2013

TENTATIVE TRACT NO. 17509
2519 & 2525 SANTA ANA AVENUE
COSTA MESA, CA

SHEET 1
OF 1

92