



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: SEPTEMBER 23, 2013

ITEM NUMBER: PH-1

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

DATE: SEPTEMBER 12, 2013

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA (714) 754-5610
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DESCRIPTION

The proposed project is located at 2519½ and 2525 Santa Ana Avenue (county assessor parcel numbers 439-192-42 and 439-192-41) north of Monte Vista Avenue. It involves an 8-unit, two-story, detached residential development on a 0.708-acre site. The project includes the following:

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

- a. Variance from common lot requirement and establishment of a homeowners association;
- b. Variance from parking requirements (41-foot back up area required, 38-foot, 6-inch proposed for two front units; two standard parking stalls required per unit, two compacts stalls provided for two of the units);
- c. Variance from minimum driveway length (19 feet required, 18-foot, 6-inch 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 front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed);
- i. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
- j. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 5 feet proposed for three units).

2) ***Tentative Parcel Map No. TT-17509*** to subdivide a 0.708-acre parcel for an 8-unit small lot subdivision.

APPLICANT

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

RECOMMENDATION

Approve or deny by adoption of Planning Commission resolution, subject to conditions as applicable.

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. 59%
Open space	40% minimum	41%
Density:		
Medium Density Residential Land Use Zone – R2-MD	Max. 12 dwelling units per acre	12 dwelling units per acre
	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. average
Building Height	Two-stories / 27 feet	24 ft. 5 in.
Distance between main buildings	10 ft.	8 ft. ¹
Building Setbacks:		
Front (Santa Ana Ave.)	20 ft.	15 ft. ²
Interior Side	5 ft.	5 ft. for 3 units and 8 ft. for 2 units (north) 10 ft. (south) 10 ft. (abutting 2519 Santa Ana)
Rear yard (first floor)	10 ft.	15 ft.
Rear yard (second floor)	20 ft. (2 nd floor)	15 ft. ³
Average Side Setback of 2 nd Floor	10 ft.	5 ft. ⁴
% ratio of 1 st floor to 2 nd floor	80%	92% ⁵
Common Lot	Required	Not provided
Front Landscape Setback	10 ft.	8 ft. ⁶
Driveway Length	19 ft.	18 ft. 6 in.(two units) ⁷
Parkway landscaping	3 feet min. aggregate 10 feet	2 feet min., aggregate 7 feet ⁸
Parking	Two garage and two open per unit 16 garages and 16 open	16 garages and 16 open parking spaces Four compact stalls for two units ⁹
Total	40 spaces	40 spaces
Location of front perimeter wall	10 feet	8 feet ¹⁰

- ¹ - Administrative Adjustment for distance between buildings.
² - Administrative Adjustment for front setback
³ - Administrative Adjustment for 2nd floor rear yard setback
⁴ - Deviation from Residential Design Guideline
⁵ - Deviation from Residential Design Guideline
⁶ - Encroachment into front setback
⁷ - Variance for reduced driveway length
⁸ - Variance width of parkway landscaping
⁹ - Variance from parking standards
¹⁰ - Minor Modification for perimeter wall setback

Final Action	Planning Commission
CEQA Review	Exempt

BACKGROUND

Project site

The 0.708-acre project site abuts residential uses on the north, west, and south. The site contains two parcels (county assessor parcel numbers 439-192-42 and 439-192-41). 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).

July 8, 2013, Planning Commission Hearing

On July 8, 2013, the Planning Commission held a public hearing and took public testimony. On a 4-0 vote (Commissioner Mathews absent), the project was continued to July 22nd meeting of the Planning Commission. The additional time was intended to allow the applicant to revise the site plan addressing Commission and resident concerns discussed at the public hearing. The applicant requested additional time and the project was continued to August 12, 2013 meeting of the Planning Commission and continued again to August 26, 2013.

This is the second public hearing held for this project.

Revised Site Plan

Since the last review and in response to the public and commission comments, the applicant has revised the site plan to address the following:

- Driveway width – the original site plan included two substandard driveways and four compact on-site parking stalls. The length of the driveways for the two front units has been revised to include an 18'6" driveway. This new configuration is still substandard due to the minimum back up requirement (41 feet required; 38'6" proposed) and will accommodate compact stalls.
- Setback on the north – the original site plan included a four-foot side setback to the north; the revised site plan provides a 5-foot setback to the north for three units where the lot is narrow and eight feet for two units to the rear. This meets the minimum setback requirement and is considered a deviation from the Residential Design Guidelines with respect to second floor setbacks.
- Setback to the south – the original site plan included a five-foot setback to the south; the revised site plan provides a minimum 10-foot setback to the south interfacing with the multiple family units. The revised setback meets both the minimum 5-foot side yard setback and 10-foot recommended second floor setback.
- Open space – the original site plan included 38 percent open space; the revised site plan provides additional open space to the north and includes a smaller foot print for the garages. Therefore, the open space area has increased to over 40 percent as required by the zoning code.

Public Comments and Staff's Responses:

The following issues were raised in the written comments submitted by the neighbors (provided with the July 8th staff report) as well as public testimonies during the public hearing on July 8th:

- Comment: The proposed density is not compatible with the surrounding uses – Several speakers indicated that the proposed number of units should not be accommodated on the site and the number of variances and deviations from the standards and guidelines are not justified.

Response: The development site is 0.708-acre in size and located in the R2-MD zone. This zoning district allows 12 dwelling units per acre. With eight units, the density of the proposed development is consistent with the City's General Plan and meets the maximum allowable density requirements of the R2-MD zoning district. The proposed variances and deviations are related to development standards, site planning and house designs, but not density.

- Comment: The numerous variances and modifications from standards are modifying the zoning regulations – Several speakers indicated that the proposed site design includes too many variations from the code and should not be approved.

Response: The variances and other types of adjustments included in the City Code provides the City with flexibility for properties that have special circumstances and where strict application of the zoning code would deprive the property owner of the privileges enjoyed by other property owners in the vicinity with similar zoning. If the approving body makes the appropriate findings where the variances or deviations are granted, the project would still be consistent with the zoning code and General Plan.

- Comment: The interpretation of side yard and rear yard setbacks in Common Interest Developments is not consistent with adjoining residential uses - Two of the residents noted that side and rear yard setbacks should be applied to individual parcels and not the development lot.

Response: Per the zoning code, the rear yard and side yard setback are applied to the overall development lot regardless of the orientation of the homes. This has been consistently applied in review of common interest developments. In some cases within the neighborhood, the rear yard and side yards on the abutting projects are similar to the proposed development and the neighbors to the north. The common interest development standards were intended for flexible and new types of subdivisions; they do not guarantee a traditional subdivision and are intended to allow for flexibility in the site design.

- Comment: The proposed 5-foot setback to the north for a two-story structure is not sufficient and creates a massive wall and privacy concerns – It was expressed that the proposed 4-foot setback to the common interest development to the north is too close and will jeopardize livability and privacy of those units. Residents to the north indicated that the interface with the properties on the north will need to be improved since the proposed two-story structures create a massive wall directly visible from those units.

Response: The applicant has revised the plans to provide a five-foot setback to the north for three of the units consistent with the zoning code. This setback increases to 8 feet for the two rear units where the width of the lot allows for a larger setback.

The height of the proposed structures is 24' 5" at the peak of the roof. The applicant has not offered any modification to the rear elevation stating that approximately half of the roof is sloping away from the property line and the rear elevations include only small bathrooms windows that will not be jeopardizing privacy of the properties to the north. In addition, a landscape buffer is proposed and a condition of approval requires installation of 24-inch box trees at 10 feet on center on the northerly property line.

- *Comment: The proposed development will increase the traffic and on-street parking demand* – It was noted that Santa Ana Avenue is already experiencing high traffic volumes and the added units will increase the traffic. In addition, street parking is limited on Santa Ana Avenue and the overflow parking from the project site will further reduce on-street parking.

Response: As proposed, the project is in compliance with the City's parking standard with the exception of two front units that are provided with compacts stalls. The project has been reviewed for the proposed ingress and egress and increased traffic on Santa Ana Avenue. The proposed eight units do not have the potential to increase the traffic beyond the road capacity. A condition was included that if added visibility is required, a portion of the street frontage be red-curbed. The City's Transportation Division has reviewed the project and have no issues or concerns.

- *Comment: The project is not in compliance with California Environmental Quality Act (CEQA)* – It was noted that given the density of the project, the project does not qualify under Section 15332 of the CEQA Guidelines for exemption for infill development.

Response: *This project is on a less than one-acre site and in compliance with the General Plan and zoning designation. Projects that fall under the following categories can be exempted under Section 15332 of the CEQA Guidelines:*

- *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- *The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses.*
- *The project site has no value as a habitat for endangered, rare, or threatened species.*
- *Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.*
- *The site can be adequately served by all required utilities and public services.*

Commission Comments:

The Planning Commission provided the following comments at the hearing and requested that the applicant revise the plans to address the following issues:

- *Comment:* *Provide a minimum 5-foot setback to the north for the first floor and second floor.*

Response: The applicant revised the floor plans to provide a 5-foot setback to the north for three units and 8 feet for two rear units.

- *Comment: Provide additional articulation for second floor massing.*

Response: The applicant has not offered any modification to the rear elevation stating that approximately half of the roof is sloping away from the property line and the rear elevations include only small bathrooms windows that will not be jeopardizing privacy of the properties to the north. In addition, a landscape buffer is proposed and a condition of approval requires installation of 24-inch box trees at 10 feet on center on the northerly property line.

- *Comment: Increase the side yard setback for the southwest corner unit to 10 feet.*

Response: The revised site plan provides a minimum 10-foot setback to the south in compliance with the zoning code and the residential design guidelines.

- *Comment: Compact stalls are not desirable in residential development with limited parking. Pending authorization to full use the 8-foot easement access for the project, depict the 8-foot access easement on the south and incorporate the area in the driveway and parking stalls to eliminate the need for parking and driveway variances. Remove all compact stalls.*

Response: The applicant has revised the depth of the two car garages from 22'-9" to 20'-3"; this allows a minimum 18' 6" driveway length for the front two units. However, given the required back up area of 41 feet, these spaces are not considered standard size stalls. The applicant chose to revise the site plan without including the 8-foot easement to the south. The legal use of the easement will need to be determined as a private matter between the two property owners. The eight-foot access easement is discussed in more detail below.

- *Comment: Provide 40 percent open space (depict the area of porches with max. 5 feet extension).*

Response: The increased setback to the north, reduced garage sizes, and compliance with the maximum 5-foot depth requirement for front porches has increased the open space areas to over 40 percent and in compliance with the zoning code requirements.

- *Comment: Provide a landscaping plan.*

Response: A detailed landscape plan has been provided; in addition, conditions were added specifying the size, location and number of trees along all four sides of the project.

Existing Private Access Easement

The rear portion of the property (2519 ½ Santa Ana Avenue) is currently provided street access through an eight-foot wide easement granted in 1950 (Attachment 5). With the proposed subdivision, this parcel will be consolidated with 2525 Santa Ana Avenue, which takes direct access from Santa Ana Avenue. The property owners of 2519 Santa Ana Avenue have submitted numerous letters and expressed that the easement was granted for use of one landlocked property, which, with the new subdivision and consolidation with the other parcel, will have direct access to Santa Ana Avenue. They have also noted that with the new driveway for the entire development, the easement is no longer valid.

It should be noted that continued use of this easement for vehicular or pedestrian access was not considered with review of the development proposal. The status of the easement upon the merger of these lots is in dispute between the property owners and therefore the City is not relying upon the applicant's full right of use of this easement in making its determination. In addition, it should be noted that the access easement rights is a private agreement between the applicant and the adjacent property owner (2519 Santa Ana Ave.). Staff is not making a determination as to whether or not the easement access rights will remain in effect after the subdivision occurs on the proposed parcel. The applicant has chosen to not include the easement area in the site plan.

Neighboring Properties and Density Pattern

While all residential properties between Del Mar Avenue and Monte Vista Avenue are zoned R2-MD, these properties are abutting an 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 Ave.	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 applicant is proposing a 5-foot setback to the property line interfacing with 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 (Attachment 5). 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. The proposed side setback from the new unit to the rear property line of 2519 Santa Ana Avenue is 10 feet.

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 stepped setback of a minimum 15-foot at the closest point for two units along the property line shared with these properties. This translates to approximately 30 percent of that interface. The remaining portions of the structures meet the minimum setback requirements and a large open space will separate the site from the neighboring properties.

ANALYSIS

Variances

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 and Parking Standards

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 slightly shorter driveway (18'6" vs. 19 feet) for two of the units. The proposed configuration is approved by the Transportation Services Division for compact vehicle parking and back up from the driveways.

Each unit is required to provide a two-car garage and two standard size open parking spaces. The site design will result in substandard back up and driveway length for the first two units. These units will be provided with compact parking stalls. Approval of the project is subject to a variance from parking standards since two of the units will not be provided standard size stalls. A condition of approval will require that the CC&Rs address the compact parking situation for these two units.

Parkway Landscaping

The code requires a minimum of 3-foot landscape buffer along a driveway and an aggregate of 10 feet for landscaping on both sides of a driveway. The 66-foot wide front portion of the parcel restricts the landscaping along the driveway (3 feet required, 2 feet proposed). The proposed site plan provides 4 feet of landscaping along the front porches for the first two units, which increases 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. If approved, the project will be conditioned to include hedge planting to ensure adequate separation and 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 a 10-foot private yard and 8 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 15-foot rear setback for the two structures at the rear. This affects approximately 30 percent of the interface with the low density development to the west of the site. The three homes on the west of the property 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 landscape hedge to screen the structures from the neighboring properties. To screen the two-story

structures, a condition is included that a minimum of six (6) 36-inch box upright trees be installed at 10 feet on center within the setback area 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 3-foot setbacks are 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-foot 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 offsets and an adequate number of windows, where each room has alternatives for placement of clear glass windows.

Minor Modification

The proposed unit along Santa Ana Avenue includes a private yard that is separated from the street by a privacy wall. The building is proposed at 15 feet from the front property line and the wall is proposed at 8 feet to allow a small side yard. The required setback for a perimeter wall is 10 feet. The applicant is proposing a Minor Modification to reduce front setback requirement for a perimeter wall along Santa Ana Avenue from 10 feet to 8 feet. The minor modification will still allow for adequate trees and landscaping to be installed on the street landscape area. A condition is included to require that the privacy wall provides for adequate egress visibility from the site.

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 the 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 a five-foot setback for both the first and second floor on the north for three units and eight feet for the rear two units. The proposed rooms 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.

Landscaping

If approved, the project is conditioned to install extensive 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 setbacks 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

The design and density of the proposed project are in conformance with 2000 General Plan. The proposed project achieves several of the housing goals/policies 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 common lot for open space/parking.

As a single-family, common interest development, the proposed project is consistent with two important Housing Element goals: (1) preserving housing affordability and (2) providing adequate housing opportunities and accessibility for all segments of the community. Furthermore, the proposed project conforms to the following General Plan objectives:

- Land Use Objective LU-1A.4: This objective strongly encourages the development of low-density 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.

Even though the design of the proposed structures does not fully adhere to 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 front porches incorporate enhanced detailing, including articulations, projections, and varied building materials.

JUSTIFICATIONS FOR APPROVAL

The proposed project includes a number of variance requests; approval of the project will be a policy decision of the Planning Commission. In addition, the applicant has significantly revised the project site to address issues raised by the Planning Commission and the neighboring residents. If the Planning Commission is considering approval of the project; the following justifications can 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 applicable General Plan Designation and Policies and Zoning Code Designation and Regulations. The property is located in a Medium Density Residential land use and promotes home ownership opportunities. 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. Because of the special circumstances present at the property, strict application of development standards would deprive the property of privileges enjoyed by others in the vicinity under identical zoning classification. The requested variances, administrative adjustments, and deviations are subject to conditions in Exhibit B which assure that the deviation is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Granting the requested variances, administrative adjustments, and deviations will not allow a use, density, or intensity which is not in accordance with the medium density general plan designation for the property and upon approval the project is in compliance with the applicable General Plan Designation and Policies and Zoning Code Designation and Regulations.
 - Variance from parking standards for a standard size parking stall and back up area. Even though, there is a recorded eight-foot access easement to the south of the property, the right to include the easement area in the main drive into the 8-unit development is in dispute. The 66-foot lot width restricts the back up area from a standard size garage to less than 41 feet required for a standard size stall

and reduces the size of the driveway from 19 feet to 18'6". This configuration results in four compact parking spaces for two front units. As conditioned, the CC&Rs which will be recorded for the development will not permit standard size parking for these stalls. The irregular L-shape of the lot with only 66 feet of street frontage and a disputed easement constitutes a special circumstance. Because of the special circumstance, strict application of development standards would deprive the property of privileges enjoyed by others in the vicinity under identical zoning classification. The requested deviation from parking standards are subject to conditions in Exhibit B which assure that the deviation is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Granting the requested variance from parking standards will not allow a use, density, or intensity which is not in accordance with the medium density general plan designation for the property.

- 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 135 feet of the property (44 percent); the remainder of the site provides a minimum of 5 feet of landscaping on both sides (11 feet aggregate). 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 zoning district and in vicinity of the project. As conditioned, the applicant is required to install a significant 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 size parcels that do not meet the minimum lot size requirement. The property is not a standard rectangular parcel but is a peculiar L-shape lot with only 66 feet of street frontage and a disputed easement constituting a special circumstance. Because of the special circumstance, strict application of development standards would deprive the property of privileges enjoyed by others in the vicinity under identical zoning classification. The requested deviation from common lot requirement are subject to conditions in Exhibit B which assure that the deviation is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Granting the requested variance from common lot requirement will not allow a use, density, or intensity which is not in

accordance with the medium density general plan designation for the property. 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, 2590 Orange Avenue, and 2157 Tustin Avenue.

Elimination of the common lot will provide the homeowners the option to form a maintenance association instead of a homeowners association (HOA) to reduce the monthly dues for the homeowners. Requiring a common lot and forming a homeowners association may pose a financial hardship for a small 8-unit development, especially if this waiver was granted to other properties with the same zoning and within vicinity of the project.

- 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 for an improved site plan and 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.
- Administrative Adjustment for 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 8-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 two 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 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 design 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 setbacks, 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; only 30 percent of that interface will be less than 20 feet. In addition, a significant open space is proposed on the rear. As conditioned, approximately 40 percent of the westerly property line will include 24-inch box trees for screening.
- The project meets the minimum open space requirements the development project provides enhanced landscaping to the north, south and west to promote land use compatibility. The project design provides common open space in form of landscape buffers to the neighboring properties and private open space areas in form of front porches and side patios for each unit. As conditioned, the project site will include significant landscape buffer to the north, south and west.
- 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 the Planning Division/Department Director.
- 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 agency's right-of-way areas and/or easements within the tract.

GENERAL PLAN CONFORMITY

The Planning Commission can determine that the use and density would conform to the City's General Plan. Also, as noted earlier, the project is consistent with General Plan Goal LU-1A.4 which encourages additional home ownership opportunities in the City. In addition, this proposal can be determined consistent with City policies for revitalizing older housing units and promoting new development.

PUBLIC COMMENTS

Since the last public hearing, staff has received two public comments to date (Attachment 4). The applicant has also met with the neighbors to the north and west of the property and shared the revised site plan.

ENVIRONMENTAL DETERMINATION

If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development 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 the recommended conditions of approval.
2. Deny the project without prejudice. This would allow the applicant to return with a new development proposal without having to wait six months from the date of the Commission's denial.

CONCLUSION

The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity. However, several deviations are requested for the proposed 8-unit project. Resolutions for approval and denial of the project are attached for consideration of the Planning Commission.


MINOO ASHABI, AIA
Principal Planner


GARY ARMSTRONG, AICP
Economic and Development Services
Director

- Attachments:
1. Draft Planning Commission Resolutions and Exhibits
 2. Location Map
 3. Zoning Map
 4. Public Comments
 5. Grant Deed for Access Easement
 6. 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)

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John and Laurie Bushnell
2519 Santa Ana Ave.
Costa Mesa, CA 92627
Jessie Salem
2516 Westminster Ave.
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2524 Westminster Ave.
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RESOLUTION NO. PC-13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING WITHOUT PREJUDICE 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) Planning Application PA-12-25:

- a. Variance from common lot requirement and establishment of a homeowners association;
- b. Variance from parking requirements (41 foot back up area required, 38'6" proposed for two front units; two standard parking stalls required per unit, two compacts stalls provided for two of the units);
- c. Variance from minimum driveway length (19 feet required, 18'6" 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 front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed);
- i. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
- j. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 5 feet proposed for three units).

2) Tentative Parcel Map No. 17509 to subdivide a 0.708-acre parcel for an 8- unit residential development.

WHEREAS, a duly noticed public hearing held by the Planning Commission on July 8, 2013, August 26, 2013, and September 23, 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 WITHOUT PREJUDICE** Planning Application PA-12-25 and Tentative Tract Map 17509.

PASSED AND ADOPTED this 23rd day of September, 2013.

Jim Fitzpatrick, 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 Planning 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) Planning Application PA-12-25:

- a. Variance from common lot requirement and establishment of a homeowners association;
- b. Variance from parking requirements (41 foot back up area required, 38'6" proposed for two front units; two standard parking stalls required per unit, two compacts stalls provided for two of the units);
- c. Variance from minimum driveway length (19 feet required, 18'6" 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 front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed);
- i. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
- j. Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 5 feet proposed for three units).

2) Tentative Parcel Map No. 17509 to subdivide a 0.708-acre parcel for an 8- unit residential development.

WHEREAS, a duly noticed public hearing held by the Planning Commission on July 8, 2013, August 26, 2013, September 23, 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 23rd day of September, 2013.

Jim Fitzpatrick, 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 17509 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 evidence presented in the administrative record substantially supports the following findings in compliance with Costa Mesa Municipal Code Section 13-29(g)(1):

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.

d. Additional facts and findings are as follows:

- The proposed project is consistent with the applicable General Plan Designation and Policies and Zoning Code Designation and Regulations. The property is located in a Medium Density Residential land use and promotes home ownership opportunities. 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. Because of the special circumstances present at the property, strict application of development standards would deprive the property of privileges enjoyed by others in the vicinity under identical zoning classification. The requested variances, administrative adjustments, and deviations are subject to conditions in Exhibit "B" which assure that the deviation is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Granting the requested variances, administrative adjustments, and deviations will not allow a use, density, or intensity which is not in accordance with the medium density general plan designation for the property and upon approval the project is in compliance with the applicable General Plan Designation and Policies and Zoning Code Designation and Regulations.
- Variance from parking standards for a standard size parking stall and back up area. Even though, there is a recorded eight-foot access easement to the south of the property, the right to include the easement area in the main drive into the 8-unit development is in dispute. The 66-foot width restricts the back up area from a standard size garage to less than 41 feet required for a standard size stall and reduces the size of the driveway from 19 feet to 18'6". This configuration results in four compact stall parking spaces for two front units. As conditioned, the CC&Rs which will be recorded for the development will not permit standard size parking for these stalls. The irregular L-shape of the lot with only 66 feet of street frontage and a disputed easement constitutes a special circumstance. Because of the special circumstance, strict application of development standards would

deprive the property of privileges enjoyed by others in the vicinity under identical zoning classification. The requested deviation from parking standards are subject to conditions in Exhibit "B" which assure that the deviation is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Granting the requested variance from parking standards will not allow a use, density, or intensity which is not in accordance with the medium density general plan designation for the property.

- 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 135 feet of the property (44 percent); the remainder of the site provides a minimum of 5 feet of landscaping on both sides (11 feet aggregate). 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 zoning district and in vicinity of the project. As conditioned, the applicant is required to install a significant 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 size parcels that do not meet the minimum lot size requirement. The property is not a standard rectangular parcel but is a peculiar L-shape lot with only 66 feet of street frontage and a disputed easement constituting a special circumstance. Because of the special circumstance, strict application of development standards would deprive the property of privileges enjoyed by others in the vicinity under identical zoning classification. The requested deviation from common lot requirement are subject to conditions in Exhibit "B" which assure that the deviation is not a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Granting the requested variance from common lot requirement will not allow a use, density, or intensity which is not in accordance with the medium density general plan designation for the property. 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, 2590 Orange Avenue, and 2157 Tustin Avenue.

Elimination of the common lot will provide the homeowners the option to form a maintenance association instead of a homeowners association (HOA) to reduce the monthly dues for the homeowners. Requiring a common lot and forming a homeowners association may pose a financial hardship for a small 8-unit development, especially if this waiver was granted to other properties with the same zoning and within vicinity of the project.

- 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 for an improved site plan and 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.
- Administrative Adjustment for 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 8-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 two 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; only 30 percent of that interface will be less than 20 feet. In addition, a significant open space is proposed on the rear. As conditioned, approximately 40 percent of the westerly property line will include 24-inch box trees for screening.
- The project meets the minimum open space requirements the development project provides enhanced landscaping to the north, south and west to promote land use compatibility. The project design provides common open space in form of landscape buffers to the neighboring properties and private open space areas in from of front porches and side patios for each unit. As conditioned, the project site will include significant landscape buffer to the north, south and west.
- 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.
- 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 In-Fill Development Projects.
- 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. Restriction on the use of this easement is a private matter between the two property owners that needs to be resolved independent from this entitlement.
 7. 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.
 8. 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.
 9. 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.

10. 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.
11. 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.
12. To avoid an alley-like appearance, the private street shall not be developed with a center concrete swale. The private street shall be finished with 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.
13. 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 upright trees (i.e., *Tristania Conferta*) at ten feet on center along the northerly and southerly property lines and a minimum of six 36-inch box trees along the westerly property line 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.
14. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
15. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.

16. 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.
17. 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.
18. Provide proof of recordation of TT-17509 and CC&Rs prior to issuance of building permits.
19. Applicant shall provide proof of establishment of a maintenance association prior to release of any utilities.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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. The privacy wall along Santa Ana Avenue shall be located outside the required visibility areas and provide for clear visibility exiting the property.
25. To the satisfaction of the Development Services Director, the rear elevations of the units on the north 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.

26. 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.
27. The applicant and future homeowners shall contract with a private waste disposal company that will provide full on-site trash and recyclable collection. There shall be no storage of trash bins or cans on Santa Ana Avenue with the exception of temporary use of the right-of-way for rolling containers or loading to larger trash trucks.
28. The street curb on Santa Ana adjacent to this property will be red painted to limit street parking and to ensure egress visibility subject to requirements of Transportation Division.
29. 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 association effectively manage parking. If onsite parking is not appropriately managed, 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 require and enforce that garage spaces are unobstructed for vehicle parking and are used for parking vehicles; and (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. The Development Services Director may also require that the maintenance association include role and responsibilities of an unincorporated homeowners association.
30. The applicant shall revise all references to the 8-foot easement area to be consistent with the recorded easement and the property's title report.
31. Submit grading plans including a hydrology report and soils report.
32. Provide an erosion control plan.
33. Submit a soils report for the projects, Recommendation of the Soils Report shall be printed on the architectural and grading plans.
34. 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 device a minimum of 12 inches plus 2 percent.

Bldg.

Refer to 2010 California Residential Code R403.1.7.3

35. 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. 36. 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.
37. 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 City of Costa Mesa.
38. 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.
39. Haul routes must be approved by the City of Costa Mesa, Transportation & Engineering Division.
40. Submit subdivision application and comply with conditions of approval and code requirements.
41. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. residential sidewalk per City of Costa Mesa Standards with the Offsite Plan, including four (4) feet clear around obstructions in the sidewalk.
42. 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.
43. 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.
44. 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.
45. 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 46. Dwellings will require the installation of a residential fire sprinkler system.
47. Provide smoke detectors.
- Trans. 48. 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 49. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.

CODE REQUIREMENTS (PA-12-25, TT-17509)

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
 2. Approval of the planning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application.
 3. Trash enclosure or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform to City standards. Standard drawings are available from the Planning Division.
 4. All on-site utility services shall be installed underground.
 5. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
 6. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
 7. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, 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.
 8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 9. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 10. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 11. Proof of recordation of the final tract map shall be submitted prior to issuance of building permits.
 12. The CC&Rs shall include a provision as to use and maintenance of all guest parking spaces, driveways and common open space.
 13. The CC&Rs the maintenance association shall be reviewed and approved by the Planning Division prior to recordation. CC&Rs shall

include provisions as required in Costa Mesa Municipal Code section 13-41, as well as applicable conditions of approval and code requirements. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the release of utilities for the units.

14. All on-site utility services shall be installed underground.
15. If present and/or projected exterior noise exceeds 60 CNEL, California Noise Insulation Standards, Title 25, California Code of Regulations require a maximum interior noise level of 45 CNEL for residential structures. If required interior noise levels are achieved by requiring that windows be unopenable or closed, the design for the structure must also specify the means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment.
- Bldg. 16. Prior to or concurrent with the submittal of plans for plan check, the applicant shall prepare and submit documentation for compliance with the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ; National Pollutant Discharge Elimination System (NPDES) Permit No. CAS000002 for Storm Water Discharges Associated with Construction Activity (General Permit); the California Regional Water Quality Control Board (RWQCB) Santa Ana Region Order No. R8-2002-0010 and NPDES Permit No. CAS618030; and, the City of Costa Mesa Ordinance No. 97-20 for compliance with NPDES Permit for the City of Costa Mesa. Such documentation shall include a Water Quality Management Plan (WQMP) identifying and detailing the implementation of the applicable Best Management Practices (BMPs).
17. Comply with the requirements of the 2010 California Residential Code, California Electrical code, California Mechanical code, California Plumbing code, and 2010 California Energy Code (or the applicable adopted California Residential code, California Electrical code, California Mechanical code California Plumbing Code, and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
18. The project applicant shall contact the Southern California Air Quality Management District (SCAQMD) at 800-288-7664 for potential additional conditions of development or required permits by SCAQMD.
19. Submit a grading plan and hydrology report.
- Eng. 20. Submit an erosion controls plan with the grading submittal.
- Fire 21. Refer to attached letter dated July 12, 2013.
22. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
- Parks 23. Street trees in the front and side setback shall meet with the approval of the parks and parkways division.
24. Applicant is advised that removal of existing trees within the public right-of-way shall not be permitted without approval from the Parks and Recreation Commission, and compliance with any applicable

requirements or conditions as determined by the Parks and Recreation Commission. If any existing trees within the public right-of-way are proposed to be removed, approval by the Parks and Recreation Commission shall be required prior to the issuance of any permits.

25. Park fees for the proposed development shall be remitted prior to approval of the final map.

SPECIAL DISTRICT REQUIREMENTS (PA-12-25, TTM 17509)

The requirements of the following special districts are hereby forwarded to the applicant:

- | | |
|------------|---|
| Sani | <ol style="list-style-type: none">1. Applicant will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.2. County Sanitation District fees, fixture fees, inspection fees, and sewer permit are required prior to installation of sewer. To receive credit for buildings to be demolished, call (714) 754-5307.3. Applicant shall submit a plan showing sewer improvements that meets the District Engineer's approval to the Building Division as part of the plans submitted for plan check.4. The applicant is required to contact the Costa Mesa Sanitary District at (714) 754-5307 to arrange final sign-off prior to certificate of occupancy being released.5. Unless an off-site trash hauler is being used, applicant shall contact the Costa Mesa Sanitary District at (714) 754-5043 to pay trash collection program fees and arrange for service for all new residences. Residences using bin or dumpster services are exempt from this requirement. |
| AQMD | <ol style="list-style-type: none">6. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements. |
| School | <ol style="list-style-type: none">7. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits. |
| State | <ol style="list-style-type: none">8. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |
| Mesa Water | <ol style="list-style-type: none">9. Customer shall contact the Mesa Water District – Engineering Desk an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District. |

City of Costa Mesa

CITY OF COSTA MESA - [Created: 9/13/2013 10:55:29 AM] [Scale: 203.46] [Page: 8.5 x 11 / Portrait]



Legend

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



ASHABI, MINOO

From: Elsa Jatwani [ejatwani@hotmail.com]
Sent: Monday, July 08, 2013 10:03 PM
To: ASHABI, MINOO
Subject: PA-12-25/2525 Santa Ana Ave development ("Development")

Hello Ms. Ashabi-

I understand there will be another hearing regarding this project. In the meantime, I want to really express our concerns regarding the rear set back. We have one story rental units and the second floor set back as well as the rear set back the applicant has proposed will hurt the value of my property. The rear second floor set back will impact the privacy of my tenants. When you look at the plans you can see second floor windows all face my property. I am concerned with items F and K.

Please let me now if there are any notes I can get from tonight's hearing and if there are any updates on this project.

Thank you for your help!

Regards-

Elsa Jatwani 949-702-2241
Neighbor at : 2517 Santa Ana Ave
Costa Mesa, CA 92627

Mailing address 1116 Dolphin Terrace Corona del Mar CA 92625

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

August 19, 2013

Mr. Gregory Powers
2030 Main Street, Suite 1200
Irvine, CA 92614

Via email:
gpowers@jdtplaw.com

My Clients: John and Laurie Bushnell
Your Client: 2525 Santa Ana Partners, L.P.
Matter: Driveway Easement Located at 2519 Santa Ana Avenue, Costa Mesa, CA

Dear Mr. Powers,

In response to your letter dated August 9, 2013, I have reviewed the authorities you cited therein and have the following comments:

1. The case of *Hill v. Allan* that you cited in support of the continued use of my clients' easement as part of your client's development of both the "dominant" parcel (2519 ½ Santa Ana) and the "non-dominant" neighboring parcel (2525 Santa Ana) for the proposition that a subdivision of both the "dominant" and "non-dominant" parcels entitles the "non-dominant" owners to utilize the easement is not applicable. Instead, the *Hill* case permitted the owners of a subdivided "dominant" parcel to continue to use the easement, and did not consider facts whereby the easement was going to be additionally utilized by an adjoining "non-dominant" parcel.
2. The case of *Crimmins v. Gould* that I previously cited dealt with the precise situation under consideration in that there was an attempt to consolidate "dominant" and "non-dominant" parcels, and allow the subdivided lots of both parcels to utilize the easement. On those facts, the court essentially indicated that it would have been impossible to regulate the use of the easement between "dominant" and "non-dominant" owners and, therefore, determined that the owner of the easement had engaged in "the performance of [an] act upon either tenement by the owner of the servitude which was incompatible with its nature or exercise" per Civil Code Section 811. Just like in *Crimmins*, there is no practical way, short of some screening/policing efforts, e.g., ID badges or "key cards," on the part of my clients, to limit and restrict the ongoing use of the easement to only those owners who will ultimately purchase homes on the "dominant" parcel, and there is no authority by which an owner of a "dominant" parcel can confer a license or use agreement upon other "non-dominant" owners.

3. Your comment that the “developer intends to maintain its rights to ingress and egress and will either install a pedestrian gate or continue to use the driveway easement for both pedestrian and vehicular ingress and egress,” is, again, inconsistent with the ruling in *Crimmins*, and any use of the easement for “parking” at the pedestrian gate area is beyond the scope of the present easement.

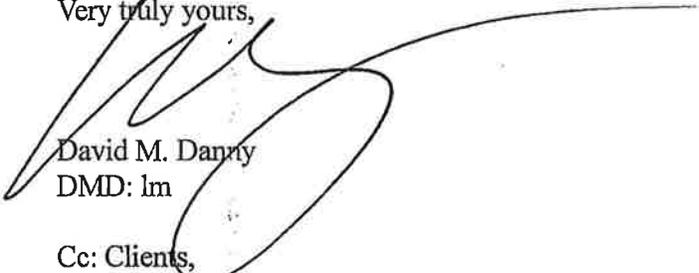
4. As a practical matter, if your client intends to build a wall with a pedestrian gate at the entrance to the “dominant” parcel, what continued use or vitality is associated with the ongoing maintenance of the easement? Since vehicular traffic for ingress and egress would no longer be “a permitted use.”

5. In view of the above, my clients will request that the City of Costa Mesa requires your client to formally abandon the easement as a condition to its approval of the project as it serves no ongoing legitimate purpose for your client’s project.

6. Finally, my clients have not consented to the incorporation of any portion of their property/easement into your client’s final development plans, and will oppose any attempt to pursue the same.

If you wish to discuss the matter, please do not hesitate to call.

Very truly yours,



David M. Danny
DMD: lm

Cc: Clients,
Ms. Minoo Ashabi,
Ms. Claire Flynn,
Mr. Gary Armstrong
Costa Mesa Planning Commission

From: Craig & Catherine Richards [mailto:richardsclan@sbcglobal.net]
Sent: Thursday, August 22, 2013 7:29 PM
To: PLANNING COMMISSION
Subject: Fw: Objection to Application PA-12-25 &TT-17509

Our objection continues.

----- Forwarded Message -----

From: Craig & Catherine Richards <richardsclan@sbcglobal.net>
To: "PlanningCommission@costamesaca.gov" <PlanningCommission@costamesaca.gov>
Sent: Tuesday, June 4, 2013 6:26 PM
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,

--CatherineSent from my iPad

55675
Grant Deed

THIS FORM FURNISHED BY RELIANCE TITLE COMPANY AFFIX I. R. S. 8

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

JAMTS 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 13, 1950

James W. Anderson
Flossie Anderson

STATE OF CALIFORNIA
COUNTY OF

SS.

ORANGE

On November 14, 1950
before me, the undersigned, a Notary Public in
and for said County and State, personally appeared

James W. Anderson and
Flossie Anderson.

known 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.

Clara 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

Paul J. McFarland
County Recorder

WHEN RECORDED, PLEASE MAIL THIS INSTRUMENT TO:

HANNA ESCROW COMPANY

P. O. BOX 205, Costa Mesa, California

TRACT 300 LOTS 41, 42
COSTA MESA, CA



ENTRY VIEW FROM SANTA ANA AVENUE



SITE CONTEXT PLAN - VICINITY MAP

NOT TO SCALE

SHEET INDEX

P-##	TITLE
P-00	COVER SHEET
P-01	SITE PLAN SHOWING ADJACENT EXISTING HOME
P-02	SITE PERSPECTIVE VIEW
P-03	ENTRY VIEW FROM SANTA ANA AVENUE
P-04	PLAN 1A - PERSPECTIVE VIEW 1
P-05	PLAN 1A - PERSPECTIVE VIEW 2
P-06	PLAN 1A - PERSPECTIVE VIEW 3
P-07	VIEW OF PLANS 1C & 1CR
P-08	VIEW OR REAR OF PROPERTY
P-09	INTERIOR VIEWS
P-10	FLOOR PLANS - PLAN 1A
P-11	ELEVATIONS - PLAN 1A
P-12	FLOOR PLANS - PLAN 1C
P-13	ELEVATIONS - PLAN 1C

PROJECT ADDRESS
2525 SANTA ANA AVENUE
COSTA MESA, CA 92627

ARCHITECTURAL PARTNERS, L.P.
OWNER

SITE SUMMARY					
Unit Mix					
PLAN	BEDROOM COUNT	SQ. FOOTAGE	UNITS ON SITE	MIX	SF PER UNIT TYPE
Plan 1A	3BR, 2.5 BA	1881	6	75.0%	11286
Plan 1C	3BR, 2.5 BA	1881	2	25.0%	3762
TOTAL	avg	1881	8	100.0%	15048
Density	8 Units / 0.71 ac = 11.27 du/ac	Net Density	(Includes lot area only. Not including easement)		
Parking Summary					
Garage Spaces	16				
Off Street Spaces	16	(12 on driveways, 4 on site)			
Total Spaces	32		8 Units		4.0 Spaces / Unit

DESCRIPTION	SQ. FOOTAGE	PERCENTAGE TO TOTAL LOT AREA
Lot Area	30,639	100.0%
Open Space (Includes planted areas, uncovered patios. Does not include Driveways, parking areas and Private Drive areas)	11,956	40.0%
Footprint (Garages)	10,663	33.8%
Impervious (parking, drive)	8,000	26.2%



SCHMATIC SITE PLAN

REFER TO SHEET P-01 FOR DETAILED SITE DIMENSIONS AND SETBACKS

COVER SHEET

TRACT 300 LOTS 41,42
COSTA MESA, CA

49



J Z M K
PARTNERS

JOB # 12029 09-09-2013 P-00



NOTE: Second Floor / First Floor Ratio: 80% recommended, 92% proposed



SITE PLAN

TRACT 300 LOTS 41,42
COSTA MESA, CA

50



J Z M K
PARTNERS

JOB # 12029 09-09-2013 P-01

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



ENTRY VIEW FROM SANTA ANA

TRACT 300 LOTS 41,42

COSTA MESA, CA

51

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

J Z M K
PARTNERS

JOB # 12029 09-09-2013 P-03



PLAN 1 A - PERSPECTIVE VIEW 1

TRACT 300 LOTS 41,42

COSTA MESA, CA

52

Peter Zehnder
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PLAN 1 A - PERSPECTIVE VIEW 2

TRACT 300 LOTS 41,42

COSTA MESA, CA

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PLAN 1 A - PERSPECTIVE VIEW 3

TRACT 300 LOTS 41,42

COSTA MESA, CA

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VIEW OF PLANS 1C, 1CR

TRACT 300 LOTS 41,42

COSTA MESA, CA

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AIREAL VIEW

Top of Fence



EYE LEVEL VIEW

Top of Fence



VIEW OF REAR OF PROPERTY

TRACT 300 LOTS 41,42

COSTA MESA, CA

570

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INTERIOR VIEW 1



INTERIOR VIEW 2

INTERIOR VIEWS

TRACT 300 LOTS 41,42
COSTA MESA, CA

57



FIRST FLOOR
3BR, 2.5BA 1881 SF



SECOND FLOOR

FLOOR PLANS - PLAN 1A

TRACT 300 LOTS 41,42
COSTA MESA, CA

58

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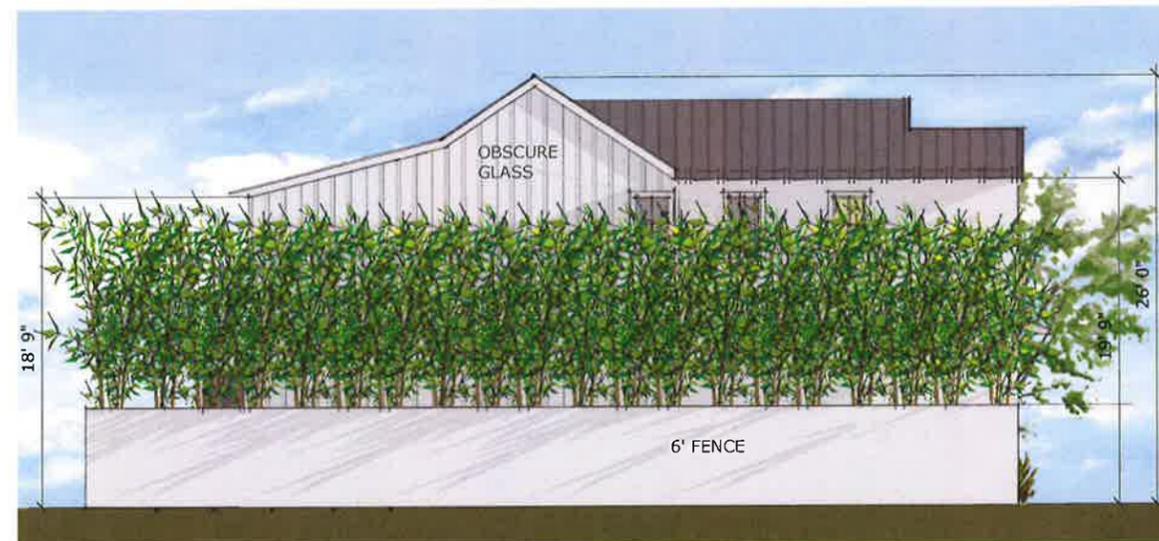
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION



FIRST FLOOR
3BR, 2.5BA 1881 SF



SECOND FLOOR

60



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

ELEVATIONS - PLAN 1C

TRACT 300 LOTS 41,42
COSTA MESA, CA

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SANTA ANA AVE

REFERENCE KEYNOTES

- ① PROPOSED BAMBOO SCREENING AT SIDEYARD (BY DEVELOPER)
- ② OUTDOOR LIVING PATIO
- ③ ENHANCED ENTRY PAVING
- ④ UNIT PAVER DRIVE COURT
- ⑤ UPGRADE EXISTING P/L FENCE AS REQUIRED
- ⑥ REAR YARD LANDSCAPE BY PROPERTY OWNER
- ⑦ PROPOSED WOOD P/L FENCE
- ⑧ PROPOSED MASONRY PERIMETER WALL



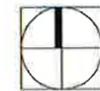
PLANT SCHEDULE

BOTANICAL NAME	COMMON NAME	SIZE	QTY		
ARBUTUS X 'MARINA'	ARBUTUS STANDARD	24"BOX	13		
X CHITALPA TASHKENTENSIS 'MORNING CLOUD'	MORNING CLOUD CHITALPA	24"BOX	3		
BOTANICAL NAME	COMMON NAME	SIZE	QTY		
BAMBUSA MULTIPLEX 'GOLDEN GODDESS'	GOLDEN GODDESS BAMBOO	18 GAL	62		
CRASSULA ARGENTEA	JADE PLANT	5 GAL	35		
ECHEVERIA X 'RUFFLES'	AFTERGLOW ECHEVERIA	1 GAL	23		
LOMANDRA LONGIFOLIA 'BREEZE'	MAT RUSH	1 GAL	360		
MUHLENBERGIA RIGENS	DEER GRASS	5 GAL	60		
PENNISETUM SETACEUM 'EATON CANYON'	EATON CANYON FOUNTAIN GRASS	5 GAL	47		
PITTIOSPORUM TENUIFOLIUM 'SILVER SHEEN'	TAWHIWI	15 GAL	2		
GROUND COVERS	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY
	FESTUCA OVINA GLAUCA	BLUE SHEEP FESCUE	4" POT	8' o.c.	588 SF



LANDSCAPE TABULATION

FRONT YARD (PUBLIC VIEW) : 3,115 S.F. (10% OF SITE)
 SIDE YARD (LANDSCAPE) : 7,191 S.F. (24% OF SITE)



NTS 8/22/2013

Conceptual Landscape Plan

2525 Santa Ana Ave - Costa Mesa, CA.

2525 SANTA ANA PARTNERS LP

BORTHWICK GUY BETTENHAUSEN INC.
 2444 Dupont Drive • Irvine, California • 92612
 949-476-8616 T 949-476-8707 F www.bgb-inc.com

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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

NOTES:
0.708 ACRES GROSS AND NET
LAND NOT SUBJECT TO INUNDATION 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 92659

SITE ADDRESS:

2519-1/2 & 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

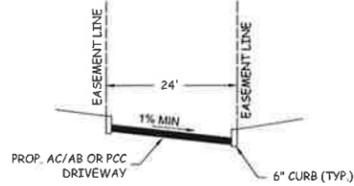
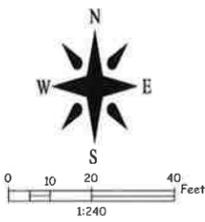
LEGEND:

- AC ASPHALTIC CONCRETE
- BW BACK OF WALK
- CL CENTERLINE
- FG FINISHED GRADE
- A EASEMENT NOTE
- WM WATER METER
- PP POWER POLE
- SIGN
- TC TOP OF CURB

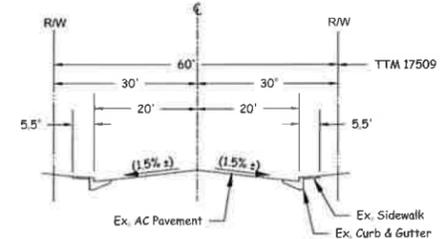
- PROPERTY LINE
- CENTERLINE
- CURB & GUTTER

EASEMENTS:

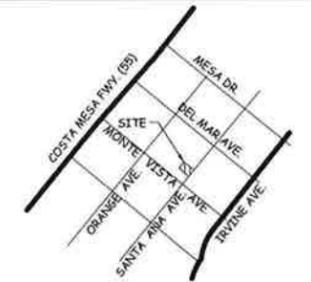
- THE FOLLOWING EASEMENTS PER FIDELITY NATIONAL TITLE COMPANY PRELIMINARY TITLE REPORTS, ORDER NOS. 23008903 & 23008904, BOTH DATED MAY 10, 2012, ARE PLOTTED HEREON UNLESS OTHERWISE NOTED.
- A. AN EASEMENT ALONG LOT LINES IN FAVOR OF SANTA ANA HEIGHTS WATER COMPANY FOR INSTALLING, MAINTAINING, REPLACING 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 RESERVED IN A GRANT DEED RECORDED 11/21/50 IN BOOK 2104, PAGE 391, O.R. AND OTHER DEEDS OF RECORD, OVER THE NORTHEASTERLY 8.00 FEET OF THE SOUTHEASTERLY 135.00 FEET OF THE SOUTHWESTERLY 66.00 FEET OF THE NORTHEASTERLY 396.00 FEET OF LOT 122, OF TRACT NO. 300, A.M. 14/11-12. THIS EASEMENT BENEFITS THE S.W. 1/4 66' OF THE PROPERTY BEING SUBDIVIDED.
 - D. PROPOSED ACCESS, PARKING AND UTILITY EASEMENT.



TYPICAL SECTION: DRIVEWAY
NOT TO SCALE



TYPICAL SECTION: SANTA ANA AVENUE
NOT TO SCALE



VICINITY MAP
NOT TO SCALE



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

9/12/2013
DATE

TENTATIVE TRACT NO. 17509
2519-1/2 & 2525 SANTA ANA AVENUE
COSTA MESA, CA

SHEET 1
OF 1

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