



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: DECEMBER 8, 2014

ITEM NUMBER: PH-5

SUBJECT: PLANNING APPLICATION PA-14-26 AND TENTATIVE TRACT MAP NO. 17791 FOR A FIVE-UNIT RESIDENTIAL DEVELOPMENT AT 2661 ORANGE AVENUE

DATE: NOVEMBER 20, 2014

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: ANTONIO GARDEA, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692
antonio.gardea@costamesaca.gov

DESCRIPTION

The proposed project involves the following:

- 1) **Planning Application PA-14-26:** A Design Review to construct a five-unit, two-story detached, small lot single-family residential development on a 0.45-acre parcel, with the following specified minor modification and variances:
 - Variance from the parkway landscaping (minimum ten feet total required with a minimum of three feet on one side; eight feet total proposed with two feet proposed on one side);
 - Variance from the parking design standard for the interior garage dimension (minimum interior dimension of 20 feet required, minimum interior dimension of 19 feet, 4 inches proposed). The overall interior dimensions of the proposed two-car garages are 22 feet by 19 feet, 4 inches;
 - Minor modification to reduce the front setback requirement for main buildings (20 feet required, 16 feet proposed).

- 2) **Tentative Tract Map No. 17791:** A request to subdivide the 19,800 square foot property into five fee-simple lots in accordance with the small lot subdivision standards.

APPLICANT

The applicant, Chris Kerstner, is representing the property owner, Premier Luxury Homes, LLC.

RECOMMENDATION

Adopt Planning Commission Resolution to approve the project, subject to conditions.

PLANNING APPLICATION SUMMARY

Location: 2661 Orange Avenue , APN 439-221-35 Application Number: PA-14-26, TT-17791

Request: Design Review of a five-unit small lot subdivision.

SUBJECT PROPERTY:

Zone: R2-MD
 General Plan: MDR
 Lot Dimensions: Rectangular
 Lot Area: 19,800 (0.45 acre)
 Existing Development: One parcel developed with four apartments (five units permitted, one maybe combined)

SURROUNDING PROPERTY:

North: Multi-Family Residential
 South: Multi-Family Residential
 East: Multi-Family Residential
 West: Multi-Family Residential

DEVELOPMENT STANDARD COMPARISON – SMALL LOT ORDINANCE

R2-MD	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Width	NA	66 FT
Lot Area	NA	19,800 SF
Maximum Density (based on gross acreage):	12 units per acre 1 DU / 3,630 SF	11 units per acre 1 DU / 4,026 SF
Common Lot Requirement	No common lot required; CC&Rs and Maintenance or Homeowner's Association are required.	CC&Rs and Association to be created.
Min./Avg. Lot Sizes	NA	3,129 SF Min./3,957 SF Avg.
Building Coverage (Development Lot)		
Buildings	NA	
Paving	NA	
Minimum Open Space	5,940 SF (30%)	6121 SF (31%)
Total	NA	
Minimum Open Space (Individual Unit)	200 SF 10 FT Min. Dimension	310 SF + 10 FT Min. Dimension
Building Height	Two Stories / Max. 27 FT	Two Stories / 26 FT
Distance between Buildings	No minimum distance required, subject to compliance with Building and Fire Code standards	8 FT (Complies with Building and Fire Code Standards)
Setbacks (Development Lot):		
Front	20 FT	16 FT ¹
Side (left/right)	10 FT / 10 FT	9 FT ² / 6 FT 2 IN and 5 FT 6 IN ³
Rear	10 FT	5 FT ⁴
Bulk/Mass of Two-Story Residence ⁷		
% ratio of 2nd floor to 1st floor (Unit 1A, 1B)	100%	97% and 98%
% ratio of 2 nd floor to 1 st floor (Unit 1C)	100%	100%
Parking for single-family detached/3 bedrooms		
Garage	10	10
Open	10	10
Guest	1	1
Total	21 spaces	21 spaces
Garage Dimensions	20 FT X 20 FT	22 FT X 19.33 FT ⁵
Min. Driveway Length:	19 FT	19 FT
Min. Driveway Width:	16 FT	16 FT
Parkway Landscaping	3 FT min. on one side; 10 FT total	2 FT min. on one side ⁶ ; 10 FT total
Final Action	Planning Commission	
CEQA Review	Exempt, Class 32, Infill Development Projects	

¹ The reduction of the front yard setback is subject to approval of a minor modification

² Side yard setbacks could be reduced to five feet subject to certain findings – see staff report

³ Side yard setbacks could be reduced to five feet subject to certain findings – see staff report

⁴ Rear yard setback could be reduced to five feet subject to certain findings – see staff report

⁵ Variance requested to parking design standards requested

⁶ Variance requested to reduce the parkway landscaping to 2 feet on one side.

⁷ Residential design guideline for second floor average sideyard setback is not applicable for units less than 2,700 sq.ft.

BACKGROUND

Project Site/Environs

The 0.45-acre project site consists of one parcel and is currently developed with four apartment units although the site originally contained five units. The two units at the rear of the property were combined to make a larger unit for the previous property owner.

The site is a rectangular-shaped lot on the west side of Orange Avenue between Del Mar Avenue and Mesa Drive. The property is zoned R2-MD and in the Medium Density Residential (MDR) land use designation. The surrounding properties are zoned as medium density residential and developed with single-story and two-story multiple family developments. The property to the south is developed with single-story apartments with setbacks ranging from five feet to 14 feet. The apartments to the north are set back approximately 24 feet from the property line.

ANALYSIS

Project Description

The applicant is proposing to construct a five-unit residential development and subdivide the property in five, fee-simple lots. Pursuant to Zoning Code Section 13-40(a)(1), the project requires approval of a design review for the new five-unit small lot subdivision. The applicant is requesting variances from the landscaped parkway requirements and the standard two-car garage size. In addition, a minor modification for the front yard setback is requested. The proposed tentative tract map would create five, fee-simple lots for individual sale. Deviations for side and rear setbacks are also required and may be approved subject to required findings of the Small Lot Subdivision Ordinance.

Site Layout

The project is arranged with the units placed along the northerly side and rear portion of the property facing the driveway from Orange Avenue. The site is 305 feet in depth and on-site emergency vehicle access is not required by Fire Prevention.

Due to a required five-foot right-of-way dedication along Orange Avenue, the front setback is proposed at 16 feet (20 feet required / 16 feet proposed). The garages of the first four units are set back a minimum five feet from the north (side) property line. The majority of the building is set back ten feet from the side property line. The fifth unit, which is located at the rear portion of lot site, is set back six feet, two inches from the north (side) property line, five feet from the west (rear) property line, and nine feet from the south (side) property line.

The driveway is located along the south side of the property, continuing the street pattern of the abutting properties. This orientation reduces any privacy impacts to the neighboring residences to the south with a 26-foot separation. Sections of the landscaped parkway next to the driveway are reduced in size to accommodate vehicle turn movements. Because of this, a variance to the parkway landscaping requirement is necessary.

Floor Plans

The applicant is proposing the same floor plan with slight modifications for each unit. The total area for each home ranges from 2,221 to 2,242 square feet. The lower level includes the living area consisting of a kitchen, dining room, living room, and a half bathroom. The second story consists of three bedrooms with an option for a fourth bedroom or loft, two full bathrooms and a laundry room. The attached two-car garage is designed wider than required to accommodate storage of three trash bins.

Parking

The small lot subdivision ordinance requires an additional parking space for subdivisions of five to ten units when parking spaces are provided in front of garages. A minimum of 21 parking spaces are required for this five unit project. Four parking spaces are required per unit (detached units) and one guest parking space. Each unit is provided with an attached two-car garage, two open parking spaces in the driveway in front of the garage and a guest parking space located in the center of the site between the second and third units.

Due to the narrow width of the site (66 feet) and the minimum required back up area of 41 feet from parking spaces on the driveway, the interior depth of each garage is slightly less than the standard requirement of 20 feet. The two-car garages are 22 feet, 2 inches wide by 19 feet, four inches deep. The applicant is requesting a variance from the standard garage size for all five proposed units.

Setbacks

Front Yard Setback

A 20-foot minimum front yard setback is required. As previously mentioned, the front unit is placed 21 feet away from the property line. However, a five foot right of way dedication is required. Because of this dedication, the front setback is reduced by four feet which requires approval of a minor modification.

Side Setback

The small lot subdivision ordinance requires a minimum ten-foot setback for the side and rear property lines; this setback could be reduced to five feet depending on the setbacks of adjacent properties and if the building design includes off-sets, variety of roof slopes and massing and excellence in design is provided in terms of colors, materials, massing and articulation.

Because of the narrow width of the lot, the five-foot setback is proposed adjacent to the attached two-car garages for the four units and more than six-feet for the rear unit. The garages are off set from the main structure on the floor plan and from the second story along the rear elevation. On the first floor, the living areas are set back ten feet from the property line to the north; this area provides a private yard abutting the kitchen and dining room. The second stories provide a ten-foot setback from the northerly property line to provide an adequate separation from the bedroom windows. The five-foot offset also creates a break on the elevations. To provide additional privacy, trees will be installed in private yards to

screen the second story windows and minimize privacy impacts. A condition of approval requires that these trees be of sufficient vertical size to serve as a landscape buffer.

Rear Yard Setback

The rear unit is proposed at five feet to the westerly (rear) property line; this applies to the ground floor garage. The upper level is 10 feet from the rear property line. The adjacent property to the west is developed with multiple units which are set back approximately 90 feet away from the property line. There are bedroom windows at the rear; however, the existing location of the adjacent structures provides more than 100 feet of separation between the neighboring units.

Open Space

The small lot subdivision ordinance requires a minimum of 30 percent open space and 200 square feet of private open space. The project will provide 6,121 square feet (31%) open space. Each unit is provided with a private yard at the rear of the unit which is at least 310 square feet in area. The open space areas are shown as landscaped with drought-tolerant ground covers and shrubs, small accent trees, small patio trees, and a cluster of four palm trees at the entry.

Tentative Tract Map

The tentative tract map for fee simple subdivision would allow the individual sale of each parcel as anticipated by the small lot subdivision ordinance. The tentative map complies with City Code and the State Subdivision Map Act. Once the final map is recorded with the County Recorder, building permits may be issued for the construction of the project and sale of the units independently. The individual lot sizes vary from 3,129 square feet to 4,719 square feet. All common areas including the driveway and guest parking space will be maintained by a maintenance or homeowners association.

The small lot subdivision ordinance requires ten foot perimeter setbacks that may be reduced to a minimum of five foot setbacks based on the building setbacks of adjacent properties and the design of the proposed residences. The distance from the adjacent residences is approximately 29 to 30 feet to the north, 95 feet to the west; and 14 feet to the south. The residences are designed with modulated floor plans to create visual interest and off set second stories to provide an additional setback from adjacent properties.

Justifications for Approval

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of facts and findings which are also reflected in the draft resolution.

- *The Small Lot Subdivision Ordinance allows a reduction from the required ten foot perimeter setbacks with certain justifications (minimum 10-foot required; 5 feet along north and west sides and 9 feet along south side proposed).* Adequate separation is provided from the residences to the north (29 feet minimum), west

(95 feet minimum), and south (14 feet minimum), which is equivalent or greater than the distances provided by surrounding developments.

The applicant worked with staff and reversed the site layout to orient the units away from the abutting single-story apartments. The proposed development is an improvement to current conditions, since the existing structures are located as close as five feet, seven inches to the south property line. The approximate distances to surrounding structures are illustrated on an illustrative aerial map prepared by Planning staff for discussion purposes (Attachment 2). The table below summarizes the distance between the proposed development and existing structures as measured from the property lines.

Approximate Measurements to Existing Off-Site Structures

Description	Proposed Project	Distance to Neighboring Structure as Measured from the Property Line
Setbacks (Development Lot): Code requires 10-foot side and rear setbacks		
Left Side Setback	9 FT	14 FT
Right Side Setback	5.5 FT TO 6 FT	29 FT
Rear Setback	5 FT	95 FT

- The project exhibits excellence in design, site planning, and integration of uses and structures. Specifically, the siting of the buildings generally follow the same pattern as adjacent properties. Safe vehicular circulation and adequate parking were primary concerns in the site layout. Staff is supportive of the design and layout of the project.

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 design of the individual units complies with the Residential Design Guidelines. Landscaped areas are provided throughout the site and each individual lot has a private yard. The location of second story windows took into consideration the surrounding residences and existing locations of private yards.

- The visual prominence associated with the construction of a two-story house in a predominately single-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets. The building mass and scale is addressed by providing horizontal and vertical breaks. The units are designed with modulated facades with individually designed porches and have gable and hip-style roofs. The proposed units include a variety of roof forms. The first two units have hip roofs with two lower hipped roofs

that integrate with the vertically off set wall planes of the second story. The other two units have gabled roofs and the fifth unit has a split gabled roof with larger ridge oriented north/south. In a similar fashion to the other units, the roof design incorporates gables at the top plate that align with the second floor window pop outs.

- The proposed two-story units are consistent with the recommendations of the Residential Design Guidelines with respect to massing, articulation and second floor to first floor ratio (100% allowed, 97-100% proposed). The designs incorporate the use of stone veneer, stucco wrapped horizontal trim, painted wood columns, shingle siding, horizontal siding, board and batten siding, and wood trim detailing. The units have individually designed front porches and the garages are setback from the façade. The front and rear elevations include a variety of vertical plane breaks. The proposed changes in materials and horizontal trim serve as a visual transition from the first to the second level.
- Minor modification for the front setback would still allow adequate landscaping along Orange Avenue (20-foot setback required, 16-foot setback proposed).

With regard to the 16-foot deep landscaped setback area, the front yard will appear to be 21 feet in depth, after the five foot right-of-way dedication. This is due to the design of the public right-of-way will provide a curb-adjacent sidewalk, which combines the private property landscaping with the parkway landscaping. Furthermore, the conceptual plans also show one 48-inch box tree in the front yard. A condition of approval requires planting of two 24 inch box Ginkgo biloba trees in the front yard instead of the larger accent tree. The new landscaping would replace an existing Brazilian pepper tree that is considered an invasive species and nuisance tree. The new landscaping would improve the streetscape and enhance the appearance of project. Although a five-foot dedication is required along Orange Avenue, the property owner is still required to landscape and maintain the full 21-foot deep, front landscaped area.

Additionally, the proposed development would be compatible with the existing architecture and design of the neighborhood. The Zoning Code requires a minimum 20-foot building setback on the front; the proposed development will provide a 16-foot setback from Orange Avenue from the property line after the five-foot right of way dedication. The applicant is providing four-sided architecture and a variety of building materials and finishes with stone veneer accenting along the front façade and the right side elevation facing Orange Avenue. The side elevation is designed with horizontal trim, second story window pop out, and stucco wrapped trim around the windows to enhance the view from the street. Two developments in the immediate vicinity within the same zoning at 2573 Elden Avenue (DR-10-06; MM-12-08) and 2590 Orange Avenue (PA-13-03) were also granted minor modifications to reduce the front yard setback to 16 feet.

- Narrow width of the lot requires a variance from interior garage dimensions in order to allow vehicle maneuverability from the driveway. The lot width of 66 feet is inadequate to meet the required building setbacks, Parking Design Standards and parkway landscape requirements. Because of this, a deviation from the interior garage dimensions is requested. The interior dimension of a two-car garage is required to be a minimum of 20 feet in depth. A small deviation from the interior

garage dimensions is requested to provide the required back up space of 41 feet for the open parking spaces.

Many of the surrounding properties are developed at densities that are equal or greater than the proposed project and most are non-conforming with respect to current parking requirements. The applicant explored a variety of options including a setback variance and a deviation from the open parking space dimension. Ultimately, the proposed plan with slightly smaller garages appeared to provide the best parking option. The plans were submitted with the interior garage depth of 19 feet, four inches, which is eight inches short of the standard requirement. Because the garages are wider than the minimum standard and two adequate-size open parking stalls in front of the garage are proposed, the deviation from the minimum depth for the parking garage is deemed minimal. The proposed 22' wide by 19'- 4" deep garages will adequately provide for vehicle parking and minor storage by the homeowner.

The slight decrease in the dimension will still provide adequate space for two-cars to be parked in the garage and because of the increased width of the garage adequate space for storage of trash carts. A similar variance was granted to the property at 2525 Santa Ana to allow a shorter length for the open spaces due to the width of the parcel.

A condition of approval requires that Unit 1C (rear unit) be modified to feature a 20' x 20' garage to meet the Code requirement because this unit is not subject to the same constraints as the other units.

- Variance from parkway landscaping requirements is required to meet parking and circulation requirements (minimum 10-foot width total with 3 feet on one side required; 10-foot total width with 2 feet on one side proposed).

The applicant requests a variance from the three-foot minimum parkway landscaping requirement along the driveway. The Residential Development Standards of the Zoning Code require a minimum combined width of ten feet for parkways along common driveways. The parkway landscaping is required to have a minimum dimension of five feet on the side of the residence(s) and a minimum dimension of three feet on the opposite side.

The 66-foot width of the property is inadequate to meet the standard parking dimensions and the Zoning Code requirements; therefore the parkway area is reduced from four feet to two feet in width where the parkway is within the backup area of a garage / parking space. The interior depth of the garages are also reduced by eight inches to accommodate the minimum requirements for building setbacks, driveway length, and vehicular backup space. The landscaped area on the opposite side next to the units is four to six feet which exceeds the minimum requirement.

The reduced parkway width will be offset by enhanced landscape materials (i.e., mature trees and hedges) in order to provide the appearance of dense landscaping from within the project. The deviation would not constitute a grant of special privileges because similar deviations for parkway landscaping have been

approved by the Commission for these types of lots. Several condominium developments in the vicinity, specifically on Mesa Drive, provide a reduced landscaped parkway along the shared driveway.

- *Parking in the garages is a requirement that would need to be monitored on an annual basis.* A Homeowner's Association is required to be established for this development. A condition of approval requires that the Homeowner's Association or Maintenance Association submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:
 - The two-car garages in the residential community are being used for vehicle parking by the resident(s).
 - The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.
 - The resident(s) have consented to voluntary inspections of the garage to verify the parking availability, as needed.

The form and content of the affidavit shall be provided by the City Attorney's office. Failure to file the annual affidavit is considered a violation of this condition.

GENERAL PLAN CONFORMANCE

The density of the proposed project is in conformance with the General Plan. The proposed development is comprised of five fee-simple lots with detached residential units at a density of 11 dwelling units per acre, consistent with the R2-MD zone.

The specific General Plan objectives with which the proposed project complies are as follows:

- *Land Use Objective LU-1A.4:* Strongly encourage the development of low-density residential uses and owner-occupied housing where feasible to improve the balance between rental and ownership housing opportunities.
- *Land Use Objective LU-2A.8:* Encourage increased private market investment in declining or deteriorating neighborhoods.
- *Housing Objective HOU-2.1:* Encourage concurrent applications (i.e., rezones, tentative tract maps, conditional use permits, variance requests, etc.) if multiple approvals are required, and if consistent with applicable processing requirements.

The project would replace a rental development with detached ownership units that would enhance the appearance and value of the site and its surroundings. The project provides new housing opportunities at a level no greater than can be supported by the existing infrastructure. In addition, the proposal will provide on-site parking spaces that comply with current parking standards, in place of an existing apartment complex with limited parking.

Expiration of Projects

Per City Code, planning application approvals are valid for one year unless renewed. Per the State Subdivision Map Act, tentative tract map approvals are valid for 24 months. As a

result, staff has incorporated a condition of approval allowing the planning application expiration to coincide with the expiration of the respective map. The planning application and map would expire in 24 months (December 2016). After the initial 24-month period, a time extension for these applications would be required to be processed for another 12-month period.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt under California Environmental Quality Act Guidelines Section 15303, New Construction of Small Structures. In urbanized areas this exemption applies to apartments, duplexes, and similar structures for not more than six dwelling units. The site is currently developed with five residential units and within an urbanized area. The site is surrounded by multiple-family residential uses. The proposed small lot subdivision is for a total of five units in the Multiple-Family Residential (Medium Density) District. The project is consistent with the General Plan designation and with all applicable General Plan policies as well as the zoning designation.

CONCLUSION

Approval of the project will allow development of a five-unit, detached fee-simple development. The project satisfies the required findings for the requested deviations and is considered consistent with the State Subdivision Map Act, City's General Plan and Zoning Code.



ANTONIO GARDEA
Senior Planner



CLAIRE FLYNN, AICP
Asst. Director of Development Services

- Attachments:
1. Draft Planning Commission Resolution and Exhibits
 2. Vicinity Map
 3. Zoning Map
 4. Site Photos
 5. Project Plans/Elevations/Tentative Tract Map 17791
 6. Applicant's Submittal Package (Under Separate Cover)

Distribution:

Director of Economic & Development Services/Deputy CEO
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Premier Luxury Homes, LLC
1210 E. 223rd Street, Suite 318
Carson, CA 90745

**ATTACHMENT 1
DRAFT RESOLUTIONS**

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-26 AND TENTATIVE TRACT MAP 17791 LOCATED AT 2661 ORANGE AVENUE

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

WHEREAS, an application was filed by Chris Kerstner as the authorized agent on behalf of the property owner, Premier Luxury Homes, LLC, requesting approval of the following:

- 1) **Planning Application PA-14-26:** A Design Review to construct a five-unit, two-story detached, small lot single-family residential development on a 0.45-acre parcel, with the following specified minor modification and variances:
 - a. Variance from the parkway landscaping (ten feet total required with a minimum three feet on one side; eight feet total proposed with two feet proposed on one side);
 - b. Variance from the parking design standard for the interior garage dimension (Minimum interior dimension of 20 feet required, minimum interior dimension of 19 feet, 4 inches proposed). The overall interior dimensions of the proposed two-car garage is 22 feet by 19 feet, 4 inches;
 - c. Minor modification to reduce the front setback requirement for main buildings (20 feet required, 16 feet proposed);
- 2) **Tentative Parcel Map No. 17791** to subdivide a 0.45-acre parcel into a five-unit fee simple subdivision in accordance with the small lot subdivision standards.

WHEREAS, a duly noticed public hearing held by the Planning Commission on December 8, 2014 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, the five-unit project is exempt from the provisions of the California Environmental Quality Act under Section 15332 (Class 32) for infill development.

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-14-26 and Tentative Tract Map 17791.

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-14-26 and Tentative Tract Map 17791 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.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 8th day of December, 2014.

Jim Fitzpatrick, Chair
Chair, Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 8, 2014 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that:

Finding: 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.

Facts in Support of Findings: The site layout takes into consideration the established surrounding residences and orients the building to conform to the prevailing street pattern. The design of the individual units complies with the Residential Design Guidelines. The location of second story windows took into consideration the surrounding residences and existing locations of private yards. The homes are designed with the majority of the windows and main living areas oriented towards the driveway to minimize views onto the adjacent properties to the north and west. In addition, appropriate landscaping will be planted to visually buffer the second floor windows and minimize views onto the adjacent properties. Landscaped areas are provided throughout the site and each individual lot has a private yard. The project exceeds the required open space for small lot subdivisions and private open space for each individual lot per the Zoning Code requirements. The proposed architecture and site design will enhance the street view and potentially evoke new development in the area. The building design includes a variety of finishes and materials on the front elevations, with modulated walls that diminish the buildings appearance of bulk and mass consistent with the Guidelines. Therefore, the proposed development would enhance the aesthetics of the neighborhood.

Finding: The visual prominence associated with the construction of two-story homes in a predominately one-story neighborhood has been reduced through appropriate transitions between the first and second floors and the provision of second floor offsets to avoid long unarticulated two-story walls.

Facts in Support of Findings: The proposed structures are compatible with the existing one and two-story developments in the area and would not appear out of place or obtrusive since they incorporate varied rooflines and off set wall planes to provide architectural interest and visual relief. The units are designed with modulated facades with individually designed porches and have gable and hip-style roofs. The elevations of the proposed residences include a variety of materials to highlight the vertical offsets and horizontal floor to floor transitions.

- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(6) in that:

Finding: The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.

Facts in Support of Findings: The minor modification to provide a 16-foot front yard setback will not be detrimental to the neighborhood. The applicant is providing four-sided architecture that includes a horizontal band, windows with trim detailing, and a multiple-hip roof. The base uses stone veneer accenting along the front façade and the right side elevation facing Orange Avenue. The side elevation is designed with horizontal trim, second story window pop out, and stucco wrapped trim around the windows to enhance the view from the street. Two developments in the immediate vicinity within the same zoning at 2573 Elden Avenue (DR-10-06; MM- 12-08) and 2590 Orange Avenue (PA-13-03) were also granted minor modifications to reduce the front yard setback to 16 feet.

Finding: The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.

Facts in Support of Findings: The minor modification to provide a 16-foot front yard setback enables the development of units that are compatible with the surrounding development. The front yard will appear to be 21 feet after the five foot right-of-way dedication. The design of the public right-of-way will provide a curb-adjacent sidewalk, which combines the private property landscaping with the parkway landscaping. The conceptual plans also show one 48-inch box tree in the front yard. A condition of approval requires planting of two 24 inch box Ginkgo biloba trees in the front yard instead of the larger accent tree. The new landscaping would replace an existing Brazilian pepper tree that is considered an invasive species and nuisance tree. The new landscaping would improve the streetscape and enhance the appearance of project.

- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

Finding: 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.

Facts in Support of Findings: The interior garage depth of 19 feet, four inches, which is eight inches short of the standard requirement, is necessary because of the limited lot width of the property. Many of the surrounding properties are developed at densities that are equal or greater than the proposed project. The properties were built prior to a zoning code change that requires a greater number of parking spaces for multiple-family projects.

The applicant explored a variety of options including a setback variance and a deviation from the open parking space dimension. Ultimately, the proposed plan with slightly smaller garages appeared to provide the best parking option. Because the garages are wider than the minimum standard and two open parking stalls in front of the garage are proposed, the deviation from the minimum depth for the parking garage is deemed minimal.

Finding: 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.

Facts in Support of Findings: Allowing a smaller interior dimension for the garages of four units does not constitute a grant of special privileges because the project complies with the overall number of required parking spaces. The proposed project conforms to the minimum parking requirements, complies with the Zoning Code development standards with the exception of parking, front setback and parkway width, and adheres to the Residential Development Guidelines.

Finding: 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.

Facts in Support of Findings: Granting the smaller interior garage space for four units does not enable an increase of density greater than allowed by the City's General Plan and allows the property to be developed similar to the other neighboring properties. The slight decrease in the dimension will still provide adequate space for two-cars to be parked in the garage and adequate space for storage of trash carts because of the increased width of the garage. Granting the smaller interior garage space does not enable an increase of density greater than allowed by the City's General Plan.

- D. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

Finding: 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.

Facts in Support of Findings: Because of the limited width of the site and backup space required, the parkway landscaping is reduced to two feet in width so that vehicles can maneuver over the required parkway. The development at 522 Bernard Street also has reduced interior garage dimensions. The development at 2525 Santa Ana Avenue was granted approval of compact parking spaces because of lot dimension constraints. The width of the property is inadequate to meet the standard parking dimensions and the Zoning Code requirements; therefore the parkway area is reduced from four feet to two feet in width where the parkway is within the backup area of a garage / parking space. The interior depth of the garages

are also reduced by eight inches to accommodate the minimum requirements for building setbacks, driveway length, and vehicular backup space. The landscaped area on the opposite side next to the units is four to six feet which exceeds the minimum requirement.

Finding: 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.

Facts in Support of Findings: The reduced two-foot landscaped parkway width next to the driveway is only along the areas that are required for vehicle maneuvering. Allowing the minimum width of two feet enables the project to comply with the minimum parking requirements and allows the property to be developed similar to the other neighboring properties. Several condominium developments in the vicinity, specifically at 185 Mesa Drive, 169-173 Mesa Drive, 2260 Elden Avenue, Quiet Bay Lane, and Palamesa Court, provide a reduced landscaped parkway along the shared driveway. A reduced landscape parkway deviation is not a grant of special privileges as the project is designed to meet the small lot subdivision standards.

Finding: 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.

Facts in Support of Findings: Allowing the reduced parkway width of two feet enables the project to comply with the minimum parking requirements and allows the property to be developed similar to the other neighboring properties. The project density is 11 dwelling unit per acre, which is less than the maximum allowed 12 units per acre under the Medium Density Residential designation of the City's General Plan. The reduced parkway width does not allow an increased density for the site.

- E. The proposed tentative tract map complies with Costa Mesa Municipal Code Section 13-29(g)(13) because:

Finding: The creation of the subdivision and related improvements is consistent with the General Plan and the Zoning Code.

Facts in Support of Findings: The creation of the subdivision is consistent with General Plan Land Use Element in that the project complies with Objectives 1A.4, 2A.7, and 2A.8 by developing owner-occupied housing to improve the balance between rental and ownership housing opportunities, the project provides sufficient easements as a condominium developments, and encourages increased private market investment in declining or deteriorating neighborhoods.

Finding: The proposed use of the subdivision is compatible with the General Plan.

Facts in Support of Findings: As a small lot subdivision of five units, the

project density is 11 units per acre, consistent with the Objectives of the General Plan and the site's Medium Density Residential land use designation that allows up to 12 units per acre.

Finding: The subject property is physically suitable to accommodate the subdivision in terms of type, design, and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the Zoning Code and General Plan, and consideration of appropriate environmental information.

Facts in Support of Findings: The proposed project is exempt from the provisions of the California Environmental Quality Act under Section 15303, for construction of small structures. In urbanized areas this exemption applies to apartments, duplexes, and similar structures for not more than six dwelling units. The site is currently developed with five residential units and within an urbanized area. The site is surrounded by multiple-family residential uses. The proposed small lot subdivision is for a total of five units in the Multiple-Family Residential (Medium Density) District. The project is consistent with the General Plan designation and with all applicable General Plan policies as well as the zoning designation.

The small lot subdivision ordinance requires ten foot perimeter setbacks that may be reduced to a minimum of five foot setbacks based on the building setbacks of adjacent properties and the design of the proposed residences. The distance from the adjacent residences is approximately 29 to 30 feet to the north, 95 feet to the west; and 14 feet to the south which is equivalent or greater than the distances provided by surrounding developments. The residences are designed with modulated floor plans to create visual interest and off set second stories to provide an additional setback from adjacent properties.

Finding: 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 State Government Code Section 66473.1.

Facts in Support of Findings: The proposed project has four of the five buildings oriented in an east-west direction to take advantage of passive solar heating as well as passive ventilation from ocean breezes. The inclusion of vertically growing trees in the yard area of the fifth unit will help provide shade to the residence.

Finding: 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.

Facts in Support of Findings: As conditioned, the proposed project does not interfere with the public right of way.

Finding: 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).

Facts in Support of Findings: The applicant will be required to comply with all regulations set forth by the Costa Mesa Sanitation District as well as the Mesa Water District.

- F. The project is Categorical Exempt under California Environmental Quality Act Guidelines Section 15303 – New Construction of Small Structures. In urbanized areas this exemption applies to apartments, duplexes, and similar structures for not more than six dwelling units. The proposed small lot subdivision is for a total of five units in the Multiple-Family Residential (Medium Density) District.
- G. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The expiration of Planning Application PA-14-26 shall coincide with the expiration of the approval of the Tentative Tract Map 17791 which is valid for two years. An extension request is needed to extend the expiration for each additional year after the initial two-year period.
 2. The conditions of approval for PA-14-26 shall be blueprinted on the face of the site plan as part of the plan check submittal package. 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.
 3. The Tentative Tract Map shall be processed as a small lot subdivision consistent with Section 13-42.3 of the Zoning Code.
 4. A decorative six-foot high block wall (or combination of block wall and wrought iron fencing) shall be constructed around the perimeter of the site prior to issuance of certificates of occupancy unless otherwise approved by the Development 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.
 5. The interior fences or walls between the homes shall be a minimum of six feet high masonry block wall or decorative wood fencing subject to final approval of Development Services Department.
 6. The open, unassigned parking space shall be clearly marked as a guest parking space. Signage will be posted to indicate that this spaces is available to visitors.
 7. The floor plan for the rear unit (1C Alt.) shall be modified to provide a garage with standard 20 foot by 20 foot interior dimensions.
 8. Prior to issuance of building permits, a final landscape plan indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division.
 9. A minimum of two (24-inch box) trees shall be planted in the private yard areas along the north and west property lines. The trees selected shall be of sufficient size to serve as vertical landscape buffer from surrounding properties.
 10. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance. Property owner is required to landscape and maintain the 21-foot deep front landscaped area along Orange Avenue.

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. The exterior drain downspouts shall be painted to match the building exterior(s). This condition shall be completed under the direction of the Planning Division.
13. 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 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.
14. 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.
15. 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.
16. To avoid an alley-like appearance, the driveway shall not be developed with a center concrete swale. The driveway shall be finished by stamped concrete or pervious pavers.
17. Prior to issuance of building permits, the applicant 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.

A. The CC&Rs shall contain provisions requiring that the maintenance or homeowner's association effectively manage parking and contract with a towing service to enforce the parking regulations.

B. The CC&Rs shall also contain provisions related to use, preservation and maintenance of the common drive aisle and open space areas in perpetuity by the maintenance or homeowner's association.

C. The CC&Rs shall contain restrictions requiring residents to park vehicles in the garage spaces provided for each unit. Storage of other items may occur only to the extent that vehicles may still be parked within the required garage spaces

D. The CC&Rs shall contain a notice that the open parking space shall be unassigned and available for visitors.

E. The CC&Rs shall be limited to the ground rules related to: architectural control over future building modifications or additions, architectural design and guidelines for the property, and engagement in alternative dispute resolution before filing a lawsuit to resolve conflicts.

F. The CC&Rs shall contain provisions requiring that the Homeowner's Association or Maintenance Association submit a signed affidavit to the City of Costa Mesa on an annual basis to certify the following:

- The two-car garages in the residential community are being used for vehicle parking by the resident(s).
- The vehicle parking areas within the garage are not obstructed by storage items, including but not limited to, toys, clothing, tools, boxes, equipment, etc.
- The resident(s) have consented to voluntary inspections of the garage to verify parking availability within the garage, as needed.

The form and content of the affidavit shall be provided by the City Attorney's office. Failure to file the annual affidavit is considered a violation of this condition.

G. 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.

18. Prior to issuance of a certificate of occupancy, the applicant shall file and record a declaration of covenants, conditions, and restrictions (CC&Rs) on the property. The establishment of a homeowner's association shall be optional. Prior to issuance of a building permit, a draft of the CC&Rs shall be remitted to the Development Services Director and City Attorney's office for review and approval. Because there are no common areas for circulation, parking, or landscape purposes, the CC&Rs shall be limited to the ground rules related to: architectural control over future building modifications or additions, architectural design and guidelines for the property, and engagement in alternative dispute resolution before filing a lawsuit to resolve conflicts. The Development Services Director has the discretion to

request any other provisions in the CC&Rs to promote self-governance between the two property owners.

19. The CC&Rs shall be recorded prior to issuance of certificates of occupancy.
 20. Prior to issuance of building permits, the applicant shall provide proof of recordation of Tract Map 17791.
 21. 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 from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
 22. Prior to release of any utilities, the applicant shall provide proof of establishment of a maintenance or homeowners association.
 23. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
- Parks 24. The project is subject to installation of two 24-inch box Ginkgo biloba 'Princeton Sentry' or other similar size or species in place of the 48-inch box accent tree shown on the conceptual landscape plan. The trees shall be planted within the front yard setback along Orange Avenue subject to approval of Public Services Department.
- Utilities 25. Prior to the issuance of a connection permit, the applicant shall pay the applicable water connection fees.

CODE REQUIREMENTS (PA-14-26, TTM 17791)

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. 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.
 3. 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.
 4. 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.
 5. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 6. All on-site utility services shall be installed underground.
 7. Installation of all 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.
 8. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg.
9. Comply with the requirements of the following adopted codes 2013 California Residential Code, 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Residential Code, California Building Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

10. The applicant shall submit grading plans, an erosion control plan and a hydrology study. A precise grading plan shall not be required if any of the following are met:
 - 1- An excavation which does not exceed 50 CY on any one site and which is less than two feet in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area).
 - 2- A fill less than one foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.
 - 3- A fill less than three feet in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course.
11. The applicant shall submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and grading plans. For an existing slopes or when new slopes are proposed the Soils report shall address how existing slope or the new slope will be maintained to avoid any future failure.
12. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus two percent. 2013 California Building Code CRC 403.1.7.3.
13. The lot shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of six inches within the first ten feet. CRC R401.3
14. Projections, including eaves, shall be one-hour fire resistive construction, heavy timber or of noncombustible material if they project into the five foot setback area from the property line. They may project a maximum of 12 inches beyond the three foot setback. CRC Tables R302.1(1) and R302.1(2).
- Eng. 15. Comply with the requirements contained in the letter prepared by the City Engineer dated November 25, 2014 (attached as Exhibit 1).
- Fire 16. Prior to the issuance of a Building Permit, the City of Costa Mesa Fire Department shall review and approve the project design features to assess compliance with the California Building Code and California Fire Code. Fire staff shall examine the projected demands of the proposed Project and make recommendations to ensure that adequate personnel/resources will be available to meet projected demand. Recommendations of the study shall be implemented to the satisfaction of the Fire Department to ensure that emergency response impacts are minimized to below a level of significance.
17. 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.

- Trans. 18. Construct residential driveway approach at locations specific on submitted site plan.
- 19. Close unused approaches with full height curb and gutter per City Standards.
- Sani. 20. The applicant shall submit a trash pick-up route subject to review and approval of the Costa Mesa Sanitation District (CMSD). The route shall facilitate cart pick-up on the right hand side of the truck. The bins shall be placed side-by-side approximately 1 foot apart and at least 3 feet from any obstruction. If we CMSD cannot safely service this property, dumpster service shall be required.
- 21. The applicant shall submit plans for review and approval by the Mesa Water District.

SPECIAL DISTRICT REQUIREMENTS (PA-14-26, TTM 17791)

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

- Sani. 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.
- 6. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements.
- AQMD 7. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- School 8. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.
- State 9. 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.

Exhibit 1
PUBLIC SERVICES – ENGINEERING DIVISION REQUIREMENTS



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

November 25, 2014

Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

SUBJECT: Tract No. 17791
LOCATION: 2661 Orange Avenue

Dear Commissioners:

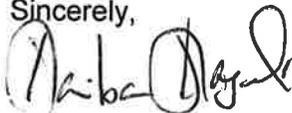
Tentative Tract Map No. 17791 as furnished by the Planning Division for review by the Public Services Department consists of subdividing one lot into five numbered lots. Tentative Tract Map No. 17791 meets with the approval of the Public Services Department, subject to the following conditions:

1. The Tract shall be developed in full compliance with the State Map Act and the City of Costa Mesa Municipal Code (C.C.M.M.C.), except as authorized by the Costa Mesa City Council and/or Planning Commission. The attention of the Subdivider and his engineer is directed to Sections 13-208 through 13-261 inclusive, of the Municipal Code.
2. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 97-11.
3. Two copies of the Final Tract Map shall be submitted to the Engineering Division for checking. Map check fee shall be paid per C.C.M.M.C. Section 13-231.
4. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
5. Vehicular and pedestrian access rights to Orange Avenue shall be released and relinquished to the City of Costa Mesa except at approved access locations.
6. 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.
7. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan. Location and dimensions are subject to the approval of the Transportation Services Manager.
8. Submit for approval to the City of Costa Mesa, Engineering Division, Street Improvement Plans, that show Sewer and Water Improvements, prepared by a Civil Engineer, and fully improve Orange Avenue to its ultimate width per City of Costa Mesa Standards.

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9. Dedicate a 5 foot easement on Orange Avenue to the City of Costa Mesa for street & highway purposes per the Master Plan of Highways.
10. The Subdivider shall submit a cash deposit of \$580 for street sweeping at time of issuance of a Construction Access permit. Full amount of deposit shall be maintained on a monthly basis prior to and during construction until completion of project.
11. Fulfill City of Costa Mesa Drainage Ordinance No. 06-19 requirements prior to approval of Final Tract Map
12. The Subdivider's engineers shall furnish the Engineering Division a storm runoff study showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Tract Map. Cross lot drainage shall not occur.
13. Ownership and maintenance of the private on-site drainage facilities and parkway culverts and other common areas shall be transferred by the owner to the Homeowner Association to be formed pursuant to C.C.M.M.C. Section 13-41 (e) and said association shall indemnify and hold harmless the City for any liability arising out of or in any way associated with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City the standard (indemnity) Hold Harmless Agreement required for such conditions prior to issuance of permits.
14. Dedicate easements as needed for public utilities.
15. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
16. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
17. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
18. The elevations shown on all plans shall be on Orange County benchmark datum.
19. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.
20. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, reproducible mylar of the recorded Tract Map, and approved off-site plan and nine copies of the recorded Tract Map.

Sincerely,



Fariba Fazeli, P. E.
City Engineer

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-14-26 AND TENTATIVE TRACT MAP 17791 FOR PROPERTY LOCATED AT 2661 ORANGE AVENUE

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

WHEREAS, an application was filed by Chris Kerstner as the authorized agent on behalf of the property owner, Premier Luxury Homes, LLC, requesting approval of the following:

- 1) **Planning Application PA-14-26:** A Design Review to construct a five-unit, two-story detached, small lot single-family residential development on a 0.45-acre parcel, with the following specified minor modification and variances:
 - a. Variance from the parkway landscaping (ten feet total required with a minimum three feet on one side; eight feet total proposed with two feet proposed on one side);
 - b. Variance from the parking design standard for the interior garage dimension (Minimum interior dimension of 20 feet required, minimum interior dimension of 19 feet, 4 inches proposed). The overall interior dimensions of the proposed two-car garage is 22 feet by 19 feet, 4 inches.
 - c. Minor modification to reduce the front setback requirement for main buildings (20 feet required, 16 feet proposed);
- 2) **Tentative Parcel Map No. 17791** to subdivide a 0.45-acre parcel into a five-unit fee simple subdivision in accordance with the small lot subdivision standards.

WHEREAS, a duly noticed public hearing held by the Planning Commission on December 8, 2014 with all persons having the opportunity to speak for and against the proposal.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** Planning Application PA-14-26 and Tentative Tract Map 17791.

PASSED AND ADOPTED this 8th day of December, 2014.

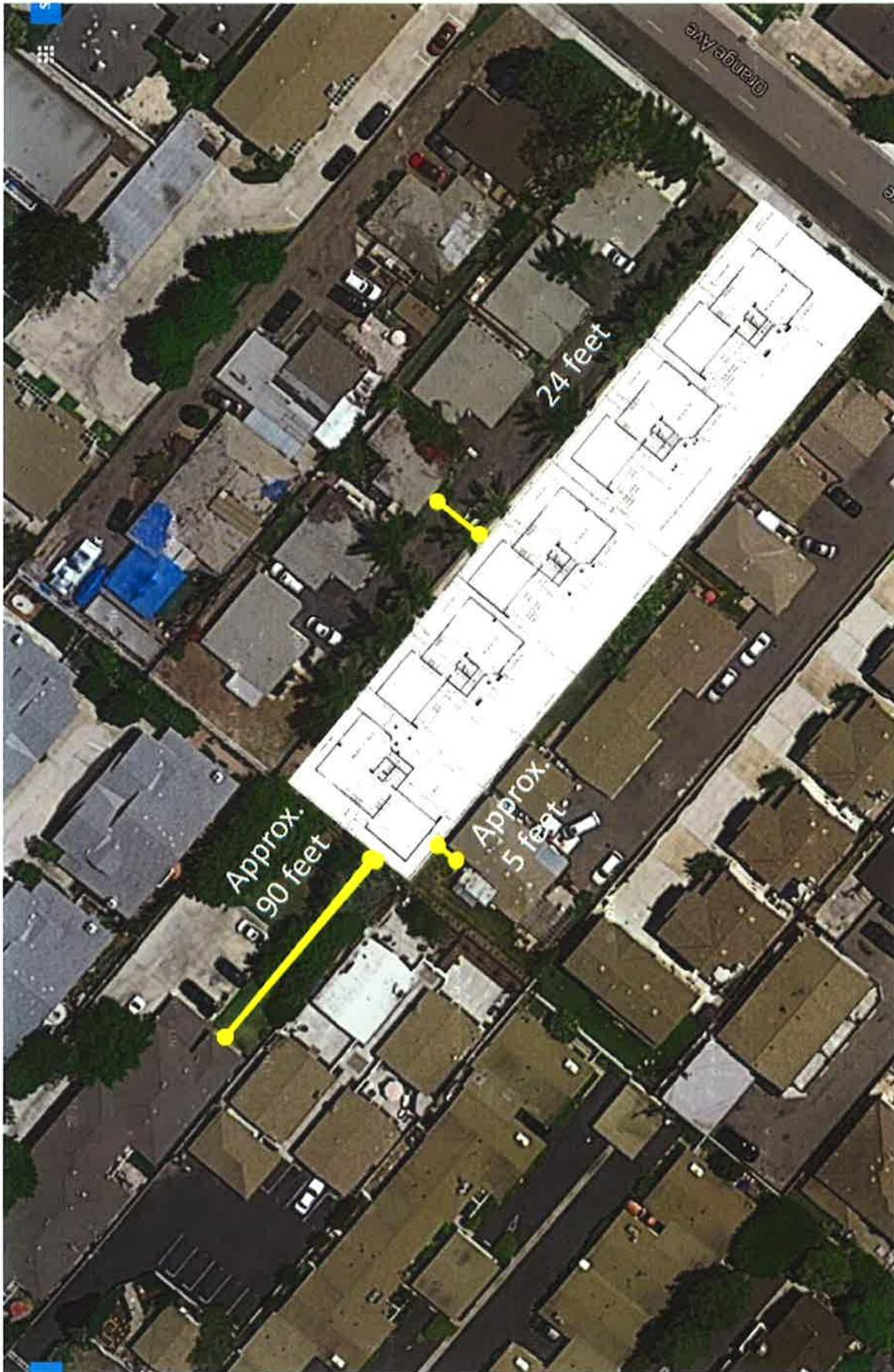
Jim Fitzpatrick, Chair
Chair, Costa Mesa Planning
Commission

EXHIBIT A

FINDINGS (DENIAL)

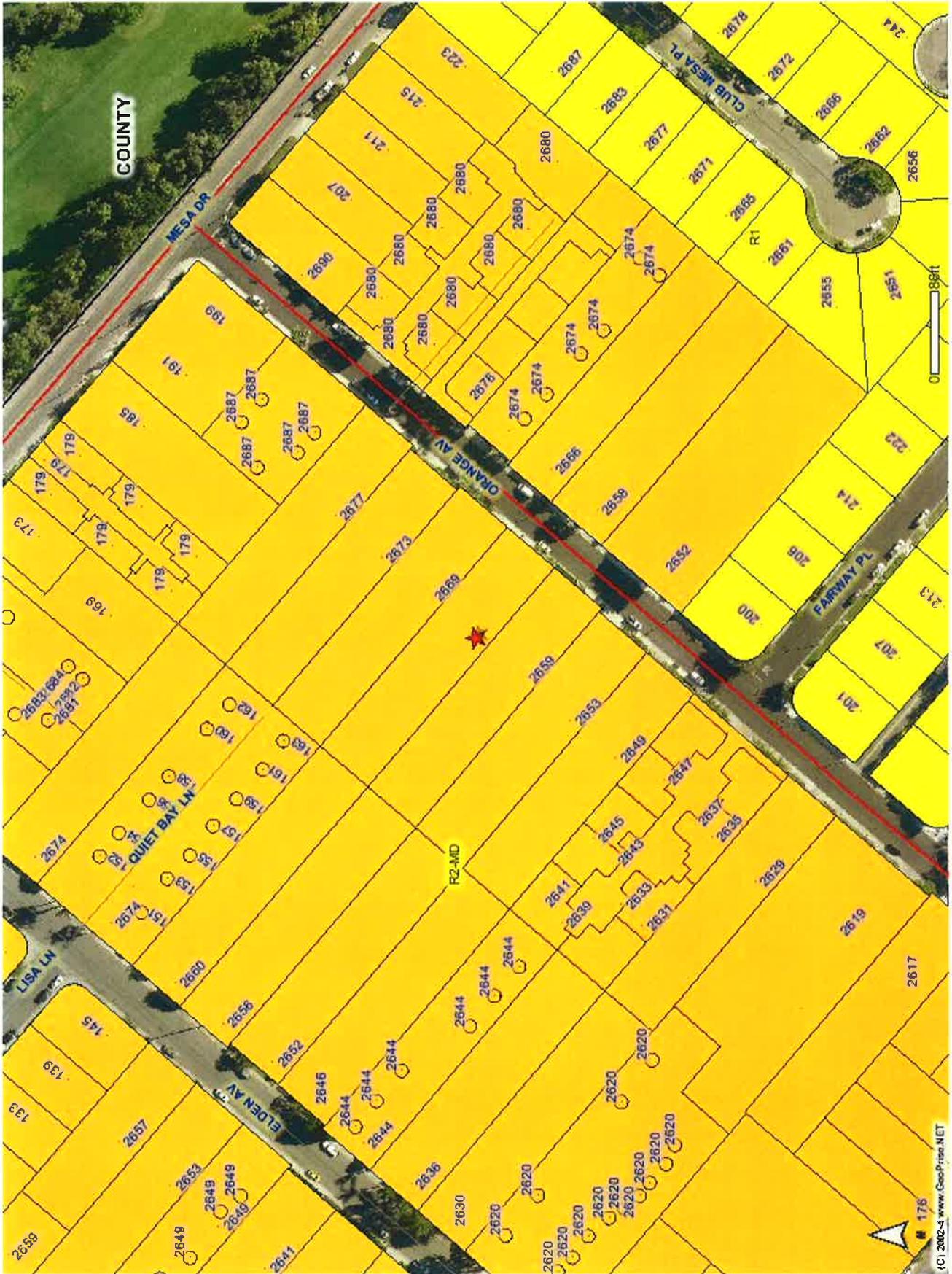
- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14) in that the project does not meet the purpose and intent of the Residential Design Guidelines, which are intended to promote design excellence in new residential construction, with consideration being given 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.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section Code Section 13-29(g)(6) because:
 - 1. The improvement will be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood.
 - 2. The improvement is not compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development.
- C. The proposed project does not comply with Costa Mesa Municipal Code Section Code Section 13-29(g)(1) because:
 - 1. There are no special circumstances applicable to the property. The strict application of development standards does not deprive the property of privileges enjoyed by others in the vicinity.
 - 2. The deviations constitute a grant of special privileges inconsistent with other properties in the vicinity.
 - 3. The granting of the deviation will allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- D. The subdivision of the property as a small lot subdivision is not consistent with the City's General Plan and Zoning Code.
- E. The Costa Mesa Planning Commission has denied Planning Application PA-14-26 and Tentative Tract Map TT-17791. 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.
- F. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2 – VICINITY MAP



Proximity of Existing Neighboring Structures / Illustrative Exhibit Only – Map Not to Scale

ATTACHMENT 3 - ZONING MAP



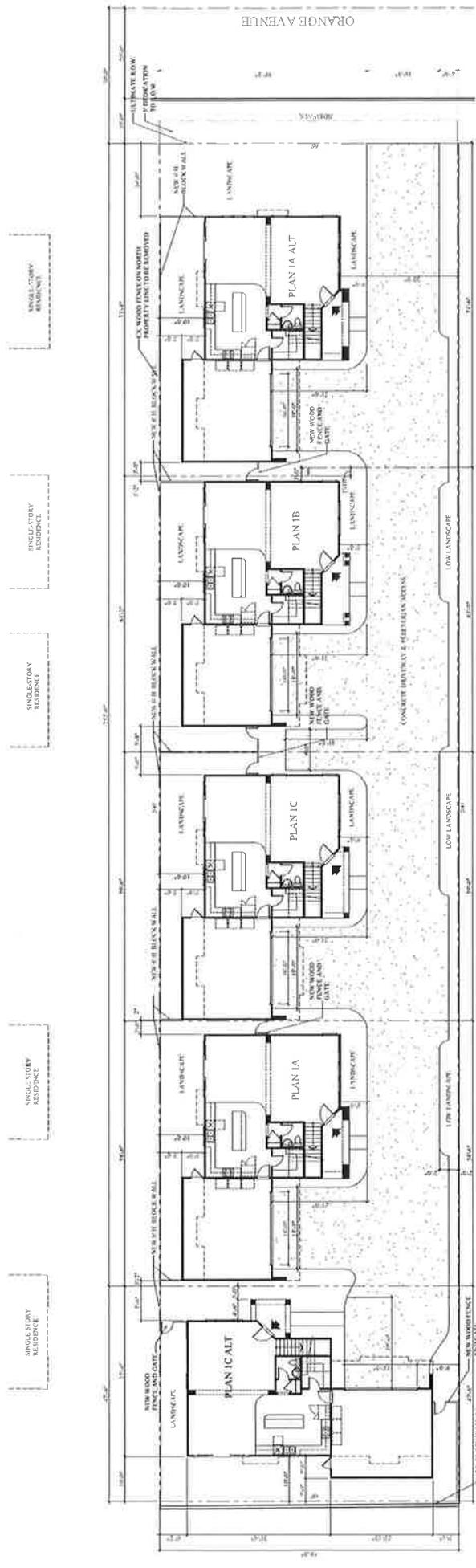
**ATTACHMENT 4
SITE PHOTOS**





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ATTACHMENT 5
PROJECT PLANS/ELEVATIONS/TENTATIVE TRACT MAP 17791



NOTE: LARGEST STRUCTURE ON LOT TO BE REMOVED. ADDITIONAL REAR PROPERTY IS OVER 400' FROM PROPERTY LINE

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1. DEVELOPMENT LOT AREA: 300' x 66' = 19,800 SF
2. TOTAL (5) FOUR-BEDROOM DWELLING UNITS
3. PARKING SUMMARY:
GARAGE SPACES = 10 (TWO PER UNIT)
OPEN PARKING = 11 (TWO PER UNIT, ONE GUEST)
TOTAL 21 PARKING SPACES ON SITE
4. MINIMUM OPEN SPACE REQ. = 5,940 SF (30%)
OPEN SPACE PROVIDED = 6,121 S.F. (31%)
(WALKWAYS AND LANDSCAPING)
5. MAXIMUM HARDSCAPE ALLOWED = 9,900 SF (50%)
TOTAL HARDSCAPE PROVIDED = 6,494 SF (33%)
(DRIVEWAY & OPEN PARKING AREAS)

SITE PLAN AND FIRST FLOOR 2661 ORANGE AVENUE

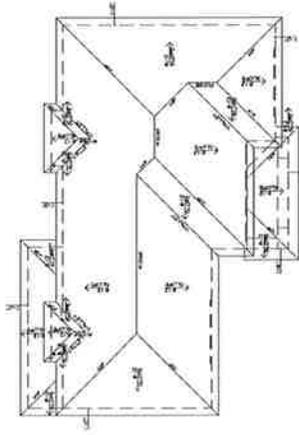
**L. D. IVERSON
ARCHITECT**

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PAGE 1 OF 11

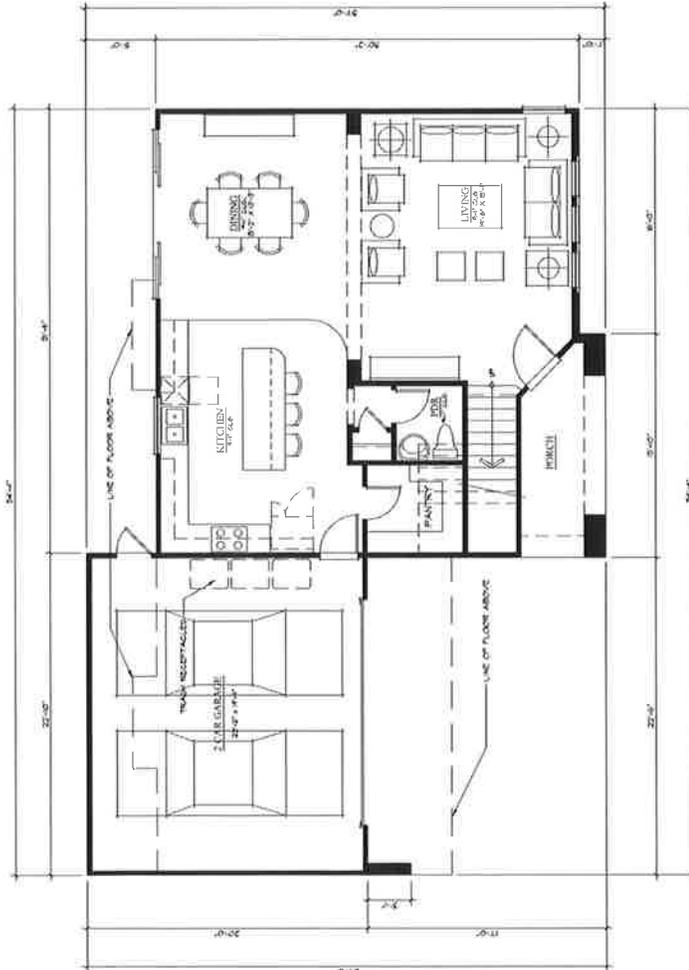
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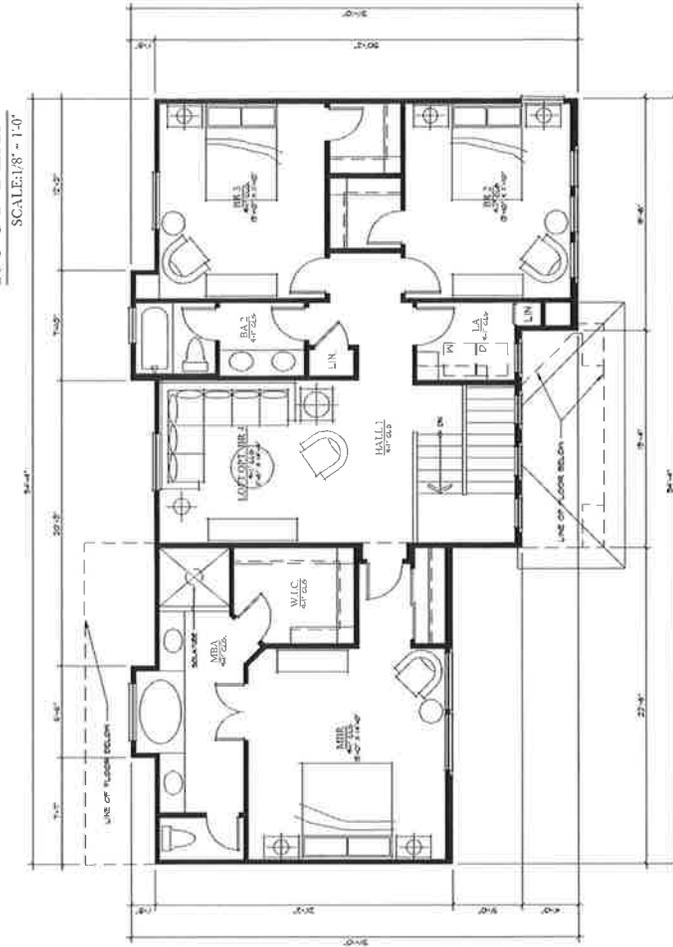
COSTA MESA, CA



ROOF PLAN
SCALE: 1/8" = 1'-0"



FIRST FLOOR



SECOND FLOOR

PLAN 1A
 FIRST FLOOR: 902 SF
 SECOND FLOOR: 1,319 SF
 TOTAL CONDITIONED: 2,221 SF
 GARAGE: 452 SF
 TOTAL: 2,673 SF

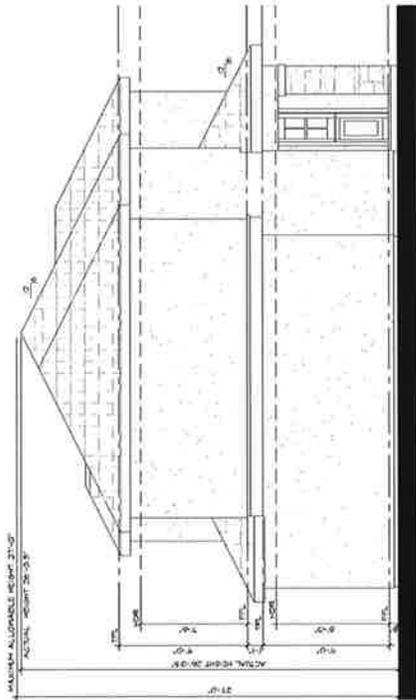
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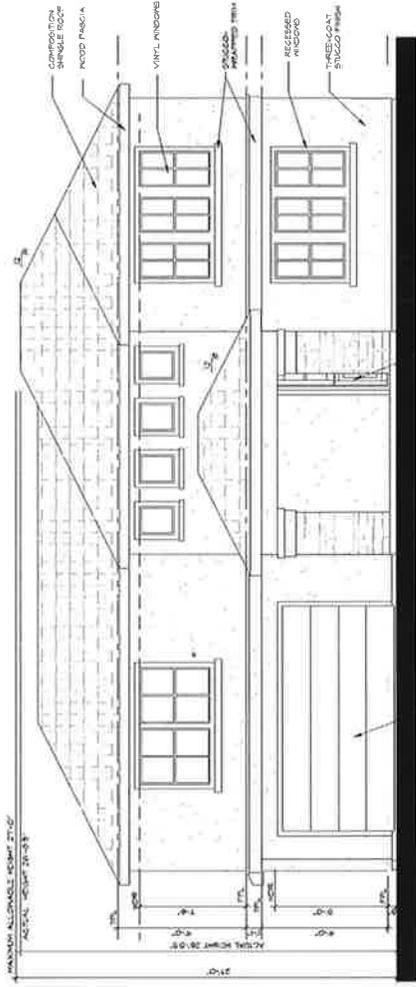
COSTA MESA, CA

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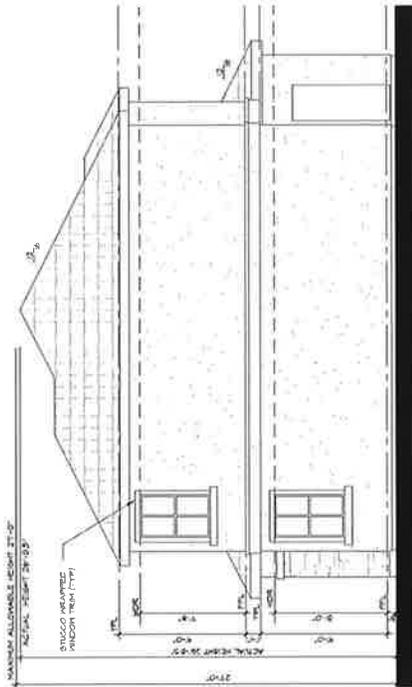
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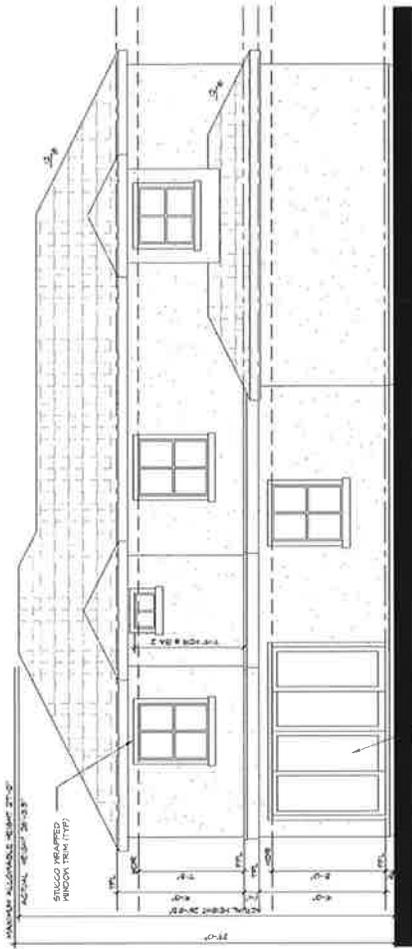
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

PLAN 1A

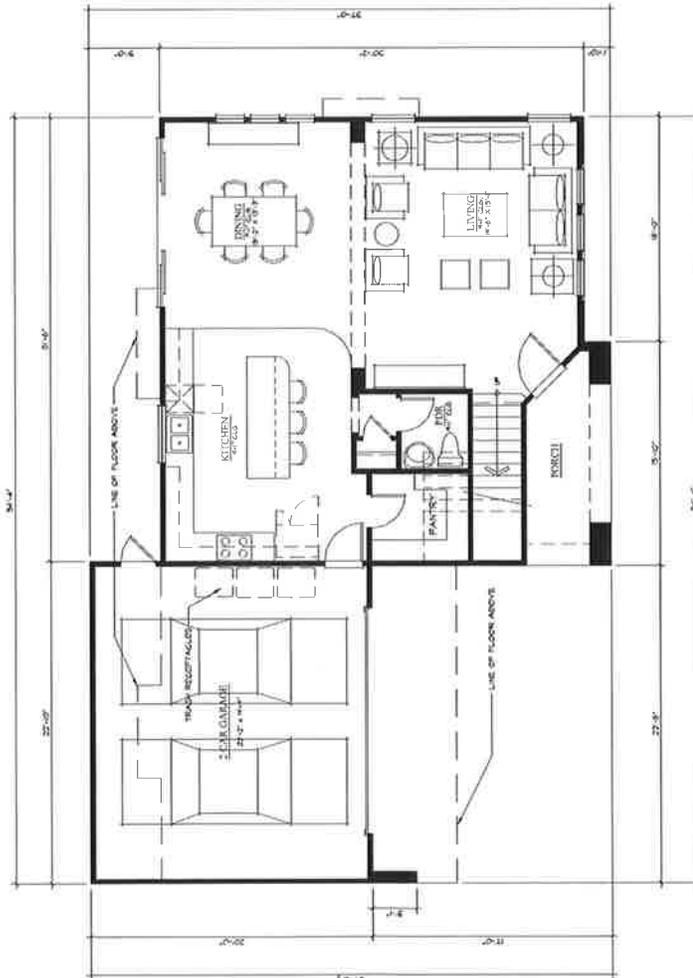
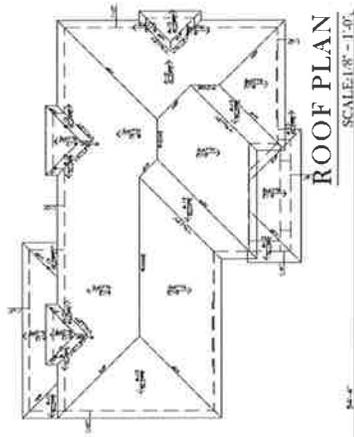
2661 ORANGE AVENUE

COSTA MESA, CA

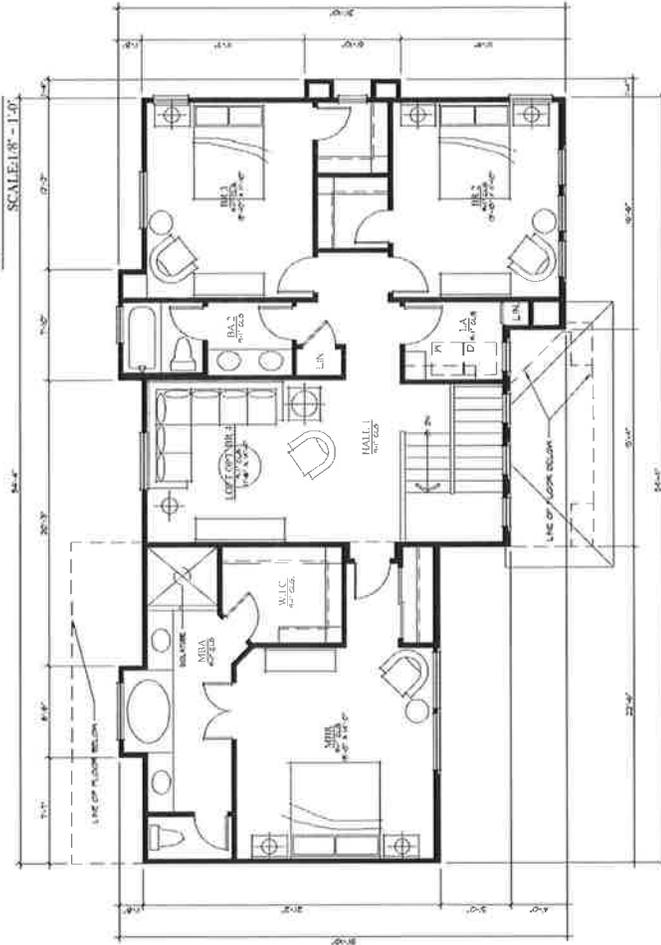
PREMIER LUXURY HOMES L.L.C.

L. D. IVERSON
ARCHITECT

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FIRST FLOOR



SECOND FLOOR

PLAN 1A ALTERNATE
 FIRST FLOOR: 902 SF
 SECOND FLOOR: 1,332 SF
 TOTAL CONDITIONED: 2,234 SF
 GARAGE: 452 SF
 TOTAL: 2,686 SF

2661 ORANGE AVENUE

PREMIER LUXURY HOMES L.L.C.

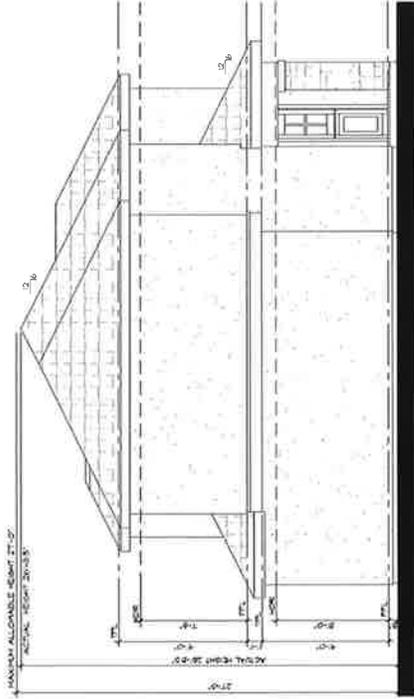


L. D. NERSON ARCHITECT

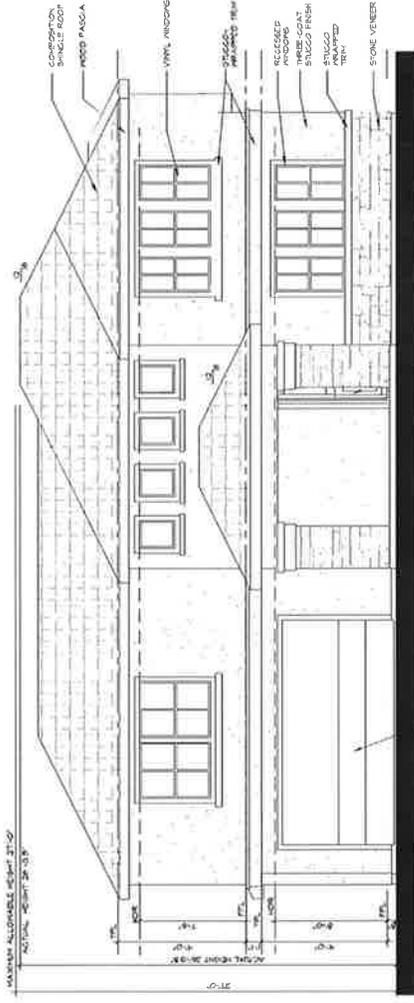
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COSTA MESA, CA

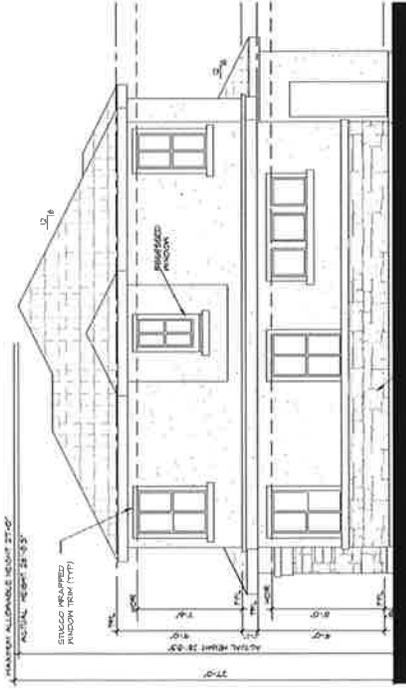
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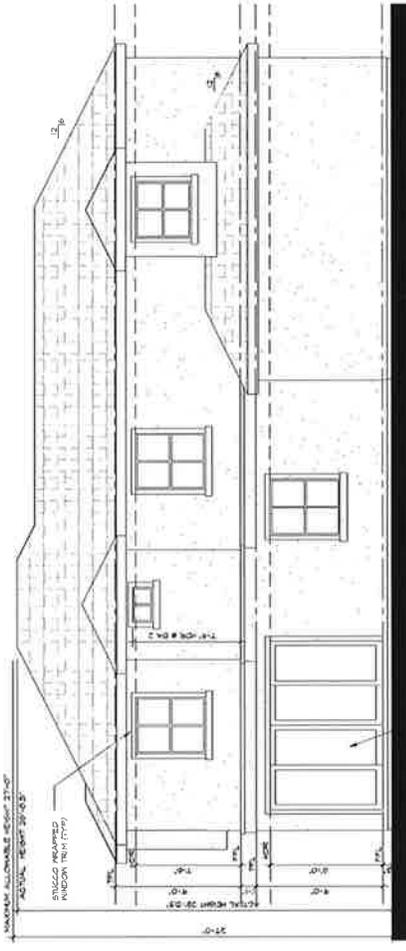
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

PLAN 1A ALTERNATE

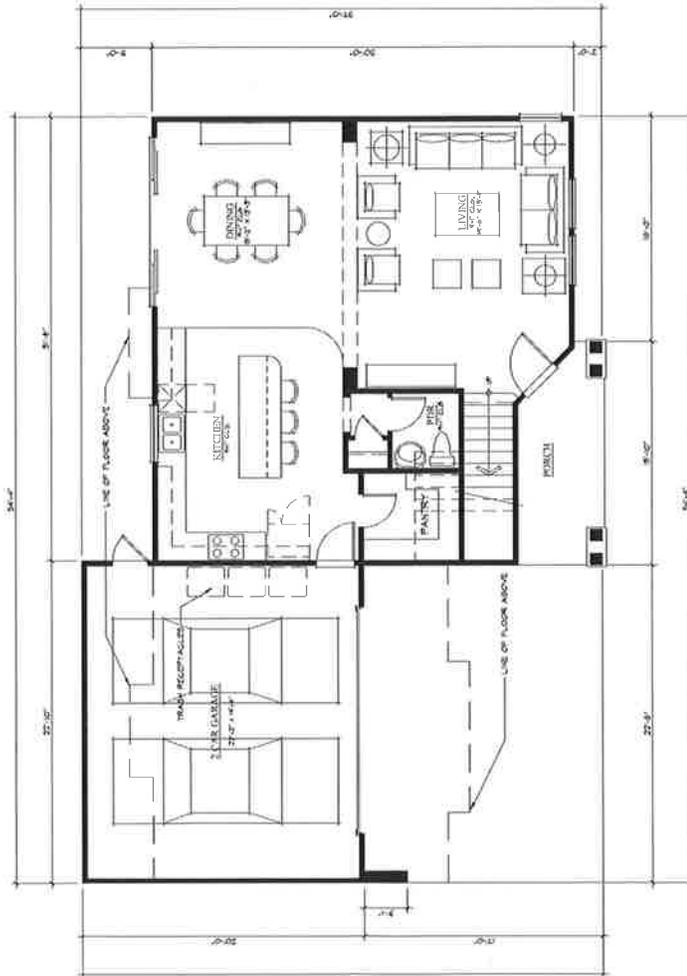
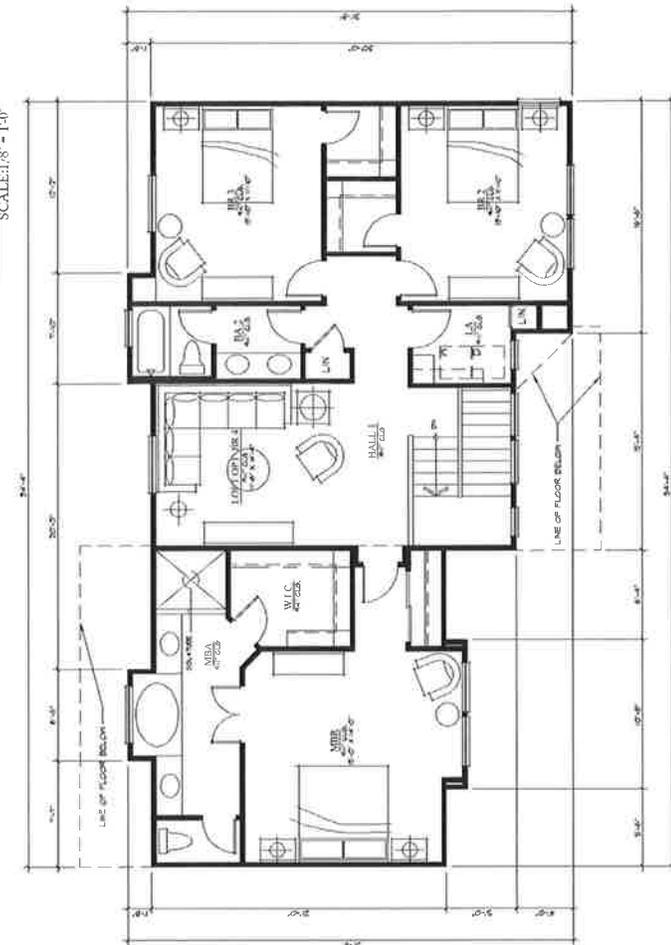
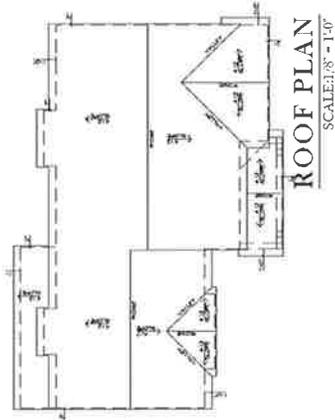
2661 ORANGE AVENUE

COSTA MESA, CA

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SECOND FLOOR

FIRST FLOOR

PLAN 1B
 FIRST FLOOR: 902 SF
 SECOND FLOOR: 1,335 SF
 TOTAL CONDITIONED: 2,237 SF
 GARAGE: 452 SF
 TOTAL: 2,689 SF

2661 ORANGE AVENUE

COSTA MESA, CA

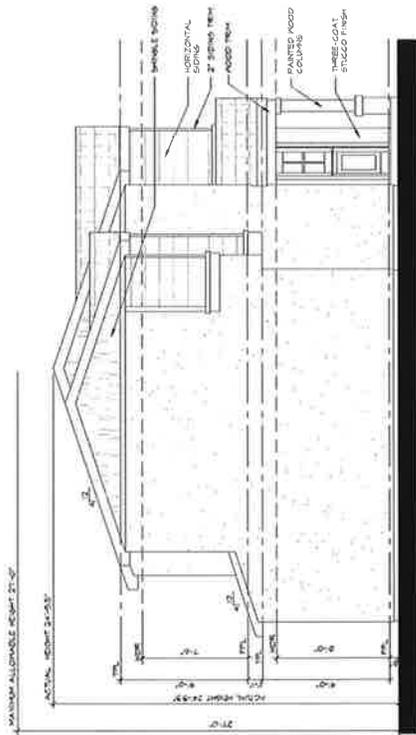
L. D. IVERSON
ARCHITECT

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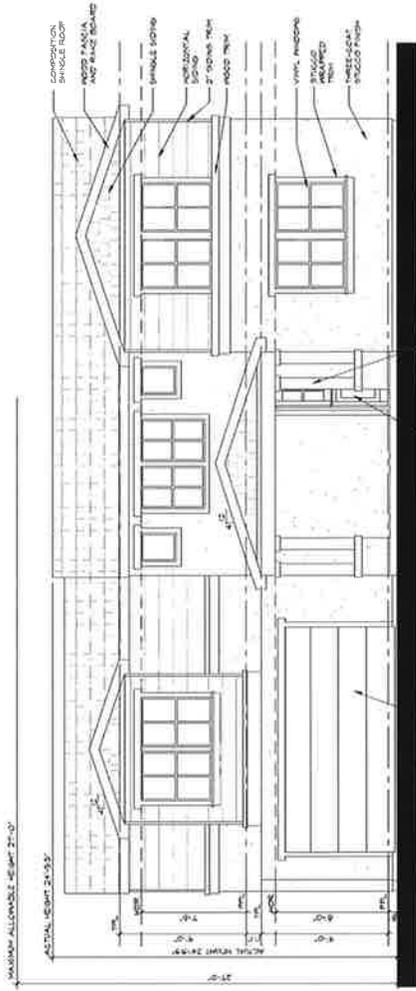
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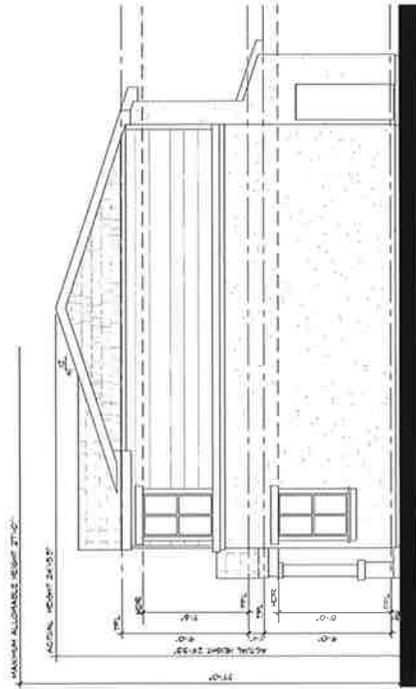
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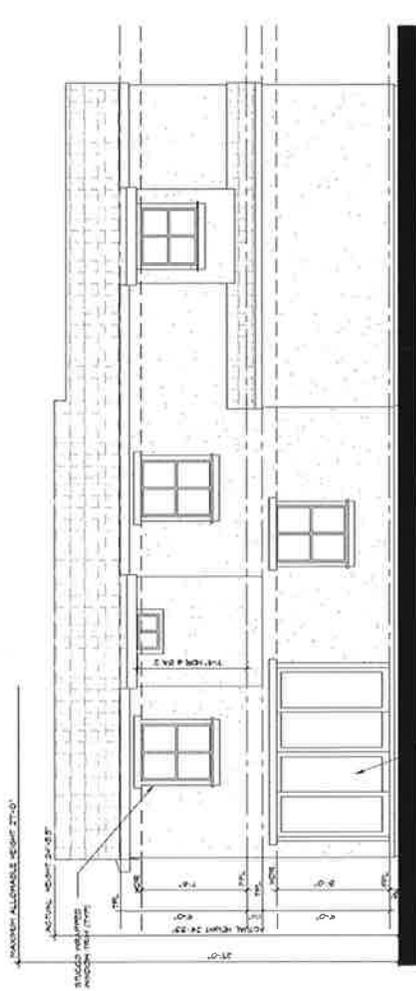
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

PLAN 1B

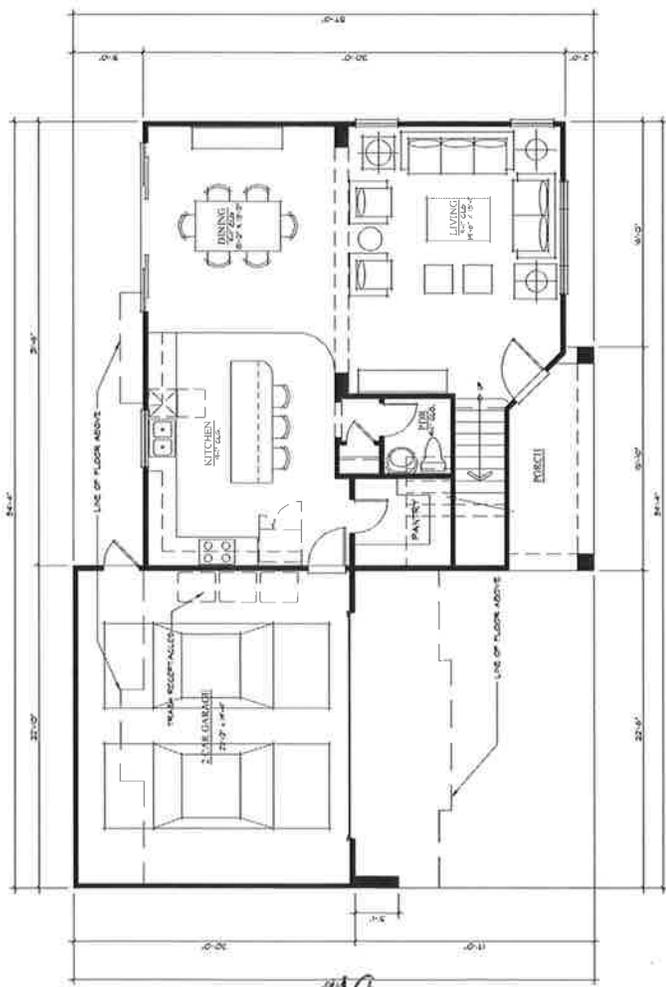
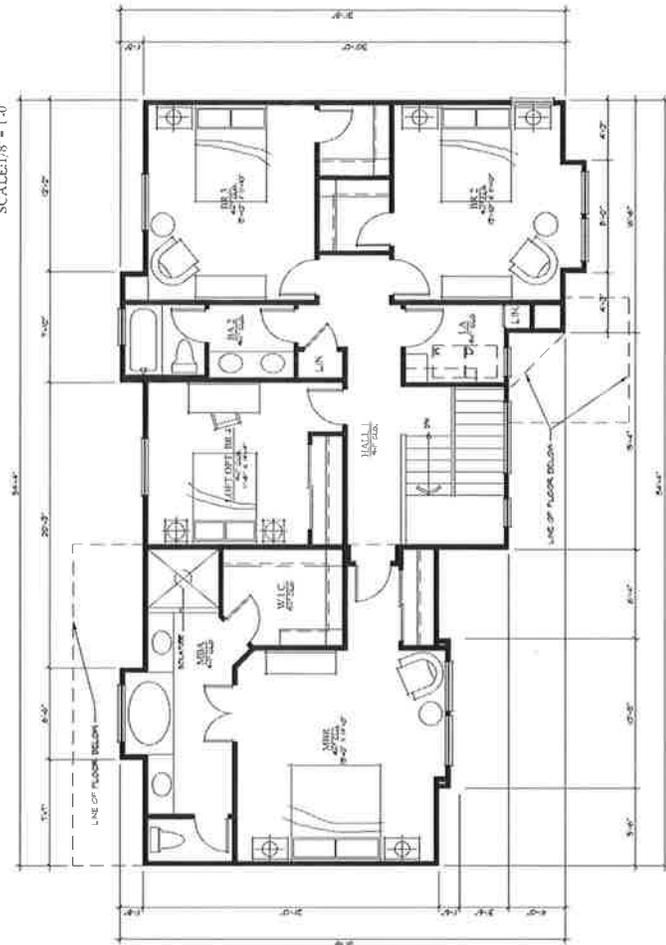
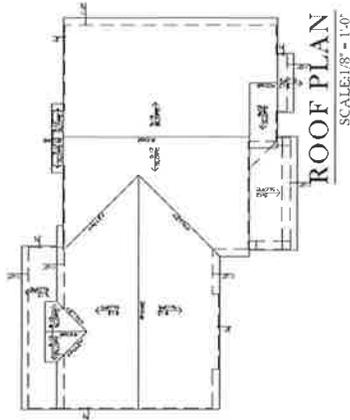
2661 ORANGE AVENUE

COSTA MESA, CA

PREMIER LUXURY HOMES L.L.C.

L. D. IVERSON
ARCHITECT

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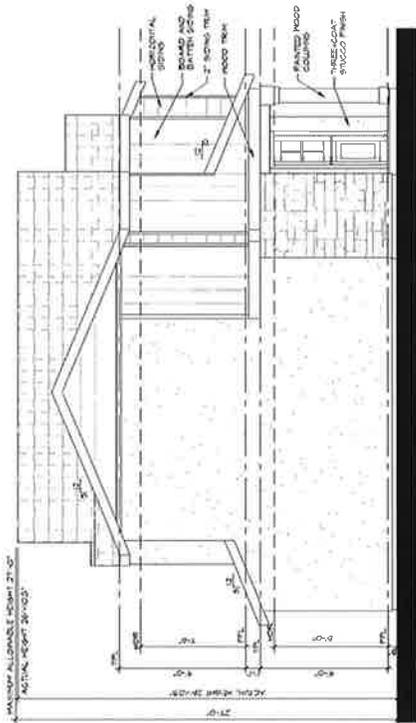
PLAN 1C
 FIRST FLOOR: 902 SF
 SECOND FLOOR: 1,340 SF
 TOTAL CONDITIONED: 2,242 SF
 GARAGE: 452 SF
 TOTAL: 2,694 SF

2661 ORANGE AVENUE

COSTA MESA, CA



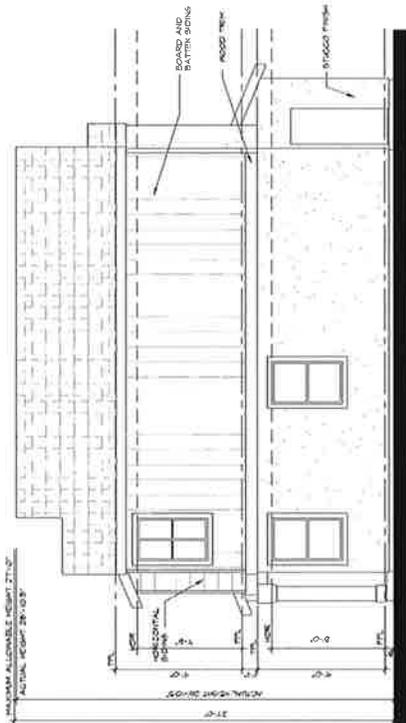
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LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

PLAN 1C

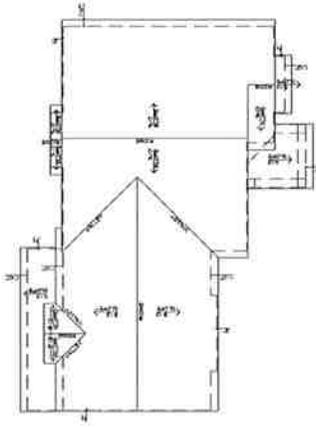
2661 ORANGE AVENUE

COSTA MESA, CA

PREMIER LUXURY HOMES L.L.C.

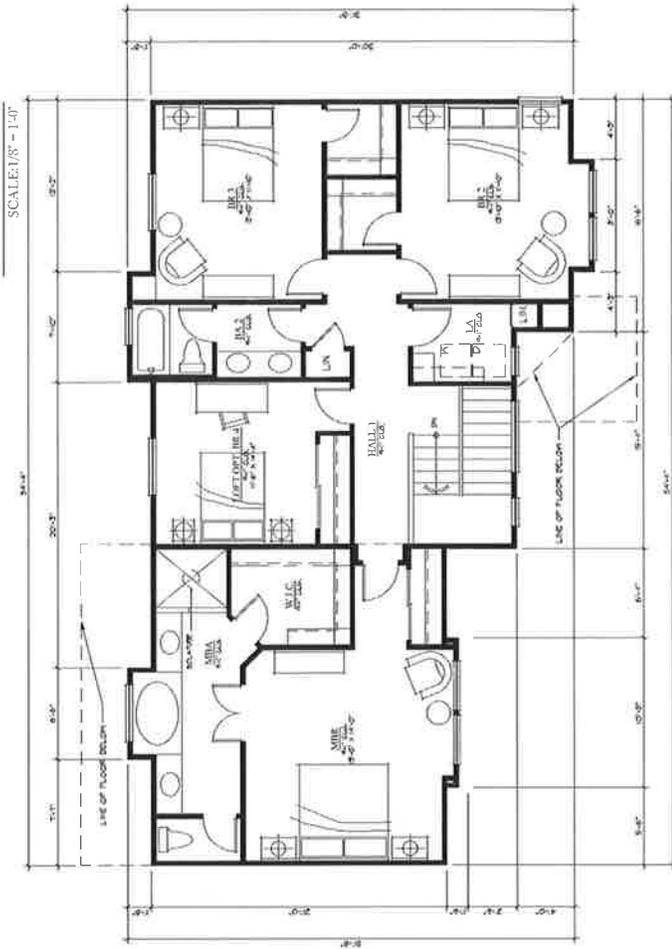
L. D. NERSON ARCHITECT

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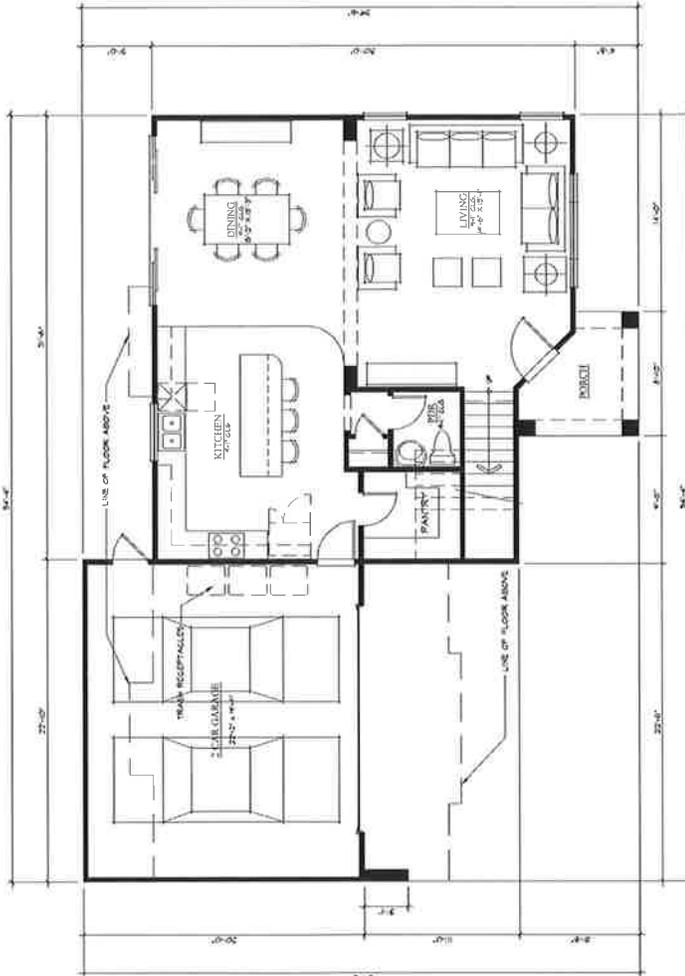


ROOF PLAN

SCALE: 1/8" = 1'-0"



SECOND FLOOR



FIRST FLOOR

PLAN 1C ALTERNATE
 FIRST FLOOR: 898 SF
 SECOND FLOOR: 1,340 SF
 TOTAL CONDITIONED: 2,238 SF
 GARAGE: 452 SF
 TOTAL: 2,680 SF

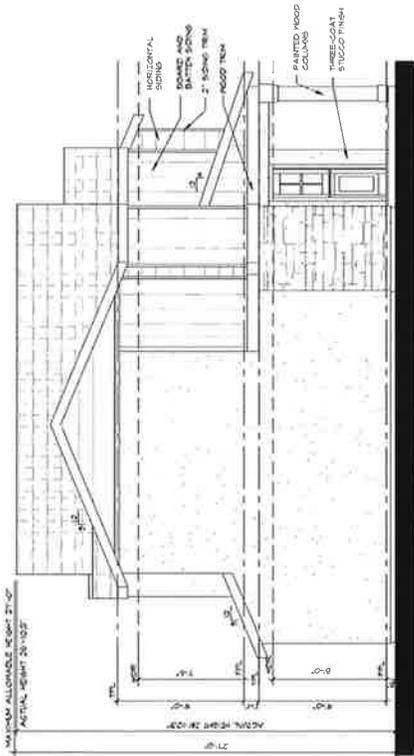
2661 ORANGE AVENUE

PREMIER LUXURY HOMES L.L.C.

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 ARCHITECT

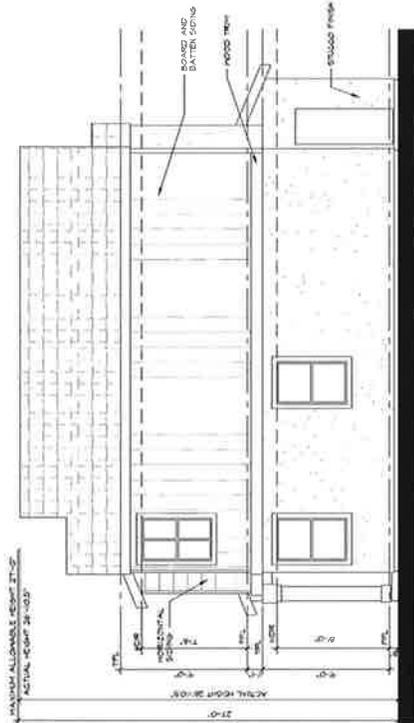
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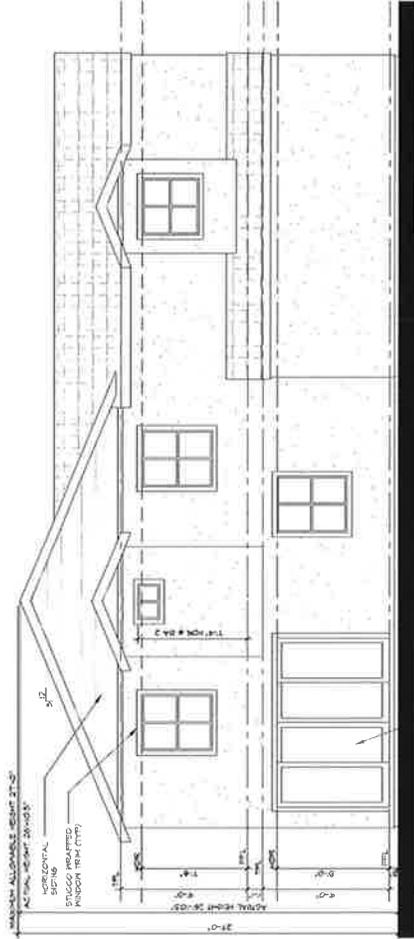
LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

PLAN 1C ALTERNATE

2661 ORANGE AVENUE

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2661 ORANGE AVENUE

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ARCHITECT

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Please call 714-754-5245
to obtain a copy of Attachment 6