



# CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 5, 2015

ITEM NUMBER: PH-2

**SUBJECT:** GENERAL PLAN AMENDMENT GP-14-03, REZONE R-14-03, PLANNING APPLICATION PA-14-19, AND VESTING TENTATIVE TRACT MAP VT-17779 FOR A 28-UNIT RESIDENTIAL DEVELOPMENT AT 1239 VICTORIA STREET

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** MEL LEE, SENIOR PLANNER

**DATE:** APRIL 23, 2015

**FOR FURTHER INFORMATION CONTACT:** MEL LEE, AICP (714) 754-5611  
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## **RECOMMENDATIONS**

The Planning Commission recommends that the City Council take the following actions:

1. ***Approve Initial Study/Mitigated Negative Declaration (IS/MND) and General Plan Amendment GP-14-03 by adoption of resolution:*** The IS/MND document analyzes the environmental impacts of the project and describes mitigation measures and conditions of approval to minimize impacts to below a level of significance. The General Plan amendment involves a change of Land Use Designation from Neighborhood Commercial (NC) to High Density Residential (HDR). (Resolution attached).
2. ***Give first reading to the ordinance approving Rezone R-14-03:*** Rezone (or change) of the zoning classification of the site from Administrative and Professional (AP) District to Multiple-Family Residential District, High Density (R2-HD) District (up to 14.5 dwelling units per acre). (Ordinance attached).
3. ***Approve Planning Application PA-14-19 and Vesting Tentative Tract Map T-17779 by adoption of resolution:*** A master plan for development of a 28-unit Residential Planned Development at the site of an existing commercial/light industrial use. The project consists of detached residences with a net density of 13.7 dwelling units per acre. The three-bedroom residences are three-stories in height with roof decks and have attached two-car garages. A total of 56 garage parking spaces, 42 driveway spaces, and 14 guest parking spaces are proposed (112 total spaces, four spaces per unit) and subdivision of a 2.04-acre property into fee simple lots for homeownership. The following variances are requested:

- ***Deviations required:***

The following Variances from the R2-HD development standards are requested:

- **Open Space** - a minimum of 40 percent required, 34.9 percent proposed.
- **Rear Setback** (20 feet required for second story; 10 feet proposed for second and third stories).
- **Building Height** (maximum 2 stories/27 feet required; 3 stories/roof deck/37 feet proposed).

An Administrative Adjustment is required for the front building setback (20 feet required; 14 feet proposed).

A Minor Modification is required to deviate from the distance from main buildings (10 feet required, 8 feet proposed).

- ***Request to reduce a portion of park impact fees towards the cost of Vista Park fencing*** - The Planning Commission recommends a condition of approval for the construction of a 200- to 300-foot long wrought iron fence along Vista Park. The cost of the fencing is estimated at \$32,000, and the applicant is requesting that the park impact fees be reduced in proportion to the construction cost. (\$380,016.00 park fee required; \$348,016.00 park fee proposed).

This staff report provides a summary of the proposed project and entitlements, as well as the Planning Commission's action related to the project. Please refer to the Planning Commission staff report dated March 24, 2014 for detailed information and analysis related to the proposed project.

## **APPLICANT**

The applicant is Trumark Homes, representing the property owner, Westar Holdings, Inc.

## PLANNING APPLICATION SUMMARY

Location: 1239 Victoria Street Application: GP-14-03, R-14-03, PA-14-19, and VT-17779

Request: 28 Detached Residential Units (General Plan Amendment, Rezone, Master Plan w/Deviations, and Vesting Tentative Tract Map)

### SUBJECT PROPERTY:

### SURROUNDING PROPERTY:

Zone: <u>AP (Exist.); R2-HD (Prop.)</u>	North: <u>Acr. Victoria Street, I&amp;R, (Vista Park)</u>
General Plan: <u>Neigh. Comm. (Exist.); High Density Residential (Prop.)</u>	South: <u>R1, Residences</u>
Lot Dimensions: <u>Irregular</u>	East: <u>C1 (Retail Ctr.), R2-MD and R1 (Residences)</u>
Lot Area: <u>2.04 Acres (88,608 SF)</u>	West: <u>R2-MD, Multi-Family Residences (Under Construction)</u>
Existing Development: <u>Office Building (To Be Demolished)</u>	

### DEVELOPMENT STANDARD COMPARISON (R2-HD STANDARDS USED FOR COMPARISON PURPOSES)

<u>R2-HD Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
<b>Lot Size:</b>		
Lot Width	100 FT	283 FT
Lot Area	12,000 SF (.27 Acres)	2.04 Acres (88,608 SF)
<b>Density/Intensity:</b>		
DU's/ Acre	1 du/3,000 SF (14.5 DU's/Acre – 29 Units Total)	1 du/3,174 SF (14 DU's/Acre – 28 Units Total)
<b>Building Coverage (Development Lot)</b>		
Buildings	NA	21,362 SF (24%)
Paving	NA	36,322 SF (41.1%)
Open Space (Total)	35,443 SF (40 %)	30,924 SF (34.9%)(1)
TOTAL		88,608 SF (100%)
Common Open Space	NA	1,861 SF
No. of Stories/Building Height	2 Stories / 27 FT	3 Stories + Roof Deck / 37 FT(1)
<b>Setbacks (Buildings)</b>		
Front	20 FT	14 FT(2)
Side (Left/Right)	5 FT / 5 FT	6 FT / 7 FT
Rear	10 FT (1 Story) 20 FT (2 Story)	10 FT (2-3 Story)(1)
Rear Yard Lot Coverage	1,200 SF (25% Max.)	720 SF (15%)
Distance Between Buildings	10 FT	8 FT(3)
<b>Parking</b>		
Covered	56	56
Open	56	42
Guest	NA	14
TOTAL	112 Spaces	112 Spaces
Interior garage dimension	20 FT X 20 FT	20 FT X 20 FT
NA = Not Applicable or No Requirement		
(1) Total of three Variances requested (see staff report discussion).		
(2) Administrative Adjustment requested (see staff report discussion).		
(3) Minor Modification requested (see staff report discussion).		
CEQA Status	Initial Study/Mitigated Negative Declaration	
Final Action	City Council	

## **BACKGROUND**

### ***Project Site/Environs***

The project site consists of one parcel totaling 2.04 acres. The property currently contains an existing two-story office building. The existing structure was built in phases with the original northeast building constructed in 1960. An addition was added in 1966 with the final building addition completed in 1968.

The building, owned by Westar Nutrition, who also used to be one of the tenants, is approximately 55,000-square feet and includes office space, research and development, production space, and warehouse areas that are mostly vacant. The site is currently zoned AP (Administrative and Professional District) and has a General Plan land use designation of Neighborhood Commercial (NC).

Surrounding properties to the east, southwest and south are developed with multi-family residential and single-family residential homes. The property abutting the site to the east at the corner of Victoria Street and Valley Road contains a multiple tenant retail shopping center (Victoria Square). Vista Park is located to the north across Victoria Street from the subject site.

The property to the west is currently being developed with a 17-unit, two- and three-story residential project (Westreef), which was approved by the Planning Commission on February 25, 2013 as Planning Application PA-12-24 and Tentative Tract TT-17508, which was upheld by the City Council on April 2, 2013.

### ***City Council General Plan Screening Request***

On February 4, 2014, City Council reviewed the applicant's screening request to submit the General Plan Amendment application. While Council approved the request on a 5-0 vote, they expressed concerns with density, parking, and traffic impacts which are included in the minutes provided to the Planning Commission (see Attachment 8, Planning Commission Supplemental Memorandum).

### ***Summary of Planning Commission Action***

On March 23, 2015, Planning Commission conducted a public hearing to receive public comment on the proposed 28-unit detached residential community. After receiving public testimony, the Commission continued the project to the April 13, 2015 meeting to allow time for the applicant to prepare responses.

### ***Revisions to the Proposed Project***

On March 23, 2015, Planning Commission conducted a public hearing to receive public comment on the proposed 28-unit detached residential community. Subsequent to the meeting, the applicant has revised the project; the table below briefly summarizes the key changes in the required discretionary approvals between the original project and revised

project. At the April 13, 2015 meeting the Commission recommended approval of the project on a 4-1 vote (Commissioner Andranian voting no).

### **Summary of Revisions to the Proposed Project**

<b>Original Project</b>		<b>Revised Project</b>
A.	Rezone to PDR-HD (Max. 20 dwelling units per acre)	Rezone to R2-HD (Max. 14.5 dwelling units per acre)
B.	Variances from: <ol style="list-style-type: none"> <li>1. Perimeter Open Space: (a minimum depth of 20 feet is required; a minimum depth of 11 feet with an average depth of 20 feet is proposed);</li> <li>2. Open Space: (a minimum of 42 percent of the total site area is required, 34.9 percent proposed);</li> <li>3. Common Open Space: (50 percent of the open space required to be common open space; 10 percent common open space proposed).</li> </ol>	Variances from: <ol style="list-style-type: none"> <li>1. Open Space - a minimum of 40 percent required, 34.9 percent proposed.</li> <li>2. Rear Setback (20 feet required for second story; 10 feet proposed for second and third stories).</li> <li>3. Building Height (maximum 2 stories/27 feet required; 3 stories/roof deck/37 feet proposed).</li> </ol>
C.	No Administrative Adjustment or Minor Modification requested.	An Administrative Adjustment is required for the front building setback (20 feet required; 14 feet proposed).  A Minor Modification is required to deviate from the distance from main buildings (10 feet required, 8 feet proposed).

The following table provides a summary of the project issues raised at the March 23, 2015 hearing, and responses that were prepared for the April 13, 2015 hearing.

### **Summary Of Issues Raised and Action Taken at the April 13, 2015 Planning Commission Meeting**

<b>ISSUE RAISED</b>	<b>ACTION TAKEN</b>
1. The proposed PDR-HD zoning would allow for a maximum density of 20 units per acre to be built on the site (40 units)	Request revised to R2-HD zone for a maximum of 14.5 dwelling units per acre.
2. Additional information needed related to the number of units allowed under the City's High Density Residential designation compared to surrounding cities.	A comparison table of density ranges in other Cities was provided in the April 13, 2015 Planning Commission staff report.
3. Overall Trip Generation and Safety of vehicles entering and exiting the site need to be examined.	The traffic study prepared for the project was attached to the April 13, 2015 Planning Commission report for reference and discussed in greater detail at the hearing.

ISSUE RAISED	ACTION TAKEN
4. The project includes several variance requests.	Variances are needed to deviate from open space, building height, and rear setback requirements.
5. Consideration of additional on-site guest parking spaces above Code-required parking should be provided.	Commission added a condition of approval requiring the applicant to work with the owner of Victoria Square retail center for off-site parking for guests visiting the project [to the extent feasible and practicable].
6. Third level roof decks are a concern.	Commission added a condition of approval requiring the roof decks <b>be completely removed</b> from 4 of the units abutting adjacent neighbors to address their concerns [Lots 3, 4, 5, and 6].
7. Building height abutting residential properties is a concern.	Applicant proposes to reduce the grade level by 4 to six feet; reducing the height of structures to about 28 to 32 feet as measured from adjacent grades.
8. Adjacent residential property owners should be on record with their support or opposition to the project.	Applicant submitted 3 letters of support for the project from immediately impacted neighbors on Sea Bluff Drive and Gleneagles Terrace based on concurrence with certain terms/conditions. [See Exhibit D in attached draft City Council Resolution].
9. Traffic accident data on Victoria Street adjacent to the project site requested.	Traffic accident data was provided in the April 13, 2015 Planning Commission staff report.

### **1. Change in the Rezone Request to R2-HD**

A concern was raised during the March 23, 2015 meeting was the proposed zone change to PDR-HD, which allows a maximum density of 20 units per acre, or a total of 40 units for the 2.04 acre project site, if a development different from the proposed project were to be approved. As a result, the applicant revised the request for a zone change to R2-HD, which allows a maximum density of 14.5 units per acre, or a total of 29 units for the project site (28 units are currently proposed).

Because there are some differences between the development standards of the R2-HD zone versus the PDR-HD zone, the application was re-noticed reflecting the difference in development standards as they pertain to building, height, setbacks, and open space, some of which still require the approval of deviations from the code via a variance, administrative adjustment and minor modification as noted in the Zoning Code Summary Table on Page 2 of this report. However, it should be noted that there are no major changes to the design of the project itself in terms of overall number of units, building height, on-site parking spaces, or building setbacks.

### **2. Comparison of high density classifications in surrounding Cities**

The following table compares the High Density Residential (HDR) designations with other cities:

COMPARISONS OF HIGH DENSITY RESIDENTIAL MAXIMUMS	
Fountain Valley	20 units per acre
Garden Grove	60 units per acre
Huntington Beach	35 units per acre

<b>Irvine</b>	<b>40 units per acre</b>
<b>Newport Beach</b>	<b>50 units per acre</b>
<b>Santa Ana</b>	<b>35 units per acre</b>
<b>Westminster</b>	<b>25 units per acre</b>
<b>Costa Mesa</b>	<b>20 units per acre (unless site-specific densities have been previously approved – i.e. North Costa Mesa Specific Plan)</b>

### ***3. Overall Trip Generation and Traffic Safety and Circulation along Victoria Street***

The traffic study prepared for this project was included as Appendix F in the IS/MND prepared for the project. The traffic study was prepared by Linscott, Law, & Greenspan Engineers (LLG) and included the following:

- Traffic generation forecast of the proposed project compared to the existing use on the property.
- Evaluation of the project access and on-site circulation, including the safety aspect of the proposed driveways on Victoria Street.

**Trip Generation Table**

Land Use	Units/SF	AM	PM	Daily
Proposed 28-Unit Residential Development	28 Units	21	28	268
Existing Use (Office/Warehouse)	55,000 SF (Non-Conforming Building)	61	54	406
Existing Zoning (Administrative/Professional Offices)	55,000 SF (Non-Conforming Building)	132	197	1,987
Existing Zoning (Administrative/Professional Offices)	26,581 SF (Conforming Per 0.30 Max. FAR)	64	95	965

The traffic study was reviewed and approved by the City's Transportation Services Division.

**Traffic Generation Forecast.** When the proposed project is compared to the existing land use, the proposed project will result in 139 fewer daily trips, 40 fewer AM peak hour trips and 26 fewer PM peak hour trips, which is summarized in the tables below:

**Project Trip Generation Forecast (Proposed Project)**

Daily 2-Way	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
9.52	0.19	0.56	0.75	0.63	0.37	1.00
8.11	1.01	0.21	1.22	0.16	0.91	1.07
268	5	16	21	18	10	28
406	51	10	61	8	46	54
<b>-139</b>	<b>-46</b>	<b>+6</b>	<b>-40</b>	<b>+10</b>	<b>-36</b>	<b>-26</b>

### Project Trip Generation Forecast (Proposed Project)

Daily 2-Way	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
<b>Notes:</b> TE/DU = Trip end per dwelling unit TE/TSF = Trip end per 1,000 square feet						

The table below compares the trip generation of the proposed project to the existing use and the maximum building area allowed under the existing AP zoning:

As shown above, the proposed project would have a lesser impact on the surrounding street system than the existing land use during the critical weekday AM hour and PM peak hour. Given the reduction in traffic generation resulting from the proposed project, no traffic impacts are forecast and no traffic mitigation is required.

**Traffic Safety.** A substantially clear line of sight is required to be maintained between the driver of a vehicle waiting at a driveway and the driver of an approaching vehicle on Victoria Street. Adequate time must be provided for the waiting vehicle to either cross all lanes of through traffic, or turn right or left, without requiring the through traffic to radically reduce their speed. Due to the horizontal and vertical curvature of Victoria Street, LLG prepared a Sight Distance Evaluation for the two driveways as part of the traffic study for the project, which, as noted earlier, was included as Appendix F to the IS/MND and is attached separately to this report for reference.

The study conducted by LLG concluded that adequate sight distance is provided for the two driveways serving the project. Further, the results of the Sight Distance Evaluation for the curvature of Victoria Street concluded that there are no obstructions to the line of sight at either driveway, and that curbside parking was not a factor due to the no parking restrictions on Victoria Street.

#### **4. Variance Requests**

The purpose of the setback requirements is to provide a visual buffer between the public sidewalk and any perimeter walls or buildings. The proposed project is located on site that has several special circumstances due to lot shape and topography. Specifically, the northerly boundary of the site, along the Victoria Street frontage, has a 30% slope, preventing a typical orientation of a building at 90° angle to the street. Additionally, although the site does not provide the minimum required setback as measured from its narrowest point (at Lot 28) the proposed development provides the average required perimeter landscaping since several areas exceed 20 feet in depth (33 feet in depth in front of Lot 17, for example).

With regard to overall open space and building height, the same conditions for unusual lot shape and topography as discussed above apply. Additionally, the project proposes roof top decks for each unit ranging in size from 418 square feet to 522 square feet in addition to the ground-level private yard area for each lot. Roof decks are not typically calculated as



part of the required open space; however, if the variance were to be approved to allow the roof decks to count as open space, it would add over 10,000 square feet of open space to the project, thereby meeting the intent of the Zoning Code open space requirement.

### **5. Consideration of additional on-site guest parking spaces**

The applicant is working with the property owner of the Victoria Square retail center to seek a shared access, ingress/egress, and parking easement to allow overflow guest parking in the evening hours. The applicant will provide an update on any progress at the public hearing for this project.

### **6. and 7. Building Height**

*What specific changes to the grade level of the property are being proposed?*

Applicant is proposing to:

- Lower the existing grade by 4 to 5 feet, until such point that an existing sewer main along the rear portion of the property is not compromised.
- *Potentially* lower site grades by up to 6 feet in some areas; however, this will need to be confirmed with a precise grading plan.
- Build new retaining walls at varying heights of 10 to 12 feet.

*How is building height measured?*

Title 13 defines building height as “*the distance from the grade to the highest point on the roof, including roof-top mechanical equipment and screening.*” In this case, six-foot high privacy walls are proposed on select roof decks along the rear and east side property line. The building height to the highest point of the privacy wall is 37 feet.

Building height in the R2-HD zone is defined by a story limit and a height limit as measured in lineal feet. The proposed three-story structures with roof decks require a variance from the story limit (two stories allowed, three stories and roof deck proposed) and from the height limit (27 feet allowed, 37 feet proposed).

*What would be the height of proposed structures as measured from the existing grade of the neighboring properties?*

Section views showing the relationship of the proposed three-story structures (37-foot height) and adjacent single-story and two-story homes are attached. The following table provides a brief comparison which takes into account the proposed reduction in the site grade levels by 4 to 5 feet and the neighboring grade.

	(Approximate Only) Building Elevation As measured from Neighboring Grade		Difference in the Site Grade compared to the Abutting Properties
	With Roof Deck	Without Roof Deck	
Two-story residence at 1444 Sea Bluff Drive	32 feet	27 to 28 feet	If site is 5 feet lower in grade.

(Approximate Only) Building Elevation As measured from Neighboring Grade			Difference in the Site Grade compared to the Abutting Properties
One-story residence at 1164 Gleneagles Terr.	32 feet	27 to 28 feet	If site is 5 feet lower in grade
1156 Gleneagles Terr.	32 to 33 feet	28 to 29 feet	If site is 4 to 5 feet lower in grade
Two-story structure at Valley Circle	32 feet	27 to 28 feet	If site is 5 feet lower in grade.

Several neighbors supported the project subject to conditions. Planning Commission conditioned the project to remove roofdecks and therefore lower the building height along those abutting properties which were opposed to the building height.

### ***8. Nature and progress of any community outreach to the impacted neighbors abutting the proposed project***

The applicant has been meeting with several of the directly impacted neighbors, specifically properties along Sea Bluff and Gleneagles Terrace. Following is a brief summary of some of the terms and conditions that has been negotiated with certain abutting neighbors who support the project:

- No access (pedestrian, vehicular, etc.) from Sea Bluff Road.
- Lower existing grade by 4 to 5 feet.
- Modification to window locations for privacy purposes.
- Construction of a 6-foot high privacy wall on the roof decks to shield views.
- Construction of new retaining walls.
- New Landscaping/Mature trees for landscape screening.
- Relocation of exterior staircases.

### ***9. Traffic Accident Data***

Traffic accident data compiled for the last 10 years by the Traffic Safety Division of the Costa Mesa Police Department is attached to this report. According to the summary, the total number of collisions near the intersection of Victoria Street and Valley Road (east of the project site) from January 1, 2005 to March 26, 2015 are as follows:

- Total Collisions: 15
- Injury Collisions: 11
- Fatal Collisions: 0

According to the Transportation Services Division, the number of collisions is not considered high or at a level that would require any special attention.

### ***Proposed Development***

The proposed three-story, 28-unit development, is described below.

### **Unit Type Summary**

	<b>Plan 1</b>	<b>Plan 2</b>
<b>Unit Size (Not Including Garage)</b>	1,997 Sq. Ft.	2,244 Sq. Ft.
<b>Total No. of Units</b>	14	14
<b>No. Bedrooms and Baths</b>	3 Bed, 3 Bath (1)	3 Bed, 3.5 Bath
<b>No. of Stories</b>	3 + Roof Deck	3 + Roof Deck
<b>Roof Deck Sq. ft.</b>	418 Sq. Ft.	522 sq. ft.
<b>No. Of Garage Spaces</b>	2	2
<b>No. Of Open Spaces (In Driveway)</b>	2	1
<b>Total Resident Spaces</b>	<b>56</b>	<b>42</b>
<b>No. Of Open Spaces (Guest)</b>	<b>14</b>	
<b>Total Parking</b>	<b>112 Spaces</b>	

1. An optional den and powder room can be substituted for the 3rd bedroom and bathroom on the second floor for Plan 1.

### ***On-Site Parking and Circulation***

The project provides a total of 56 garage parking spaces, 42 driveway spaces, and 14 guest spaces are proposed, for a total of 112 on-site parking spaces or four spaces per unit, which complies with Code. The 14 on-site guest spaces are proposed to be parallel to the 24-foot wide private street provided within the project. The vehicular circulation has been reviewed and approved by the Transportation Services Division, subject to a condition of approval that limits cars exiting the westerly driveway to right-turns only by the construction of a raised median on Victoria Street.

### ***Perimeter Walls/Fences***

The majority of the existing perimeter block walls abutting the project to the sides and rear meet or exceed the required 6-foot minimum height, appear to be in good condition, and are proposed to remain in place. However, staff notes that a portion of the block wall along the rear (abutting the R1 zoned properties) is less than 6 feet in height and appears to abut a rear yard wooden fence along several of the properties. Staff is recommending, as a condition of approval, that this wall be replaced with a decorative block wall a minimum of 7 feet in height and that the applicant work with the adjacent property owners to eliminate side-by-side walls with gaps in between them.

### ***Building Architecture***

The proposed architecture is a contemporary design of stucco with fiber cement siding and stone veneers. The proposed colors are light and charcoal grays, whites, and earthen tones. Projections are included to maximize floor space on upper floors and provide building articulation, texture and color variation throughout the project's design. Staff is recommending, as a condition of approval, the upper level windows be designed to minimize direct views into second-floor windows for residences on abutting properties.

## ***Open Space***

The project provides a total of 34.9 percent open space; as a result, approval of the reduced open space is subject to variance findings. Perimeter open space and common open space, which applied to the previously proposed PDR-HD zone, do not apply to the R2-HD zone (see table below). The variance findings are discussed later in this report.

### **Open Space Code Comparison**

	<b>PROVIDED</b>	<b>PDR-HD</b>	<b>R2-HD</b>
<b>Total Open Space</b>	<b>34.9% (1)</b>	<b>42%</b>	<b>40%</b>
<b>Common Open Space</b>	<b>10%</b>	<b>50% of Total Open Space</b>	<b>NA</b>
<b>Perimeter Open Space</b>	<b>11 FT</b>	<b>20 FT</b>	<b>NA</b>

NA=Not Applicable or No Requirement

(1) Variance required

## ***Building Height, Setbacks, and Building Separation Requirements***

The PDR-HD zone does not specify development standards with regard to building height and setbacks. They do, however, apply to the R2-HD zone (see table below). The variance and administrative adjustment findings are discussed later in this report.

### **Comparison between PDR-HD and R2-HD for Certain Dev. Stds.**

	<b>PROVIDED</b>	<b>PDR-HD</b>	<b>R2-HD</b>
<b>No. Of Stories/Bldg. Ht.</b>	<b>3 Stories/37 FT (1)</b>	<b>NA</b>	<b>2 Stories/ 27 Feet</b>
<b>Front Setback</b>	<b>14 FT (2)</b>	<b>NA</b>	<b>20 FT</b>
<b>Side Setback (L/R)</b>	<b>6 FT/7FT</b>	<b>NA</b>	<b>5 FT/5 FT</b>
<b>Rear Setback (2+Stories)</b>	<b>10 FT (1)</b>	<b>NA</b>	<b>20 FT</b>
<b>Building Separation</b>	<b>8 FT (3)</b>	<b>NA</b>	<b>10 FT</b>

NA=Not Applicable or No Requirement

(1) Variance required.

(2) Administrative adjustment required.

(3) Minor modification required.

## ***Vesting Tentative Tract Map***

The vesting tentative tract map proposed is for a common interest residential development subdivision with 28 numbered lots to accommodate the units and 4 lettered lots to accommodate the common areas and private streets. All common areas including the driveway and parking spaces will be commonly used and maintained by a homeowners association.

## **ANALYSIS**

### ***Justifications for Approval***

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission recommended approval of the project based on the evidence

presented in the administrative record at the April 13, 2015 meeting substantially complying with the specified findings in the Zoning Code.

### General Plan Amendment

Although Code Section 13-29(g) does not specify findings for General Plan Amendments, the project conforms to the specific goals and objectives of the General Plan Land Use Element as referenced in the draft City Council resolution.

### Rezone

- The proposed rezone is consistent with the Zoning Code and the General Plan. The proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the R2-HD zone, including density and on-site parking. The General Plan land use designation for the project area is High Density Residential (14.5 dwelling units to the acre maximum), which is compatible with the proposed zone change to R2-HD. The applicant is not seeking the maximum build out potential of 29 dwelling units within the R2-HD zone (28 units proposed). The project provides a maximum density of 14 dwelling units to the acre (28 units total). The maximum density is based on the gross acreage of the site.

The following table provides a comparison of the maximum densities allowed in multi-family residential zones in the surrounding area.

Address	Zoning	Maximum Density Allowed	Proposed/Existing Density
Proposed Project	R2-HD	14.5 du's per acre	14 du's per acre
WestReef 1259 Victoria	R2-MD	12 du's per acre	12 du's per acre
Stonybrook, Meadowview, Sea Cove Lane	PDR-MD	12 du's per acre	12 du's per acre

### Design Review

- The project exhibits excellence in design, site planning, integration of uses and structures, and protects the integrity of neighboring development. The project will provide an ownership in-fill residential development that will be complementary to an urban setting. The proposed architecture and site design will enhance the street view and will be compatible with existing development in the area. The overall architectural design promotes excellence and compatibility. The variety of building elevations, materials and staggered massing diminishes the boxy design appearance consistent with the City's Residential Design Guidelines.
- The project will provide on-site parking spaces that meets current parking standards (112 spaces required; 112 spaces proposed). As noted earlier, the project provides a total of

56 garage parking spaces, 42 driveway spaces, and 14 guest spaces are proposed, for a total of 112 on-site parking spaces or four spaces per unit, which complies with Code. Additionally, the applicant is continuing to work with the owner of Victoria Square to secure off-site parking for future guests of the project.

### Variances and Administrative Adjustment

For the variances from open space, building height, and rear yard setback, and administrative adjustment from front yard setback, staff believes that approval of the variances are justified based on the following:

- 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. The purpose of the setback requirements is to provide a visual buffer between the public sidewalk and any perimeter walls or buildings. The proposed project is located on site that has several special circumstances due to lot shape and topography. Specifically, the northerly boundary of the site, along the Victoria Street frontage, has a 30% slope, preventing a typical orientation of a building at 90° angle to the street. Additionally, although the site does not provide the minimum required setback as measured from its narrowest point (at Lot 28) the proposed development provides the average required perimeter landscaping since several areas exceed 20 feet in depth (33 feet in depth in front of Lot 17, for example).

With regard to overall open space and building height, the same conditions for unusual lot shape and topography as discussed above apply. Additionally, the project proposes roof top decks for each unit ranging in size from 418 square feet to 522 square feet in addition to the ground-level private yard area for each lot. Roof decks are not typically calculated as part of the required open space; however, if the variance were to be approved to allow the roof decks to count as open space, it would add 13,524 square feet of open space to the project, thereby meeting the intent of the Zoning Code open space requirement.

- The deviation authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Although the abutting Westreef project provided code-compliant open space (40% required; 45% provided) the approval also included a variance from the 20-foot front landscape requirement (20 feet required; 10 feet proposed) and rear yard setback requirement (20 feet required; 15 feet proposed). Therefore, the strict application of the setback requirements for this project deprives the subject property of privileges enjoyed by others in the vicinity.

The existing residential properties along Gleneagles Terrace, Sea Bluff Drive, and Valley Road consist of one- and two-story structures. The proposed units will be 3-stories / 37 feet in height with a roof deck on the top story. For the building height variance is required, the following table provides context for multi-family residential developments in the area that have been approved with a three-story building height.

Address	Case No.	Description
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<b>2209 – 2219 Pacific Avenue</b>	<b>PA-87-172 Approved 10/1987</b>	<b>Variance from building height for a 21-unit apartment project (two stories allowed; three stories approved).</b>
<b>1259 Victoria Street (Westreef)</b>	<b>PA-12-24 Approved 4/2013</b>	<b>Variance from building height for Building Complex 1 and 3 (two stories/27 feet allowed; three stories/35-37 feet approved)</b>

While the subject property is not located along the bluff crest, other multi-family projects have been approved with encroachment into setback requirements. The table below provides some context of other projects with approved encroachments, in this case, into the bluff crest.

Address	Case No.	Proposal	Approved/Denied
2171 thru 2189 Pacific Avenue	ZE-79-141	Variance to allow a 47-unit condo project to encroach into the bluff crest	Approved by PC on 4/13/81 (5-0)
2209 thru 2219 Pacific Avenue	PA-87-172	Variance from number of building stories for a 21-unit apartment project (two-story allowed; 3 stories proposed)	Approved by PC on 10/12/87 (4-1)
2231 Pacific Avenue	ZE-79-21	Variance to allow a 14-unit condo project to encroach into the bluff crest	Approved by PC on 8/13/79 (4-0)
2267 Pacific Avenue	ZE-78-55	Variance to allow a 6-unit condo project to encroach into the bluff crest plus deviation from garage requirements	Approved by PC on 6/12/78 (5-0)

- The proposed project is consistent with the General Plan/Zoning Code with regard to use, density and intensity. As noted earlier, the HDR (High Density Residential) General Plan Land Use designation allows residential development of up to 14.5 dwelling units/acre on this site; the proposed project is 14 dwelling units/acre and complies with all other applicable provisions of the Zoning Code for residential developments in the R2-HD zone. Therefore, 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.

#### Minor Modification

- The minor modification is for a relatively minor 2-foot reduction in the building separation for the units. The project would still be subject to Code requirements as they pertain to Building and Fire safety. In addition, the reduction 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. As noted earlier, the project consists of quality architecture and building materials and is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity.

### Vesting Tentative Tract Map

- The creation of the subdivision and related improvements is consistent with the General Plan and the Zoning Code, is physically suitable to accommodate the subdivision in terms of type, design, and density of development, and is consistent with the State Subdivision Map Act. The overall design reflects a quality project that is consistent with the intent of the Zoning Code and General Plan. 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.

### Request for Park Fee Waiver

- At the April 13, 2015 meeting, Planning Commission added a condition of approval requiring the applicant to work with the Public Services Department to develop a plan to install an approximately 200- to 300-foot long wrought iron fence along the Victoria Street frontage of Vista Park. The purpose of the fencing is to deter residents from jaywalking across Victoria Street to the park. The applicant is requesting to have a portion of the required park fee for the project waived equal to the cost of the construction of this fence (\$32,000.00). The applicant's request is attached to this report.

### **ENVIRONMENTAL DETERMINATION**

An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15073, the IS/MND was made available for a 30-day public review and comment period beginning on February 25, 2015, until March 27, 2015. A copy of the IS/MND is included with this report under separate cover. The consultant has prepared an addendum to the IS/MND reflecting the proposed changes to the project, and is preparing a Responses to Comments received during the March 23, 2015 Planning Commission hearing, which will be provided separately prior to the meeting.

#### ***Summary of Environmental Impacts and Mitigation Measures***

Under CEQA, a "significant impact" represents a substantial or potentially substantial adverse physical change to the environment. In evaluating specific effects of the project on the environment, the IS/MND identifies thresholds of significance for each effect, evaluates the potential environmental change associated with each effect, and then characterizes the effects as impacts. With the implementation of the mitigation measures identified in the IS/MND for the proposed project, all potentially significant impacts have been reduced to less than significant levels, as summarized in the following table:



Summary of Potentially Significant Environmental Impacts		
Potentially Significant Environmental Effects	Mitigation Measures	Level of Significance After Mitigation
Noise	NOI-1: Sound Attenuation Walls.	Less than significant

Source: Trumark IS/MND

## **LEGAL REVIEW**

The City Attorney has reviewed the draft ordinance and resolutions and they have been approved as to form by the City Attorney's Office.

## **CONCLUSION**

Approval of the project will allow development of a 28-unit detached residential ownership development. The project satisfies the required findings for the proposed project and is deemed to be a high-quality development, therefore it is consistent with the intent of the General Plan and Zoning Code. Therefore, Planning Commission recommends approval of the project.

## **ALTERNATIVES**

The City Council has the following alternatives:

1. Continue the item to allow additional time for further analysis or revisions to the project.
2. Deny the project. If the City Council denies the project, the applicant could not submit substantially the same type of application for six months.

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MEL LEE, AICP  
Senior Planner

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GARY ARMSTRONG, AICP  
Director of Economic & Development /  
Deputy CEO

Attachments:

1. [Vicinity, Zoning, and General Plan Maps](#)
2. [Project Plans/Elevations/Perspectives](#)
3. [Request for Park Fee Waiver From Applicant](#)
4. [Draft Resolution and Ordinance](#)
5. [Planning Commission Meeting Minutes](#)
6. [April 13, 2015 Planning Commission Staff Report and Attachments](#)
7. [Planning Commission Resolutions](#)
8. [IS/MND - Please visit - http://www.costamesaca.gov/index.aspx?page=151 \(Trumark Homes Project at 1239 Victoria\)](#)
9. [Correspondence from Public](#)

Chief Executive Officer  
Assistant Chief Executive Officer  
Director of Economic & Development / Deputy CEO

cc:

City Attorney  
Public Services Director  
Transportation Svs. Mgr.  
City Engineer  
City Clerk (9)  
Staff (7)  
File (2)

Trumark Homes  
Attn: Eric Nelson  
450 Newport Center Drive, #300  
Newport Beach, CA 92660

Westar Holdings, Inc.  
1239 Victoria Street  
Costa Mesa, CA 92627

AECOM  
Attn: Thomas Holm, AICP  
999 Town & Country Road  
Orange, CA 92868

