



CITY OF COSTA MESA PLANNING DIVISION STAFF REPORT

July 26, 2024

Ken Bane
1211 Luanne Avenue
Fullerton, CA 92831

via U. S. Mail and email to
ken@rtipermits.com

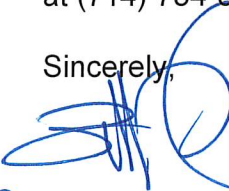
RE: DEVELOPMENT REVIEW PDVR-24-0003
2312 Santa Ana Avenue

Dear Mr. Bane,

Your application for Development Review PDVR-24-0003, to construct an approximately 750-square foot storage space located on the second level of each of the two existing multiple family buildings located towards the rear of 247 Knox Street has been approved, based on the attached description and analysis and compliance with the applicable Review Criteria and subject to the conditions of approval (attached). This decision will become final at 5 PM on August 2, 2024 unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or is called up for review by a member of the City Council. Any appeal must be filed within seven (7) days of the above approval date by 5 PM, pursuant to CMMC Sections 2-305(2) and 2-307.

If you have any questions regarding the above items, please do not hesitate to contact Planning Manager Bill Rodrigues by email at bill.rodrigues@costamesaca.gov or telephone at (714) 754-5153.

Sincerely,

FOR

Cecilia Gallardo-Daly
Interim Director of Economic and Development Services

cc: Engineering
Fire Marshall
Building

PLANNING APPLICATION SUMMARY

Location	2312 Santa Ana Avenue	Application Number	PDVR-24-0003
Request	To construct two, second-story storage units above the existing multi-family residential development and to construct a new trash enclosure and new landscaping.		
CEQA	Exempt per CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures)		
Final Action	Planning Division		

SUBJECT PROPERTY

Zoning District	R2-MD (Multiple Family Residential – Medium Density)
General Plan Land Use Designation	Medium Density Residential (MDR)
Lot Dimensions	120 FT x 300 FT
Lot Area	36,000 SF
List of Approved Plans / Land Use Entitlements	None
Existing Development	Two buildings featuring six dwelling units each (12 total) and two detached garage structures.

SURROUNDING PROPERTY

	Zoning District	General Plan Land Use Designation	Existing Development
North	R2-MD (Multiple Family Residential – Medium Density)	Medium Density Residential (MDR)	Multifamily dwellings
East	Single Family Detached homes located in the City of Newport Beach		
South	R2-MD (Multiple Family Residential – Medium Density)	Medium Density Residential (MDR)	Multifamily dwellings
West	R1 (Single Family Residential)	Low Density Residential (LDR)	Single and Multiple family dwellings

Development Standard	Required / Allowed R2-MD Zone	Provided / Proposed
Building Height	2 stories / 27 feet	2 stories / 20 feet
Setbacks		
Front	20 feet	240 feet (to proposed addition)
Side (left/right)	5 feet / 5 feet	20 feet / 20 feet
Rear	20 feet for two-story structures 10 feet for one-story structures	20 feet for second story addition 10 feet for single story addition
Open Space	40 percent	65.8 percent
Parking		
Garage	12 spaces	12 spaces
Open	21 spaces	13 spaces*
TOTAL:	33 spaces	25 spaces*

* Existing Non-conforming condition not proposed to change

BACKGROUND

Project Location

The subject property is located at 2312 Santa Ana Avenue and is zoned R2-MD (Multiple Family Residential District, Medium Density) with a General Plan Land Use Designation of Medium Density Residential. The property is currently developed with 12 dwelling units in two, six-unit buildings located on the back half of the property. The front half of the property features a landscaped front setback and a surface parking lot with 14 open parking spaces and two enclosed garage structures with six parking spaces each. The property is surrounded by other residentially-zoned and developed properties including multiple family dwellings to the north and south, single-family dwellings across Santa Ana Avenue to the west, and single-family dwellings located in the City of Newport Beach to the east.

The surrounding developments are characterized by traditional architectural styles. The immediately adjacent multiple family dwelling properties include a mixture of one- and two-story structures with stucco walls and a mixture of gable and hip roofs. The dwelling units located across Santa Ana Avenue are also two-story structures with wood and stucco siding and a mixture of roof forms. The three single family dwellings to the rear of the property are located on a grade above the subject site and feature stucco walls and gable roofs. Two of the three residences are two stories and the third is a one-story structure.

Site History

The current site development received building permits on April 18th, 1968 for two six unit residential structures and garages. On August 15, 1968, the Planning Commission granted the request for two detached garage buildings on the property. Construction was completed on October 7, 1968. The project site has received various repair and reroof permits since construction was completed.

Other Improvements Not Subject to Development Review

Separately, the applicant has submitted for approval of building permits (PADU-24-0022 and PADU-24-0022) to construct detached accessory dwelling units above each of the detached garages located in the front half of the property. These two ADUs comply with all City regulations for detached ADUs. Additionally, the applicant is adding a trash enclosure within one of existing surface parking lot spaces and a one-story laundry room at the rear of the property. One story construction that complies with development standards, and the construction of ADUs that comply with the City's ADU Ordinance do not require Development Review.

Development Review Required

Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-28(e), second story additions on a lot with more than two dwelling units that complies with residential guidelines in the R2-MD zone requires Development Review.

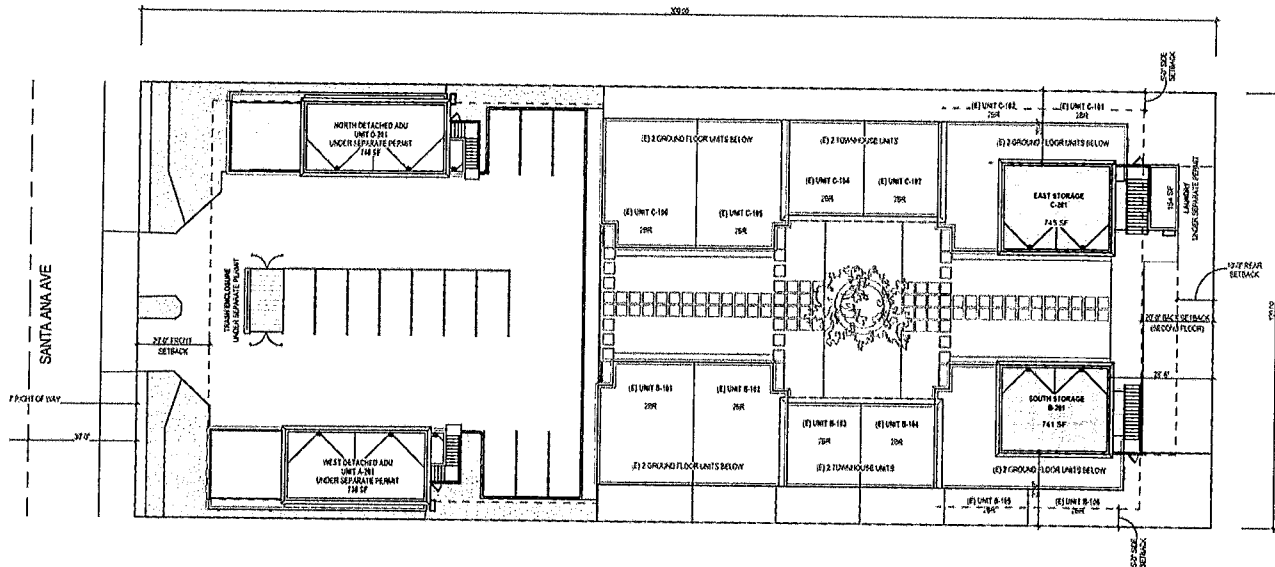
ANALYSIS

Project Description

As shown in Exhibit 1, the second story addition will occur above each of the existing multiple-family dwelling structures to be used for storage purposes. One structure will be 741 square feet and the other will have an area of 745 square feet. Each will be accessed by an exterior staircase located at the rear of each building.

The applicant has expressed their intent to convert the storage structures into Accessory Dwelling Units (ADU) soon after final City building inspection approval is granted. Pursuant to the Government Code and Costa Mesa Municipal Code (CMMC) Section 13-35(b)(4)(b), multifamily dwelling developments are permitted to have a maximum of 25% of the existing number of units on the lot as ADUs constructed from within the enclosed non-livable space of the dwelling structure. Once the building permit for the storage structures is finalized, they will be non-livable spaces and are eligible for ADU conversion. Combined with the two separately permitted ADUs mentioned earlier, the site would have four new ADUs.

Exhibit 1: Proposed Site Plan



Pursuant to CMMC Section 13-44, a maximum building height of two stories and 27 feet is permitted in the R2-MD zone. The proposed addition would occur on the second story and will have a maximum height of 20 feet. The existing multiple family dwelling structure already includes portions of the structure that are two stories and 20 feet in height in front of the proposed storage structures. Due to the location of the second story addition behind the existing second story portion of the buildings, views to the proposed addition from the street will be nominal.

The project complies with all setbacks. The location of the storage structures are 20 feet from the side property lines and 28 feet and 6 inches from the rear property line. The neighboring

developments to the north and south feature a driveway and common walkway adjacent to the proposed construction. Due to the public nature of these areas and the 20-foot side setbacks, privacy impacts on the neighboring properties would be de minimus. In addition, as shown in Exhibit 2, there is a substantial grade change of approximately 8 feet and distance separating the subject property from the rear neighbor.

Exhibit 2: Rear Yard Condition



Open Space

The project is required to provide a minimum of 40% open space. The project is proposing to provide 65.8% open space and therefore complies.

Landscaping

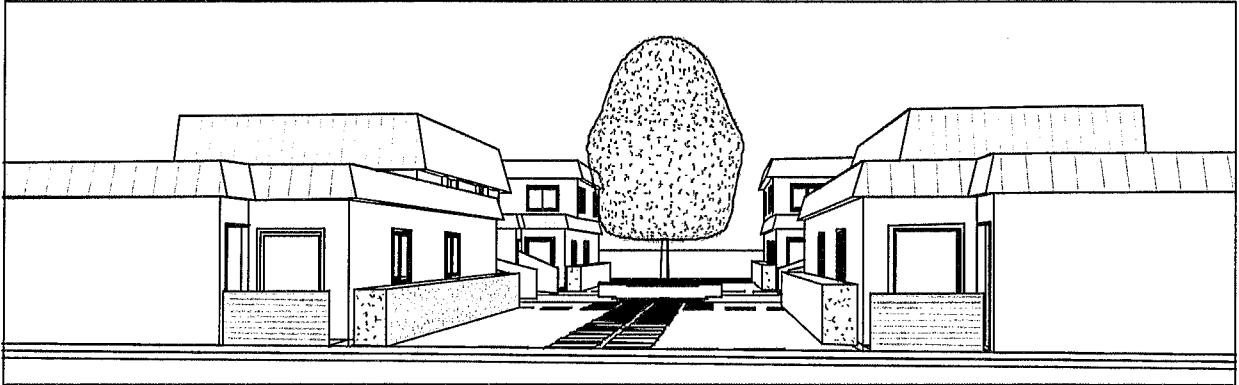
The project proposes to modify landscaping throughout including planting a new statement tree in the courtyard between the existing dwelling units. A final landscape plan is required to be reviewed and approved prior to issuance of building permits. CMMC Section 13-106 requires that all landscape areas consist of drought tolerant plant material and shall meet the minimum number of plant types based on the total landscape square footage. As part of the building permit plan check review, landscape plans shall be prepared and certified by a California licensed landscape architect confirming that the project's landscaping complies with the CMMC and water efficiency landscape guidelines.

Architecture

The second story additions are proposed to match the existing development seamlessly. The project proposes a matching textured stucco siding, composition shingle mansard roofs, wood appearance guard rails and screening walls. As shown in Exhibit 3 below, the existing building footprint jogs in plan, layering the views of the building from the street. The second

story additions will add to the visual rhythm and will create additional view lines to and through the communal areas of the site.

Exhibit 3: Proposed Massing



As required by the Costa Mesa's Residential Design Guidelines, the second story design provides off-sets and articulations to avoid overly boxy structures. Long unbroken facades have been avoided and the placement of the second story additions has minimal impact on the side yard because of the 20-foot setback provided. The roof form matches the existing mansard roofing on the existing development. Window placement has been considered in that the side yard windows have high sill heights which will reduce any view impacts into surrounding properties. Overall, the second story design integrates existing elements and will appear seamless with the original development.

Parking

Parking for multi-family residential projects is established by CMMC Table 13-85. The project site includes 12 two-bedroom dwelling units which require 12 covered parking spaces and 21 open parking spaces. The project site was developed prior to the existing parking requirements and is non-conforming. The existing parking lot features 14 open parking spaces and 12 garage parking spaces. The project is proposing to construct a new trash enclosure within an existing parking stall which is permitted through the City's Trash Enclosure Standards. Once the trash enclosure is constructed, the project will provide 13 open parking spaces and 12 garage parking spaces.

The CMMC provides that when a structure is enlarged or increased by adding a bedroom, required parking shall be provided. Since the project is proposing an addition of two storage spaces, parking does not need to be brought into conformance with the code. And parking is not required for ADUs, so this future conversion will not result in the need for additional on-site parking spaces.

Accessory Dwelling Units

Pursuant to CMMC Section 13-35(b)(4)(b)(4), lots with an existing multifamily dwelling are eligible for no more than 25% of the existing number of multifamily dwelling units to be converted into ADUs from enclosed non-livable spaces. In addition, the lot is eligible for up to

two detached ADUs. In addition, any ADU that meets the requirements of the ADU ordinance shall be approved ministerially. The storage structures must be constructed prior to their conversion into an ADU.

Review Criteria

Pursuant to CMMC Section 13-29(e), all planning applications are reviewed to ensure that a development proposal is compatible with the surrounding area, and in compliance with applicable zoning standards and General Plan policies. Additionally, the Planning Division must make the following determinations about the project's compliance with the applicable Review Criteria pursuant to the Zoning Code in order to approve this Development Review application:

(1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

The proposed development is compatible and harmonious with developments and uses on surrounding properties because the use is residential. The second story additions comply with all development standards and add to the existing architecture. The second story additions have been placed 20 feet from the side property lines and over 28 feet from the rear property line which ensures that the addition will be harmonious with surrounding developments.

(2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features have been considered for the proposed project in that all portions of the building and landscaping will comply with all building and fire codes. Landscaping will be required to comply with all visibility requirements.

(3) Compliance with any performance standards as prescribed in the Zoning Code.

The project, as proposed and conditioned, will comply with any performance standards prescribed elsewhere in the Zoning Code including the development standards, the placement of trash enclosures, and the landscaping code. Once constructed, the structures will comply with the ADU ordinance allowing conversion of non-livable spaces.

(4) Consistency with the general plan and any applicable specific plan.

The property has a General Plan designation of Medium Density Residential. Under the General Plan designation, the designation is intended to support single and multiple family developments. The following evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan:

Housing Element Program 3E: *Promote the Development of Accessory Dwelling Units (ADUs).*

Consistency: An objective of the Housing Program is to engage with residential development applicants regarding ADU opportunities that may not have been considered. The subject site is not currently eligible to convert non-livable spaces into ADUs because the only non-livable spaces on the property are detached from the multiple family dwelling structure. The construction of two second story storage structures would allow for future ADUs to be converted from storage spaces.

Land Use Element Policy LU-1.1: *Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.*

Consistency: The new storage structures would allow for two additional ADU housing opportunities. The City and State are currently in a housing affordability crisis. The increase of two units that are less than 800 square feet will increase the housing stock and would generally be less expensive than larger units with more amenities.

(5) *The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.*

The application is for a development review to construct a 741-square-foot and 745-square-foot storage structure above the existing multiple family dwelling structures. The review of this application and any conditions applied thereto are specific to the site and circumstances involved in this specific project. The project specific review is not precedent setting for future applications.

(6) *For residential developments, consistency with any applicable design guidelines adopted by city council resolution.*

- Second Story Design: Each of the two storage units has been designed with articulation and off sets which avoids a boxy appearance. The second story addition includes design elements which match the existing development including the wall materials, roof materials and designs. In addition, the second story addition is located behind and existing second story which will screen the majority of the development from the street. Overall, the second story design integrates existing elements and will appear seamless with the original development.
- Elevation Treatments, Building Mass, and Elevations: Long unbroken facades have been avoided. The roof form matches the existing mansard roofing on the existing development and matches the maximum height already present on the site. Window placement has been considered in that the side yard windows have high sill heights which will reduce any view impacts into surrounding properties.
- Second Story Side Setbacks: The residential design guidelines include a minimum average setback of 10 feet for second story additions. The proposed second story

additions proposes a minimum 20-foot setback and therefore complies with the requirements.

- Site Planning and Architectural Design: The additions exhibit excellence in design and will appear seamless with the original development. The location of the storage structures is at the rear of the property above the existing multiple family dwelling structures. The additions are 20 feet from the side property lines and include clerestory windows facing the neighboring properties. The combination of the large setback, the placement of windows, and the large setback present on neighboring properties has resulted exhibiting excellence in site planning and a project which will have minimal impacts on the neighboring property.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (Class 3), New Construction and Conversion of Small Structures. This exemption applies to new construction of residential structures, totaling no more than four dwelling units; the subject project includes one residential unit. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 apply. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.

CONDITIONS OF APPROVAL (PDVR-24-0003)

- Plng.
1. 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.
 2. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the applicant and, where applicable, the Authorized Agent, for reference.
 3. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29(k)(6). Only one request for an extension of

180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.

4. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers and/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 the City.
5. The conditions of approval, code requirements, and special district requirements for PDVR-24-0003 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
6. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the Building Division's final inspections. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
7. 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.
8. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
9. 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.
10. Detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

11. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). The final landscape plan shall meet tree count, tree selection, shrub count, groundcover and turf requirements per the City's Zoning Code.
12. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
13. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas.
14. Parking spaces shall be striped in accordance to the City's Parking Design Standards.
- Bldg. 15. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer

CODE REQUIREMENTS

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. Development shall comply with all requirements of Article 1, Chapter 5, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.
2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. All on-site utility services shall be installed underground.
4. 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 vault, wall cabinet, or wall box under the direction of the Planning Division.
5. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). The final landscape plan shall meet tree count, tree selection, shrub count, ground cover and turf requirements per the City's Zoning Code requirements.

6. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
7. All unpaved areas visible from public right-of-ways shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.
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.
9. Transformers, backflow preventers, and any other approved above-ground utility improvements 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.
- Bldg. 10. Comply with the requirements of the most recent applicable adopted California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance.
11. Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code.
12. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code 705.8
- Fire 13. Comply with the requirements of the California Fire Code and referenced standards as amended by the City of Costa Mesa.
- Bus. 14. 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.
- Lic.

SPECIAL DISTRICT REQUIREMENTS

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

- AQMD 1. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
2. Prior to the Building Division (AQMD) issuing a demolition permit, contact South Coast Air Quality Management District located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909-396-2000

OR

Visit their web site:

<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>

The Building Division will not issue a demolition permit until an identification number is provided by AQMD.

- Cable 3. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Sani. 4. It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.
- State 5. 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.