



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 1, 2008

ITEM NUMBER:

SUBJECT: REVIEW OF TENTATIVE TRACT MAP T-17248 FOR A SEVEN-UNIT RESIDENTIAL COMMON-INTEREST DEVELOPMENT AT 616 CENTER ST. AND 613 PLUMER ST.

DATE: JUNE 17, 2008

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

**PRESENTATION BY: DONALD D. LAMM, AICP, DEVELOPMENT SVS.DIRECTOR AND
CLAIRE L. FLYNN, AICP, PRINCIPAL PLANNER**

FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN (714) 754-5278

RECOMMENDATION:

Uphold or reverse the Planning Commission's approval of Tentative Tract Map T-17248.

BACKGROUND:

Project Summary

Tentative Tract Map T-17248 is a subdivision application to combine the parcels at 616 Center Street and 613 Plumer Street to create a one-lot airspace subdivision. These two parcels (0.35-acre total) are proposed to be combined into a single lot to accommodate the "Coastal Heights" residential common-interest development (Vicinity Map, Attachment 1). The tract map would allow an airspace subdivision of the property into seven units (maximum). The recordation of the map allows these units to be sold individually as condominiums, and park fees in the amount of \$96,803 would be remitted to the City prior to final map approval.

Master Plan PA-07-31 is for "Coastal Heights," a seven-unit, three-story multifamily attached, common interest residential development project in the Mesa West Residential Ownership Urban Plan area. The Master Plan includes the following:

- (a) 25 percent density bonus, or two additional units, as allowed per the Urban Plan (5 units allowed, 7 units proposed).
- (b) Deviation from residential development standards:
 - Minimum lot size (one acre required; 0.35 acre proposed)
 - Left side setback (5-foot setback required, 1-foot proposed)
 - Right side setback (5-foot setback required, 4-foot proposed)
 - Maximum size of residential loft area
- (c) Deviation from residential design guidelines: 2nd/3rd story average side setback (10-foot average required, minimum 7- to 10-foot range proposed)

Summary of Unit Sizes

Unit	Square Footage
Center Street Loft 1	1,931 sq.ft.
Sunset Loft 2	1,973 sq.ft.
Courtyard Loft 3	3,134 sq.ft.
Courtyard Loft 4	2,955 sq.ft.
Courtyard Loft 5	2,964 sq.ft.
Plumer Street Loft 6	1,822 sq.ft.
Plumer Street Loft 7	1,822 sq.ft.
<i>Estimated sales at \$675,000 to \$950,000 per unit</i>	

Previous Actions

On December 5, 2006, City Council completed a master plan screening of the proposed project. Council gave positive feedback regarding the green building elements and cutting edge design, but also expressed concerns regarding the building setbacks of the three-story structure and the seven-unit density.

On March 24, 2008, the Planning Commission approved Master Plan PA-07-31 for a proposed seven-unit development in the Mesa West Residential Ownership Urban Plan area. Revisions to the proposed master plan were made to address many of the Planning Commission's and community's concerns. The revisions related to:

- Modification of the project to reduce bulk/scale/massing of the building to be congruous with the surrounding neighborhood.
- Increased side setbacks of the building to enhance sense of space with abutting neighbors to the right and left.
- Compliance with Code-required parking.

The Master Plan approval was not appealed or called up for review. At that time, the subdivision map was continued to allow additional time to address the recent modifications to the proposed project. (3/24/2008 PC Minutes/ Report, Attachment 8).

On May 27, 2008, Planning Commission approved Tentative Tract Map T-17248 to allow the subdivision of the property for condominium purposes. The subdivision would allow the seven units to be sold as condominiums and establishment of a homeowner's association. (5/27/08 PC Staff Report, Attachment 7).

On June 3, 2008, Council Member Foley requested review of the Planning Commission's decision on the tract map (Review Form, Attachment 6). While appreciative of the applicant's effort to develop under the Mesa West Residential Ownership Urban Plan area, she believed that the issues raised by neighbors have not been adequately addressed. She is requesting Council consideration of the following:

- Overturning the Planning Commission's decision on the tract map by denial of the map;
- Granting the applicant "priority status" in the internal review process; and
- Waiving all necessary public hearing application fees.

ANALYSIS:***Council Review of Tentative Tract Map***

Please note that Council's review is limited to the tentative tract map only – and cannot involve modifications (i.e. design, building setbacks, parking, bulk, massing, height, etc.) to the previously-approved Coastal Heights Master Plan.

The tract map approval is based on a finding that the project site is ***physically suitable*** to accommodate the proposed development. Council may concur with the Planning Commission that the seven-unit project at a 20 du/acre density is consistent with the General Plan. However, Council may find that the property is not physically suitable for a residential development of this size and magnitude because the lot is too narrow, too small, etc. Council may find that the physical limitations of a 55-foot wide, 0.35-acre lot render the site unsuitable for a seven-unit project.

If Council were to deny the tentative map based on a finding of physical unsuitability, this denial would have consequences on the previously-approved Master Plan. The Master Plan project could not move forward without the approval of the tentative map. The applicant will be required to resubmit a new master plan and tentative map application to the Planning Commission for consideration. (Subdivision Map, Attachment 9).

Summary of Public Comments

Master Plan PA-07-31 and Tract Map T-17248 were considered concurrently by the Planning Commission at their January and March hearings. When the Master Plan was approved on March 24th, the tract map was subsequently continued to the May 27th hearing to allow additional time to address the final modifications to this approved Master Plan (Project Plans, Attachment 10).

Following is a summary of comments regarding the Coastal Heights Master Plan/Tract Map applications, expressed either during the Planning Commission meetings or in written correspondence.

Summary of Public Comments/Correspondence

Description	Number²	Total
Letters of Support	13	17
Public Comments in Support at Hearings	4	
Letters in Opposition	8	34
Public Comments in Opposition At Hearings	8	
Signature Petition in Opposition ¹	18	

- *Notes: 1. One opposition letter included 18 signatures from residents of the Vendome Condominiums.
2. These numbers may represent duplicate individuals. For example, commenter's at public hearings may have also submitted correspondence as well.

Opposition to Development Project

Eight letters were submitted in opposition to the project and generally related to the following (Opposition Correspondence, Attachment 4):

Brief Summary of Comments Against Project

Comments in Opposition	Planning Commission's Rationale
1. <i>Seven-unit project is too dense for the lot and for the neighborhood.</i>	The density bonus allows two additional units to be constructed, for a total of seven units at about 20 dwelling units per acre, as allowed in the General Plan and Urban Plan.
2. <i>Minimum one-acre lot size requirement of the Urban Plan should be met and not waived for this project.</i>	The strict application of development standards would result in practical difficulties inconsistent with the intent of the Urban Plan.
3. <i>Project will make existing flood and drainage problems in the area worse.</i>	The City Engineer's conditions require the approval of a hydrology study and water quality management plan to ensure flooding/drainage is adequately addressed prior to issuance of building permits.
4. <i>Increased density will significantly impact traffic.</i>	The net difference between a seven-unit and a five-unit project would not have a significant effect on level of service.
5. <i>Minimal side setbacks and lack of articulation of building intrudes on neighbor's light, air, privacy.</i>	Revised project provided enhanced setbacks, but deviations from development standards are required.
6. <i>3rd floor garden deck will create noise and privacy issues to the neighbors.</i>	The rooftop greendeck is an important amenity which provides useable open spaces for the homeowners. Conditions restrict use to sunset, and this outdoor area is still subject to the City's Noise Ordinance.
7. <i>Units are too large and need to be scaled back.</i>	The requests for specified deviations are considered reasonable and would result in implementation of a residential ownership project supportive of the Urban Plan vision.
8. <i>Project does not have sufficient open space.</i>	Open space complies with Code requirement.
9. <i>Project should provide more parking.</i>	Parking complies with Code requirement.
10. <i>Three-story building is too tall.</i>	Project was reduced from 45 feet to 39 feet. The Urban Plan allows this height limit.

Note: This table generally summarizes most (and not all) of the major points raised in the opposition letters. Please see Attachment 4 for all letters.

Support of Development

As the first urban plan project approved in this area of the Westside, the Planning Commission believed that the project may synergize future revitalization efforts. Overall, modifications to the project from its original submittal were found to be appropriate to justify approval. Commenters in support of the project shared the Planning Commission's belief that the proposed development would improve the area. (Support Correspondence, Attachment 5).

ALTERNATIVES CONSIDERED:

The City Council has the following options:

1. *Uphold Planning Commission's action by approving Tentative Tract Map.* Planning Commission found that the tentative map was in substantial compliance with the Subdivision Map Act, General Plan, and Zoning Code. The subdivision would allow the seven units to be sold as condominiums and establishment of a homeowner's association.
2. *Reverse Planning Commission's action by denying Tentative Tract Map.* Denial of the Tract Map will automatically constitute a denial of the previously-approved Master Plan. Council may find that, while the 20 du/acre density is consistent with the General Plan and Urban Plan, the 55-foot wide, 0.35-acre lot is not physically suitable to accommodate the proposed development. The seven-unit Master Plan project is contingent upon the project being subdivided and sold as airspace condominiums. A denial of the condominium map would make it necessary for the applicant to resubmit another Master Plan and Tract Map for consideration.

If Council wishes to waive the new application processing fees and grant priority status in processing, this action can be made by minute order as a separate motion.

FISCAL REVIEW:

Fiscal review is not required.

LEGAL REVIEW:

The City Attorney's office has approved the attached resolutions as to form.

CONCLUSION:

Planning Commission applied "out-of-the-box" thinking to the fullest extent possible for urban plan projects to promote revitalization in the Westside. While Planning Commission ensured that certain project changes were made (i.e. building height, parking compliance, enhanced setbacks), opponents to the project believe that these changes were not enough to justify approval of a seven-unit project on a small, narrow lot. Opponents generally believed the project was too dense and out-of-scale with the neighborhood.



CLAIRE L. FLYNN, AICP
Principal Planner



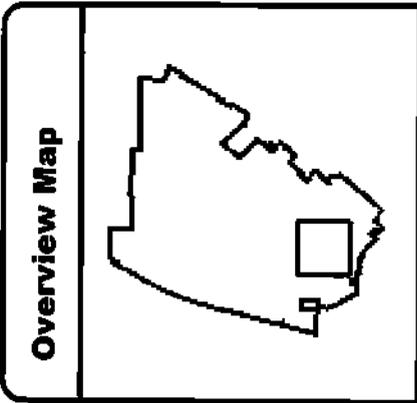
DONALD D. LAMM, AICP
Deputy City Mgr./Dev. Svs. Director

Attachments:

1. Vicinity Map
2. Council Approval Resolution
3. Council Denial Resolution
4. Review Form submitted by Councilmember Foley
5. Correspondence in opposition to project
6. Correspondence in support of project
7. 5/27/2008 PC Resolution and Staff Report
8. 1/28/2008 and 3/24/2008 PC Minutes, Supp. Memo, Staff Report
9. Subdivision Map
10. Project Plans

cc: City Manager
Asst. City Manager
City Attorney
Public Services Director
City Clerk (2)
Planning Staff (4)
File (2)

Justin McMillen/Andre Ferreira
616 Center Street
Costa Mesa, CA 92627



Legend

Address Large	Primary	Secondary	Waterway Lines	Hydrology	Freeway	Roads	Collector Freeway	Major	Newport BLVD (cont)	Street Names

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF TENTATIVE TRACT MAP T-17248, FOR A 0.35 ACRE PROPERTY LOCATED IN THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN AT 613 PLUMER ST. AND 616 CENTER ST. IN AN R2-HD ZONE AND MIXED-USE OVERLAY ZONE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, City Council adopted the Mesa West Residential Ownership Urban Plan in April 2006 which set forth development regulations and flexible development standards for three-story residential common interest developments at a maximum density of 20 dwelling units per acre in a specified mixed-use overlay zone;

WHEREAS, an application was filed by Justin McMillen of InHabitation Design for Planning Application PA-07-31 and Tentative Tract Map T-17248 with respect to the real property located at 613 Plumer Street and 616 Center Street;

WHEREAS, the proposed project involves the following: (1) Master Plan PA-07-31 for "Coastal Heights," a seven-unit, three-story multi-family attached, common interest residential development project in the Mesa West Residential Ownership Urban Plan area; and (2) Tentative Tract Map T-17248 to subdivide the property for condominium purposes;

WHEREAS, Master Plan PA-07-31 includes the following: (a) 25 percent density bonus, or two additional units, at an approximate density of 20 dwelling units per acre; and (b) Deviations from residential development standards for minimum lot size (one acre required; 0.35 acre proposed), maximum size of residential loft areas, and side setbacks (5 feet required, 0 to 4 feet proposed);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 28, March 24, and May 27, 2008 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, on March 24, 2008, Planning Commission approved Master Plan PA-07-31 on a 5-0 vote;

WHEREAS, on May 27, 2008, Planning Commission approved Tentative Tract Map T-17248 on a 5-0 vote;

WHEREAS, the Planning Commission's action on Tentative Tract Map T-17248 was called up for City Council review on June 3, 2008 within the seven-day appeal period, and the City Council held a duly-noticed public hearing on July 1, 2008 to allow for public comment on the proposed tentative tract map and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", the City Council **HEREBY UPHOLDS THE PLANNING COMMISSION ACTION AND APPROVES** Tentative Tract Map T-17248;

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff reports for Planning Application PA-07-31/T-17248 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" and

any applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 1st day of July, 2008

ERIC BEVER, MAYOR
Costa Mesa City Council

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The subdivision complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The subdivision is consistent with the General Plan.
 - b. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA, under Section 15315.
- C. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management of Title 13 of the Municipal Code in that the project's traffic impacts will be mitigated at all affected intersections. Payment of a traffic impact fee is required.
- D. The proposed use of the subdivision is for residential ownership purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan and Mesa West Residential Ownership Urban Plan. The proposed subdivision of the property for residential condominiums is consistent with the City's General Plan and Zoning Code.
- E. The proposed use of the subdivision is for residential ownership purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- F. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Tentative Tract Map T-17248 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 City's Zoning Code and General Plan. The applicant has requested deviations from development standards and conditions of approval have been applied to the project to compensate for specified deviations. Additionally, the project proposes a maximum density of approximately 20 dwelling units per acre, and this density is considered consistent with the General Plan and Mesa West Bluffs Residential Ownership Urban Plan. The 55-foot wide, 0.35-acre lot is physically suitable to accommodate the Coastal Heights Master Plan PA-07-31, as designed for a seven-unit, multi-family attached condominium development.
- G. The design of the subdivision provides, to the extent feasible, for future passive or

natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

- H. The future subdivision for condominium purposes 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. The subdivision map application shall be processed and approved by the City prior to issuance of building permits to ensure compliance with the Subdivision Map Act requirements and provision of ownership dwelling units. The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

- I. The future discharge of sewage from this future 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). Given the project site was previously developed with residential uses, the existing sewer facilities are expected to adequately serve the proposed project.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The conditions of approval or code provisions of Planning Application PA-07-31/T-17248 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
- 2. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
- Eng. 3. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- 4. Applicant shall comply with all of the requirements as set forth in the City Engineer's letter attached.
- 5. Applicant shall detain on-site a Q25 (the maximum storm event in a 25 year period) for 24 hours. This is a condition for the development.
- Bldg. 6. Applicant shall contact the Building Safety Division, prior to recordation of the final tract map, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied.



CITY OF COSTA MESA

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

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

October 25, 2007

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

SUBJECT: Tract No. 17248
LOCATION: 616 Center and 613 Plumer Street

Dear Commissioners:

Tentative Tract Map No. 17248 as furnished by the Planning Division for review by the Public Services Department, consist of combining two-lots into a single lot residential common-interest development. Tentative Tract Map No. 17248 meets 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 Section 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, and section 66491(a) of the Subdivision Map Act.
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. In accordance with C.C.M.M.C. Section 13-230, the Subdivider shall submit street improvement plans and/or off-site plans consistent with the Vesting Tentative Tract Map at the time of first submittal of the first phase of Final Tract Maps. Plan check fee shall be paid per C.C.M.M.C. Section 13-231.
5. The Final Tract Map and all off-site improvements required to be made, or installed by the Subdivider, shall meet the approval of the City Engineer. Prior to any on-site/off-site construction, permits shall be obtained from the City of Costa Mesa Engineering Division.
6. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.
7. Vehicular and pedestrian access rights to Center and Plumer Street shall be released and relinquished to the City of Costa Mesa except at approved access locations.

19. 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 Sub article 12, Section 7-9-337 of the Orange County Subdivision Code.
20. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
21. The elevations shown on all plans shall be on Orange County benchmark datum.
22. 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.
23. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File of the recorded Tract Map & As-Built of the off-site plans, reproducible mylar of the recorded Tract Map and seven copies of the recorded Tract Map.
24. Comply with streetscape & median development standards. Remove existing fence and retaining curb and landscape the parkway per City of Costa Mesa's Streetscape and Median Development Standards, Section 3.0 "Public Rights-of-Way and Parkways-General Criteria".

Sincerely,



Ernesto Munoz, P. E.
City Engineer

/ch (Engr. 2007/Planning Commission Tract 17248)

RESOLUTION NO. 08-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA OVERRULING THE PLANNING COMMISSION'S ACTION AND DENYING TENTATIVE TRACT MAP T-17248, FOR A 0.35 ACRE PROPERTY LOCATED IN THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN AT 613 PLUMER ST. AND 616 CENTER ST. IN AN R2-HD ZONE AND MIXED-USE OVERLAY ZONE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, City Council adopted the Mesa West Residential Ownership Urban Plan in April 2006 which set forth development regulations and flexible development standards for three-story residential common interest developments at a maximum density of 20 dwelling units per acre in a specified mixed-use overlay zone;

WHEREAS, an application was filed by Justin McMillen of InHabitation Design for Planning Application PA-07-31 and Tentative Tract Map T-17248 with respect to the real property located at 613 Plumer Street and 616 Center Street;

WHEREAS, the proposed project involves the following: (1) Master Plan PA-07-31 for "Coastal Heights," a seven-unit, three-story multi-family attached, common interest residential development project in the Mesa West Residential Ownership Urban Plan area; and (2) Tentative Tract Map T-17248 to subdivide the property for condominium purposes;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 28, March 24, and May 27, 2008 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, on March 24, 2008, Planning Commission approved Master Plan PA-07-31 on a 5-0 vote;

WHEREAS, on May 27, 2008, Planning Commission approved Tentative Tract Map T-17248 on a 5-0 vote;

WHEREAS, the Planning Commission's action on Tentative Tract Map T-17248 was called up for City Council review on June 3, 2008 within the 7-day appeal period, and the City Council held a duly-noticed public hearing on July 1, 2008 to allow for public comment on the proposed tentative tract map and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA;

BE IT RESOLVED that, based on the evidence in the record, and findings provided as Exhibit "A," the Planning Commission **HEREBY OVERRULES THE PLANNING COMMISSION ACTION AND DENIES** Tentative Tract Map T-17248;

PASSED AND ADOPTED this 1st day of July 2008.

ERIC BEVER, MAYOR
Costa Mesa City Council

Exhibit "A"

FINDINGS (DENIAL)

- A. The proposed use of the subdivision is not compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.

- B. The subdivision fails to comply with Costa Mesa Municipal Code Section 13-29 (e) because: The subdivision is not consistent with the General Plan in that the site is not physically suitable to accommodate a seven-unit, multi-family attached development. Multiple deviations from residential development standards would be required, including deviations from one-acre minimum lot size requirement and building setback requirements, to accommodate a project of the proposed size, density, and magnitude on a 55-foot wide, 0.35-acre lot. These requested deviations in building setback requirements and residential lot size are not considered acceptable.

- B. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is found to be physically unsuitable to accommodate Tentative Tract Map T-17248 in terms of type, design and density of development, and may result in substantial environmental damage or public health problems, based on noncompliance with the City's Zoning Code and General Plan.

The applicant has requested deviations from development standards, but the project lacks adequate compensation and justification for specified deviations. Additionally, the project proposes a maximum density of approximately 20 dwelling units per acre, and while this density may be considered consistent with the General Plan and Mesa West Bluffs Residential Ownership Urban Plan, the site is too narrow and too small for the proposal. The 55-foot wide, 0.35-acre lot is physically unsuitable to accommodate the Coastal Heights Master Plan PA-07-31, as designed for a seven-unit, multi-family attached condominium development.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA, under Section 15315.

RECEIVED
CITY CLERK

2008 JUN -3 PM 4:25

APPLICATION FOR APPEAL OR REHEARING

CITY OF COSTA MESA
BY _____

Applicant Name: Katrina Foley

Address: 77 Fair Drive, Costa Mesa, CA 92626-1200

Phone: (714) 754-5327

Representing*: _____

REQUEST FOR: REVIEW** APPEAL REHEARING

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.): Planning Commission action of May 27, 2008 approving Tentative Map T17248 for a 7-unit condominium project at 616 Center Street/613 Plumer Street.

Decision by: Planning Commission

Reason for requesting Review:

While appreciative of the applicant's effort to develop under the new Mesa West Residential Ownership Urban plan area, I believe this project deserves a second look by the City Council. Many of the issues raised by the nearby neighbors have not been adequately addressed.

I do believe the applicant can build a quality project at this location. As part of the City Council's review of this item, I will request that should the Planning Commission's approval be overturned that the City Council grant the applicant "priority status" in the internal review process, waive all necessary public hearing application fees, and authorize concurrent processing of the Master Plan and the Subdivision Map applications

Date: 6/3/08

Signature: 

For Office Use Only - Do Not Write Below This Line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal, or rehearing:

*If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.

**Review may be requested only by City Council or City Council Member

Opposition Letters

B ROSS PFAUTZ
1845 Anaheim Avenue, Ste 10B Costa Mesa, CA, 92627

March 28, 2004

RECEIVED
CITY OF COSTA MESA
PLANNING COMMISSION

APR 7 2008

City Council of Costa Mesa
Planning Commission
C/O Claire L Flynn, Principal Planner
77 Fair Dr
Costa Mesa, CA 92628

RE: Master Plan PA-07-31 Coastal Heights – 7 Unit, 3 story multifamily common interest
Development

Please accept this letter as my express request to appeal the Planning Commission's approval of the subject Coastal Heights project during its March 24, 2008 planning commission meeting. I expressly request an opportunity to be heard by the City Council in order to discuss what appears to be an abuse of discretion on the part of the Planning Commission to ignore and contravene existing zoning and building standards in the subject approval process according to materials produced by the City of Costa Mesa which purport to detail the requirements of the Mesa West Residential Ownership Urban Plan Area (the "MWUPA"). Enclosed is a summary of the facts surrounding what appear to be patently flawed decisions made by the Costa Mesa Planning Commission (the "PC"). Please be clear that the facts include that the City was in possession of my March 14, 2008 correspondence which had 19 signatures from residents within the Vendome Condo Complex.

The MWUPA specifies a number of development criteria that are different from the general plan in that it allows for greater densities of residential dwelling units, and thereby affords those projects that meet its requirements the ability to generate more sales volume and presumably higher profits. This is clearly the incentive mechanism employed by the City to encourage developers to spend the time and effort to investigate and execute new development projects.

Such specific plan areas which establish higher density standards consistently create conflicts with existing uses when the social and environmental downside dynamics of high density impinge on the rights of existing residents. The MWUPA included a mitigation measure which should make it more likely that any such new project might be designed in a manner that mitigated the impacts of greater building heights, massing, traffic and other elements. This element specified that prospective projects had to be at least a full acre, 43,560 square feet of land, to qualify for the more favorable density guidelines. At 15,201 square feet, or .35 acres, the subject property fails this requirement entirely. The Planning Commission wrongfully ignored this failure and in a blatant abuse of discretion "rounded up" from .35 to 1 acre. There is no

such convention in building code and zoning enforcement, and Cities typically reject any such rounding particularly such a blatant stretch from such a low statistic. This is one of the reasons this three story project is crammed next to much smaller buildings and is entirely out of scale with its neighborhood and has no room to scale the mass gradually up from neighboring uses.

The fact that the subject project fails to meet the land size requirement means that there is NO density bonus available to this project. The PC erroneously afforded this project a density bonus, and in a compounding abuse of discretion applied the 25% bonus rate to 5 units and rounded up from 1.25 units to two units. There is no such rounding convention to make such a jump from such a small fraction to the next integer.

The compounded impact of these two elements alone is truly dramatic. The “density bonus” of “two units” contributes to the distortion. The average size of a single family home in Mesa Verde sitting on 5,000 sf of land is likely 1,500 sf. The four smallest units here are 1,726 sf, not including the 1,045 sf on the rooftop. The other three units average 2,527 not including another 200-300 more square feet in the master bedroom loft for each, and all three have another 1200 sf EACH on the rooftop. Instead of the typical Multifamily footprint of 1,000 to 1,300 sf, these are all 150% to twice the size of a typical multifamily unit. The presentation obscures the truth of the impact in a truly deceitful manner. This project is replacing 3,000 sf of living space with over 15,000 sf of living space. There should be NO density bonus, the entirely bogus density giveaway is between 3,452 to 5,054. And make no mistake about it, that is pure profit going into the pockets of the owners of this development and driving UP the price expectations on land and related profits and thereby insuring that the lower density alternatives get entirely foreclosed out of any future in our neighborhood. This does not encourage new development. It prices reasonable solutions out of reach and the change in density driven into our neighborhood is obnoxious.

The compromises in setbacks in this project are almost as offensive. The fact that fully HALF the full city block depth of the project is only 7 feet ft is insane enough, but there is NO relief for THREE STORIES and the roof is accessible to the owners. The 2nd floor is supposed to be limited to 80% of the first floor. This project is **100% ALL three floors**, and the top has NO walls and roof to stop sound (nor intrusive sight lines) on its roof top terrace. We have 18 feet between the units in Vendome and often have problems when neighbors make too much noise on their patios. This project is set up to have an incredibly imposing three stories right upon its neighbors doorstep AND a rooftop terrace level where the sounds will travel not merely flooding their neighbors lives but throughout the neighborhood. The comments in the report about the CC&R's that require the standard language about noise and light nuisance are such a laughable joke. We have those very provisions in our CC&R's; and it is still very difficult to manage in what are decidedly far superior physical circumstances with landscape and buildings that baffle sound at Vendome versus this roof top that will send out sound and light at great distance. The Planning Commissioners will not have to suffer as we West Side residents will from their mistakes. The truly obnoxious part of this is that I have seen the fights in City chambers over people in Mesa Verde trying to get three stories or even “attic” space. There is no way these same people would be arrogant enough to think their neighbors would tolerate what they are forcing on us here in the west side.

I also entirely reject the possibility that these people are so out of touch with what is going on around them. There is plenty of press on terrible problems in Huntington Beach and Fountain Valley where the cities have been forced to issue parking permits due to neighborhoods with too many people living in high density areas with no place to park and overflowing into contiguous streets. This is an insane imposition on people living there and their ability to invite friends and relatives to visit. These residents are trapped. Jamming this much living space into a neighborhood already desperate for parking will certainly create the same problems. Costa Mesa has approved one project after another (Saywitz among others) in our immediate neighborhood that cannot possibly provide enough parking for their occupants onsite.

Yet another truly disconcerting aspect (cut from the same cloth of arrogance) of this entire review are the statements made by staff in their report that both the City Council and the PC have told them to apply “flexible development standards” and staffs interpretation of Council direction to apply “out of the box” thinking to the “largest extent possible.” The pathetic truth is that there are likely plenty of people who live on the West Side who are so desperate for any change, they may well foolishly say “anything would be an improvement.” I would rather not believe that I am too foolish to think that well intentioned people at the City can muster enough judgment and restraint to prevent desperation from driving their decision making rather than thoughtful planning.

Please revisit the City’s development standards section shown below and ask yourself if you can honestly say that letting this kind of process happen does not register a failure in every one of the subsets of the implied mission statement for City development:

CHAPTER V. DEVELOPMENT STANDARDS

ARTICLE 1. RESIDENTIAL DISTRICTS

Sec. 13-31. Purpose.

The **purpose of this article is to achieve** the following:

- (a) Ensure **adequate** light, air, **privacy and open space** for each dwelling unit.
- (b) **Minimize traffic congestion and avoid overloading** of public services and utilities.
- (c) **Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke and other objectionable influences.**
- (d) Locate development which **retains the scale and character** of existing residential neighborhoods and facilitates the upgrade of declining and mixed-density residential neighborhoods.

(Ord. No. 97-11, § 2, 5-5-97)

Comments from two of the commissioners really offend my sense of reason. James Righaimer said that he had no intention of holding up any small development by forcing them to be accountable for existing conditions; those problems are not theirs to solve. The current commissioners and council members may not have been in office when things happened, but on the contrary, the City is and should be accountable to make sure that new development does not create new problems and changes must improve existing problems, NOT make them worse.

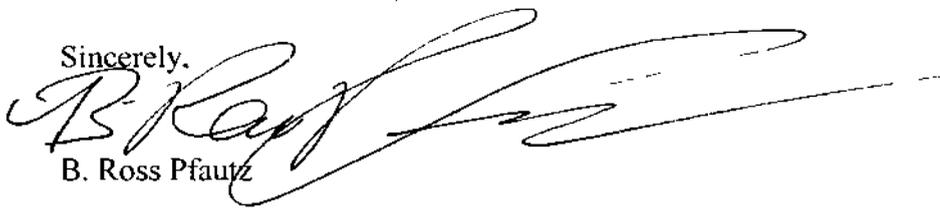
Anything less is reckless at best. If the City does not reconcile its new solutions with existing problems, you just create larger problems that will never be solved.

For example, we currently have a 110,000 sf mostly vacant office building on the north side of 19th between Harbor and Newport (former Pacific Federal Savings Headquarters). The City just allowed 143 residential units to be built in its parking lot. The city allowed Triangle Square to be built; it is currently 65% vacant and the City is considering allowing condominiums to be added. Even with the aforementioned vacancies that exist TODAY, the signal at Newport and this section of 19th is already close to failure service with daily backup west of Harbor. This is a great example of the incredible flaw in Righimer's ill reasoned statement. We have a Rock of Gibraltar bottleneck here, but the City's current course will triple the density in our neighborhood and compound the obvious traffic impacts.

As to Eleanor Egan who said that we cannot "freeze in place the existing conditions", and that "we are all built out, we have to go vertical, we have no choice." Where is it written that we have to maximize the total possible population in our City. Where does this "thinking" or lack thereof come from. What polls or meetings with citizens have lead the City to believe that we desperately need a lot more people living here? The "village planning" concept of putting homes and business together with mid and high rise residential makes a lot of sense within a huge inventory of office space like John Wayne Airport (35 million feet of office) or South Coast Metro Center (10 million feet). We do not have that on the West Side and we do not have to always be the low income housing solution for Newport, Corona Del Mar and Irvine. We are 1.5 miles from the ocean. There are far better solutions!

It is the City's job to make sure these issues are well understood and reconciled in the approval process before such a project is allowed to proceed. The City's Planning Commission clearly is not doing its job and the City Council has to intervene and take immediate corrective measures to redress past problems and live up to their obligations to exercise judgment and adhere to the fundamentals of suburban development standards. The residents of the West Side deserve far better efforts from the City.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Ross Pfautz", written over a horizontal line.

B. Ross Pfautz

PAS, Co., Inc.

PERSONAL ADMINISTRATIVE SERVICES, Co.

Condominium Management with the "Personal Touch"

VI.3
PA-07-31
T-17248
P.O. Box 2968
Costa Mesa, CA 92628
Tel. (714) 611-0503
Fax (714) 611-1109
E-mail: pas@pasnet.com

MAR 24 2008

March 14, 2008

Costa Mesa City Council
77 Fair Dr.
Costa Mesa, Ca. 92627

Re: Proposed Center Street Condominium Development

Attention: Planning Commission % Claire L. Flynn

Dear Ms. Flynn,

I am writing at the request of the Vendome Condominium H.O.A. Board of Directors.

Vendome Condominium is a 79 unit development on the corner of Anaheim Ave., and Center St.. and any development in that area is of great interest to our community.

One area of GREAT CONCERN is the continuing flooding problem on Center St., particularly where the street meets Anaheim Ave. For the past several years our development has experienced significant water damage due to this flooding which has been brought to the attention of the City many times.

We ask that before any new development is approved the above problem must be addressed.

We look forward to your early response regarding the above matter.

Cordially,

PAS, Co. Inc.

Doris Hope
Doris Hope,
Owner/President

B ROSS PFAUTZ
1845 Anaheim Avenue, Ste 10B Costa Mesa, CA, 92627

March 14, 2004

Planning Commission
C/O Claire L Flynn, Principal Planner
77 Fair Dr
Costa Mesa, CA 92628

RE: Master Plan PA-07-31 Coastal Heights – 7 Unit, 3 story multifamily common interest
Development

I have been a Costa Mesa resident for over 27 years and live in the Vendome Condominium project across the street from this planned development. Since moving to this City, I have listened to countless descriptions of the “West Side” as the rejected and reviled stepchild of the City of Costa Mesa. Frankly, many of the disparaging remarks about the problems in the West Side are certainly accurate depictions of the troubling aspects that its residents face. Housing densities are one of the key problems. There are far too many run down apartment buildings that house far too many people per dwelling unit as it is. The City’s new “overlay” for the area relies heavily upon the notion that density bonuses will spur redevelopment and revitalization.

The long term residents of the West Side like me see the incredible potential our neighborhood holds. We live only 1.5 miles from the Ocean. With the right judgment and direction from the City, the West side can become an exceptionally desirable area to live, far better than it is today.

I am currently a board member for the Vendome Condo Association. This experience clarifies the rational ignorance that most residents choose to live by when they ignore what is being done on their behalf by people who step into positions of authority. They assume that the people who have taken on the decision making role will exercise some measure of reasonable judgment and these people presuppose that they do not need worry about “huge” mistakes and implicitly accept that they will just have to live with any small ones. All the people on the Planning Commission have assumed such a position of trust. Based upon what I saw and heard at the last Planning Commission meeting, this commission seemed more than willing, some even gleeful, to abandon any measure of reasonable judgment to approve this new project in our neighborhood. I am convinced that the strong objections voiced that evening gave the commissioners pause, but they

would not have exercised any appreciable judgment in absence of those voices. And I also do not believe for a second that any of the commissioners would so readily overlook such gross violations of zoning guidelines as those proposed in any project next to their own homes, nor would they assume that they could get away with letting it happen to any of the people in their neighborhoods. The only discernable logic (or lack thereof) was the implicit assumption that without any contentious cries of objection, they need not be concerned about the residents in the West Side neighborhoods. I was left to believe that we must be the presumptive clueless disenfranchised step children who are in such desperate need of ANY kind of new development that we would be willing to embrace anything new or novel.

The zoning laws and building regulations that have been developed in various cities have changed over time, but virtually all of them contain some core elements that define the guidelines that need to be followed to insure well conceived development that will foster the safety and security that people seek in their homesteads and to insure the functional aspects for traffic circulation and civil engineering to handle sewer and flood issues.

The second page of the handout on this project details one flagrant abuse after another of virtually all the typical suburban residential planning criteria in an incredibly arrogant disregard for the rights and expectations of the citizens to have such matters managed by people exercising due deference and respect for the measures that were put in place to insure a decent community environment in which to live. Site Coverage of 95% instead of 60%; Open space 5% instead of 40%; 45 ft height with three stories, with a top story that is USABLE SPACE!! Instead of Bldg Height 2 stories max 27 ft code, 100% bulk massing on BOTH 2ND AND 3RD Stories (s/b limited to 80% second story) when there should not even be a THIRD story; building separation on SEVEN units – NONE, and breaking every set back rule there is. It was truly offensive to listen to the entirely lame justification for rounding the 1.25 result of a 25% density bonus against 5 units to round up 2 units, right, since when!!! It makes it yet more patently ridiculous that typical multifamily units are only 1200 square feet. The two “extra” units in this case were 3700 feet each, adding 7400 sf instead of a mere 1200. It was equally pathetic listening to the commissioners justify giving the bonus to a site with 15,246 square feet of land when the overlay required sites greater than a full acre (43,560 sf). That same pesky rounding convention none of the thinking people in Costa Mesa have ever employed. Listening to this kind of logic does not inspire trust from constituents.

Flood Issues:

The intersections at 19th and Anaheim and at Center and Anaheim have quite literally gone under water a number of times since 1981. The flood issue has been discussed at length by the various Planning Commissions over the years, yet the “planning” from the Planning Commissions seems to have been woefully absent on more than a few counts. During the discussion at the last Planning Commission Meeting, one of the commissioners asked the question of staff about whether this flood issue can ever be corrected by increasing the downline capacity of the storm drains. That answer has remained the same for over 20 years – NO. The staff person answering the question made it clear that the only thing the City can and has already done to mitigate the flood problem was to increase the underground storm drain flood vaults; and both intersections

still fill up and flood the same two intersections during hard rains. The huge apartment project between Anaheim Ave and Park Ave on the south side of 19th St was built with a variance allowing three times zoned density at the time with underground parking. This created an enormous impervious soils area that sits between two of the worst flood intersections in the City. This very parking structure has been under water a few times since it was built. That did not stop the City from doubling the impervious soils area impacted by the new community center when it was built years later, again within the same immediate area. I am aware of engineering firms being sued for grievously huge damages for the failure to update flood maps for such obvious impacts in a given area when the engineering firm knew of multiple impacts but failed to incorporate them into their data. The City clearly knows these impacts very well. These facts ought to demand careful attention and heavy scrutiny to the environmental impacts of new high density and high coverage ratio development. The subject property employs a truly innovative green roof design that when properly maintained, likely mitigates runoff better than most existing projects. This design was one of the innovations upon which the commission relied to give the density bonus for this property. The obvious question screams for an answer. Will there be recorded deed restrictions that run with the land in perpetuity that impose an obligation on the owners to maintain this system as designed regardless of the cost to do so. I am doubtful of any such provisions, and virtually certain the Planning Commission has not called for it.

This seemingly great idea comes with a real cost. Sound at this height will easily disseminate throughout the neighborhood. The close proximity of apartments and condos create an environment which consistently generates a measure of suffering from all the offensive sounds that are yet baffled by fences, walls and landscape at ground level. Blaring music, TV sets, loud conversations, people sitting in their patios smoking and drinking, and the all too common shouting of profanities at one another can be troublesome at ground level with many elements that baffle the sound. Setting all this in motion on the roof top of this development will invade the privacy of many more neighbors with the sounds, not to mention the literal crows nest dynamic for intrusive lines of sight into neighbor's private lives. Relying solely on these new owners willingness to be civil and respect the rights of others is patently foolish.

The required open space in a given development provides a basic need of people to be able to spend some time outside and at the same time it forces the inclusion of some buffer zone that literally provides space between neighbors to mitigate potential sources of conflict like noise, sight lines that compromise privacy and other concerns. This project proposed 95% coverage, a number that is patently ridiculous.

For the City to assume that all these impacts are categorically exempt from an environmental impact report and deserve a dismissive negative declaration is just reckless.

This project proposed to replace some three thousand feet of residential space with close to 20,000 sf of living area. I have been told that the plan may be scaled back from Four 1,950 sf units and three 3,700 sf units to three 1,400 sf units and three 2,700 sf units. The scale of this project made it look as though the Queen Mary ship would be dry docked between existing homes. Setbacks were dramatically compromised and the imposing presence of the vertical

mass with windows over neighbor's property creates really bothersome and intrusive sight lines that are sure to create antagonistic exchanges among neighbors.

Traffic Impacts.

We are already at a truly problematic level of service for anyone who has to take 19th Street to get on the 55 Fwy north. The 110,000 sf former Pacific Federal Savings Building has been virtually vacant since its developer went bankrupt, and this already troublesome bottleneck of traffic does not yet carry the daily trips that a full office complex would generate. Yet the City approved mid rise apartments in the parking lot of this project. If and when BOTH the apartments and the office project are occupied, this stretch of road and the signal will most likely go to a failure level of service.

These facts and their obvious impacts at this intersection have apparently been ignored in the City's plan with its Mesa West Residential Ownership Urban Plan area. It ought to be obvious to all the Commissioners that increasing the densities in these neighborhoods will have a dramatic cumulative impact on the traffic on 19th that will drive the service at the 19th and Newport to failure in an area with intense development on both sides of the stretch of street between Harbor and Newport, which is not even long enough for staging the traffic waiting for a light to go north on the 55 Fwy. This is BEFORE the ticking time bomb that the City lit up in its approval of the aforementioned huge increase of trips from 110,000 sf of office and hundreds of apartments that never should have been done with an environmental impact report and traffic study of those uses on the north side.

I have met with Justin McMillen and Andre Ferreira and was markedly impressed with their exceptionally creative approach and attention to detail. The architectural detail and planning elements they have employed were clearly a cut above what I typically see in redevelopment projects. They shared a dramatically scaled down plan that may yet provide a winning solution to the neighborhood. That does not mean that their solution to load up our neighborhood with a dramatic increase in living space in an area woefully short on street parking and civil engineering and traffic issues that the City has not made near enough effort to understand is one I would support. It is not their job to solve all these problems. It is the City's job to make sure these issues are well understood and reconciled in the approval process before such a project is allowed to proceed. The City's Planning Commission is not doing its job and really needs to take immediate corrective measures to redress past problems and to wake up to their obligations to exercise judgment and adhere to the fundamentals of suburban development standards. The residents of the West Side deserve far better efforts from the City.

Sincerely,



B. Ross Pfautz

Listed below are signatures of residents who concur with the letter written by B. Ross Pfautz, 1845 Anaheim Ave., Costa Mesa, dated March 14, 2008

<u>NAME</u>	<u>ADDRESS</u>
Norman Taylor	1845 ANAHEIM AVE #17C
W.C. [unclear]	1845 ANAHEIM AVE 19A
Maria M. Bond	1845 ANAHEIM AVE 18C
B. Bond	1845 Anaheim Ave 18C
Mary Uento	1845 Anaheim Ave # 7-B
[unclear]	1845 Anaheim Ave # 19A
LINDA CLARK	1845 ANAHEIM AVE #19C
M. B. Drake	1845 ANAHEIM AVE 19A
John Drake	1845 Anaheim Ave. 11-D
Jane Hewison	1845 Anaheim Ave 10A
Mark Hewison	1845 Anaheim Ave # 10A
[unclear]	1845 Anaheim Ave # 7A
Renee [unclear]	1845 Anaheim Ave 15B
[unclear]	1845 Anaheim 17D
BURKE SCOTCHTE	1845 ANAHEIM AVE #6A
[unclear]	1845 ANAHEIM AVE 16B
Dimitri Burgess	1845 Anaheim Ave 8A
[unclear]	1845 Anaheim Ave 8A

VI.3
PA-07-31
T-17248

CITY OF COSTA MESA
PLANNING COMMISSION

March 4, 2008

MAR 17 2008

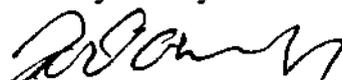
Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92627

Subject: Coastal Heights Lofts Tract No. 17248
Location: 616 Center and 613 Plumer St.

Dear Commissioners:

I reside across the street from this proposed development at 1845 Anaheim Ave. (The Vendome Condominiums). I find the proposal regarding this property to be totally unacceptable. The variance of the set backs will change the look of the area and the lack of parking spaces will add to an already bad parking problem on Center. I think the Commission is foolish to assume that residents are going to ride bike to work and the plug ins for electric cars will probable never be used. It would seem to me that the "Rooftop Garden" will become a venue for loud parties. Since the City allows 14+ residents in the 1250 square foot units in our complex I can only imagine how many residents will be allowed in these proposed Condominiums. I think that the Commission needs to rethink this proposal before acting on it. It does not fit the neighborhood.

Thank you for you consideration:



James D. Akins, Jr.
1845 Anaheim Ave 19A
Costa Mesa, CA 92627

JAN 28 2008

VI.5
PA-07-31
T-17248

To Planning Commission Members

I need clarification of your justification for deviation in regards to agenda item 5, which is before you for final approval tonight

I call for further study in the matter facing you on the following basis:

- a. The building is too high.
- b. The exterior stairways will create sight and sound invasions of our neighboring home at 1875 Anaheim.
- c. Neighbors were not consulted by the developers in advance of the scheduling of tonight's meeting
- d. Establishment of seven family homes in a .35 acre plot is excessive.
- e. The number of residents will further saturate an area that already saturated site for group homes housing approximately
- f. The traffic generated by the allowed 21 cars in and out of the property will create a safety hazard.
- g. Establishment of Articles and Proprietary Lease inclusions

Clarifications of the above number by letter.

- a. The building is too high.

Is the parking area considered?

How does the Mezzanine qualify as a story?

How does loft not qualify as a story above the third floor?

My understanding is that a person will climb a staircase from the third floor to rest, read paper otherwise relax in the loft which opens onto the green roof which is additionally surrounded by a high fence.

- b. Exterior stairways will create sight and sound invasions of our neighboring home at 1875 Anaheim.

The steel stairways will not allow a quiet shoe access up or down unless covered.

Stairs lit for safety and therefore will be seen from our yard.

- c. Neighbors were not consulted by the developers in advance of the scheduling of tonight's meeting

The first I heard of the project was a city mailed notice of the meet – received on Saturday January 19.

I visited the planning commission office after the three-day holiday and found the owner information and called his office and set an appointment to visit last Friday.

As a 47-year owner of property only 100 feet from his project, I outlined my objections with him and he stated he would study the issues and get back to me.

As of 2pm today, I have not heard from him in response to my concerns.

d. Establishment of seven family homes in a.35 acre plot is excessive.

Such property will possibly leave the door opening for seven more group homes with the extreme high cost of owning, renting or leasing will only allow a group to combine earnings of available funds to purchase and pay loan costs

e. The number of residents will further saturate an area that already saturated site for group homes housing i.e.-

Area is saturated with group homes such as at 1835 Anaheim (sober living house); 1865 Anaheim (a kitchen for homeless); 606 plumer a low cost facility for less fortunate people in need of living quarters; 607 undefined group living quarters and the park at 1874 Anaheim constantly used by homeless whenever they can elude the parks ranger. Traffic generated by the allowed 21 cars in and out of the property will create a safety hazard.

Parking and driving on Plumer street is a great challenge and the corner of Anaheim and Plumer has been the site of many accidents

f. Establishment of Articles and Proprietary Lease inclusions.

This type of common Interest development calls for a co-op with enforceable CCRs

I presented the developers with a sample set for their study. They indicated that they would study them and get back to me to help me alleviate some concerns. As stated above, I have not heard from the developers relative to any of my concerns.,

In closing, I ask the commission to delay approval until we all make an effort to reach an agreement on the development.

Cordially

Rod MacMillian

VI.5
PA-07-31
T-17248

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN 28 2008

City of Costa Mesa Planning Commission
P O Box 1200
Costa Mesa, Ca 92628

January 27, 2008

Re: Planning Application PA-07-31 and Tentative Map T-17248

Ladies/Gentlemen:

The proposed development as presented in no way complies with the purpose stated in the City Municipal Code Section 13-31, items (a), (b), (c) and (d).

A structure 45 ft tall on a lot 55 ft wide at Center Street and 57.6 ft wide at Plumer Street does not fit the character of the existing residential neighborhood. It is a multi-family mansion. A three story building can just as well be built within the normal 27 ft limit.

The 95% lot coverage with 1 ft setbacks on the sides even exceeds the zoning in the most densely populated beach developments. Please ask yourself if you would approve similar developments adjacent to this on both the east and west side.

The project is proposed as a condominium project. Once built it could just as well be operated as an apartment building.

The high density and non-compliance with the parking requirements of this development will lead to overcrowding in the area when similar projects are approved. The City of Santa Ana for many years allowed this type of high density developments. After the negative effects became known the zoning was changed a couple of years ago.

I urge you not to approve this project unless it is scaled down substantially.

Submitted by,



Tom Avik, owner of 647-649 Plumer Street since 1977
P O Box 11623
Santa Ana, Ca 92711



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

VI.1
T-17248

FROM THE OFFICE OF THE CITY COUNCIL

May 22, 2008

Dear Planning Commissioners:

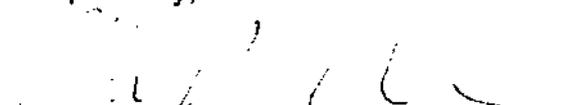
I wanted to express my concern with your approval of Master Plan PA-07-31 at Center/Plumer Street. However, my concern more specifically is with the application of the Overlay zones, how they are used, and their intended purpose. In my opinion, the Overlay zones were approved in order to provide a means for revitalization of substandard properties.

The property mentioned above currently consists of two single-family units. With a lot combination of two lots, the property can have five units by right. Additionally, I question whether this property is blighted and if it is, it could be revitalized by simple remodeling or combining the lots and building five units. The question I have is why are we adding two additional units for a total of seven? Shouldn't any extra density incentives be reserved for truly blighted apartments or industrial property?

If every two residential lots were combined, would we be revitalizing the area or just adding density and traffic? The main concern I have is with how much density we are approving and the need for it. When this initially came before the Council, concern was expressed regarding setbacks and the number of units. It is a nice project but these issues need to be addressed.

It is my understanding that the Tentative Map will be coming before you on May 27, 2008. I ask that you consider five units instead of seven.

Respectfully,


Allan R. Mansoor
Mayor Pro Tem

35

VI.5
PA-07-31
T-17248

Mr. Lawrence Sullivan
2132 Union Ave.
Costa Mesa, CA 92627

RECEIVED
CITY OF COSTA MESA
PLANNING DEPARTMENT

JAN 25 2008

January 25, 2008

Mr. Donn Hall
Chair, Costa Mesa Planning Commission
Costa Mesa City Hall
77 Fair Dr.
Costa Mesa, CA 92628

Dear Sir:

As a resident owner of property within the Mesa West residential overlay zone, I am writing to express my concerns relative to the proposed multifamily project at 613 Plumer and 616 Center Street (Coastal Heights). The applicant's Master Plan will be considered by the Planning Commission on Monday, January 28. Having obtained a copy of this proposal just this week, I was dismayed at the incongruity of its architecture and its overall size with the existing neighborhood. I urge the Commission not to give its approval to a project requiring so many deviations from the flexible development standards adopted in 2006 by the City Council

The following paragraphs will set forth my objections to the proposed project. Alternatives that the Commission might adopt which could mitigate the project's impact are summarized in the final paragraph.

- The 25 Per Cent Density Bonus requested by developers is unwarranted. The proposed bonus represents an expansion to 7 units of the 5 units currently allowed, without justification other than an assurance that the bonus "meets the spirit and intent" of the Mesa West Residential Ownership Urban Plan. The spirit and intent of the plan would be better met by a proposal that respects the scale and character of the existing neighborhood.
- The overall height of the proposed structure at 45 feet, is grossly oversized. The size relative to nearby buildings, is huge, comprising an at-grade parking garage and living space on the second and third levels, as well as master bedroom "lofts" on the fourth level. Additionally, the building plan as submitted would cover fully 95% of the .35-acre parcel on which it is sited, allowing only 5% open space, including absurdly inadequate setbacks. These deviations from development standards are unacceptable, and would result in a structure clearly incongruent with the character and scale of nearby single family and even existing multifamily units. The applicant maintains that deviations from current guidelines is compensated by enhanced architectural treatment. On the contrary, the proposed design is not in harmony with the traditional architecture of surrounding buildings, and is entirely inadequate compensation for its massive size.

- The impact of an additional 7 families occupying one structure on a property area of .35 acres will be profound in a neighborhood struggling to retain its character in the context of increasing encroachments by a group home and a church-sponsored homeless shelter. The increased density will adversely alter the social and physical environment of the community. In its review of the Planning Application dated January 17, 2008, planning board staff expressed similar reservations relative to its qualified support of the project, noting that “the foundation of this support is upon the Council’s direction to exercise flexibility and ‘out of the box’ thinking”. The staff reviewer cited the incorporation of green technology as an overriding consideration in granting approval. However, the remarkable extent of the requested flexibility demonstrates disregard for any standard that poses an obstacle to maximized return on the developer’s investment. The proposed project is not so much “out of the box” as overwhelming the box.

An acceptable alternative to approval of the Master Plan by the Commission is identified on page 8 of the Planning Commission Agenda Report. This alternative would reduce the number of units to five resulting in compliance of the project with parking requirements, and, of particular importance, would “reduce the overall bulk/massing of the project to comply with setback standards”. The use of setbacks and open space standards, in conjunction with perimeter landscaping and lowering of unit ceilings and eliminating fourth-floor bedrooms to provide a more modest height is essential.

Currently, I am the owner and resident of a single-family home that has been owner-occupied by my family for more than 50 years. The neighborhood of which my home is a part has a distinctly Californian character and a well-knit community. The idea that a structure so out of harmony with my neighborhood might be approved by the Planning Commission in the interest of green technology or high-density residency goals is disturbing.

Sincerely,



Lawrence W. Sullivan

Paul Guidotti
Mouse Graphics
659 W. 19th St.
Costa Mesa, CA 92627
(949) 548-5571

RECEIVED
CITY OF COSTA MESA
MAR 31 2008

City of Costa Mesa Planning Department
77 Fair Drive
Costa Mesa, CA 92628

To The City Planning Department,

My name is Paul Guidotti. I am the Vice President of Mouse Graphics, which has over three decades of experience in reprographics, large format graphics, and the printing industry. My business provides a variety of work to people around Orange County, but most of my clients come from Costa Mesa that I serve to. My business resides in the heart of the West Side of Costa Mesa and I heard from Andre Ferreira who is a client of mine that he was redeveloping the Westside area. In fact, the building would be within 100 yards of my business. I think that it would be nice to see more developer's develop in this area because new developments would mean safer streets surrounding my business. I am for the project "Coastal Heights" that will be built on Center and Plumer St.

Thank You,



Paul Guidotti

[Faint, illegible header text]

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT DEPARTMENT

MAR 26 7005

City of Costa Mesa Planning Department
77 Fair Drive
Costa Mesa, CA, 92628

To the City Planning Commission,

My name is Johnny Ortiz, I am a home owner and small business owner in Costa Mesa. I am currently the owner for Koho, which specializes in custom hardscapes and softscapes. As a local business owner I was presented with the opportunity to work on this ground breaking project "Coastal Heights". The idea of contributing to such a project in my own community intrigued me. I have helped other home owners achieve there visions in their landscaping in Costa Mesa, and now being a part of the building process from start to finish allows me to share this unique design concept with other home owners in Costa Mesa and Orange County.

As a home owner, I personally feel the west side of Costa Mesa is long over due for a face lift and new flavor. This project brings a mixture of new design and technology, which I am confident, will open the door, as well as enhance future design and development.

Mahalo for your consideration,

Johnny Ortiz



VI.3
PA-07-31
T-17248

City of Costa Mesa

TELEPHONE RECORD

Date: March 24, 2008
Name: Vinnie Davis
Address: 1845 Anaheim, Vendome Complex
Call Received by: Claire L. Flynn, Senior Planner

COMMENTS: (Use Back or Attach Additional Sheets as Necessary)

I am calling to express support for the Plumer/Center Street project. I have spoken with Andre, and I think that Justin and Andre will improve the property. Anything is an improvement. I have lived here for 37 years and have seen a lot of changes in the area, but a lot has not been taken care of.

I am not worried about the project becoming rentals and I think the greenhouse idea on the roof will take care of the drainage problems.

I cannot make it to the meeting due to health reasons, but would like to say that I am in favor of the project.

Ref: Phone number 949 642 2649

Erhardt
Insurance Service
Auto • Home • Commercial Auto • Life • Health

VI.3
PA-07-31
T-17248

March 22, 2008

MAR 24 2008

To: City of Costa Mesa
Attention: Claire Flynn, Planning Department
From: Frank Pirkel, Owner of Erhardt Insurance

Dear Ms Flynn:

I would like to voice my thoughts on a proposed project called Coastal Heights.

I have been a business owner on 19th Street since 1981. I have been at my current location since 1987. I obviously have witnessed many changes to this area over that time.

As a close neighbor to the planned project, I can only see it as a step in the right direction for not only this immediate area, but for all of the Westside of Costa Mesa.

This type of development is probably the future and I think it would be great for the city.

Sincerely,



Frank Pirkel
Erhardt Insurence

VI.3
PA-07-31
T-17248

RECEIVED
CITY OF COSTA MESA

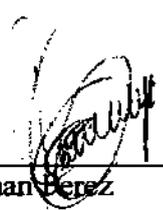
March 21, 2008

MAR 24 2008

City of Costa Mesa Planning Commission

RE: Coastal Heights Project

As property owners at 639 "A" and 639 "B" Plumer Street, Costa Mesa, we are in favor of this project and think it would be a great addition and improvement to our neighborhood.



Juan Perez

Jacqueline Perez

Jacqueline Perez

VI.3
PA-07-31
T-17248

RECEIVED
CITY OF COSTA MESA
MARCH 24 2009

MAR 24 2009

Mike Stewart
639 Plumer St.
Costa Mesa, CA 92627
(949) 642-6301

City of Costa Mesa Planning Department
77 Fair Drive
Costa Mesa, CA 92628

To The Planning Commission Members,

My name is Mike Stewart and I have been a resident of Costa Mesa on Plumer St. a little bit over of two decades. I bought this house on Plumer St. so that I could be closer to work. I am now retired. I use to work on boats as a Skipper on Sea Scout Ship 711. Andre Ferreira knocked on my door to tell me about his project a couple houses down that he and some other gentlemen that are trying to build. I imagine that by having new development on Plumer St. would increase the property values in the Neighborhood. I am supportive of this development because I would like to see the property values increase in this part of town.

Sincerely,


Mike Stewart

From The Office Of Françoise Pichon & Theodore Kelsick

Keller Williams Coastal Properties 6621 E Pacific Coast Hwy, Suite #150 Long Beach, CA 90803 562-961-1400

VL. 3
PA-07-31
T-17248

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

03/19/2008

MAR 24 2008

City Of Costa Mesa Planning Dept.
77 Fair Drive
Costa Mesa, CA 92628

To The Planning Department,

My name is Françoise Pichon. I am an ownership partner of two local Keller Williams Realty franchise offices specializing in high end custom and coastal properties. I spoke on behalf of the project "Coastal Heights" on January 28th, 2008 and would like to take this time to reiterate the comments I made that evening. As I stated then, upon completion of the Coastal Heights project, I will be the real estate broker responsible for getting the units marketed and sold to the public. I have informed the city council that these units will be designed and built for the upwardly mobile, environmentally conscious demographic. This demographic group tends to be well educated, stable and in the middle to upper income bracket. Due to the Coastal Heights project's unique appeal, this type of residential living is definitely not geared toward the general rental community.

Being a professional Real Estate consultant who has done business in Coastal Mesa for many years, I took the time to review the design plan for this project and I am very excited about the prospect of representing such a unique and long-overdue development. In fact, after doing our marketing research and "specifically" referencing the type and goal of this project to our current pool of buyers, each and every one of them arrived at the same conclusion "If they build it...we will come." Also, in pursuit of our due diligence, I've found that there does not appear to be any law to enforce owner occupied housing. In addition, in order to procure funding for each unit, a bank will require an overwhelming percentage of owner occupancy from the onset. It may also help to keep in mind that the cost to purchase one of these units would subsequently render them almost unreachable to the rental community. This is definitely an owner occupied project from start to finish.

The innovative young architects of In-Habitation Design, Justin Mc Millen and Andre Ferreira, have clearly designed a "Green-Living Space" that will entice buyers to "want" to live in these units. I am in 100% support of their efforts and trust that our city planners also see their vision and subsequently assist in passing the "Coastal Heights" project on the 24th of March.

My deepest appreciation,

Françoise Pichon GRI, CRS
Keller Williams Coastal Properties
562-244-1744

From: Donna Windle [mailto:ds_windle@yahoo.com]
Sent: Monday, March 24, 2008 11:05 AM
To: PLANNING COMMISSION
Subject: "Coastal Heights" project on Center and Plumer Streets

March 24, 2008

Planning Commission
City of Costa Mesa

Dear Commissioners,

Last week, Andre Ferreira of In-Habitation Design Inc. shared the "Coastal Heights" plans with my husband, Sterling, and me. We live at 694 Center St in the "C" unit of our triplex. We are very excited about the design and ecological considerations of this project. I think it will be an anchor for the future development and renovation of the neighborhood and a wonderful example of what the property owners can do to upgrade their existing homes and rental property

We will be at the hearing tonight to show our support of this project.

Sincerely,

Donna Windle

Erhardt
Insurance Service
Auto • Home • Commercial Auto • Life • Health

FILED
COSTA MESA
MAR 24 2008

March 22, 2008

MAR 24 2008

To: City of Costa Mesa
Attention: Claire Flynn, Planning Department
From: Frank Pirkel, Owner of Erhardt Insurance

Dear Ms Flynn:

I would like to voice my thoughts on a proposed project called Coastal Heights.

I have been a business owner on 19th Street since 1981. I have been at my current location since 1987. I obviously have witnessed many changes to this area over that time.

As a close neighbor to the planned project, I can only see it as a step in the right direction for not only this immediate area, but for all of the Westside of Costa Mesa.

This type of development is probably the future and I think it would be great for the city.

Sincerely,



Frank Pirkel
Erhardt Insurance

VI.3
PA-07-31
T-17248

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT

MAR 21 2008

Ashley Roy Dean
P.O. Box 11607
Costa Mesa, CA 92627

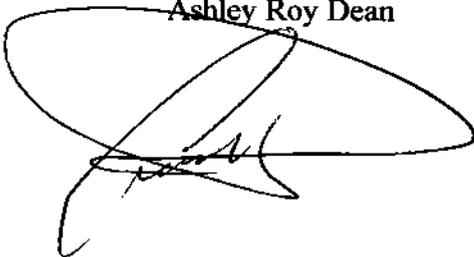
The City of Costa Mesa
City of Costa Mesa Planning Department
77 Fair Drive
Costa Mesa, CA 92628

To The City of Costa Mesa: Planning Department,

I am a small business owner servicing and designing luxury aquariums for the people of Costa Mesa for the past five years. I feel that "Coastal Heights" is going to be a nice addition to the community. I personally feel that Green Design is the wave of the future and would like to take steps to implement it into my business. I give the owners of In-Habitation Design my 100% approval and would like to see this project be approved. It will be nice to see as I continue to work in Costa Mesa developments of this type being built around me.

Thank You,

Ashley Roy Dean



(714) 836-4255

March 21, 2008

MAR 21 2008

City of Costa Mesa Planning Commission

RE: Coastal Heights Project

As property owners at 635 and 635 ½ Plumer Street, Costa Mesa , we are in favor of this project and think it would be a great addition and improvement to our neighborhood.



Cecil Calhoun



Kim Calhoun

VI.3
PA-07-31
T-17248

RECORDED
CITY OF COSTA MESA
PLANNING DEPARTMENT

MAR 21 2009

Ashley Roy Dean
P.O. Box 11607
Costa Mesa, CA 92627

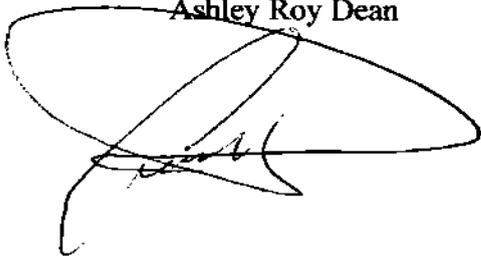
The City of Costa Mesa
City of Costa Mesa Planning Department
77 Fair Drive
Costa Mesa, CA 92628

To The City of Costa Mesa: Planning Department,

I am a small business owner servicing and designing luxury aquariums for the people of Costa Mesa for the past five years. I feel that "Coastal Heights" is going to be a nice addition to the community. I personally feel that Green Design is the wave of the future and would like to take steps to implement it into my business. I give the owners of In-Habitation Design my 100% approval and would like to see this project be approved. It will be nice to see as I continue to work in Costa Mesa developments of this type being built around me.

Thank You,

Ashley Roy Dean



(714) 836 4255



VI.3
PA-07-31
T-17248

World's Largest Transmission Specialists

John Paustian
AAMCO
1745 Newport Blvd.
Costa Mesa, CA 92627

RECEIVED
CITY OF COSTA MESA
PLANNING DEPARTMENT

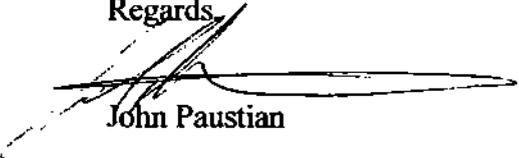
MAR 21 2007
Hand delivered

City of Costa Mesa Planning Department
77 Fair Drive
Costa Mesa, CA 92628

To The City Planning Department,

My name is John Paustian. I own an Aamco transmission repair shop located on 1745 Newport Blvd. in Costa Mesa. The owners of In-Habitation Design have met with me on more than one occasion to discuss the community and its needs. I took the time to look through the information provided by them related to their design and I must say that I am looking forward to seeing it erected. I think that it is important to note here that the owners of this company care about what they are doing. This is clear from their work and dedication to their vision. It is my opinion that we are fortunate to have developers of this nature working in our city.

Regards,


John Paustian

5/27/2008 PC RESO AND STAFF REPORT

CITY OF COSTA MESA
Development Services Department
Post Office Box 1200
Costa Mesa, California 92628-1200

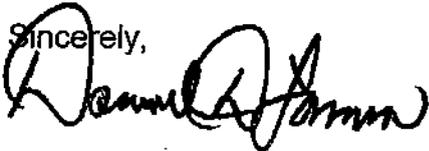
PROJECT NO: Tract Map T-17248
DATE: May 30, 2008

At its regular meeting of May 27, 2008, the Planning Commission recommended approval of Tract Map T-17248, by adoption of Planning Commission Resolution PC-08-43. The subdivision application was continued from the Planning Commission meeting of April 14, 2008. Planning Commission approved Master Plan PA-07-31 for the Coastal Heights project. Tentative Tract Map T-17248 involves the subdivision of the property for condominium purposes.

This decision will become final unless appealed by 5 p.m., June 3, 2008, by the filing of the necessary form and fees with the City Clerk's office, located at 77 Fair Drive, Costa Mesa.

Should you have any questions concerning the enclosures or the Commissioner's decision, or should you wish to appeal the decision to the City Council, please contact project planner Claire Flynn at (714) 754-5278.

Sincerely,



DONALD D. LAMM
Deputy City Manager-Development Services Director

CC:

File

Justin McMillen/Andre Ferreira
616 Center Street
Costa Mesa, California 92627

RESOLUTION NO. PC-08-43

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING TENTATIVE TRACT MAP T-17248, FOR A 0.35 ACRE PROPERTY LOCATED IN THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN AT 613 PLUMER ST. AND 616 CENTER ST. IN AN R2-HD ZONE AND MIXED-USE OVERLAY ZONE.

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

WHEREAS, City Council adopted the Mesa West Residential Ownership Urban Plan in April 2006 which set forth development regulations and flexible development standards for three-story residential common interest developments at a maximum density of 20 dwelling units per acre in a specified mixed-use overlay zone;

WHEREAS, an application was filed by Justin McMillen of InHabitation Design for Planning Application PA-07-31 and Tentative Tract Map T-17248 with respect to the real property located at 613 Plumer Street and 616 Center Street;

WHEREAS, the proposed project involves the following: (1) Master Plan PA-07-31 for "Coastal Heights," a 7-unit, 3-story multi-family attached, common interest residential development project in the Mesa West Residential Ownership Urban Plan area; and (2) Tentative Tract Map T-17248 to subdivide the property for condominium purposes;

WHEREAS, Master Plan PA-07-31 includes the following: (a) 25 percent density bonus, or two additional units, at an approximate density of 20 dwelling units per acre; and (b) Deviations from residential development standards for minimum lot size (one acre required; 0.35 acre proposed), maximum size of residential loft areas, and side setbacks (5 feet required, 0 to 4 feet proposed);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2008 to allow for public comment on the proposed project and with all

persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, on March 24, 2008, Planning Commission approved Master Plan PA-07-31 on a 5-0 vote;

WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions contained in Exhibit "B", the Planning Commission **HEREBY APPROVES** Tentative Tract Map T-17248;

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff reports for Planning Application PA-07-31/T-17248 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" and any applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 27TH day of May 2008.



DONN HALL, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The subdivision complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The subdivision is consistent with the General Plan.
 - b. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA, under Section 15315.
- C. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management of Title 13 of the Municipal Code in that the project's traffic impacts will be mitigated at all affected intersections. Payment of a traffic impact fee is required.
- D. The proposed use of the subdivision is for residential ownership purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan and Mesa West Residential Ownership Urban Plan. The proposed subdivision of the property for residential condominiums is consistent with the City's General Plan and Zoning Code.
- E. The proposed use of the subdivision is for residential ownership purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- F. Pursuant to Section 13-29(g)(13) of the Municipal Code, the subject property is physically suitable to accommodate Tentative Tract Map T-17248 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 City's Zoning Code and General Plan. The applicant has requested deviations from development standards and conditions of approval have been applied to the project to compensate for specified deviations. Additionally, the project proposes a maximum density of 20 dwelling units per acre as allowed by the General Plan and overlay zone.
- G. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- H. The future subdivision for condominium purposes 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.

The subdivision map application shall be processed and approved by the City prior to issuance of building permits to ensure compliance with the Subdivision Map Act requirements and provision of ownership dwelling units. The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.

- I. The future discharge of sewage from this future 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). Given the project site was previously developed with residential uses, the existing sewer facilities are expected to adequately serve the proposed project.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The conditions of approval or code provisions of Planning Application PA-07-31/T-17248 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
- 2. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
- Eng. 3. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
- 4. Applicant shall comply with all of the requirements as set forth in the City Engineer's letter attached.
- 5. Applicant shall detain on-site a Q25 (the maximum storm event in a 25 year period) for 24 hours. This is a condition for the development.
- Bldg. 6. Applicant shall contact the Building Safety Division, prior to recordation of the final tract map, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied.



PLANNING COMMISSION

AGENDA REPORT

VI.1

MEETING DATE: MAY 27, 2008

ITEM NUMBER

SUBJECT: TRACT MAP T-17248 FOR A 7-UNIT RESIDENTIAL COMMON-INTEREST DEVELOPMENT AT 616 CENTER ST. AND 613 PLUMER ST.

DATE: MAY 3, 2008

**FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, AICP, PRINCIPAL PLANNER
(714) 754-5278**

DESCRIPTION

This subdivision application was continued from the Planning Commission meeting of April 14, 2008. Planning Commission approved Master Plan PA-07-31 for the Coastal Heights project. Tentative Tract Map T-17248 involves the subdivision of the property for condominium purposes.

APPLICANT

Justin McMillen of InHabitation Design is the authorized agent.

RECOMMENDATION

Adopt resolution for approval of Tentative Tract Map T-17248.

Claire L. Flynn

CLAIRE L. FLYNN, AICP
Principal Planner

Kimberly Brandt

KIMBERLY BRANDT, AICP
Assistant Dev. Svs. Director

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental processing procedures. Pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

ALTERNATIVES CONSIDERED

The Planning Commission has the following options:

1. Approve Tentative Tract Map. Staff finds the tentative map in substantial compliance with the Subdivision Map Act and Zoning Code. The subdivision would allow the seven units to be sold as condominiums and establishment of a homeowner's association.
2. Deny Tentative Tract Map. This denial would result in the following: Denial of the Tract Map will constitute a denial of the previously-approved Master Plan. The 7-unit Master Plan project was contingent upon the project being subdivided and sold as airspace condominiums. A denial of the condominium map would make it necessary for the applicant to resubmit another Master Plan for consideration.

CONCLUSION

The approval of the tentative tract map would achieve an important objective for homeownership in the Mesa West Bluffs Residential Ownership Urban Plan area. Staff does not anticipate any land use impacts as a result of the subdivision map. Approval of the tentative map will allow the legal subdivision for individual ownership purposes.

Attachments: ~~1 Planning Commission resolution (for approval and denial)~~
~~2 Tentative Tract Map~~

Distribution:

Deputy City Manager- Dev. Svs. Director
 Assistant City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Justin McMillen/Andre Ferreira
 616 Center Street
 Costa Mesa, CA 92627

3/24/2008 MINUTES

Glen Katamoto, Costa Mesa, expressed his concerns with the expansion of the Shark Club and with mailboxes that have been damaged on Jeffrey Drive. The Chair reminded Mr. Katamoto that this item was to review the permit, not for expansion.

Jody Lawrence, Costa Mesa, expressed her concerns about the noise level, trash left on the streets, and vandalism.

Mr. Hanour returned and pointed out that there is security on Jeffrey Drive and the street and parking lot are cleaned up every morning. He also stated no Shark Club patrons are parking at Pentridge Cove.

In response to Commissioner Clark's question on what measures are being taken to curb a recent noise complaint, Mr. Hanour responded that he strives to prevent these problems from happening. He said he has 15 security people, 10 inside and 5 outside. He noted that the Police Sergeant at the scene of the recent noise complaint said his staff did a good job handling the situation.

The Chair closed the public hearing.

MOTION: Find that the Shark Club is operating in compliance with their conditions of approval for PA-98-18.

Moved by Vice Chair James Fisler, seconded by Commissioner James Righeimer.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

The Chair suggested continuing Public Hearing Item No. 1 to another meeting followed by Commissioner Clark asking that the item be moved to the end of the agenda.

MOTION: Move Public Hearing Item No. 1 to the end of the agenda to give Mr. Wilson time to arrive.

Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.



3. From the meeting of January 28, 2008, Planning Application PA-07-31 and Tentative Map T-17248, for Justin McMillen, authorized agent for

property owners Andre Ferreira/Sam Ranca, for the following: (1) Master Plan for a 7-unit, three-story, attached residential common-interest development; (2) deviations from open space, lot coverage, rear yard coverage, setback standards, size of residential loft areas, parking requirements, and residential design guidelines regarding bulk/massing; (3) density bonus of 2 units per overlay zone; and (4) subdivision of the property for condominium purposes. The properties are located at 616 Center Street and 613 Plumer Street, in the Mesa West Residential Ownership Urban Plan area and in the R2-HD zone. Environmental Determination: exempt.

Principal Planner Claire Flynn reviewed the information in the staff report, highlighting the changes to the project; discussed the options for the Planning Commission to consider; and addressed the information in the supplemental memo dated March 19, 2008. She indicated that project revisions resulted in the project's compliance with Code-required parking, lot coverage, and open space standards. Ms. Flynn responded to questions from the Commission regarding the relative size of the lofts, access to the roof, and parking spaces.

Justin McMillen, designer of the project as well as one of the property owners, gave a visual presentation and discussed the changes to the building and concerns relating to mass, height, parking setbacks, architecture, and onsite water retention.

Dean Sandman, Ateck America, contractor installing the green roof, discussed green roofing and noted previous roofs completed. He also provided a roof sample to the Commission and explained its composition.

Andre Ferreira, owner, also gave a presentation noting everyone they have met with in the community.

Cecil Geland, Costa Mesa, gave his support for the project and added that he is the window contractor.

Bill Turpit, Costa Mesa, also supported the project and noted the positive impact it will have on the City.

Ross Pfautz, Costa Mesa, provided a letter to the Commission opposing the project which included signatures of neighbors from the Vendome Condominiums in agreement with his views.

John Drake, Costa Mesa, discussed privacy issues.

Will Caldwell, Costa Mesa, expressed concern with heavy rainfall and how the water will be retained on the property.

Mr. McMillen addressed the Chair's question on retaining water, stating that he doesn't see any issues and the plant materials will catch the water and irrigate the plants.

The Chair, Vice Chair Fisler, Ms. Flynn, and Mr. McMillen discussed first floor setback, the raised platform, the number of people in a unit, the slow percolation of water, and the pump requirement.

City Engineer Ernesto Munoz stated that the letter of conditions, dated October 25, 2007, requires the applicant to submit a hydrology report for the Engineering Division to review and approve.

Deputy City Attorney Christian Bettenhausen explained that the CC&R's can limit the number of people in a project unit.

Francoise Pichon, Laguna Beach, said that under the current lending institution guidelines, 90% of the building must be owner-occupied, not rental.

Mr. McMillen returned to the podium and emphasized that he is here to make improvements to the community.

Mr. Pfautz returned to the podium and mentioned that the CC&R's cannot be enforced by the City regarding occupancy of the units.

Deputy City Attorney Bettenhausen explained that generally the City does not enforce the CC&R's, and the Chair noted that the CC&R's can expire if not renewed.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Master Plan PA-07-31 for "Coastal Heights," a 7-unit, 3-story multifamily attached, common interest residential development project in the Mesa West Residential Ownership Urban Plan area, by adoption of Planning Commission Resolution PC-08-29, as revised per supplemental memo dated March 19, 2008, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B", replacing Condition No. 41 with the following condition instead:

Conditions of Approval

41. Applicant shall provide code-required parking in the parking garage. The final parking design, including all 23 standard parking stalls, ramp slope standards, and drive aisle shall be approved by the Transportation Division prior to submission of building plans for plancheck.

Continue Tentative Tract Map T-17248 to the Planning Commission meeting of April 14, 2008.

Moved by Commissioner James Righeimer, seconded by Commissioner Sam Clark.

During discussion on the motion, Commissioner Clark commented that he appreciates all the efforts made on this project and hopes the runoff will be improved in the area.

Vice Chair Fisler said he supports the motion and asked the maker of the motion about adding additional wording to continue Tentative Tract Map T-17248 to the Planning Commission meeting of April 14, 2008. The maker of the motion and the seconder agreed.

Vice Chair Fisler and Planning Commission Secretary Kimberly Brandt discussed the resolution approving only the Master Plan.

The Chair noted that Condition No. 41 should be revised using the wording from the second to the last paragraph of the supplemental memo dated March 19, 2008. The maker of the motion and the seconder agreed.

The Chair, Vice Chair Fisler, and Ms. Flynn discussed the Tentative Tract Map, the new resolution dated March 24, 2008, and that all the provisions relating to the tentative tract map have been removed from the resolution.

Commissioner Righeimer congratulated the applicant on the project and pointed out that the Westside Plan has been put into effect.

Commissioner Egan gave her support for the project noting that we need to improve our infrastructure and said the Orange County Transportation Authority is working on improving the intersection of 19th Street/Newport Boulevard.

The Chair thanked the property owners and complimented them on this nice, modern project.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark,
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

The Chair called a recess at 8:03 p.m. and resumed the meeting at 8:19 p.m.

4. **Parcel Map PM-07-181, for George Bach/The Abstract Consulting Group, authorized agent for Scott and Valorie Vincent, for a parcel map to facilitate a two-unit residential common interest development, approved under PA-07-35, located at 1509 Orange Avenue, Units A & B, in an R2-MD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Rex Swartz, representative for the authorized agent, stated that the Parcel Map is in full compliance.

There were no final comments and the Chair closed the public hearing.

MOTION: Approve Parcel Map PM-07-181, by adoption of Planning Commission Resolution PC-08-30, based on the evidence in the record and findings contained in Exhibit "A", subject to the one condition of approval in Exhibit "B".

Moved by Commissioner Eleanor Egan, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

5. Parcel Map PM-07-192, for The Saywitz Company, for a parcel map to facilitate a 4-unit common interest development conversion approved under PA-07-04, located at 679 W. 18th Street, in an R3 zone.
Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report, and there were no questions of staff.

The applicant was not in attendance, but the Chair proceeded with the item.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Parcel Map PM-07-192, by adoption of Planning Commission Resolution PC-08-31, based on the evidence in the record and findings contained in Exhibit "A", subject to the one condition of approval in Exhibit "B".

Moved by Commissioner Eleanor Egan, seconded by Commissioner James Righeimer.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

6. Tentative Tract Map T-17265, for Peter Zehnder, authorized agent for Elden Street Partners, for a tract map to facilitate a 12-unit residential common interest development conversion, approved under PA-06-29, located at 2379 and 2381 Elden Avenue, in an R2-MD zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Peter Zehnder, authorized agent for the property owner, said it was a pleasure to be here and gave no presentation.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Tentative Tract Map T-17265, by adoption of Planning Commission Resolution PC-08-32, based on the evidence in the record and findings contained in Exhibit "A", subject to the condition of approval in Exhibit "B".

Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.

During discussion on the motion, Commissioner Egan confirmed with Commissioner Clark that his motion was for approval.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

1. Specific Plan SP-08-01, for David Wilson, authorized agent for South Coast Plaza, to amend the North Costa Mesa Specific Plan and Theater and Arts District Plan by modifying several pages of text of the Theater and Arts District Plan, located east of Bristol, south of Sunflower, west of Avenue of the Arts, and north of Interstate 405, in a TC zone. Environmental determination: exempt.

Commissioner Clark replied to the Chair that he was unable to contact Mr. Wilson concerning his availability tonight.

MOTION: Continue to the Planning Commission meeting of April 14, 2008. Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.

Planning Commission Secretary Kimberly Brandt agreed with the Chair that the continuance of this item was a satisfactory action.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fidler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Planning Commission Secretary Kimberly Brandt noted that the City is hosting a Draft Housing Element Community Workshop on April 7, 2008, at 5:30 p.m., in the City Council Chambers. The first Planning Commission public hearing on the Housing Element is scheduled for April 28, 2008. She also mentioned Planning's Annual Open House scheduled for May 12, 2008.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, APRIL 14, 2008.

There being no further business, Chairman Hall adjourned the meeting at 8:30 p.m. to the Community Workshop on the Draft Housing Element on Monday, April 7, 2008, at 5:30 p.m.

Submitted by: _____
KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION

1/28/2008 MINUTES

The Chair called a recess at 7:55 p.m. and resumed the meeting at 8:05 p.m.

5. Planning Application PA-07-31 and Tentative Map T-17248, for Justin McMillen, authorized agent for property owners Andre Ferreira/Sam Ranca, for the following: (1) Master Plan for a 7-unit, three-story, attached residential common-interest development; (2) deviations from open space, lot coverage, rear yard coverage, setback standards, size of residential loft areas, parking requirements, and residential design guidelines regarding bulk/massing; (3) density bonus of 2 units per overlay zone; and (4) subdivision of the property for condominium purposes. The properties are located at 616 Center Street and 613 Plumer Street, in the Mesa West Residential Ownership Urban Plan area and in the R2-HD zone. Environmental Determination: exempt.

Principal Planner Claire Flynn indicated that staff support of the project was largely based on compliance with the intent of the Urban Plan. However, she emphasized that, if the Planning Commission had concerns with the extent of flexibility that was applied to any of the requested deviations, the Planning Commission may modify or deny the project. She said that staff would like direction from the Planning Commission regarding the extent of flexibility to exercise. She responded to questions from the Commission regarding a letter received from Rod MacMillian and density bonuses.

Justin McMillen, authorized agent for property owners, thanked Planning staff and mentioned that he spoke to Mr. MacMillian.

Andre Ferreira, property owner, stated that he spent a long time designing this project and wants to keep the units owner-occupied.

Mr. McMillen and Mr. Ferreira also noted that they see no problem in selling these units and gave the exact location of the property.

Mr. Ferreira explained that he was using ironwood, which has a 50-year life span.

Commissioner Egan expressed concerns with the 2-space parking deviation, 5% open space, and the reduced side setback. She indicated that the design seems to take away from the sense of space of the adjoining neighbors.

Vice Chair Fisler, Commissioner Righeimer, and Mr. McMillen discussed the parking deviation, building height, and minimal setbacks of the exterior staircases. Vice Chair Fisler expressed concerns with the 2-unit density bonus and suggested that the project be reduced by one unit.

Mr. McMillen pointed out that he has contacted the neighbors.

Julianne Hagen, Costa Mesa, noted her concerns regarding parking, drainage, and the number of units. She indicated that the project was too dense for the neighborhood.

Mary Bitiano, a real estate agent, mentioned that this project was extremely unique and good for the neighbors.

Mark Korando, Costa Mesa, stated that a complete environmental study was needed. He did not support the size, design, and density of the project noting that the project has 95% lot coverage. Mr. Korando believed that this project was extremely incompatible with the area and would further worsen the major drainage problems along Anaheim Avenue. Mr. Korando believed that this type of project was not envisioned in the Urban Plan.

Mark Allen Korando, Costa Mesa, said he was concerned about the density of the project. He expressed that the scale and design was not compatible with the neighborhood.

Ross Pfautz, Costa Mesa, mentioned flooding and lot coverage concerns. He believed that the lot coverage of the proposed project would create severe flooding problems in an area with a history of flooding.

Rod MacMillian, Costa Mesa, stated that he was concerned about the building height, bulk, the staircases, and the flooding problem. He disliked being subjected to views of the structure from his property, which would include people standing on the second floor staircases and walking around on the green roof deck. He was concerned with privacy and intrusion of a large building in the neighborhood.

Lawrence Sullivan, Costa Mesa, pointed out that the project is too big for that area and is inconsistent with the goals of the City. He believed that the green building features do not justify a project of this magnitude. He said he owned property in the area.

Mr. Pfautz returned to the podium and stated his concerns about the size of the units and the project.

Francoise Pichon, Laguna Beach, said these units are made for young people and that they would not appeal to renters.

Mr. McMillen and Mr. Ferreira both mentioned the green rooftops would slow down the water flow, and they had no intention of putting group homes in these units.

Mr. MacMillian returned to the podium and reiterated his concerns for the water flow problem.

The Chair, Vice Chair Fisler, Mr. Munoz, and Ms. Flynn discussed flooding, the Master Plan of Drainage, upgrades required for run-off, and deleting Condition of Approval No. 7. Vice Chair Fisler indicated that the Urban Plan does not necessarily exempt the green deck from being considered as a fourth story.

Mr. McMillen thanked staff for their help on this project.

Vice Chair Fisler and Ms. Flynn discussed that the project is requesting a 40% density bonus to allow the 7-unit development. Vice Chair Fisler expressed concerns about the overall building height and deficient parking.

MOTION: Continue to the Planning Commission meeting of March 24, 2008.

**Moved by Commissioner James Righeimer,
seconded by Commissioner Sam Clark.**

During discussion on the motion, Commissioner Righeimer suggested some modifications for possible project approval, including reducing the building height to 35 feet; not allowing any runoff water to flow from the site; and maintaining a five-foot setback around the entire perimeter of the project site for the entire structure, including all exterior staircases.

Commissioner Clark commented on the mass and scale concerns and agreed with Commissioner Righeimer's suggested modifications.

Vice Chair Fidler noted that to meet the parking requirements, six of the seven units need to be two-bedroom units. He expressed an interest for a six-unit project.

Commissioner Egan pointed out that the size of the building overall needs to be reduced. She was concerned with the scale of the project and neighborhood character. She inquired if 60 days is enough time for the applicant.

Mr. Ferreira said 60 days was sufficient.

Commissioner Egan mentioned that while there are some good aspects to the project, she does have concerns about compromising the adjacent properties for a building of this size. She does want the applicant to proceed, but asked that he keep the neighborhood in mind and reduce the size overall.

The Chair commented that he liked the contemporary architecture and confirmed with Commissioner Clark that he agreed with the March 24 date.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fidler, Commissioner Sam Clark,
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

DEVELOPMENT SERVICES DEPARTMENT

**IF YOU ARE INTERESTED IN VIEWING THE REMAINDER
OF THIS DOCUMENT, PLEASE CONTACT THE CITY
CLERK'S OFFICE AT
(714) 754-5225**