



City of Costa Mesa

Appeal of Planning Commission Decision/Rehearing: \$1,220.00

Appeal of Zoning Administrator/ Building Official / Fire Marshal / Staff Decision: \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name\* Gregory Ashwill  
Address Ashwill Associates, 21660 E.Copley Drive Suite 195, Diamond Bar CA 91765  
Phone 909-612-9900 Representing Owners listed on Attachment A (the "Adjoining Property Owner")

REQUEST FOR:  REHEARING  APPEAL  REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

Planning Application PA-13-21 and Tentative Tract Map TT-17658 for development of 36 live/work units residential units at 2023, 2025 and 2027 Placentia Avenue

Decision by: City Planning Commission

Reasons for requesting appeal, rehearing, or review:

See Attachment B annexed hereto and made a part hereof

Date: 02/13/14 Signature: *Gregory Ashwill*

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.  
\*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:  
If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

## ATTACHMENT A

The parties appealing the decision of the City Planning Commission with respect to PA 13-21 and TT 17658 are the joint owners of the property known as 2013 Placentia Avenue, Costa Mesa, which is the property immediately adjacent to the proposed project. The owners are:

The Ashwill Trust

Gregory Ashwill, individually and as trustee of The Gregory J. Ashwill Trust

Mitchel Ashwill, individually and as trustee of The Mitchell R. Ashwill Trust

## ATTACHMENT B

The decision of the City Planning Commission with respect to PA 13-21 and TT-17658 was unreasonable and arbitrary and capricious because it failed to adequately consider the following:

1. Potential traffic and safety issues related to shared use of access by virtue of an easement with existing industrial use on 2013 Placentia. The original easement was created almost 55 years ago and did not contemplate residential use of either property. It provides the only access to 2013 Placentia (including access for emergency vehicles). For additional information, please see letter dated February 4, 2014 from Greg Ashwill to Mino Ashabi, Principal Planner, City of Costa Mesa attached hereto as Exhibit 1. The project as approved permits 10 residential garages to be placed without setback on the edge of the 24 foot shared access easement (12 feet on either property). The staff Supplemental Memorandum prepared for the City Planning Commission dated February 5, 2014 (the "Staff Report") incorrectly stated that the driveway provides an independent width of more than 15 feet to the garage doors which is entirely on the project site. Because access to the garages necessarily requires use of the easement located on 2013 Placentia, the project cannot be approved without the consent of the owners of 2013 Placentia. The Staff Report incorrectly concludes that there is no intensification of use on the access easement and the location of the garages will not interfere with the use on 2013 Placentia. The Staff Report ignored and thus, the City Planning Commission failed to consider, the potential for accidents due to cars backing out of garages into a shared driveway with industrial vehicles, especially in the morning rush hour.
2. Potential traffic and safety issues related to potential redevelopment of 2013 Placentia for residential use. The City Planning Commission failed to consider the intensification of the use of the shared access drive if 2013 Placentia were to be redeveloped for residential use and, thus, the potential limitations on such redevelopment.
3. The decision of the City Planning Commission failed to provide for a definitive plan with respect to management of the construction of the Project so as not to interfere with access to 2013 Placentia during construction.

## PLANNING TRANSACTION RECEIPT

02-14-2014

**PROJECT / ACTIVITY #: PA-13-21**

**PLAN PROJECTS, 2/1/09 MP-PC**

TRANSACTION AMOUNT: 1220  
PAYMENT METHOD: Check CHECK NO: 2270  
NOTATION:

SITE ADDRESS: 2025 PLACENTIA AV  
Suite/Unit #:

REQUEST: Master plan for 38-unit live/work lofts project on a xx-acre site containing 2023, 2025, and 2027 Placentia Avenue and tentative tarct map for condominium purposes.

AGENT: KIM PRIJATEL

OWNER: 126 PROPERTIES, LLC  
JOHN MOREHART  
COSTA MESA, CA  
126 EAST 16TH ST.  
92627  
949.548.2720

**TRANSACTION RECEIPT DETAIL FOR TREASURY:**

780	8010	1,220.00	Appeal (PC)
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**ASHWILL FAMILY L.P.**  
"2013 PLACENTIA AVE."  
18005 SKYPARK CIR #H  
IRVINE, CA 92614  
949-476-8088

**SUNWEST BANK**  
Newport Office  
1500 Quail St #120  
Newport Beach, CA 92660  
www.sunwestbank.com

90-2800/1222

002270

PAY

\*\*\* One Thousand Two Hundred Twenty Dollars And Zero Cents \*\*\*

DATE

AMOUNT

02/13/2014

\$1,220.00

TO THE  
ORDER  
OF:

City of Costa Mesa



CITY CM

**CITY OF COSTA MESA  
CUSTOMER SERVICE RECEIPT**

152392

ORIGINATED BY:

Building

City Clerk

Finance

Fire

Admin. Services

Planning

Public Services

DATE FEBRUARY 14, 2014

Received from PETER ASHWILL

the sum of \$ 1,220, for APPEAL OF PLANNING

COMMISSION DECISION (PA-13-21/HM17658

(2023-2027 PLACENTIA AVE)

BY: AG

Not valid unless properly validated/endorsed.

Account No. 435630

Tran. Code \_\_\_\_\_

Cash  Check  Credit Card

MAIL TO  
17952 SKYPARK CIR #C  
IRVINE CA 92614

**ASHWILL FAMILY L.P.**  
"2013 PLACENTIA AVE."  
18005 SKYPARK CIR #H  
IRVINE, CA 92614  
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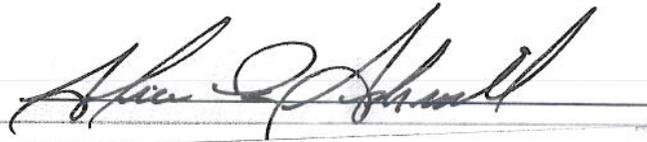
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ITY CM

**CITY OF COSTA MESA  
CUSTOMER SERVICE RECEIPT**

152392

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Building

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