



# **PLANNING COMMISSION AGENDA REPORT**

**VI. 3**

MEETING DATE: DECEMBER 11, 2006

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-06-48 AND PARCEL MAP PM-06-240  
1798 POMONA AVENUE, UNITS A THROUGH D**

**DATE: NOVEMBER 30, 2006**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136**

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## **DESCRIPTION**

The applicant proposes to convert an existing two-story fourplex into a common interest development (condominiums).

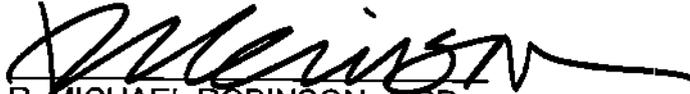
## **APPLICANT**

Barry Saywitz of The Saywitz Company is the property owner and project applicant.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 1798 Pomona Avenue Application: PA-06-48/PM-06-240

Request: Convert an existing two-story fourplex to a common interest development (condominiums).

Zone: R3 North: R2-HD – multiple-family residential

General Plan: High Density Residential South: Surrounding properties

Lot Dimensions: 82.5 ft. x 96.66 ft. East: are R3 zoned and

Lot Area: 7,974 sq.ft. West: contain residences.

Existing Development: Two-story fourplex with a 6-car garage and 2 open spaces.

## **DEVELOPMENT STANDARD COMPARISON**

Development Standard                      Code Requirement                      Proposed/Provided

<b>Lot size:</b>		
Lot width	100 ft.	83 ft. <sup>1</sup>
Lot area	12,000 sq.ft.	7,974 sq.ft. <sup>1</sup>
Density: Zone/GP	1 du/ 2,178 sq.ft.	1 du/ 1,993 sq.ft. <sup>1</sup>
<b>Building coverage:</b>		
Buildings	NA	31% (2,500 sq.ft.)
Paving	NA	27% (2,146 sq.ft.)
Open Space	40% (3,190 sq.ft.)	42% (3,328 sq.ft.)
TOTAL	100%	100%
Min. private open space dimension	10 ft. min. dimension	14 ft. min. dimension
Building Height:	2-stories/27 ft.	2-stories/ 25 ft.
<b>Setbacks:</b>		
Front (Pomona Avenue)	20 ft.	26 ft.
Side (left/right)	10 ft./5 ft.	18 ft./5 ft.
Rear (2-story)	20 ft.	28 ft.
<b>Parking:</b>		
Covered	6	6
Open	8	2
Guest	4	0
TOTAL	18	8 <sup>1</sup>

CEQA Status: Exempt, Class 1

Final Action: Planning Commission

<sup>1</sup> Existing, nonconforming.

**BACKGROUND**

The subject property is located on the southeast corner of West 18<sup>th</sup> Street and Pomona Avenue. The lot contains a fourplex with a 6-car garage and two open parking spaces. The property owner proposes to convert the four apartment units into condominiums.

Pursuant to Code Section 13-42(g), Planning Commission review is required when occupied apartments are proposed to be converted to a common interest development. The review is required to confirm compliance with applicable development standards and to consider potential impacts on the rental housing supply and displacement of tenants if the City's vacancy rate is below 3%.

The owner is also processing a parcel map to facilitate the conversion. The proposed map will subdivide the airspace to allow the individual units to be sold independent of one another.

**ANALYSIS**

Common interest developments must comply with additional development standards above those applicable to apartments. These additional development standards include provision of a 10-foot by 10-foot private open space for each unit, having a break in the front plane of the building of at least 4 feet every 2 dwelling units, and provision of on-site lighting. The existing development already complies with these requirements.

The existing development is situated on a lot with nonconforming lot width and lot area. The fourplex was constructed in 1983 and is legal, nonconforming because the density and number of parking spaces do not comply with current Zoning Code requirements – whether apartments or condominiums. The proposed change in the type of ownership will not increase the project's degree of nonconformity.

There is concern that conversions may diminish the supply of rental housing and displace residents unreasonably, particularly senior citizens, very low-, low- and moderate-income families, and families with school-age children. Consequently, City Council established a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, Planning Commission may deny any requested conversions. The 2000 census data indicates the City's rental vacancy rate is 2.8%.

The property contains two 3-bedroom units and two 2-bedroom units. The tenants are currently paying \$1,695 a month for the 3-bedroom units and \$1495 a month for the 2-bedroom units. The current affordable rental rates are as follows:

	Very-Low Income	Low-Income	Moderate Income
3-Bedroom Units	\$979 a month	\$1,175 a month	\$1,860 a month
2-Bedroom Units	\$881 a month	\$1,057 a month	\$1,300 a month

Affordable Rental Rate Based Upon Fair Market Rent Established by US Dept. of Housing and Urban Development (HUD) for 2006 and 2007.

Based on this information, the monthly rents for the units exceed the affordable rental rates for very-low and low-income households. Therefore, the conversion of the units would not result in a loss of affordable rental units for the very low- and low income households. The monthly rents for the 2-bedroom units also exceed the affordable rental rate for moderate-income households but the rents for the 3-bedroom units are currently less than the affordable rate for moderate-income households. Conversion of the units would not result in the displacement of seniors because there are none residing on the property. However, two of the units contain school-age children. To mitigate the displacement of existing residents, the owner will be required to offer right of first refusal to the tenants, with terms more favorable than those offered to the general public. As conditioned, if the tenants confirm that they are not interested in purchasing the units, the property owner will be required to pay the registration fee for an apartment referral service.

It is staff's opinion that conversion of the fourplex into condominiums will not substantially diminish the supply of rental housing and displace residents unreasonably since 60% of the City's housing units are renter occupied and General Plan Goal LU-1A.4 seeks to "improve the balance between rental and ownership housing opportunities".

As required by Code, a property inspection report as well as a termite report was submitted, and a City property inspection report was prepared. Based on those reports, Planning staff's inspection of the site, and to allow a general upgrading of the site, staff recommends the following improvements:

1. Complete all exterior and interior improvements listed in the letter provided by Stern Architects dated August 14, 2006. In addition, the applicant shall provide decorative paving and upgraded landscaping where appropriate, subject to Planning Division approval.
2. Treat termite infestations as recommended by a termite control company.
3. Building, plumbing, and electrical corrections or upgrades as noted in the City property inspection report.

If the Planning Commission approves the conversion, the parcel map will facilitate the ownership housing project. The map is in compliance with the requirements of the Subdivision Map Act and Chapter XI (Subdivision) of the Zoning Code. A condition is included requiring a provision in the CC&Rs for the use of garages for parking purposes only.

### **Additional Discussion**

The subject site is located within the Mesa West Residential Ownership Urban Plan area, which is an overlay zone that emphasizes improvements by encouraging the redevelopment or conversion of existing rental multiple family units to ownership units. In this plan area, the percentage of renter versus owner-occupied units is greater than the Citywide ratio. According to the 2000 census data, approximately 81% of the units are renter occupied. The proposal does not activate the Mesa West Residential Urban Plan regulations. However, it is consistent with the intent of the plan because it is a

condominium conversion project which would promote home ownership and provide a visual enhancement to the area.

### **GENERAL PLAN CONFORMITY**

Approval of the conversion will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. The proposed conversion meets the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and will improve the balance between rental and ownership housing opportunities within the City. The units, whether utilized as apartments or condominiums, are consistent with the High Density General Plan land use designation because they are existing legal nonconforming.

### **ALTERNATIVES**

The units could still be rented without the site upgrades, if the request is denied.

### **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Sections 15301 for Existing Facilities.

### **CONCLUSION**

Conversion of the apartments will provide additional home ownership opportunities, which would balance the ratio of rental to ownership housing, and will result in a general upgrading of the property. Additionally, current tenants will be offered right of first refusal to purchase, or the property owner will pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase. The parcel map is also in compliance with applicable State and City requirements.

Attachments:           Draft Planning Commission Resolution  
                              Exhibit "A" - Draft Findings  
                              Exhibit "B" - Draft Conditions of Approval  
                              Applicant's Project Description and Justification  
                              Inspection Reports  
                              Location Map  
                              Plans  
                              Tenant Notices

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

Barry Saywitz  
4740 Von Karman Ave., Ste. 100  
Newport Beach, CA 92660

Occupant  
1798 Pomona Avenue, Unit A  
Costa Mesa, CA 92627

Occupant  
1798 Pomona Avenue, Unit B  
Costa Mesa, CA 92627

Occupant  
1798 Pomona Avenue, Unit C  
Costa Mesa, CA 92627

Occupant  
1798 Pomona Avenue, Unit D  
Costa Mesa, CA 92627

File: 121106PA0648PM06240	Date: 112806	Time: 3:00 p.m.
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**RESOLUTION NO. PC-06-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-06-48 AND PARCEL MAP PM-06-240**

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

WHEREAS, an application was filed by property owner Barry Saywitz, with respect to the real property located at 1798 Pomona Avenue, Units A through D, requesting approval of the conversion of a fourplex to a common interest development (condominiums), in the R3 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 11, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-06-48 and Parcel Map PM-06-240 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-06-48 and Parcel Map PM-06-240 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 11<sup>th</sup> day of December 2006.**

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Bill Perkins, Chair  
Costa Mesa Planning Commission



**EXHIBIT "A"****FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(10) in that, although the critical vacancy rate is less than the rate established in Section 13-42(c) (Residential Common Interest Development Conversions), the conversion of the units would not result in the displacement of seniors because there are none residing on the property and would not result in a loss of affordable rental units for the very low- and low income households. Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities within the City. To ensure that existing tenants are not displaced unreasonably, a condition of approval is included requiring current tenants be offered right of first refusal to purchase, or the property owner pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(e) in that:
- a. The project is compatible and harmonious with existing development and uses in the general neighborhood.
  - b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.
  - c. The project is consistent with the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and to improve the balance between rental and ownership housing opportunities within the City.
  - d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
  - e. The cumulative effect of all the planning applications has been considered.
- C. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- D. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- E. The subject property is physically suitable to accommodate PM-06-240 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.
- F. 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.

- G. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- H. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- I. 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 15301.
- J. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng. 1. The following improvements shall be made:
- a. Complete all exterior and interior improvements listed in the letter provided by Stern Architects dated August 14, 2006. In addition, the applicant shall provide decorative paving and upgraded landscaping where appropriate, subject to Planning Division approval.
  - b. Treat termite infestations as recommended by a termite control company.
2. Replace trash enclosure gates under the direction of the Planning staff.
  3. The address of individual units shall be blueprinted on the site plan and on all floor plans in the working drawings.
  4. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than 1/2" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
  5. Applicant shall contact the Building Safety Division, prior to the release of utilities for any units, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional paperwork created through this conversion.
  6. The conditions of approval and code requirements of Planning Application PA-06-48/PM-06-240 shall be blueprinted on the face of the site plan in the working drawings.
  7. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final Building Division inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  8. The applicant shall offer the existing tenants right of first refusal to purchase the units with terms more favorable than those offered to the general public. If the existing tenants confirm in writing that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service. The applicant shall provide the Planning Division staff a copy of the written offer and the tenants' written response prior to final inspections. The applicant shall also provide evidence of the payment of the registration fee for an apartment referral service for tenants not accepting the purchase offer.
  9. The applicant shall show proof of compliance with all applicable conditions of approval and code requirements prior to recordation of the final map. This condition shall be completed under the direction of the Planning Staff.

10. The CC&R's shall require that garage spaces be used for parking purposes only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.
11. The CC&Rs shall disclose that the available parking on-site is 10 spaces short of the current condominium parking standards because of its legal nonconforming status.
- Bldg. 12. The following Building Division corrections shall be made:
  - a. Provide smoke detectors located as required by the CBC.
  - b. Provide GFCI protection for receptacle outlets located in bathrooms, kitchens, garages, and outdoors.
  - c. Verify draftstopping installed in attic areas as required by the CBC.
  - d. Verify water heaters are installed per the CPC.
  - e. Verify furnaces are installed per the UMC.
  - f. Verify garage to house separations are installed per the CBC.



**THE SAYWITZ COMPANY**

4740 VON KARMAN • SUITE 100 • NEWPORT BEACH, CA 92660 • 949-930-7500 • FAX 949-930-7555

**MEMORANDUM**

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**TO:** City of Costa Mesa – Planning Department  
**FROM:** Barry Saywitz  
**DATE:** July 10, 2006  
**RE:** Condo Conversion of 1798 Pomona, Costa Mesa, California

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Dear Planning Department:

This will serve as a formal description of the project and reason for application. The proposed project would convert the existing four-plex to four separate condominium units. As part of the conversion process, we would perform a complete makeover and remodel aesthetically to the property. This remodel would include the installation of travertine floors, granite countertops, all new stainless steel appliances, crown molding and new baseboard, new hardware, doors and finishes throughout. The proposed conversion would be to utilize the existing floor plan and configuration of the property, its current parking and landscaping. Aesthetic upgrades will be performed to the outdoor patios area as well as the interior of the property.

We believe that the conversion and upgrades will provide for significant improvements and betterment to the property as well as the neighborhood. We believe that the property complies with all of the requirements for condo conversion.

Should you have any questions with regards to the project, please feel free to contact me directly at (949) 930-7502.

Sincerely,

  
Barry Saywitz  
President

S T E R N  
ARCHITECTS



August 14, 2006 (Revised)

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

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

AUG 29 2006

Subject: Condominium Conversion at 1798 Pomona

Planning Department:

As required as part of the Condominium Conversion process, we are providing you with a brief description of the subject property.

Built in 1983, this existing fourplex is located at the corner of Pomona and 18<sup>th</sup> Street. It currently consists of two - 2 bedroom, 1.5 bath townhouse-style units and two - 3 bedroom, 2 bath townhouse-style units. The existing property is being used as rental income, and the interiors were renovated in 2001. All units have private garages and there are additional carport spaces at the property as well. This complex appears to be structurally sound.

As part of the condo conversion process, the following improvements will be made:

1. Improvements and upgrades to exterior landscaping throughout the property.
2. Re-asphalt of existing parking area.
- ~~3. Separation of existing garage area into private garages with direct access from each unit.~~
4. Upgrades to existing patio fencing and enclosures at the front of each property.
5. Provide new fiberglass composition roofing to the building.
6. All of the interiors will be completely remodeled with new travertine floors, granite countertops and stainless steel appliances.
7. All units will have new stackable washer/dryers in the units. Bathrooms will have new toilets, new cabinetry and new fixtures.
8. All new crown molding, baseboard and window casing throughout the building.
9. All windows will be replaced with new higher end retrofit windows. Any windows in bedroom areas not meeting egress requirements, will be enlarged as required.

S T E R N  
ARCHITECTS



10. Any deficiencies in decking, or building code upgrades will be addressed as part of the remodel.
11. No reconfiguration of existing floor plan is anticipated; however, additional insulation will be added in the separation walls to meet the STC 50 rating between the attached units.
12. Ceiling fans in all bedrooms will be installed.
13. Plumbing- All plumbing is installed per code when the original building was constructed. As improvements to the unit occurs, plumbing within walls and floors will be checked and updated as required to meet current codes.
14. Electrical – No major work is anticipated for the existing electrical system. Any new improvements required to meet condo conversion requirements will be completed per current code.
15. Additional upgrades to the exterior of the property to create an upgraded feel and presence.

If any additional information is required, please call.

Sincerely,

STERN ARCHITECTS, INC.

Robert Stern, AIA  
President

CC: Barry Saywitz/Property Owner  
The Saywitz Company

RECEIVED  
CITY OF COSTA MESA  
OCT 26 2006

**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:  
*Tenants  
1798 Pomona Ave  
Costa Mesa Ca  
92627*

1. Article Addressed to:

2. Service Type  
 Certified Mail  
 Registered  
 Insured Mail  
 Express Mail  
 Return Receipt for Merchandise  
 C.O.D.  
 Restricted Delivery? (Extra Fee)  Yes

3. Signature  
 Agent  
 Addressee

4. Received by (Printed Name) *S. Needs*  
 5. Date of Delivery *8-29-06*

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 If YES, enter delivery address below:

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Restricted Delivery Fee (Endorsement Required)		
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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

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7006 0100 0005 5144 5144 3631

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**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	Postmark Here  8/23/06
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To

Street, Apt. No.,  
or PO Box No. 1798 Panama D

City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

17



**THE SAYWITZ COMPANY**

4740 VON KARMAN • SUITE 100 • NEWPORT BEACH, CA 92660 • 949-930-7500 • FAX 949-930-7555

August 23, 2006

Tenants  
1798 Pomona Avenue, Unit A  
Costa Mesa, CA 92627

Dear Tenants:

We previously provided you notice of our intent to pursue a potential condo conversion of the property. The city has required that we provide you with an additional notice of such filing. The owner of this building at 1798 Pomona, Costa Mesa, California, plans to file a tentative map with the city and county to convert this building to condominiums. You will be given notice for each hearing, for which notice is required, pursuant to Sections 66451.3 and 66452.5 of the Government Code and you will have the right to appear and the right to be heard at any such hearing.

We will provide you with additional notices and/or information as we receive it.

Sincerely,

Barry Saywitz  
President

BS:cf



**THE SAYWITZ COMPANY**

4740 VON KARMAN • SUITE 100 • NEWPORT BEACH, CA 92660 • 949-930-7500 • FAX 949-930-7555

August 23, 2006

Tenants  
1798 Pomona Avenue, Unit B  
Costa Mesa, CA 92627

Dear Tenants:

We previously provided you notice of our intent to pursue a potential condo conversion of the property. The city has required that we provide you with an additional notice of such filing. The owner of this building at 1798 Pomona, Costa Mesa, California, plans to file a tentative map with the city and county to convert this building to condominiums. You will be given notice for each hearing, for which notice is required, pursuant to Sections 66451.3 and 66452.5 of the Government Code and you will have the right to appear and the right to be heard at any such hearing.

We will provide you with additional notices and/or information as we receive it.

Sincerely,

Barry Saywitz  
President

BS:cf



**THE SAYWITZ COMPANY**

4740 VON KARMAN • SUITE 100 • NEWPORT BEACH, CA 92660 • 949-930-7500 • FAX 949-930-7555

August 23, 2006

Tenants  
1798 Pomona Avenue, Unit C  
Costa Mesa, CA 92627

Dear Tenants:

We previously provided you notice of our intent to pursue a potential condo conversion of the property. The city has required that we provide you with an additional notice of such filing. The owner of this building at 1798 Pomona, Costa Mesa, California, plans to file a tentative map with the city and county to convert this building to condominiums. You will be given notice for each hearing, for which notice is required, pursuant to Sections 66451.3 and 66452.5 of the Government Code and you will have the right to appear and the right to be heard at any such hearing.

We will provide you with additional notices and/or information as we receive it.

Sincerely,

Barry Saywitz  
President

BS:cf

20



**THE SAYWITZ COMPANY**

4740 VON KARMAN • SUITE 100 • NEWPORT BEACH, CA 92660 • 949-930-7500 • FAX 949-930-7555

August 23, 2006

Tenants  
1798 Pomona Avenue, Unit D  
Costa Mesa, CA 92627

Dear Tenants:

We previously provided you notice of our intent to pursue a potential condo conversion of the property. The city has required that we provide you with an additional notice of such filing. The owner of this building at 1798 Pomona, Costa Mesa, California, plans to file a tentative map with the city and county to convert this building to condominiums. You will be given notice for each hearing, for which notice is required, pursuant to Sections 66451.3 and 66452.5 of the Government Code and you will have the right to appear and the right to be heard at any such hearing.

We will provide you with additional notices and/or information as we receive it.

Sincerely,

Barry Saywitz  
President

BS:cf

**CITY OF COSTA MESA  
DEVELOPMENT SERVICES  
BUILDING SAFETY DIVISION  
77 FAIR DRIVE, P.O. BOX 1200  
COSTA MESA, CALIFORNIA 92628-1200  
714-754-5629**

**DATE: 09-12-06**

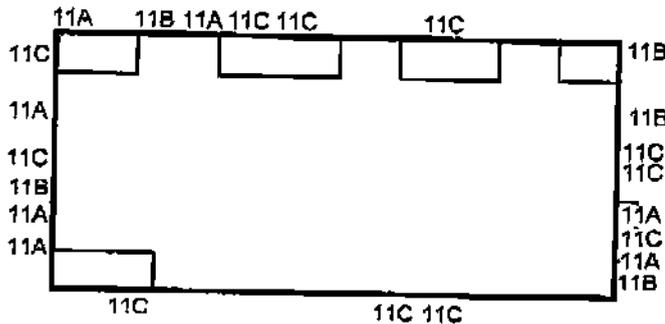
**PROJECT: Residential Common Interest Development Conversion B06-00871  
ADDRESS: 1798 Pomona  
CITY: COSTA MESA**

A property review inspection was conducted. The following items were noted. There are 4 units; comments generally apply to each unit.

- 1) Provide smoke detectors located as required by the CBC.
- 2) Provide GFCI protection for receptacle outlets located in bathrooms, kitchens, garages, and outdoors.
- 3) Verify Draftstopping installed in attic areas as required by the CBC.
- 4) Verify water heaters are installed per the CPC.
- 5) Verify furnaces are installed per the UMC.
- 6) Verify garage to house separations are installed per the CBC.

# WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT

Building No	Street	City	Zip	Date of Inspection	Number of Pages
1798	Pomona Ave,	Costa Mesa,	CA 92627	07/20/2006	6
<h2 style="margin: 0;">BUGMASTERS</h2> <p style="margin: 0;">TERMITE CLEARANCE &amp; REPAIRS</p> <p style="margin: 0;">P.O. Box 545, Buena Park, CA 90621</p> <p style="margin: 0;">(714) 680-6777 • (562) 926-1336 • Fax (714) 680-6779</p>				Report #	W28316
				Lic. Registration #	PR 2015
				Escrow #	
Ordered by:	Property Owner and/or Party of Interest:		Report Sent to:		
Saywitz 1798 Pomona Ave Costa Mesa, CA 92627	Saywitz 1798 Pomona Ave Costa Mesa, CA 92627		Saywitz Co. Barry Saywitz 4740 Von Karman Newport Beach, CA 92660		
COMPLETE REPORT <input checked="" type="checkbox"/> LIMITED REPORT <input type="checkbox"/> SUPPLEMENTAL REPORT <input type="checkbox"/> REINSPECTION REPORT <input type="checkbox"/>					
General Description:				Inspection Tag Posted: No Applicable Place Available	
Two story wood framed stucco multi-unit building.				Other Tags Posted:	
An inspection has been made of the structure(s) shown on the diagram in accordance with the Structural Pest Control Act. Detached porches, detached steps, detached decks and any other structures not on the diagram were not inspected.					
Subterranean Termites <input type="checkbox"/> Drywood Termites <input checked="" type="checkbox"/> Fungus / Dryrot <input checked="" type="checkbox"/> Other Findings <input type="checkbox"/> Further Inspection <input type="checkbox"/>					
If any of the above boxes are checked, it indicates that there were visible problems in accessible areas. Read the report for the details on checked items.					



This Diagram is not to scale

Inspected by: Manuel Barahona   
 State License No. FR 31640   
 Signature Manuel Barahona

You are entitled to obtain copies of all reports and completion notices on this property reported to the Structural Pest Control Board during the preceding two years. To obtain copies contact: Structural Pest Control Board, 1418 Howe Avenue, Suite 19, Sacramento, California, 95825-3204.

NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (816) 581-8708, (800) 737-8188 or [www.pestboard.ca.gov](http://www.pestboard.ca.gov)

SECOND PAGE OF STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

Address 1798 Pomona Ave, Costa Mesa, CA 92627

07/20/2006

W28316

Date

Report #

**PLEASE READ: IMPORTANT INFORMATION CONCERNING THE TERMS OF THIS INSPECTION**

Certain areas are recognized by the industry as inaccessible and/or for other reasons not inspected. These include but are not limited to: inaccessible and/or, insulated attics or portions thereof, attics with less than 18" clear crawl space, the interior of hollow walls; spaces between a floor or porch deck and the ceiling below; areas where there is no access without defacing or tearing out lumber, masonry or finished work making inspection impractical, areas or timbers around eaves that would require use of an extension ladder and eaves covered by roofing materials.

Slab floor construction has become more prevalent in recent years. Floor coverings may conceal cracks in the slab that will allow infestations to enter undetected. Slab construction prevents inspection and/or detection of infestations underneath them. Important Note Regarding Subterranean Termites: Subterranean termites that appear after our original inspection are not under any guarantee by this company. Subterranean termites sometimes live in the soil under concrete slabs and can often go undetected for months or years. These termites can not be detected during our visual inspections. There will be a fee for treating any newly detected infestation. Infestations in the wall may be concealed by plaster, drywall or wall paper so that a diligent inspection may not uncover the true condition. These areas are not practical to inspect because of inaccessibility and/or damage to the wall structure and therefore are not under warranty.

The above areas were not inspected unless described in this report. We recommend further inspection if there is any question about the above noted areas. Re: Structural Pest Control Act, Article 6, section 8516 (b), paragraph 1990 (l), Amended effective March 1, 1974. Stall showers, if any, are water tested in compliance with Section 1991 (12) of the Structural Pest Control Act. The absence or presence of leaks through sub-floor, adjacent floors or walls will be reported. This is a report of the condition of the stall shower at the time of inspection only, and should not be confused as a guarantee. Although we make a visual examination, we do not deface or probe into window or door frames, decorative trim, roof members, etc., in search of wood destroying pests or organisms.

This company will reinspect repairs done by others within four months of the original inspection. A charge, if any, can be no greater than the original inspection fee for each reinspection. The reinspection must be done within ten (10) working days of request. The reinspection is a visual inspection and if inspection of concealed areas is desired, inspection of work in progress is necessary. Any guarantees must be received from parties performing repairs. The original inspection fee is \$65.00, which is waived if work is performed by this company. The cost of reinspection is \$65.00.

**NOTE:** We do not inspect or certify plumbing, plumbing fixtures, etc. Also, in cases where wood members are to be replaced, we cannot guarantee to match the size or shape in cases where custom material exists or older wood was larger when built. Because today's size lumber will be used an additional cost will be charged if requested to match existing lumber.

**NOTE:** "The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contract a roofing contractor who is licensed by the Contractor's State License Board." We do not inspect or certify roofs.

Note: All repair estimates on this report are to repair existing wood members as noted below. It is the responsibility of the homeowner or buyer to inform bugmasters if some existing structure being repaired is not built to city code or permitted. It is the property owners responsibility prior to approving any repair to check with the City Building Dept. to see if permits are required for the work estimated below. If permits are required, the property owner will need to pull permits as owner builder and notify Bugmasters. Any additional work required by the City and/or field inspectors will be at an additional cost.

Note: Wood members that are missing or split, cracked, weathered, or broken by causes other than dry-rot or termite damaged are not included in this report or estimate. Areas where gutters must be removed to replaced damaged, Bugmasters will not reinstall gutters or guarantee any reinstallation of gutters, homeowner to contact a gutter contractor to reinstall gutters. Also we do not readjust any TV satellites moved during work.

Hidden damage is possible any time evidence of subterranean termites, drywood termites, fungus (dry rot), beetles, faulty grade, earth to wood contact, dampwood termites, shower leaks or excessive moisture is noted on this report. It is also possible for hidden damage to be present in the interior of walls, under flooring, under roofing materials and other areas that are not readily accessible for inspection. This company will not be held responsible for any hidden damage.

Hidden damage found through chipping, scraping, preping prior to painting, especially through sand / water blasting, probing or tearing out of moldings, lumber, masonry, or finished work of any kind, or behind wallpaper or underneath roofing materials, will not be the responsibility of Bugmasters.

**CONDITIONAL GUARANTEE:** Bugmasters guarantees all work performed by this company for one year, unless otherwise stated under any individual recommendation in this report or on a Bugmasters summary letter signed by an authorized employee of Bugmasters. This company is not responsible for any future infestation, dry rot or adverse conditions beyond the time of inspection. If fumigation is performed, Bugmasters is not liable for any damage to shrubs, vines, trees, etc. or any damage to roofs or roof members at the time of Fumigation. In the event that a re-treatment, re-fumigation or any other repair work is to be performed to honor a guarantee issued by Bugmasters; the home-owner is responsible to make the property available for any work to be performed. Bugmasters will not be liable for any cost of vacating or preparing the residence for re-treatment; and / or repairs. **NOTE:** A new and/or extension of guarantee is never given for re-treatments done under original guarantee.

THIRD PAGE OF STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

Address 1798 Pomona Ave, Costa Mesa, CA 92627

07/20/2006

W28316

Date

Report #

NOTICE: BUGMASTERS does not warranty work performed by others. Such warranties should be obtained from those performing the repairs. Bugmasters only re-inspects the absence of infestation or infection in the visible and accessible areas on the completion date only. If it is found others have concealed or hidden infestations or infections during the course of their repairs, it will be the responsibility of the interested parties to pursue the parties who did the original work.

**WHAT IS A WOOD DESTROYING PEST & ORGANISM INSPECTION REPORT? READ THIS DOCUMENT. IT EXPLAINS THE SCOPE AND LIMITATIONS OF A STRUCTURAL PEST CONTROL INSPECTION AND A WOOD DESTROYING PEST & ORGANISM INSPECTION REPORT.**

**MOLD POLICY STATEMENT:** As per Structural Pest Control Board ( May 2002 ) Molds, sometimes called mildew, are not wood-destroying organisms. Branch 3 Licensees do not have a duty under the SPCB Act and related regulations to classify molds as harmful to human health or not harmful to human health.

**NOTE: SPECIFIC LIST OF AREAS WHICH HAVE NOT BEEN INSPECTED ON YOUR PROPERTY AS FOLLOWS.**

This report regards the inspection of that part of the premises as identified on the drawing within this report. In accordance with the standard practice of pest control operators, certain structural areas are considered inaccessible for purposes of inspection, including but are not limited to this structure in these specific areas: (1.) Furnished interiors (2.) Portions of attic concealed or made inaccessible by insulation and/or inadequate crawl space. (3.) The interior of hollow walls. (4.) Space between a floor or porch deck and the ceiling below. (5.) Stall showers over finished ceilings. (6.) Areas concealed by built-in cabinet work. (7.) Hardwood floor beneath linoleum, carpet, or tile. (8.) Inside kitchen or bathroom cabinets where food or supplies are stored. (9.) Areas concealed by appliances. (10.) Interiors of enclosed boxed eaves. (11.) All second story eaves, fascia, rafters and roof sheathing (12.) All eaves where access is impractical with out an extension ladder. (13.) Exterior eaves and siding where access is limited due to zero lot lines, neighbors access, heavy plant growth or abutments. (14.) Fences and gates surrounding or attached to the property.

**NOTICE TO OWNER**

Under the California Mechanic's Lien Law any structural pest control company which contracts to do work for you, any contractor, subcontractor, laborer, supplier or other person who help to improve your property, but is not paid for his work or supplies, has the right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full if the sub-contractor, laborers, or suppliers remain unpaid.

To preserve their right to file a claim of lien against your property, certain claimants such as subcontractors or material suppliers are required to provide you with a document entitled "Preliminary Notice". Prime contractors and laborers for wages do not have to provide this notice. A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid.

"NOTICE: The charge for service that this company subcontracts to another person or entity may include the company's charges for arranging and administering such services that are in addition to the direct costs associated with paying the subcontractor. You may accept Bugmasters's bid or you may contract directly with another registered company licensed to perform the work. If you choose to contract directly with another registered company, Bugmasters will not in any way be responsible for any act or omission in the performance of work that you directly contract with another to perform."

"NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company."

Local treatment is not intended to be an entire structure treatment method. If infestations of wood-destroying pests extend or exist beyond the area(s) of local treatment, they may not be exterminated.

NOTE: If the Home Owner fails to pay billing in full, Bugmasters will have the right to be paid back for all its costs and expenses to the extent not prohibited by applicable law. Those expenses include, for example (but not limited to), reasonable attorney's fees. If for any reason this account is to be turned over to our collection agency, You will be responsible for all cost of collecting. After 30 days a 1.5% interest per month will be charged.

NOTE: If any additional damage or infestation is noted during the course of our work, in areas not visible at the time of the inspection, a supplemental report will be issued outlining any additional findings, recommendations, and costs.

This company does not certify or guarantee against any leakage, such as (but not limited to) plumbing, appliances, wells, doors, windows, any type of seepage, roof or deck coverings. This company renders no guarantee, whatsoever, against any infection, infestation or any other adverse condition which may exist in such areas or may become visibly evident in such area after this date. Upon request, further inspection of these areas would be performed at an additional charge once wood members are made available for visual inspection.



FIFTH PAGE OF STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

Address 1798 Pomona Ave, Costa Mesa, CA 92627

07/20/2006

W28316

Date

Report #

In accordance with the laws and regulation of the State of California, we are required to provide you with the following information prior to application of Pesticides to your property.

"State law requires that you be given the following information: CAUTION, PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Dept. of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that based on existing scientific evidence there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized."

"If within 24 hours following application, you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (800) 876-4766 and your pest control operator immediately." Effects of over exposure to these materials can include tremors and tonic and colonic convulsions.

For further information, contact any of the following:

Bugmasters (714) 650-6777

Poison Control Center (800) 876-4766

(Health Questions) County Health Dept.  
Orange County (714) 834-7700  
Los Angeles County (213) 250-8055  
San Bernardino County (909) 387-6280  
Riverside County (909) 358-5000  
Fresno County (559) 445-3200

(Application Info.) County Agriculture Commission  
Orange County (714) 447-7100  
Los Angeles County (626) 575-5485  
San Bernardino County (909) 387-2115  
Riverside County (951) 955-3000  
Fresno County (559) 456-7510

Structural Pest Control Board (Regulatory Info.) (916) 561-8704  
1418 Howe Ave. Suite 18, Sacramento, Ca. 95825

TERMITE AND FUNGUS CONTROL CHEMICALS

Vikane (EPA Reg. No. 484-232)

Active Ingredients: Vikane-sulfuryl floride 99.5%, Chloropicrin .5%

SIXTH PAGE OF STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

Address 1798 Pomona Ave, Costa Mesa, CA 92627

07/20/2006

W28316

Date

Report #

**Findings and Recommendations estimated by this Company:**

Approval	Item	Primary Estimate	Section
<input type="checkbox"/>	11A	\$2,690.00	

Complete all of the above listed Items.

Complete all items with Primary Estimate:

Total Estimate **\$2,690.00**

Complete only the above Items checked.

Total \$ \_\_\_\_\_

**Findings and Recommendations NOT estimated by this Company:**

Owner or Authorized Representative shall contract others for completion of these items.

Items: 11B, 11C

*I have read and understand the terms of the Report referenced above and agree to the terms and conditions set forth. Bugmasters is hereby authorized to complete the Items selected above and it is agreed that payment shall be made as follows:*

Payment shall be made as follows:  With close of Escrow  \$ \_\_\_\_\_ Deposit  \$ \_\_\_\_\_ on Completion

Escrow Number: \_\_\_\_\_ Escrow Company: \_\_\_\_\_ Escrow Officer: \_\_\_\_\_

Phone ( ) \_\_\_\_\_ - \_\_\_\_\_ Fax ( ) \_\_\_\_\_ - \_\_\_\_\_ Address: \_\_\_\_\_

Owner or Authorized Representative:  Owner  Representative's Title: \_\_\_\_\_

Print Name: \_\_\_\_\_ X \_\_\_\_\_ Date \_\_\_\_\_

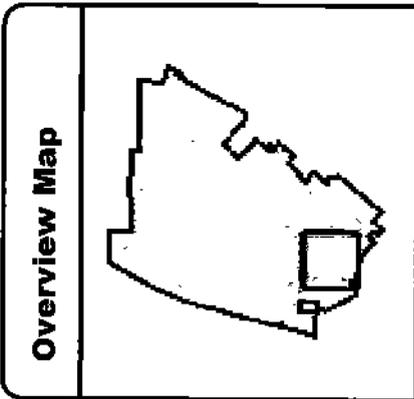
Owner or Authorized Representative:  Owner  Representative's Title: \_\_\_\_\_

Print Name: \_\_\_\_\_ X \_\_\_\_\_ Date \_\_\_\_\_



**City of Costa Mesa**

1798 POMONA AVENUE - [Created: 11/28/2006 3:15:15 PM] [Scale: 103.4] [Page: 8.5 x 11 / Landscape]



**Legend**

- Address Large
- Street Names
- Parcel Lines
- Level 1 Ortho Photo

**S T E R N**  
**ARCHITECTS**

140 South Coast Drive, Suite 100  
Orange, CA 92668  
Tel: 714/952-2000



**KEY NOTES**

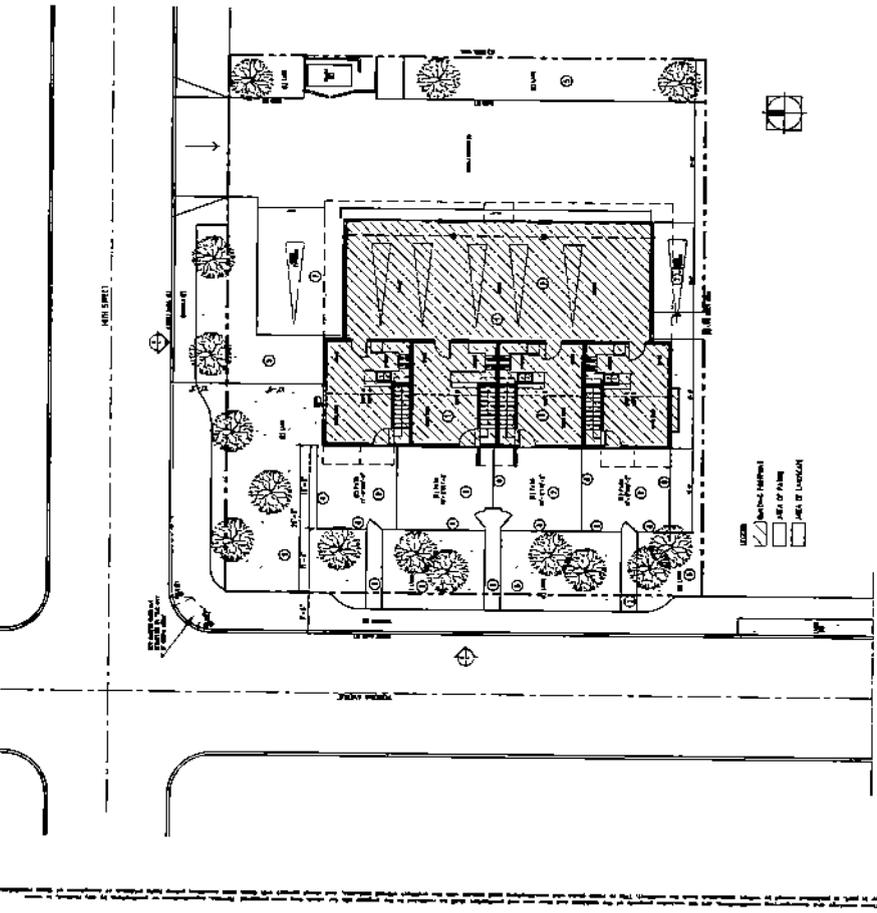
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- 2. EXISTING EXTERIOR TO REMAIN
- 3. EXISTING EXTERIOR TO REMAIN
- 4. EXISTING EXTERIOR TO REMAIN
- 5. EXISTING EXTERIOR TO REMAIN
- 6. EXISTING EXTERIOR TO REMAIN
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- 9. EXISTING EXTERIOR TO REMAIN
- 10. EXISTING EXTERIOR TO REMAIN



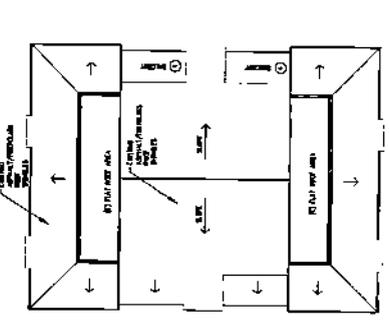
**6 WEST ELEVATION**  
EXISTING CONDITION



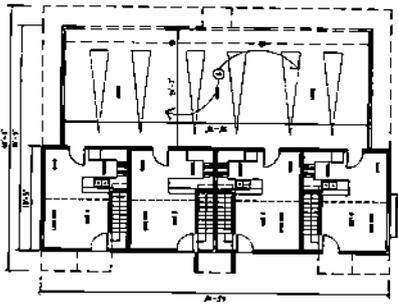
**5 NORTH ELEVATION**  
EXISTING CONDITION



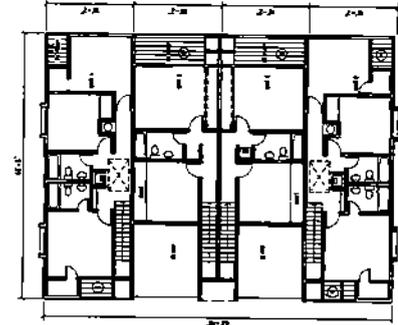
**1 SITE PLAN**  
SCALE: 1/8" = 1'-0"



**4 ROOF PLAN**  
SCALE: 1/4" = 1'-0"



**2 FIRST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**3 SECOND FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

**PROJECT NAME**  
CONVERSION OF EXISTING  
FOUR-FLOOR  
**CONDOMINIUMS**  
AT  
1700 BONDINA  
CORTA BLVD., CA 92627

**PROJECT DATA**

DATE: 11/11/01  
DRAWING NO.: 1700BONDINA

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
SCALE	DATE
PROJECT NO.	DATE
CLIENT	DATE
LOCATION	DATE
DESCRIPTION	DATE
DATE	DATE

FLOOR PLAN

A-1

# TENTATIVE PARCEL MAP NO. 2006-240

IN THE CITY OF COSTA MESA, COUNTY OF ORANGE  
STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

ASSESSOR'S PARCEL NUMBER: 424-261-01

AUGUST 2006

**OWNER**  
BARRY SAYWITZ PROPERTIES ONE, LLP  
C/O THE SAYWITZ COMPANY  
4740 VON KARMEN, SUITE 100  
NEWPORT BEACH, CA 92660

**SUBDIVIDER**  
THE SAYWITZ COMPANY  
4740 VON KARMEN, SUITE 100  
NEWPORT BEACH, CA 92660

**MAP PREPARER**  
WALDEN & ASSOCIATES  
2552 WHITE RD., SUITE 8  
IRVINE, CA 92614  
JEFFREY A. WALDEN, P.L.S. 7914

**LEGAL DESCRIPTION:**

THE NORTH 82.50' OF THE WEST 96.56' OF LOT 505 OF NEWPORT MESA TRACT, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP FILED IN BOOK 5, PAGE 1 OF MISCELLANEOUS MAPS, RECORDS OF THE COUNTY RECORDER OF SAID COUNTY.

**AREA:**

7,974 SQ. FT. = 0.81 ACRES

**GENERAL NOTES:**

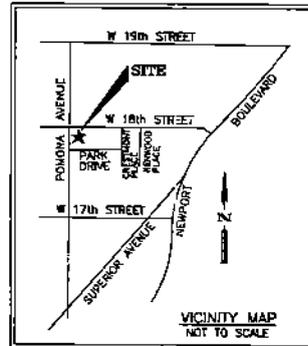
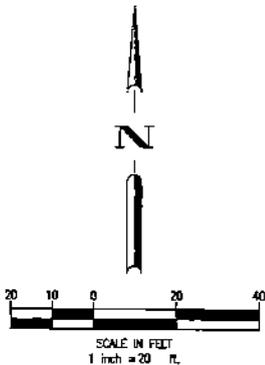
1. EXISTING LAND USE: MULTI-FAMILY RESIDENTIAL
2. PROPOSED LAND USE: MULTI-FAMILY RESIDENTIAL
3. ADJACENT LAND USE: SINGLE AND MULTI-FAMILY RESIDENTIAL
4. EXISTING SEWER AND WATER TO REMAIN

**FLOOD ZONE:**

THE PROPERTY SHOWN HEREON LIES WITHIN ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 060590026SH, REVISED FEBRUARY 18, 2004.

**LEGEND:**

- |  |                            |  |                              |
|--|----------------------------|--|------------------------------|
|  | - WATER VALVE              |  | - SIGN                       |
|  | - WATER METER              |  | - STREET LIGHT               |
|  | - FIRE HYDRANT             |  | - TRAFFIC PULL BOX           |
|  | - BACK FLOW DEVICE         |  | - PULL BOX                   |
|  | - PVI                      |  | - ASPHALT CONCRETE           |
|  | - IRRIGATION CONTROL VALVE |  | - CONCRETE                   |
|  | - GAS METER                |  | - FENCE                      |
|  | - TELEPHONE PULL BOX       |  | - WALL                       |
|  | - MANHOLE                  |  | - EXISTING GAS LINE          |
|  | - STORM DRAIN INLET        |  | - EXISTING TELEPHONE LINE    |
|  | - GRATE                    |  | - EXISTING ELECTRICAL LINE   |
|  | - LOT DRAINAGE PATTERN     |  | - EXISTING WATER LINE        |
|  |                            |  | - EXISTING SEWER LINE        |
|  |                            |  | - EXISTING ELECTRICAL LINE   |
|  |                            |  | - INDICATES PROJECT BOUNDARY |



32

