



PLANNING COMMISSION AGENDA REPORT

X.8

MEETING DATE: FEBRUARY 12, 2007

ITEM NUMBER:

**SUBJECT: PARCEL MAP PM-06-286
755 THROUGH 785 WEST 17TH STREET AND 1690 PLACENTIA AVENUE**

DATE: FEBRUARY 1, 2007

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

DESCRIPTION

The subject application was heard at the January 22, 2007, Planning Commission meeting. However, the vote to approve the project failed to carry (2-2). Planning Commission continued this item to allow it to be reviewed by a full commission.

The original staff report and revised draft resolution are attached for reference. The recommended conditions of approval include a requirement for the CC&Rs to disclose that the site is located within the Mesa West Bluffs Urban Plan overlay zoning area (condition no. 2). This condition has been simplified from the original language suggested by staff based on the discussion at the previous hearing. Although staff recognizes the current applicant does not propose to take advantage of the urban plan provisions for live/work units, staff does feel it is important to disclose the potential for such a conversion to future property owners.

As mentioned in the original staff report, the map is consistent with applicable City Codes and the State Subdivision Map Act. State law allows the City to deny a parcel map only if it does not meet City or State requirements at the time the application is deemed complete. The State Code also provides specific findings or grounds for denial of a map (see attached Subdivision Map Act excerpt). Since the proposed map meets all applicable codes and all the necessary findings for approval can be made, staff is recommending approval of Parcel Map PM-06-286.

APPLICANT

Kirstin Emershaw is the authorized agent for the property owner, Telford A. Walker.

RECOMMENDATION

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


WENDY SHIH
Associate Planner
R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

Attachments: Draft PC Resolution
 Exhibit "A" – Draft Findings
 Exhibit "B" – Draft Conditions of Approval
 Original Planning Commission Agenda Report for January 22, 2007
 Location Map
 Proposed Tentative Parcel Map
 Subdivision Map Act Excerpt

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

Kirstin Emershaw
P.O. Box 8083
Newport Beach, CA 92658

File: 021207PM06286	Date: 020107	Time: 3:15 p.m.
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RESOLUTION NO. 07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PARCEL MAP PM-06-
286**

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

WHEREAS, an application was filed by Kirstin Emershaw, authorized agent for Telford A. Walker, requesting approval of a one-lot subdivision of an existing multi-tenant industrial development located at 755 through 785 West 17th Street and 1690 Placentia Avenue for condominium purposes, in an MG zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 22, 2007, and on February 12, 2007;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B," the Planning Commission hereby **APPROVES** Parcel Map PM-06-286 with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine the adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Parcel Map PM-06-286 and upon the 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 12th day of February, 2007.

Chair, Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. 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 for Minor Land Divisions.
- B. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- C. The subdivision of the property for industrial condominiums is consistent with the City's General Plan and Zoning Code.
- D. The proposed use of the subdivision is for industrial condominiums which is compatible with the objectives, policies, land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- E. The subject property is physically suitable to accommodate Parcel Map PM-06-286 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 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 subdivision.
- 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).

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. The CC&Rs and articles of incorporation and bylaws of the Property Owners Association shall be reviewed and approved by the Planning Division prior to recordation. The CC&Rs shall establish a Property Owners' Association and shall provide for common use and maintenance of all parking spaces, driveways and landscaping. A copy of the recorded CC&Rs shall be submitted to the Planning Division.
2. The CC&Rs shall disclose that the site is located within the Mesa West Bluffs Urban Plan overlay zoning area. Prior to the establishment of a live/work occupancy on the property, the Property Owners Association shall make application to the City of Costa Mesa for discretionary review and approval of the proposed live/work occupancy.
3. Complete all proposed site improvements prior to recordation of the parcel map. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to release of the map for recordation.
4. Submit two (2) sets of detailed landscape and irrigation plans showing all existing and proposed planting materials for Planning staff review and approval. Landscaping and irrigation shall be installed in accordance with the approved plan prior to release of the map for recordation.
5. The parcel map shall reference the correct site addresses (including 1690 Placentia Avenue) and the number of condominium units.
- Trans 6. Provide additional information and details of right-of-way regarding Easement no. 4 as called out on the Tentative Parcel Map.



PLANNING COMMISSION AGENDA REPORT

VII.9

MEETING DATE: JANUARY 22, 2007

ITEM NUMBER:

SUBJECT: PARCEL MAP PM-06-286
755 THROUGH 785 WEST 17TH STREET AND 1690 PLACENTIA AVENUE

DATE: JANUARY 11, 2007

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

DESCRIPTION

The applicant proposes a one-lot airspace subdivision of an existing multi-tenant industrial development for condominium purposes.

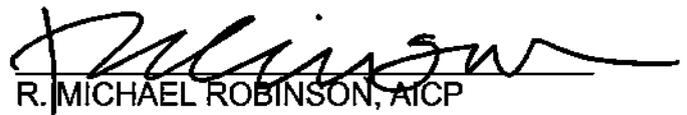
APPLICANT

Kirstin Emershaw is the authorized agent for the property owner, Telford A. Walker.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND/DISCUSSION

The subject site is located on the southeast corner of West 17th Street and Placentia Avenue. It is developed with five multi-tenant industrial buildings, containing 51 units total, on a 4-acre lot. The property is zoned MG (General Industrial) with a General Plan designation of Light Industry.

The applicant proposes a parcel map for a one-lot airspace subdivision for industrial condominiums. Since use and square footage of the buildings will remain the same, no parking impacts are anticipated. The map is consistent with applicable Code requirements and the State Subdivision Map Act. Approval of the map would allow division of the buildings and each tenant space to be sold separately. The applicant proposes interior and exterior site improvements such as painting, hardscape repair, landscape upgrades, and other repair and maintenance work prior to the sale of the units.

Staff has included a condition that requires CC&Rs be recorded prior to the final map to ensure shared parking and access within the common lot, as well as to ensure common maintenance for the landscaping, driveway and parking spaces.

ALTERNATIVE

If the map were denied, the applicant would not be able to file a similar request for six months. The buildings could continue to be leased, but the units and/or buildings could not be sold independent of one another.

GENERAL PLAN CONFORMITY

The General Plan designation of the property is unaffected by the parcel map since the subdivision will not affect the use of the property.

ENVIRONMENTAL DETERMINATION

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 for Minor Land Divisions.

CONCLUSION

Staff does not anticipate any significant land use impacts. Approval of the parcel map will allow the legal subdivision of existing buildings into industrial condominiums with common driveway access and shared parking spaces.

Attachments: Draft PC Resolution
 Exhibit "A" – Draft Findings
 Exhibit "B" – Draft Conditions of Approval
 Location Map
 Proposed Tentative Parcel Map

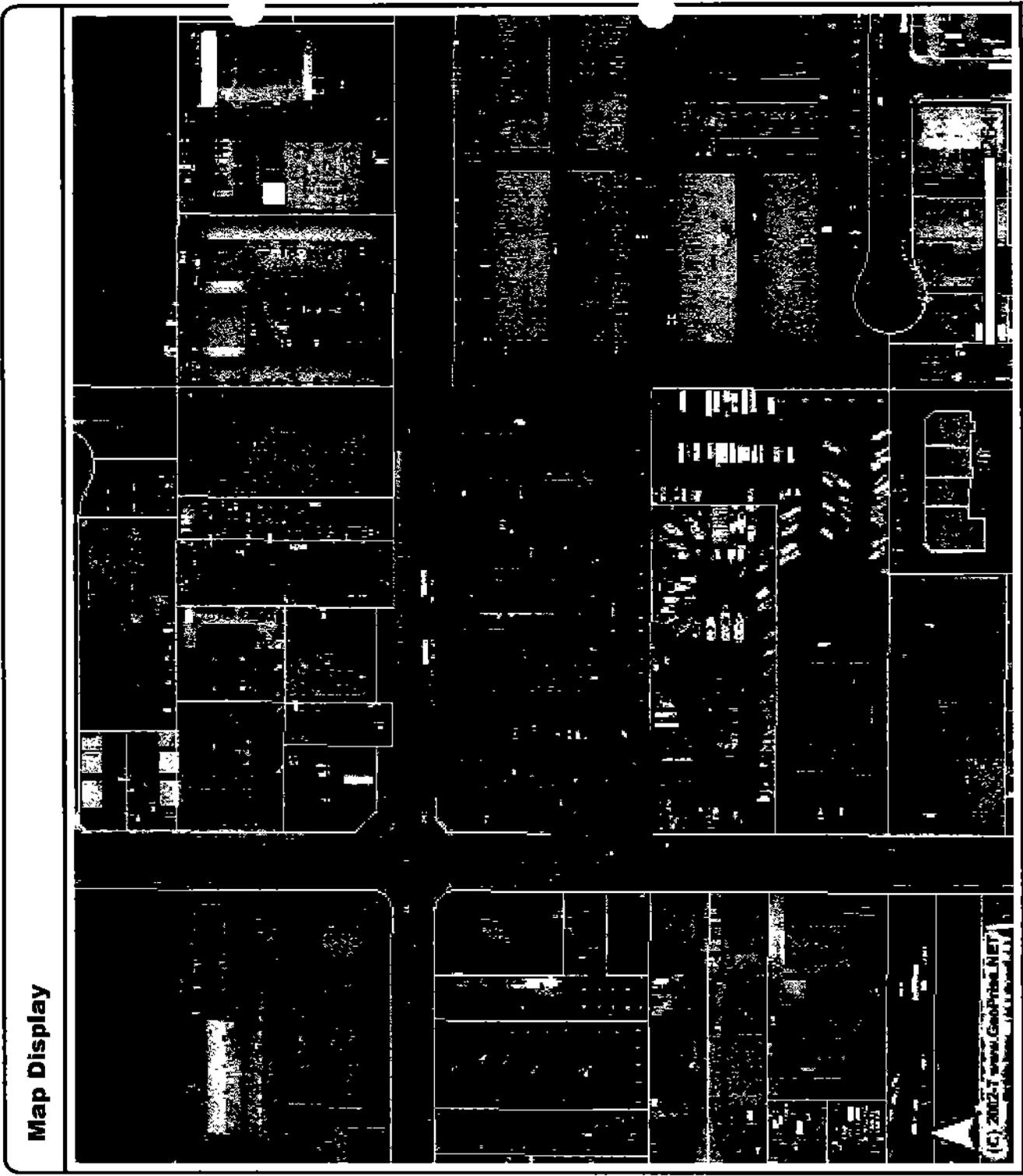
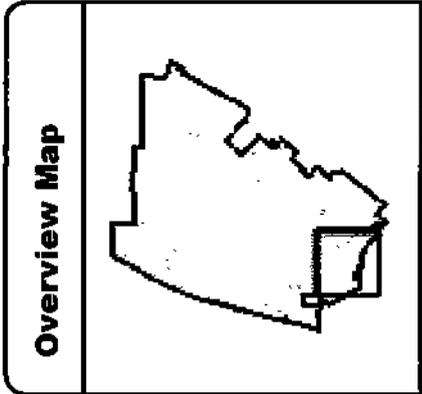
cc: Dep. City Mgr. - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Kirstin Emershaw
P.O. Box 8083
Newport Beach, CA 92658

File: 012207PM06286	Date: 010907	Time: 10:15 a.m.
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City of Costa Mesa

755 - 785 WEST 17TH STREET AND 1690 PLACENTIA AVENUE - [Created: 1/2/2007 5:05:03 PM] [Scale: 263.79] [Page: 8.5 x 11 / Landscape]



Legend

- Street Names
- Parcel Lines
- City Boundary
- Level 2 Ortho Photo
- Ortho Photography

County of San Diego and the cities within the county requires written communications to be made by the public water system to the city or county, in a format and with content that is substantially similar to the requirements contained in this section, with regard to the availability of a sufficient water supply, or the reliance on projected water supplies to provide a sufficient water supply, for a proposed subdivision.

(l) Nothing in this section shall preclude the legislative body of a city or county, or the designated advisory agency, at the request of the applicant, from making the determinations required in this section earlier than required pursuant to subdivision (a). (m) Nothing in this section shall be construed to create a right or entitlement to water service or any specific level of water service.

(n) Nothing in this section is intended to change existing law concerning a public water system's obligation to provide water service to its existing customers or to any potential future customers.

(o) Any action challenging the sufficiency of the public water system's written verification of a sufficient water supply shall be governed by Section 66499.37.

(Added by Stats. 2001, Ch. 642.)

66474. Findings: grounds for denial

A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court

of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Amended by Stats. 1982, Ch. 518.)

66474.01. Tentative map approval with EIR and finding

Notwithstanding subdivision (e) of Section 66474, a local government may approve a tentative map, or a parcel map for which a tentative map was not required, if an environmental impact report was prepared with respect to the project and a finding was made pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Added by Stats. 1985, Ch. 738; Amended by Stats. 1994, Ch. 1294.)

66474.1. Finding of substantial compliance prohibits denial

A legislative body shall not deny approval of a final or parcel map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map.

(Amended by Stats. 1982, Ch. 87.)

66474.2. Tentative map approval

(a) Except as otherwise provided in subdivision (b) or (c), in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.

(b) Subdivision (a) shall not apply to a local agency which, before it has determined an application for a tentative map to be complete pursuant to Section 65943, has done both of the following:

(1) Initiated proceedings by way of ordinance, resolution, or motion.

(2) Published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances.

A local agency which has complied with this subdivision may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map.