



PLANNING COMMISSION AGENDA REPORT

VI.2

MEETING DATE: JUNE 11, 2007

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-06-78 AND TENTATIVE MAP T-17142
577 AND 579 VICTORIA STREET**

DATE: MAY 31, 2007

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP SENIOR PLANNER (714) 754-5611

DESCRIPTION

The applicant is requesting a rehearing for a proposal to convert an existing, 12-unit apartment complex into a common interest development (condominiums), with a tract map to facilitate the conversion.

This request was originally scheduled for the May 14, 2007, Planning Commission meeting, but was continued to this date at the request of the applicant.

APPLICANT

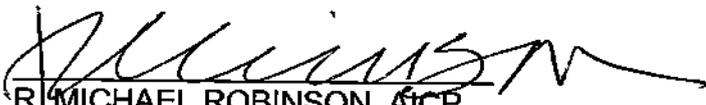
The applicant is Barry Saywitz of Saywitz Properties Two, who is also the owner of the property.

RECOMMENDATION

Determine whether sufficient evidence exists to warrant conducting a rehearing.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The subject property contains a 12-unit, apartment complex, constructed in 1960. Six of the units are addressed as 577 Victoria Street, units A through F, and the other six units are addressed as 579 Victoria Street, units A through F. All of the units are one-story.

At the April 23, 2007 meeting, Planning Commission, on a 3 to 2 vote (Chair Hall and Commissioner Egan voting no), approved the common interest development conversion, subject to conditions of approval, including the following conditions of approval added by the Commission:

- *All improvements listed in the letter submitted by the applicant dated April 19, 2007 shall be completed under the direction of the Planning staff.*
- *The applicant shall inspect and replace the sewer, if necessary.*
- *The applicant shall remove the two front units along Victoria Street (577 A and 579 A Victoria Street), and one unit at the rear of the property, to provide additional open space and parking spaces (3 parking spaces per unit minimum) for the ownership units.*
- *100 amp electrical service panels shall be provided for the project.*
- *Exterior walls shall be insulated.*
- *Separate gas, electrical, and water meters for each unit shall be provided, if allowed by the affected utility company.*
- *Firewalls between garages and units shall comply with current codes.*
- *Roll-up doors shall be provided for all garages with remote control units provided.*

On April 30, 2007, the applicant submitted the attached request for a rehearing on the basis that there is new information related to the feasibility of the project as approved and conditioned that was not made available to the Commissioners during the hearing.

Municipal Code Section 2-304(3) states the following with regard to rehearing requests:

To justify a rehearing the applicant must show in the application that there is new, relevant evidence which, in the exercise of reasonable diligence, could not have been produced, or which was improperly excluded, at the earlier hearing, or that the person or body failed to comply with the law, which contention was not asserted at the earlier hearing. The person or body may in its discretion decide whether to hear additional evidence than what is contained in the application. The decision whether to grant the rehearing is final and may not be appealed or reheard.

ALTERNATIVES

If the Commission determines there is new, relevant evidence to justify granting the rehearing request, a new public hearing will be conducted. New notices will be sent out, and the hearing will be scheduled on the next available Commission meeting agenda. If the Commission determines there is not new, relevant evidence to justify granting the

rehearing request, the applicant may proceed with the project as originally approved and conditioned.

ENVIRONMENTAL DETERMINATION

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

CONCLUSION

The Commission needs to determine if, based on the information provided by the applicant, if there is sufficient evidence to warrant conducting a rehearing.

Attachment: Applicant's rehearing request

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

Barry Saywitz Properties Two
Attn: Barry Saywitz
4740 Von Karman Avenue, Suite 100
Newport Beach, CA 92660

Occupant
577 Victoria Street, Unit A
Costa Mesa, CA 92627

Occupant
577 Victoria Street, Unit B
Costa Mesa, CA 92627

Occupant
577 Victoria Street, Unit C
Costa Mesa, CA 92627

Occupant
577 Victoria Street, Unit D
Costa Mesa, CA 92627

Occupant
577 Victoria Street, Unit E
Costa Mesa, CA 92627

Occupant
577 Victoria Street, Unit F
Costa Mesa, CA 92627

Occupant
579 Victoria Street, Unit A
Costa Mesa, CA 92627

Occupant
579 Victoria Street, Unit B
Costa Mesa, CA 92627

Occupant
579 Victoria Street, Unit C
Costa Mesa, CA 92627

Occupant
579 Victoria Street, Unit D
Costa Mesa, CA 92627

Occupant
579 Victoria Street, Unit E
Costa Mesa, CA 92627

Occupant
579 Victoria Street, Unit F
Costa Mesa, CA 92627

File:061107PA0678T17142Rehearing	Date: 051107	Time: 8:30 a.m.
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THE SAYWITZ COMPANY

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

RECEIVED
CITY CLERK

2007 APR 30 PM 3:22

CITY OF COSTA MESA
BY _____

April 30, 2007

City of Costa Mesa
Planning Department
P.O. Box 1200
Costa Mesa, CA 92628-1200

Re: Planning Commission Request for Rehearing – PA-06-78 (577/579 Victoria, Costa Mesa)

Dear Planning Commission:

This letter is a formal request for a rehearing of the above referenced Planning Commission item which was heard on April 23rd, 2007, for my property at 577 & 579 Victoria in Costa Mesa. I have attached the application for the rehearing, as well as the appropriate fees.

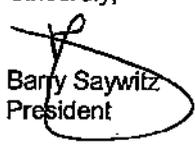
I would formally like to request a rehearing on this item on the basis that there is information which was not made available to the Planning Commissioners at the hearing that significantly impacts the feasibility of the project and its ability to move forward in any form.

The project was submitted for a condo conversion for a total of twelve units. The motion to approve or deny that application was never voted on because a substituted motion was presented by one of the commissioners. The substituted motion required the removal of three of the units and did not specify details with regards to what would be put in place of those units, nor the specific units in general. Additionally, as the applicant, I was never asked whether this substituted motion was acceptable or something that would be a practical solution as an alternative as to what was initially being proposed.

Unfortunately, the removal of these units is not a scenario that I am interested in pursuing. The financial impact to the project due to the loss of potential income from the sale of those three condos, which are the three most desirable units in the complex, combined with all of the additional costs of remodeling, renovation, and upgrades to the property, makes the project financially unfeasible. I was never asked my opinion of this modification, nor was I asked or allowed to speak in response to the modification of this particular item on the substitute motion. I believe that in the event that the Commissioners were fully informed as to the financial impact of this modification to the project and that it would preclude the project from moving forward in any form, would have significantly impacted their decision making and thought process with regards to the project.

Please accept this letter as my formal application for a rehearing. Should you have any questions with regards to this issue, or any further questions on the project itself, I would be happy to discuss them with you, the Commissioners, or anyone else at the City that should need to speak with me. I can be reached directly at (949) 930-7502.

Sincerely,


Barry Saywitz
President

Enclosure(s)



ORANGE COUNTY • SAN FRANCISCO • SAN DIEGO • LOS ANGELES • SILICON VALLEY • SACRAMENTO • ALBUQUERQUE • ATLANTA • AUSTIN
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PHILADELPHIA • PHOENIX • PITTSBURGH • PORTLAND • RALEIGH • SAN ANTONIO • SEATTLE • ST. LOUIS • TAMPA • TULSA • WASHINGTON D.C.

CITY OF COSTA MESA
P.O. Box 1200
Costa Mesa, CA 92628-1200

FEE: \$ 1070.00

APPLICATION FOR REVIEW, APPEAL OR REHEARING

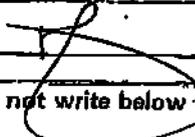
Applicant Name Barry Saywitz / The Saywitz Company
Address 4740 Van Korman Ave, Newport Beach, CA 92660
Phone 949-930-7502 Representing The Saywitz Co.

REQUEST FOR: REVIEW** APPEAL REHEARING

Decision of which review, 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 Meeting
April 23, 2007 - PA-06-78 for Condo Conversion
of 577/579 Victoria

Decision by: Planning Reasons for requesting review, appeal or rehearing: Application was approved but only for 9 units not 12 as proposed. Applicant was never asked nor spoke about feasibility, practicality or financial impact of the substituted motion and change in number of units. Project is not financially viable as 9 units and will not be pursued by applicant as it stands.

See attached letter.

Date: 4/30/07 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
Costa Mesa/Forms1/Application for Review-Appeal-Rehearing