



# **PLANNING COMMISSION AGENDA REPORT**

VI.2

MEETING DATE: JULY 14, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-07-04 (TIME EXTENSION)  
679 WEST 18TH STREET, UNITS A THROUGH D**

**DATE: JULY 3, 2008**

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

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## **DESCRIPTION**

The applicant is requesting an extension of time to convert a four-unit apartment complex into condominiums, which would allow the units to be sold independent of one another.

## **APPLICANT**

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

## **RECOMMENDATION**

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

Handwritten signature of Mel Lee in black ink, written over a horizontal line.

MEL LEE, AICP  
Senior Planner

Handwritten signature of Kimberly Brandt in black ink, written over a horizontal line.

KIMBERLY BRANDT, AICP  
Asst. Development Services Director

**BACKGROUND**

The property is located on the City's Westside in an area that contains primarily attached multiple family residences. Several properties in the immediate area, including 1798 Pomona Avenue, 685 W. 18<sup>th</sup> Street, and 686 Park Drive, contain rental units that were approved to be converted to ownership units. However, the most recent conversion proposal for a four-unit project (at 1843 Pomona Avenue) was denied by the Commission on June 9, 2008.

On June 19, 2007, City Council overturned Planning Commission's denial of the conversion of this property to ownership units (see Exhibit "1"). The plans for the renovation and upgrades to the units are currently in building plan check. Because the applicant is not able to obtain the permits within the year since it was approved, an extension of time for the conversion is requested. The staff reports, meeting minutes, and approved plans for PA-07-04 are attached to this report for reference. Parcel Map PM-07-192 to facilitate the conversion to ownership units was approved by the Commission on March 24, 2008.

**ANALYSIS**

Code Section 13-29(k)(2) allows Commission to approve successive one-year time extensions upon showing good cause by the applicant. Since approval of the conversion, City Council adopted new requirements for common interest development conversions.

Item	New Requirement	Provided	Complies?
On-Site Parking	10 Spaces	7 Spaces	No
Open Space	30%	38%	Yes
Tenant Notification	N/A	Yes	Yes

As noted in the table above, the property does not provide the minimum required number of parking spaces per the new conversion requirements. However, staff notes that the nonconforming parking is similar to other conversions approved by Commission:

1798 Pomona (4 units)	685 W. 18 <sup>th</sup> St. & 686 Park Dr. (10 units)
8 spaces provided	18 spaces provided
10 spaces required	25 spaces required

As noted earlier, the parcel map to facilitate the conversion to ownership units was approved by Commission on March 24, 2008. While the parcel map approval is valid for two years, the extension for PA-07-04, if granted, is valid for one year. As a result, if the planning application extension were to be approved, staff is recommending, as a condition of approval, that the expiration of PA-07-04 coincide with the expiration of PM-07-192 (April 1, 2010).

**ALTERNATIVES**

The Commission has the following alternatives:

1. Approve the extension, with appropriate conditions of approval; or
2. Deny the extension. The units could continue to be rented without the site upgrades if the extension is denied.

**CONCLUSION**

The extension, if approved, would allow the upgrades to the previously approved conversion of the units to proceed. Therefore, staff supports the extension.

- Attachments:
1. Request for Time Extension
  2. Draft Planning Commission Resolution for Approval  
Exhibit "1" – City Council Resolution No. 07-54  
Exhibit "2" – Additional Conditions of Approval
  3. Draft Planning Commission Resolution – Denial  
Exhibit "A" - Draft Findings for Denial
  4. City Council Report for PA-07-04, and Minutes
  5. Planning Commission Staff Report for PA-07-04, PC Resolution, and Minutes
  6. Zoning/Location Map
  7. Plans

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

The Saywitz Company  
Attn: Barry Saywitz  
4740 Von Karman Avenue, Suite 100  
Newport Beach, CA 92660

Occupant  
679 W. 18<sup>th</sup> St., Unit A  
Costa Mesa, CA 92627

Occupant  
679 W. 18<sup>th</sup> St., Unit B  
Costa Mesa, CA 92627

Occupant  
679 W. 18<sup>th</sup> St., Unit C  
Costa Mesa, CA 92627

Occupant  
679 W. 18<sup>th</sup> St., Unit D  
Costa Mesa, CA 92627

File: 071408PA0704Ext	Date: 070308	Time: 8:15 a.m.
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# **ATTACHMENT 1**



**THE SAYWITZ COMPANY**

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

May 27, 2008

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

MAY 30 2008  
Hand delivered

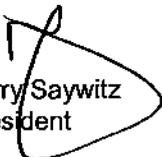
Mel Lee  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628-1200

Re: Extension for 679 W. 18<sup>th</sup> Street, Condo Conversion

Dear Mel,

Please accept this letter as a formal request to file an extension for the condo approval and the parcel map for the property at 679 W. 18<sup>th</sup> Street, in Costa Mesa. I have enclosed the radius maps, a certification letter from the title company, mailing labels and a check for \$400.00 for the fee. Please let me know if you require any additional information or have any further questions. I appreciate your cooperation.

Sincerely,

  
Barry Saywitz  
President

## **ATTACHMENT 2**

**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING AN EXTENSION OF  
TIME FOR PLANNING APPLICATION PA-07-04**

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

WHEREAS, an application was filed by Barry Saywitz, owner of the real property located at 679 West 18<sup>th</sup> Street, Units A through D, requesting approval of an extension of time for conversion of an existing four-unit apartment complex into a common interest development (condominiums), which would allow the units to be sold independent of one another, in an R3 zone; and

WHEREAS, on appeal, City Council approved Planning Application PA-07-04 by adoption of Resolution No. 07-54, attached hereto as Exhibit "1"; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 14, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings and conditions contained in Exhibit "1", and the additional conditions of approval contained in Exhibit "2", the Planning Commission hereby **APPROVES** an extension of time for Planning Application PA-07-04 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 reports for Planning Application PA-07-04. This action is also based on the evidence in the record and findings and subject to applicant's compliance with each and all conditions of approval, as specified in City Council Resolution No. 07-54 (Exhibit "1") and the additional conditions of approval contained in Exhibit "2".

**PASSED AND ADOPTED this 14<sup>th</sup> day of July, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission



**EXHIBIT "1"**

**RESOLUTION NO. 07- 54**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF COSTA MESA, CALIFORNIA, APPROVING  
PLANNING APPLICATION PA-07-04.**

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

WHEREAS, an application (PA-07-04) was filed by Barry Saywitz of Barry Saywitz Properties One, property owner with respect to the real property located at 679 West 18<sup>th</sup> Street, Units A through D, requesting approval of the conversion of 4 apartment units into a common interest development (condominiums) with a variance from private open space requirements, in the R3 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 26, 2007, and PA-07-04 was denied; and

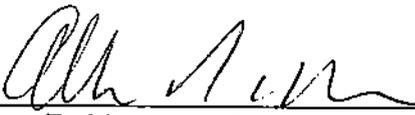
WHEREAS, on March 30, 2007, Planning Commission's denial of PA-07-04 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on April 17, 2007, and continued, at the request of the applicant, to June 19, 2007.

NOW, THEREFORE, 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 City Council hereby **APPROVES** Planning Application PA-07-04 for the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council 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-07-04 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 19<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
Allan R. Mansoor, Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Folcik, City Clerk

APPROVED AS TO FORM:

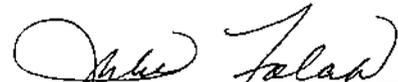
  
\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 07-54 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 19<sup>th</sup> day of June, 2007, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MANSOOR, DIXON, FOLEY, LEECE  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: BEVER

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 20<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
JULIE FOLCIK, CITY CLERK

(SEAL)

## 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 condominium conversion will not result in the loss of affordable units or displacement of senior citizens or school age children. Conversion of the apartments will provide additional home ownership opportunities and improve the ratio of rental to ownership housing within the City. To ensure that existing tenants are not displaced unreasonably, a condition is included to require that current tenants be offered right of first refusal to purchase, and/or the property owner shall pay registration fees for an apartment search service mutually acceptable to both parties to help tenants 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 aspects 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.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property exist to justify approval of the variance from private open space requirements. Specifically, one of the balconies will exceed the 100 square feet of area that would result in the provision of the minimum dimension required, and the project has an approximately 600 square-foot open space area at the rear of the lot for the common use of residents. The deviation granted does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- D. 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 for Existing Facilities.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## CONDITIONS OF APPROVAL

- Plng. 1. The following improvements shall be made:
- a. Complete all exterior and interior improvements recommended/proposed in the letter provided by Stern Architects dated February 19, 2007. All requirements are to be completed under the direction of the Planning Division staff.
  - b. Treat termite infestations as recommended by a termite control company.
2. The address of the property and individual units (A through D) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
  3. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  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 ½" 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 ¼" 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 site plan shall show provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the US Postal Service.
  7. The conditions of approval and code requirements of Planning Application PA-07-04 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  8. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final map approval. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  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 Division.
  10. The applicant shall offer the existing tenants right of first refusal to purchase any of the units with terms more favorable than those offered to the general public. The right shall run for a period of not less than 90

days unless the tenant gives prior written notice of his or her intention not to exercise the right. If an existing tenant confirms in writing that he/she is not interested in purchasing any of the units, the applicant shall register the tenant with an apartment/rental referral service that is mutually acceptable to the applicant and tenant, and if a registration fee is required, the applicant shall pay said fee. The applicant shall provide the Planning Division staff a copy of the written offer and the tenant's written response prior to map recordation. The applicant shall also provide written evidence that all tenants not accepting the purchase offer are registered with an apartment/rental referral service and the registration fee has been paid, if applicable.

11. The CC&Rs shall disclose that the available parking on-site is 4 spaces short of the current condominium parking standards because of its legal nonconforming status.
12. 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.
13. In conjunction with project plan check review and approval, submit two (2) sets of detailed landscape and irrigation plans which comply with Municipal Code requirements regarding landscaping materials and irrigation including percentage of turf allowed, number of trees and shrubs, etc., and provision of benderboard or other separation between turf and shrub areas.
14. The exterior of all building elevations shall be completely repainted (unless recently painted within 1 or 2 years of application submittal). A minimum two colors shall be used- three colors recommended.
15. Install energy efficient exterior doors and windows on all building elevations.
16. Provide exterior storage area for every unit under the direction of the Planning staff.
17. Underground overhead power line connections.
18. Install rain gutters on all appropriate building elevations.
19. Replace any broken sidewalks, the entire driveway, and any other broken hardscape improvements.
20. Repair, replace, or construct interior property walls and/or fences.
22. Screen utility meters, pedestals, etc. from the public right-of-way under the direction of the Planning Division.
23. Replace all appliances, water heater, and light fixtures with Energy Star (or better) rated appliances/fixtures, including a programmable heating system, unless the applicant demonstrates that the existing appliances, etc. are energy efficient.
24. Provide a washer/dryer hook-up in the interior of every unit where feasible.
25. Provide appropriate interior separation of any common attic space areas and upgrade attic insulation to the maximum extent feasible.
- Bldg. 26. The following Building Division corrections shall be made to all units:
  - a. Provide GFCI Protected receptacles at all required areas.
  - b. Provide duct at laundry room through wall penetrations.

- c. Verify seismic anchoring for water heater.
  - d. Install smoke detectors at all required areas.
  - e. Verify window at bottom landing is tempered.
27. The applicant shall replace all electrical wiring, outlets, switches, interior lighting (title 24) sub panels and exterior lighting.
  28. The applicant shall replace all above ground plumbing, add tankless water heaters, and washer/dryer hookups. The applicant shall also camera test the sewer line and replace if needed, add main sewer clean outs and complete a water test.
  29. The applicant shall replace all gas lines (interior and exterior) and conduct a pressure test.
  30. The applicant shall install new ducting as needed, registers and gas efficient HVAC's.
  31. The applicant shall check all framing for integrity and replace if needed.
  32. The applicant shall install all new double paned low E glass windows and exterior doors.
  33. The applicant shall resurface all staircases and balconies.
  34. The applicant shall replace all insulation.
  35. The applicant shall install new sinks, faucets, toilets and tubs.
  36. The applicant shall install new cabinets and granite and travertine countertops.
  37. The applicant shall install new stucco, paint and carpet as needed.
  38. The applicant shall install new driveway, sprinkler system, decorative pavers, and landscaping. Turf block for an additional parking space and California native plants shall be installed within the front landscape setback.
  39. The applicant shall install exterior foam molding, four (4) paint colors, vinyl railings and lighting.
  40. The applicant shall replace all drywall with soundboard.
  41. The applicant shall provide interior paint with at least two different colors with crown molding and 5-inch baseboard.
  42. The applicant shall replace upstairs floor and downstairs ceilings with either 3/8-inch particle board, R-19 insulation or 5/8-inch drywall.
  43. The applicant shall provide mirror wardrobe sliders.
  44. The applicant shall waterproof all landings, staircases and balconies.
  45. Decals shall be provided for all resident vehicles.
  46. A professional property manager shall be in charge of oversight of the HOA.
  47. The applicant shall either replace the composition flat roof or provide reserve funding for future roof replacement by the HOA.
  48. The applicant shall provide a fountain at the rear of the project.
  49. The applicant shall replace the existing perimeter wood fencing with 6-foot high solid vinyl fencing.

**EXHIBIT "2"**

**ADDITIONAL CONDITIONS OF APPROVAL**

- Ping. 1. All applicable conditions of approval, code requirements, and special district requirements for PA-07-04 shall be complied with.
- New 2. Conversion expiration shall coincide with the expiration of Parcel Map  
Cond. PM-07-192 on April 1, 2010.

## **ATTACHMENT 3**

**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING AN EXTENSION OF TIME  
FOR PLANNING APPLICATION PA-07-04**

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

WHEREAS, an application was filed by Barry Saywitz, owner of the real property located at 679 West 18<sup>th</sup> Street, Units A through D, requesting approval of an extension of time for conversion of an existing four-unit apartment complex into a common interest development (condominiums), which would allow the units to be sold independent of one another, in an R3 zone; and

WHEREAS, on appeal, City Council approved Planning Application PA-07-04 by adoption of Resolution No. 07-54, attached hereto as Exhibit "1"; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 14, 2008.

BE IT RESOLVED that, based on the evidence in the record the Planning Commission hereby **DENIES** an extension of time for Planning Application PA-07-04 with respect to the property described above.

**PASSED AND ADOPTED this 14<sup>th</sup> day of July, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS - DENIAL**

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(10) in that the proposed conversion project does not conform to adopted General Plan policies. The establishment, maintenance, and operation of the project will be detrimental to the health, safety, and general welfare of persons residing or in the surrounding neighborhood and be detrimental and injurious to property and improvements in the neighborhood or the general welfare of the City. The overall design and physical condition of the proposed conversion project does not achieve a high standard of appearance, quality, and safety. The proposed conversion project does not conform to the Costa Mesa Zoning Code requirements. The proposed conversion project, due to its proportion and scale, design elements, and relationship to the surrounding neighborhood, does not contribute to defining and improving the community as a whole.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(e) in that:
  - a. The project is not 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 not consistent with the General Plan.
  - 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 Costa Mesa Planning Commission has denied Planning Application PA-07-04. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



# **CITY OF COSTA MESA**

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

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,  
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**