



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: JULY 9, 2012

ITEM NUMBER:

**SUBJECT: SECOND TIME EXTENSION FOR PLANNING APPLICATION PA-09-18 - MASTER PLAN FOR A MIXED USE, 53-UNIT, FOUR-STORY, SENIOR HOUSING AND 4,980 SQ. FT. RETAIL COMMERCIAL PROJECT
845 BAKER STREET**

DATE: JUNE 28, 2012

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov**

PROJECT DESCRIPTION

The applicant is requesting a second extension of time for the following entitlements related to the Harper's Pointe development:

1. Master plan for a mixed-use development consisting of a three-story, 53-unit senior housing project over a one-story, 4,980 square-foot retail building (four stories total);
2. A maximum of 10% compact parking spaces (seven parking spaces total); and
3. Deviations from Urban Plan requirements for maximum floor-area ratio (1.0 FAR allowed, 1.1 FAR proposed) and minimum nonresidential area (0.15 FAR required, 0.13 FAR proposed).

APPLICANT

The applicant is Diamond Star Associates, representing Eric Nelson, who is the owner of the property. USA Properties Inc., is the project developer.

RECOMMENDATION

Approve the time extension to expire July 6, 2013 by adoption of Planning Commission resolution, subject to conditions.

BACKGROUND

Site Location

The project site is located on the south side of Baker Street, immediately abutting the SR-73 Freeway. The site is adjacent to the property occupied by the Shark Club and contains a one-story commercial building containing a repair shop and a rug store. A 30-foot high monopole with related equipment is located towards the rear of the property.

The property is zoned C1 and has a general plan designation of General Commercial. The property is also located within the South Bristol Entertainment and Cultural Arts (SoBECA) Urban Plan, a mixed-use overlay district. Because the proposed development is a mixed-use project, the provisions of the SoBECA Urban Plan apply to this project.

Master Plan Project Elements

The master plan for the four-story mixed-use development consists of the following elements:

- Demolition of the existing one-story retail building and 30-foot tall pole sign. The monopole and related equipment at the rear of the property is not proposed to be removed in conjunction with this project.
- On the first level, 4,980 square feet of commercial retail space and 68 surface parking spaces is proposed. Of the 68 surface parking spaces, 45 spaces are allocated for residents and their guests, and 21 spaces are allocated for commercial tenants and their customers. Two handicap spaces are also provided. The applicant is also proposing seven compact spaces.
- The senior housing consists of 51 one-bedroom units approximately 532 square feet in size and 2 two-bedroom units approximately 782 square feet in size.
- The building design is contemporary, consisting of vertically scored stucco with metal seam copper panels, cement plaster, and anodized aluminum windows. The developer will incorporate sustainable building (i.e., "green") practices in the building where appropriate.
- The project consists of affordable rental housing for seniors 55 years of age or older. The developer has been working with the City Council in their capacity as the Redevelopment Agency, as well as the County of Orange, to obtain any available redevelopment or affordable housing funding necessary for this project (see discussion later in this report).

Approval History

On June 14, 2010, Planning Commission approved Planning Application PA-09-18 for the project, on a 4-1 vote (Chair McCarthy voting no).

On June 21, 2010, Council member Leece called the project up for review by the City Council. Reasons for requesting the review related to concerns expressed by nearby residents with parking, safety, noise, and similar issues.

On July 6, 2010, City Council upheld the Planning Commission approval of the project on a 4-0 vote (Council member Foley absent).

On August 8, 2011, Planning Commission approved a retroactive one-year extension of time to July 6, 2012 by a 4-0 vote (Commissioner Salcedo absent).

The project developer, USA Properties Inc., was unable to obtain the financing necessary to proceed with the construction of the project and is requesting a one-year time extension. At this time, they are pursuing financing for the project.

ANALYSIS

Time Extension Request

Code allows the Planning Commission to grant an extension of time for a Planning Application upon "showing of good cause by the applicant". In this case, the project developer, USA Properties Fund, is in the process of securing the financing necessary for the project.

The time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-09-18, and there have been no changes to the Zoning Code that would affect the project as currently approved.

Title 20 Compliance

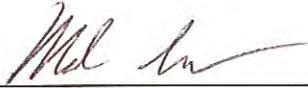
At this time, there are no open Code Enforcement cases on this property. Staff inspected the property on June 21, 2012, which continues to be occupied with several businesses, and found no major property maintenance issues.

ALTERNATIVES

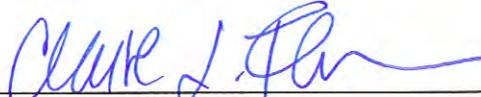
If the time extension is not approved, the project entitlement will expire and the applicant will be required to submit a new Planning Application for review and approval.

CONCLUSION

It is staff's opinion that approval of the extension is appropriate and consistent with the previous time extension granted for this project. Therefore, staff supports the request.



MEL LEE, AICP
Senior Planner



CLAIRE FLYNN, AICP
Asst. Development Services Director

Attachments: 1. Draft Planning Commission Resolution
 2. Applicant's Letter Re: Request for Extension
 3. Planning Commission and City Council Staff Reports and Plans

cc: Director of Economic & Development/Deputy CEO
 Assistant Development Services Director
 Sr. Deputy City Attorney
 Public Services Director
 City Engineer
 Transportation Services Manager
 Fire Protection Analyst
 Staff (6)
 File (2)

Red Mountain Retail Group
Attn: Eric A. Nelson
1234 E. 17th Street
Santa Ana, CA 92701

USA Properties Fund, Inc.
Attn: Art May, Senior Vice President
2440 Professional Drive
Roseville, CA 95661

Diamond Star Associates
Attn: Donald Lamm
4100 MacArthur Boulevard, Suite 310
Newport Beach, CA 92660

Lab Holding, LLC
709 Randolph Avenue
Costa Mesa, CA 92626

RESOLUTION NO. PC-12__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA APPROVING A SECOND EXTENSION OF TIME
FOR PLANNING APPLICATION PA-09-18**

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

WHEREAS, an application was filed by Eric Nelson, owner of real property located at 845 Baker Street, requesting approval of an extension of time for a previously requesting an extension of time for the following entitlements related to the Harper's Pointe development:

1. Master plan for a mixed-use development consisting of a three-story, 53-unit senior housing project over a one-story, 4,980 square-foot retail building (four stories total),
2. A maximum of 10% compact parking spaces (seven parking spaces total)
3. Deviations from Urban Plan requirements for maximum floor-area ratio (1.0 FAR allowed, 1.1 FAR proposed) and minimum nonresidential area (0.15 FAR required, 0.13 FAR proposed); and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 9, 2012;

WHEREAS, amendments to the Zoning Code since the original approval of the proposed project would not have a material effect on the new development;

WHEREAS, the time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-09-18, as specified in Exhibits A and B respectively, of Resolution No. 10-51 (Exhibit 1). These findings and conditions of approval in their entirety are still applicable to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **APPROVES** an extension of time for Planning Application PA-09-18 to **July 6, 2013** 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-09-18 and upon applicant's compliance with each and all of the conditions contained in Exhibit 1 as well as with compliance of all applicable federal, state, and local laws.

PASSED AND ADOPTED this 9th day of July, 2012.

Colin McCarthy, Chair
Costa Mesa Planning Commission

RESOLUTION NO. 10-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COSTA MESA TO UPHOLD THE PLANNING COMMISSION'S
DECISION AND APPROVE PLANNING APPLICATION PA-09-
18

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

WHEREAS, an application was filed by Eric A Nelson, authorized agent for 845 West Baker Street Lofts LLC, owner of real property located at 845 Baker Street, for a master plan to construct a mixed-use development consisting of a three-story, 53-unit senior housing project over a one-story, 4,980 square foot retail building (four stories total), with a maximum of 10% compact parking spaces (7 parking spaces total) in the South Bristol Entertainment and Cultural Arts (SoBECA) Urban Plan;

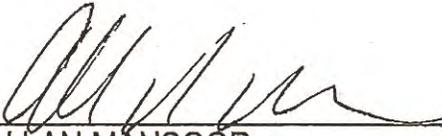
WHEREAS, a duly noticed public hearing held by the Planning Commission on June 14, 2010 with all persons having the opportunity to speak and be heard for and against the proposal;

WHEREAS, City Council conducted a review of the Planning Commission's decision to approve the project at a duly noticed public hearing on July 6, 2010;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the City Council hereby **UPHOLDS** the Planning Commission's approval of the project and **APPROVES** Planning Application PA-09-18.

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-09-18 and upon applicant's compliance with each and all of the conditions in Exhibit "B", the uses specified in Exhibit "C", and compliance of all applicable federal, state, and local laws. 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.

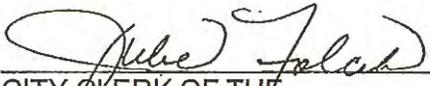
PASSED AND ADOPTED this 6th day of July, 2010.



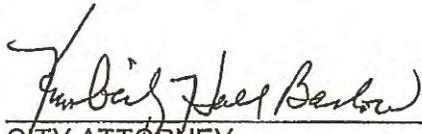
ALLAN MANSOOR
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:



CITY CLERK OF THE
CITY OF COSTA MESA



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. 10-51 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 6th day of July, 2010, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, MONAHAN

NOES: COUNCIL MEMBERS: LEECE

ABSENT: COUNCIL MEMBERS: FOLEY

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 7th day of July, 2010.



JULIE FOLCIK, CITY CLERK

(SEAL)

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses on surrounding properties.
 2. The proposed project will comply with the performance standards as prescribed in the Zoning Code.
 3. The proposed project is consistent with the General Plan and Urban Plan.
 4. The cumulative effect of all the planning applications have been considered.
- B. Pursuant to Section 13-29(g)(5) of the Municipal Code, the master plan meets the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring development. Specifically, the project is consistent with Housing Element Goal HOU-3, which promotes use of sites for a wide range of segments within the community (including seniors), and HOU-4 for equal housing opportunities, as well as policies HOU-1.9, HOU-3.2, and HOU-4.4. The project is also consistent with Noise Element Policy N-1A.5 which ensures that residential development in noise sensitive areas are properly designed. Finally, the project is consistent with Land Use Element policies LU-1A.1, LU-1C.2, and LU-1F.5.
- C. Pursuant to Section 13-83.52(c) of the Municipal Code, the project is consistent with the General Plan, meets the purpose and intent of the mixed-use overlay district, and the stated policies of the of the SoBECA Urban Plan. The project includes adequate resident-serving amenities in the common open space areas and/or private open space areas including, but not limited to, patios, balconies, walkways, and landscaped areas. The project is consistent with the compatibility standards for residential development in that it provides adequate protection for residents from excessive noise, odors, vibration, light and glare, and toxic emanations. The proposed residences have adequate separation and screening from adjacent commercial uses through site planning considerations, structural features, landscaping, and perimeter walls.
- D. Pursuant to Section 13-83.52(d) of the Municipal Code, the strict interpretation and application of the mixed-use overlay district's development standards would result in practical difficulty inconsistent with the purpose and intent on the General Plan and Urban Plan, while the deviation to the regulation allows for a development that better achieves the purposes and intent of the General Plan and Urban Plan. The granting of the deviation results in a mixed-use development which exhibits excellence in design, site planning, integration of uses and structures, and compatibility standards for residential development. The granting of the deviation will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or

improvements in the vicinity.

- E. 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 15332 for In-fill Development Projects.
- F. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The conditions of approval, code provisions, and special district requirements of Planning Application PA-09-18 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 2. Prior to approval of a demolition permit, developer shall submit a report by a California-licensed asbestos specialist indicating that the property does not pose any health hazards related to asbestos. If asbestos is identified, the report shall include the necessary measures for safe removal, disposal, and remediation of asbestos material. The report shall be approved by the Planning Division. These specified measures shall be implemented by the Developer to the satisfaction of the Development Services Director.
 3. Demolition permits for existing structure shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 4. Prior to approval of a demolition permit, developer shall submit a report by a hazardous waste specialist indicating the necessary measures for safe removal, disposal, and any required remediation of the underground hydraulic lifts. If the hydraulic lifts are to remain in place, the report shall indicate the proper measures to safely preserve them without posing an environmental hazard from hydraulic fluids. The report shall be approved by the Planning Division. These specified measures shall be implemented by the Developer to the satisfaction of the Development Services Director.
 5. The 4,980 square foot nonresidential area shall consist of neighborhood commercial businesses as identified in Exhibit "C" of the approval resolution. All other uses not specifically described in Exhibit "C" but are similar in scale, traffic generation, and operational characteristics may be deemed appropriate by the Development Services Director. All other nonresidential uses which are not shown in Exhibit "C" and which the Development Services Director has determined to present compatibility impacts or increased traffic generation/parking demand shall require an amendment to the Master Plan. Developer shall submit the application for a Master Plan amendment to Planning Commission for review and approval.
 6. An Affordable Housing Agreement by the City Council and Redevelopment Agency, as applicable, shall be recorded prior to final occupancy of the project.
 7. If the development scenario is revised (i.e. revision in residential unit mix and square footage of nonresidential areas), the approved parking rate of 0.75 spaces per residential unit shall not be reduced, and the overall approved 1.1 Floor-Area-Ratio shall not be exceeded. Code required parking shall continue to be applied for the nonresidential areas.
 8. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to nearby residential communities through specified

measures, such as construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes.

9. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. The Development Services Director shall determine whether or not a change is significant and shall require a Master Plan amendment for any significant modifications. Applicant shall contact the Planning Division at 714-754-5245 to obtain authorization for any revisions.
10. No modification(s) of the approved interior building materials/finishes and appliances shall occur without prior Planning Division written approval. At a minimum, the following shall be included in each unit:
 - High-quality building materials for counters & floors.
 - Fully equipped kitchens with dishwashers.
 - Energy efficient exterior doors and windows shall be installed on all building elevations.
 - Appliances, water heaters, and light fixtures with Energy Star or better rated appliances.
 - Heating and air conditioning system.

The Development Services Director shall determine whether or not a change is significant and shall require a Master Plan amendment for any significant modifications. Applicant shall contact the Planning Division at 714-754-5245 to obtain authorization for any revisions.

11. The landscape plan shall feature 24-inch box trees as described in the City's landscaping standards to the satisfaction of the Development Services Director. The street setback area and the courtyard shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain six additional 24-inch box trees than the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.
12. At a minimum, the outdoor landscape podium courtyard area shall include the following: to ensure a sufficient amount of amenities for residents for passive recreation purposes:
 - 400 square feet of green landscaped area.
 - Two trees in planters 24-inch box size or larger.
 - Tables and benches.
 - Raised planters for community gardening.
 - Other features as determined by the Planning Division.

Any change in the outdoor amenity areas that may diminish the size, function, and aesthetics of the area shall be reviewed and approved by the Development Services Director. The Development Services Director shall

- determine whether or not a change is significant and shall require a Master Plan amendment for any significant modifications. Applicant shall contact the Planning Division at 714-754-5245 to obtain authorization for any revisions.
13. There shall be no commercial signage above the first floor nonresidential area or along the east elevation of the building. Illuminated freestanding signs shall be limited to 7 feet tall, and non-illuminated freestanding signs shall be a maximum of 25 feet in height. Signage for the residential component shall be limited to the complex identification of the residential development in the form of a monument sign, entry sign, and directional signage. Other than allowable commercial and residential signage, no additional signage, banners, graphics, or murals shall be allowed above the first floor of the building without prior approval from the Planning Division.
 14. Prior to signing the lease agreements, prospective tenants shall receive written notice of the then-existing traffic and noise environment and noise associated with Shark Club operations. The tenant notice shall also indicate that the site is located above commercial uses and is also in close proximity to light industrial uses and a nightclub uses. Therefore, residents may experience additional noise levels compared to a typical residential neighborhood due to operation of these various types of businesses. Prospective tenants must sign a form to acknowledge that they have read and understand the existing neighborhood conditions. This form shall be kept on file by the facility operator.
 15. The property owner shall provide on-site security for the development to minimize disruption to residents during the evening hours Shark Club is open on Fridays and Saturday evenings.
 16. Shared parking with the Shark Club is expressly prohibited. Developer shall not enter into any private agreement between the property owners to allow shared parking for nightclub patrons or employees on the project site.
 17. At a minimum, the following social services shall be provided to the senior residents: card rooms, libraries, television/media rooms, and health and workout areas. Any change that may diminish the social services provided shall be reviewed and approved by the Development Services Director. The Development Services Director shall determine whether or not a change is significant and shall require a Master Plan amendment for any significant modifications. Applicant shall contact the Planning Division at 714-754-5245 to obtain authorization for any revisions.
 18. The developer shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
 19. Prior to issuance of building permits, developer shall contact the U.S. 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.
 20. The developer shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 21. Truck deliveries shall occur no earlier than 7:00 a.m. daily and

- loading/unloading of deliveries shall occur away from the residential units to the fullest extent possible.
22. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 23. Every effort shall be made to follow sustainable building (i.e., "green") practices in the construction of the project as described in the Project Description Attachment provided by the applicant.
 24. Based on the noise study prepared by the applicant, the present exterior noise levels range from 65 dBA (traffic noise) to as high as 83 dBA (Shark Club nighttime operations). As a result, the developer shall comply with all applicable California Noise Insulation Standards per Title 25, California Code of Regulations, as well as the construction standards recommended in the noise study, to provide a maximum interior noise level of 40 dBA for the residential units. Prior to the issuance of a building permit, an acoustical engineer, or other appropriate specialist, shall verify in writing that the design/construction of the project exterior walls, windows, and doors properly attenuate interior noise levels in compliance with the City's Noise Ordinance. Because music/amplified sound are the source of the impact noise, the more restrictive interior decibel standard of 40 dBA (and not 45 dBA) is applied.
 25. Within 30 days of the effective date of approval of the application, the developer shall begin working with the City's Transportation Division and Caltrans to replace the chain link fence/gate along the Baker Street frontage with a fence/gate acceptable to both the City and Caltrans, as well as repair and/or replace the landscaping within this area. The fencing and landscaping plan shall be submitted to the Planning Division for approval. The release of final utilities for the project shall not be withheld pending the completion of this condition; however, the property owner shall provide documentation of the progress and estimated time of completion of this condition prior to release of utilities.
 26. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
 27. The developer shall provide public realm improvements as required by the Urban Plan.

City Council 28. The developer shall work with the City to provide signalized pedestrian access across Baker Street.



May 23, 2012

Honorable Colin McCarthy, Chairperson; and,
Members of the Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

**Subject: Time Extension for PA-09-18 Harper's Pointe Senior Citizen Homes
845 Baker Street, Costa Mesa**

Honorable Chairperson and Commissioners:

USA Properties Fund, Inc. is a builder and owner of high quality "affordable" senior citizen apartment homes. As such, they previously proposed to you, and you approved, a 53 unit project called "Harper's Pointe" to be located at 845 Baker Street. While originally approved two years ago, with the dissolution of redevelopment agencies on February 1st, and therefore, the loss of agency financial assistance, it has become more difficult to develop and build apartment homes for seniors at affordable monthly rents. However, USA Properties Fund believes it can still secure sufficient financing, and State tax credits which are needed to underwrite a substantial portion of the project's cost.

The City of Costa Mesa, like all California cities, is mandated by State law to promote and provide affordable housing for all age and income ranges. As such, your local Council of Governments, the Southern California Association of Governments, determines each city's "fair share" obligation to provide affordable housing. That allocation process is referred to as the City's "Regional Housing Needs Assessment" (RHNA) and mandated by State law as the basis for the City's regularly updated General Plan Housing Element. Therefore, there is not only a community and citizen need, but a State mandate to provide for the housing needs of all age residents, and in this case, your senior citizens who earn less than the median income of Orange County residents.

To help meet Costa Mesa's need for affordable senior housing, and specifically rental housing which is even more affordable than ownership, USA Properties Fund, Inc. still proposes to build 53 affordable apartment units at 845 Baker Street. The project has not changed and is still in full compliance with your original approval and last year's extension. Unfortunately, "Planning Action" approvals are only valid for one year unless more than one year is specifically granted, and/or the planning action is extended by the Planning Commission.

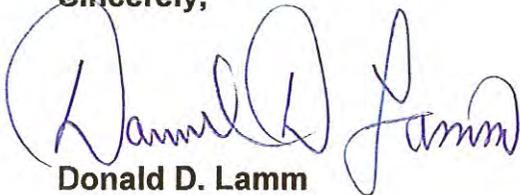
**Honorable Colin McCarthy, Chairperson; and,
Members of the Planning Commission
Time Extension Request for PA-09-18
May 23, 2012
Page 2.**

Since the Harper's Pointe project design is unchanged, and all of your original findings of approval are still valid, USA Properties Fund, Inc., the affordable housing developer/builder and buyer, and the current owner/seller Red Mountain Retail Group, respectfully request your continued support and grant a two year extension, or at a minimum one year, while USA Properties secures financing and tax credits in this difficult financial marketplace.

Representatives from USA Properties Fund, Inc. and I will be present at your Commission meeting to answer questions and seek support for the needs of our senior community.

Thank you for consideration of our request.

Sincerely,



**Donald D. Lamm
Managing Partner
Diamond Star Associates, Inc.
On behalf of:
USA Properties Fund, Inc.**

Please contact Planning Division
at (714) 754-5245 for a hard copy
of this report.

From: Leslie Manderscheid [mailto:lmande@sbcglobal.net]

Sent: Wednesday, June 27, 2012 12:02 AM

To: PLANNING COMMISSION

Subject: Comments on Master Plan to Construct 53-unit Senior Housing Project, PA-09-18

As a residential property owner off Baker Street near the proposed project, I am opposed to the plan to construct a 3-story, 53-unit senior housing project over a 4,980 square foot retail building.

There is already not enough parking for the businesses and residences in the neighborhood. Cars park in the complexes across the street taking away available parking for residents. Adding any additional residential units would cause more traffic, congestion and degrade air quality. Visitors to the senior housing would add to traffic. A senior housing project would require additional emergency services at this location.

Construction activity would be disruptive due to noise and traffic and add more truck and vehicle traffic. It is already difficult to make a left turn from residential complexes across the street on to Baker and this would make it worse.

The proposed location is noisy and not appropriate for senior housing.

The location is zoned for commercial and should remain for commercial businesses.

Having a building four-stories high would degrade current aesthetics.

Leslie Manderscheid

PO Box 10684

Newport Beach, CA 92658

labholdingllc



**Costa Mesa Planning Commissioners
City Hall
100 Fair Drive
Costa Mesa, Ca 92626**

June 29, 2012

RE: PA-09-18 2nd time extension for senior housing complex at 845 Baker St.

Dear Commissioners,

I wanted to once again express our concern over the senior apartment project planned for 845 Baker St.

While we understand the City's need for additional senior housing opportunities, this site which is sandwiched between the 73 freeway and a very active night club is not an appropriate location for this type of resident.

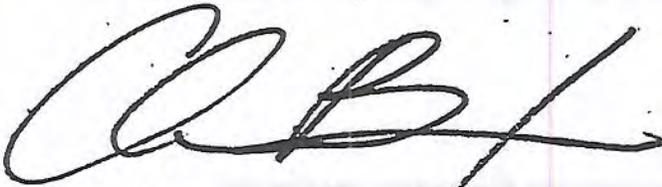
The City recently faced a similar issue with the senior housing tower on 19th St. with numerous resident complaints and a City hearing to address noise from a small hookah lounge that sits across a parking lot and a street from their apartments. The Shark Club is a much larger noise generator than this lounge and sits immediately adjacent to the proposed project. The approval of this project is setting the stage for ongoing complaints to the City once it is built and occupied.

In addition to the impracticality of this location, we feel the use isn't compatible with the City's vision for SoBeCa. Our company has been investing in this neighborhood for the past 20 years to create an arts and entertainment district that has become a destination for the entire County.

We worked closely with the City to write the SoBeCa Urban Plan, which anticipated bringing more of these types of active uses into the neighborhood. The approval of a senior housing project does not fit into the vision that was outlined by the City in this plan.

We are asking that you please not grant the request for a second time extension on PA-09-18 with the hopes that a more fitting project will be proposed on this property in the future.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'CB', with a long horizontal stroke extending to the right.

Chris Bennett

Director of Development

Lab Holding, LLC