

PARTIDA, ANNA

From: Wendy Simao <wendyisarockstar@gmail.com>
Sent: Monday, October 9, 2023 8:30 AM
To: PC Public Comments
Subject: Evidence 10-9
Attachments: Screenshot_20230929_200758_Drive.jpg

Good Morning,

This is my evidence for tonight. I don't need anything showed to the public. I'd also like to add please play the videos with headphones if using phone to listen. Wendy

<https://www.dropbox.com/scl/fo/91o519idnpud0kqvis66r/h?rlkey=5cyawt42cgmd4gwt4ftsft4jh&dl=0>

<https://www.dropbox.com/scl/fo/rjlfa0p2uyxle288buev4/h?rlkey=7sbyfqp5ozmoewpvtjmdmvo3v&dl=0>

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for street car parking (due to compact spaces). A condition of approval is included that requires the business operator to institute appropriate operational measures necessary to eliminate a parking problem, including, but not limited to, providing valet service or shared parking agreement with adjacent property (subject to prior approval of a conditional use permit) when parking shortages or other parking-related problems arise. Also, a condition of approval requires the existing access gates near the rear parking lot to be closed during the less busy late night hours to prohibit parking along the rear portion of the site.

Noise

The proposed UFC Gym site is a commercially zoned property. (C1 zone). The existing building is oriented toward Harbor Boulevard; however, the partially enclosed workout area

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is located along the rear portion of the building. The property does not abut residentially zoned property; however, residentially zoned property (Camden Martinique Apartments) is located approximately 60 feet to the northeast. The applicant measured the total distance between the commercial building and the nearest residential structure; they are approximately 228 feet apart. During the daytime hours, noise impacts as a result of the UFC Gym are not anticipated due to normal business operations of nearby commercial properties and traffic along Harbor Boulevard; however, noise impacts associated with the UFC Gym, such as dropping weights, exercise equipment, yelling, and loud music, could potentially occur during late night hours and affect nearby residential properties. Conditions of approval require the UFC Gym to install thick rubber type flooring for the weight room, and that the weights be rubber coated to reduce any clanging noise. Further, any amplified music sound system will be required to be reduced within the enclosed gym, and completely turned off within partially enclosed area. In addition, late night patrons will be required to park within the parking spaces closest to Harbor Boulevard, and the existing gate along rear parking lot is to remain locked between 11PM and 6AM.

Staff Justifications for Approval

Staff supports the above requests based on the following:

- The proposed use, as conditioned, is compatible with the uses in the surrounding area. The proposed physical fitness facility will be located along Harbor Boulevard near other commercial uses, including automobile dealerships and various retail uses. The General Plan designation for the project site is General Commercial and the zone is C1 (Local Business District), which allows for physical fitness facilities through approval of a conditional use permit. As such, the proposed gym is not considered a use that will increase density or intensity allowed per the General Plan designation and zoning. The project site does not abut residentially zoned property, however properties within the Planned Development Residential-High Density (PDR-HD) zone are located approximately 60 feet beyond the rear property line. The proposed use will be within a building that is set back 107 feet from rear property line, and approximately 228 to the nearest residential structure. Conditions of approval require the use to be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood (Condition #4). In addition, this conditional use permit does not authorize live entertainment or special events, such as exhibitions and tournaments, to be conducted on the premises unless approval of proper permits (Condition #5, #6).

CONDITION #4: The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement. Operational measures to reduce noise impacts shall include the following:

- a. The business shall utilize thick rubber type flooring mats in the weight room, and rubber coated weights to reduce any clanging noise.
- b. The rear parking area shall be locked and not used between the hours of 11PM to 6AM.

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PARTIDA, ANNA

PH-1

From: Nick Eckenwiler <nick@calhdf.org>
Sent: Monday, October 9, 2023 12:03 PM
To: PC Public Comments; ERETH, ADAM; TOLER, RUSSELL; KLEPACK, KAREN; ZICH, JON; ROJAS, JOHNNY; VALLARTA, ANGELY; VIVAR, JIMMY; DRAPKIN, SCOTT
Cc: CITY CLERK; BARLOW, KIMBERLY HALL
Subject: Public Comment on Public Hearing Item #1 at Tonight's PC Meeting
Attachments: 1540 Superior Avenue, Costa Mesa.pdf

Good afternoon,

Please see attached for the California Housing Defense Fund's public comment on public hearing item #1 at tonight's meeting of the Planning Commission. Thank you!

--

Nicholas Eckenwiler
Legal Fellow



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Oct 9, 2023

**City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626**

Re: Master Plan for 1540 Superior Avenue

**By email: PCPublicComments@costamesaca.gov, Adam.Ereth@costamesaca.gov,
russell.toler@costamesaca.gov, karen.klepack@costamesaca.gov,
jon.Zich@costamesaca.gov, johnny.rojas@costamesaca.gov,
angely.vallarta@costamesaca.gov, jimmy.vivar@costamesaca.gov,
scott.drapkin@costamesaca.gov,**

Cc: cityclerk@costamesaca.gov, kimberly.barlow@costamesaca.gov

Dear Costa Mesa Planning Commission:

The California Housing Defense Fund ("CalHDF") submits this letter to remind the Commission of its obligation to abide by all relevant state housing laws when evaluating the proposed nine live-work unit project Master Plan at 1540 Superior Avenue. The Housing Accountability Act (Gov. Code § 65589.5; the "HAA") requires approval of zoning and general plan compliant housing development projects unless findings can be made regarding specific, objective, written health and safety hazards.

The proposed development complies with local land use rules, including the City's General Plan and Zoning Code land use designation of the General Industrial zone, which allows live-work units. As mentioned in the staff report, the HAA's protections therefore apply, and the City must not reject the project, except based on health and safety standards, as outlined above.

As you are well aware, California remains in the throes of a statewide crisis-level housing shortage. New housing such as this is a public benefit; it will bring increased tax revenue and new customers to local businesses, and it will reduce displacement of existing residents. It will also help cut down on transportation-related greenhouse gas emissions by providing housing in denser, more urban areas, as opposed to farther-flung regions in the state (and out of state). While no one project will solve the statewide housing crisis, the proposed

development at 1540 Superior Avenue is a step in the right direction. CalHDF urges the Planning Commission to approve it, consistent with its obligations under state law.

CalHDF, formerly known as the California Renters Legal Advocacy and Education Fund, or "CaRLA," is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a long horizontal line extending to the right.

Dylan Casey
CalHDF Executive Director

From: Martin, Micah <MMartin@newportbeachca.gov>
Sent: Thursday, October 5, 2023 5:40 PM
To: PC Public Comments; PLANNING INFO
Subject: RE: City of Costa Mesa Planning Application 22-31 Tentative Tract Map No. 19246
Attachments: RE City of Costa Mesa Planning Application 22-31 Tentative Tract Map No. 19246.pdf;
OFFICIAL PUBLIC NOTICE Planning Application 22-31 Tentative Tract Map No. 19246.pdf

Good Afternoon,

Please find attached letter regarding City of Costa Mesa Planning Application 22-31 for Tentative Tract Map No. 19246.

Please feel free to contact me directly at the below should you have any questions

Thank you,



Micah Martin
Deputy Public Works
Director
Public Works Department
Office: (949) 644-3055
592 Superior Ave
Newport Beach, CA 92660



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CITY OF NEWPORT BEACH

592 Superior Avenue
Newport Beach, California 92663
949 644-3055 | 949 650- 0747 FAX
newportbeachca.gov/publicworks

July 17, 2023

RE: City of Costa Mesa Planning Application 22-31 – Tentative Tract Map No. 19246

To whom it may concern:

The City of Newport Beach is in receipt of the Official Public Notice regarding Planning Application 22-31 as a request for a Master Plan and Tentative Tract Map No.19246 for a proposed nine-unit live/work residential development.

We feel it is important to bring to your attention the presence of our Public Works Corporation Yard located at 592 Superior Ave., which is the south east corner of Superior Ave. and Industrial Way, immediately across the street from this proposed development.

This Corporation Yard contains a busy commercial Compressed Natural Gas (CNG) fueling facility that is open to the public 24-hours a day, seven days a week. It also serves as a main unleaded and diesel fueling point for our City fleet. This facility brings in a large volume of truck and heavy equipment traffic for fueling on a routine basis.

In addition to the 24-hour operation of the fueling facility, our Corporation Yard serves as the central hub of our Public Works municipal maintenance operations conducted throughout the City. The services provided out of this Yard consist of Refuse collection (including transfer station), street sweeping, fleet and facilities maintenance, streets and beach maintenance operations, urban forestry, and public parks and landscaping maintenance that is dispatched throughout the City of Newport Beach. These activities are conducted on a daily basis and generate a considerable amount of traffic, noise, and other disruptions that may potentially create a negative impact to the residents of this proposed development.

Accordingly, we respectfully suggest the consideration of requiring a disclosure statement on this and future transactions or leases advising of the nuisance our Corporation Yard may generate.

Respectfully,

A handwritten signature in blue ink, appearing to read "Micah Martin".

Micah Martin
Deputy Public Works Director
City of Newport Beach
592 Superior Ave. Newport Beach CA 92663
(949) 644-3059
mmartin@newportbeachca.gov



OFFICIAL PUBLIC NOTICE

The Costa Mesa Planning Commission will conduct a public hearing as follows to consider:

Hearing Date:	October 9, 2023	Hearing Time & Location:	6:00 PM or as soon as possible thereafter City Hall Council Chambers 77 Fair Drive, Costa Mesa, CA; and virtual locations
Application No.	PA-22-31 & TTM No. 19246	Applicant/Agent:	David Davutoglu/Berk Properties, LLC
Site Address:	1540 Superior Avenue	Zone:	General Industrial (MG)
Contact:	Planning Division (714) 754-5245	Email Comments to:	PCPublicComments@costamesaca.gov

Description: Planning Application 22-31 is a request for a Master Plan and Tentative Tract Map No. 19246 for a proposed nine-unit live/work residential development. The project proposes to demolish the existing industrial development, and to construct the live/work units and required parking spaces. Each unit will be three floors (plus a roof deck).

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (Class 32), In-Fill Development.

Additional Information: For more information, call (714) 754-5245, or email planninginfo@costamesaca.gov. Planning Division staff are available from 8:00 AM to 5:00 PM Monday through Thursday and alternating Fridays, except specified holidays. All interested parties may submit comments to the Planning Commission in regard to this application. Please refer to the Planning Commission meeting agenda for instructions regarding how to participate in the meeting. The Planning Commission meeting agenda and staff report will be posted online 72 hours prior to the meeting at: <https://costamesa.legistar.com/Calendar.aspx>. Members of the public may submit comments via email to PCPublicComments@costamesaca.gov. Comments received by **12:00 PM** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any written communications, photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City **NO LATER THAN 12:00 PM** on the day of the hearing via email or submitted to the Planning Department on a flash drive, or mailed to the Planning Department. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information. If you challenge this project in court, you may be limited to raising only those issues you, or someone else raised, during the public hearing or in written correspondence submitted to the City, during or prior to, the public hearing.

OFFICIAL PUBLIC NOTICE