

RESOLUTION NO. PC-2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (PCUP-23-0001) AND TENTATIVE PARCEL MAP TO CONVERT FOUR EXISTING OFFICE BUILDINGS INTO A NON-RESIDENTIAL COMMON INTEREST DEVELOPMENT; LOCATED AT 660 BAKER STREET

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Conditional Use Permit PCUP-23-0001 and Tentative Parcel Map 2023-153 was filed by Homer Maniago (Baker Center LLC), requesting approval of the following: the conversion of four existing office buildings into four non-residential condominium units (ranging in size from 7,910 square feet to 20,245 square feet) on one lot with ancillary common spaces. The operation and square footages of the buildings would remain unchanged.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 9, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities and per Section 15315 (Class 15), Minor Land Divisions.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Conditional Use Permit PCUP-23-001 and Tentative Parcel Map 2023-153 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 Conditional Use Permit PCUP-23-001 and Tentative Parcel Map 2023-153 and upon applicant's compliance with each and all of the

conditions in Exhibit B, 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.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 9th day of December, 2024.

Adam Ereth, Chair
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2024- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on December 9, 2024 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2024-__

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) “Conditional Use Permit Findings” because:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area

Facts in Support of Findings: The proposed non-residential condominium would be substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area in that the use and operation of the underlying property would remain unchanged, and any future uses would be required to comply with applicable requirements of the C1 zoning standards. The proposal primarily affects the ownership of the property; a single owner versus multiple owners via an airspace condominium established through a parcel map.

Finding: Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding: The proposed commercial condominium conversion would allow ownership of the four individual units and would not modify the existing development itself; therefore, granting the Conditional Use Permit would not be materially detrimental to the health, safety, and general welfare of the public, and the property/improvements within the immediate neighborhood.

Finding: Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The General Commercial General Plan land use designation allows a wide range of commercial uses that serve both local and regional needs, including office complexes. The proposed condominium conversion is permitted in the C1 Local Business zoning district subject to a Conditional use permit. Approval of the conversion for ownership purposes of the existing office buildings will not change the overall building area or allowable land uses; therefore, the intensity of development on the site will remain unchanged.

- B. The Planning Application for the proposed non-residential common interest development conversion complies with Costa Mesa Municipal Code Section 13-28(g)(10) because:

Finding: The applicant has submitted an adequate and legally binding plan which addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children.

Facts in Support of Findings: The proposed non-residential condominium does not displace any residents.

Finding: The proposed common interest development conversion project conforms to adopted general plan policies.

Facts in Support of Finding: The proposed condominium conversion conforms to Policies LU-6.1, LU-6.11, and LU-7.6 of the City's 2015-2035 General Plan.

Finding: The establishment, maintenance, or operation of the project will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the surrounding neighborhood, nor will the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city.

Facts in Support of Finding: The proposed condominium conversion would not be detrimental to the health, safety, peace, comfort, and general welfare of persons working in the surrounding neighborhood, nor would the project be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City since the conversion is primarily intended to allow for commercial ownership opportunities, and any future uses are required to comply with the C1 Zoning District.

Finding: The overall design and physical condition of the common interest development conversion project achieves a high standard of appearance, quality, and safety.

Facts in Support of Findings: The overall design and existing physical condition of the proposed condominium conversion project achieves a high standard of appearance, quality, and safety and will not change as a result of the proposed project. Recent interior and exterior improvements including outdoor courtyard improvements help provide a high standard of appearance and quality. Additionally, the Building Division and Fire Department inspected the buildings and determined compliance with applicable building and fire codes.

Finding: The proposed common interest development conversion project conforms to the Costa Mesa Zoning Code requirements.

Facts in Support of Findings: The proposed common interest development conversion conforms to the applicable Costa Mesa Zoning Code provisions with the exception of floor area ratio and required landscaping. However, the CMMC allows the Planning Commission to make a determination that deviations are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements. As indicated above, staff believes that requiring site compliance as a result of the proposed common interest development would be impractical since the site was recently remodeled and no site intensification is being proposed.

Finding: For a proposed common interest development conversion project that does not conform to the zoning code requirements, the project due to its proportions and scale, design elements, and relationship to the surrounding neighborhood, is of continued value to the community and it contributes to defining and improving the community as a whole. Deviations from zoning code requirements are acceptable because it would be impracticable or physically impossible without compromising the integrity of the overall project to implement features that could result in conformance with current code requirements.

Facts in Support of Findings: The subject property generally conforms to the Zoning Code requirements and is physically suitable to accommodate the proposed tentative parcel map in terms of its proportions and scale, design elements, and relationship to the surrounding neighborhood since the use, operation, and form will remain largely unchanged from the existing development. Given the site's recent investments, parking demand and the impracticality of reconfiguring the site to add landscaping, it is unreasonable to require the property owner to make costly or disruptive modifications to comply with the more restrictive current CMMC standards.

Finding: For a proposed common interest development conversion project located in an urban plan area, the proposed conversion is consistent with the applicable mixed-use overlay zoning district. Specifically, the proposed non-residential conversion project supports a mixed-use development or a similar land use that is not allowed in the base zoning district, or the proposed conversion project is a residential common interest development that is permitted by either the base or overlay zoning district.

Facts in Support of Findings: The proposed common interest development is not located in an urban plan area.

- C. The proposed parcel map complies with Costa Mesa Municipal Code Section 13-29(g)(13) because:

Finding: The creation of the subdivision and related improvements is consistent with the general plan, any applicable specific plan, and this Zoning Code.

Facts in Support of Findings: As proposed and conditioned, the commercial condominium conversion conforms to Policies LU-6.1, LU-6.11, and LU-7.6 of the City's 2015-2035 General Plan, and the Costa Mesa Zoning Code requirements.

Finding: The proposed use of the subdivision is compatible with the General Plan.

Facts in Support of Finding: The use of the proposed condominium is not proposed to change and will remain compatible with the underlying General Commercial General Plan land use designation. The application does not propose any alterations to zoning or allowable land uses.

Finding: The subject property is physically suitable to accommodate the subdivision 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 Zoning Code and General Plan, and consideration of appropriate environmental information.

Facts in Support of Finding: The proposed subdivisions does not change or modify the type, design and density of the existing development. In addition, the conversion of the existing development into divided ownership interest will not result in substantial environmental damage nor public health problems.

Finding: 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 State Government Code section 66473.1.

Facts in Support of Finding: The design of the existing development thoughtfully considers the orientation of the lot, aligning in a manner that maximizes solar exposure, ensuring natural passive heating during colder months. Additionally, the layout incorporates an outdoor courtyard at the center of the development and green spaces to promote natural airflow and cooling, minimizing the need for artificial heating or air condition. This approach reflects the principals outlined in State Government Code section 66473.1.

Finding: The division and development 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 tract.

Facts in Support of Finding: The proposed parcel map does not modify any existing easements and will not interfere with the free and complete exercise of any public entity or utility rights-of-way or easements.

Finding: The discharge of sewage from this land division into the public sewer system will not violate the requirements of the State Regional Water Quality Control Board pursuant to Division 7 (commencing with State Water Code section 13000).

Facts in Support of Finding: As required, the property is connected to the public sewer system and is required to comply with all applicable laws and regulations.

EXHIBIT B

CONDITIONS OF APPROVAL

- PIng.
1. Approval of the planning application is valid for two years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than 30 days or more than 60 days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
 2. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers and/or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by the City.
 3. Prior to final parcel map recordation, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office.
 - A. The CC&Rs shall contain provisions requiring that the maintenance or property owner's association effectively manage parking and contract with a towing service to enforce the parking regulations.

B. The CC&Rs shall also contain provisions related to use, preservation and maintenance of the common areas in perpetuity by the maintenance association.

C. The CC&Rs and articles of incorporation and bylaws of the Property Owners Association shall reflect the conditions of approval included herein. The CC&Rs shall be submitted for review by the Planning Division to confirm common use and maintenance of all parking spaces, driveway and landscaping will continue.

4. The Final Map shall be recorded prior to the sale of any condominium unit.
5. All conditions of approval and code requirements shall be satisfied prior to the release of the parcel map for recordation.
6. All applicable requirements and recommendations as indicated in the inspection reports in Attachment 8 prior to recordation of the Parcel Map.
- Fire 7. All future alterations, improvements, and/or change of use shall comply with the requirements of the California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
2. Grading materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
3. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- Bldg. 4. All future alterations, improvements, and/or change of use shall comply with the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and

elements by individuals with disability shall comply with chapter 11B of the California Building Code.

- Eng.
5. Two copies of the Parcel Map and one copy of the Property Boundary closure calculations shall be submitted to the City of Costa Mesa Engineering Division for checking.
 6. Submit updated Title Report of subject property.
 7. The Parcel Map shall be developed in full compliance of CMMC Sec. 13-237 through 13-249 inclusive.
 8. Submit seven copies, one duplicate mylar and an electronic copy of recorded map or signed plan to Engineering Division, City of Costa Mesa, prior to occupancy.
 9. Prior to recordation of a Parcel Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor and shall submit to the City Engineer and the County Surveyor a digital-graphic file of said map in a manner described in Subarticle 11/12, Sections 7-9-330/7-9-337 of the Orange County Subdivision Code.
 10. Survey Monuments shall be preserved and referenced or set pursuant to Section 8771 of the Professional Land Surveyors Act and Business and Professional code.
 11. Submit cash deposit or surety bond to guarantee monumentation prior to approval of the map. Amount to be determined by City Engineer.
 12. Submit for approval an Offsite Plan to the Engineering Division that shows parkway improvements. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C.
 13. Obtain a permit from the City of Costa Mesa, Engineering Division and then reconstruct P.C.C. driveway approaches per City of Costa Mesa Standards as shown on the Offsite Plan. ADA compliance required for all driveway approaches.
 14. Submit required cash deposit or surety bond to guarantee construction of off-site street improvements per Section 15-32, C.C.M.M.C. and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.