City of Costa Mesa
Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION

CC: TOM HATCH, PETER NAGHAVI, AND CLAIRE FLYNN

FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR

DATE: AUGUST 9, 2012

SUBJECT: ZONING ADMINISTRATOR DECISION(S)

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the Planning Commission or City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on August 16, 2012. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-11-39 3033 Bristol Street, Suite F

Minor conditional use permit to (1) allow a hookah lounge (Bublyz Hookah) within 200 feet of residentially-zoned property to extend the closing time past 11:00 pm (1:00 am closing time Monday through Sunday proposed); and (2) deviate from shared parking requirements due to unique operational characteristics, including limited seating area (300 square feet maximum) prior to 6:00 pm.

Denied.

Comments received: 15 opposed; One no comment (request for additional info).

ZA-12-20 2755 Bristol Street, Suite 120

Minor conditional use permit for a deviation from shared parking requirements due to unique operating characteristics for a chiropractic office.

Approved, subject to conditions.

Comments received: None.

ZA-12-22 462 E. 17th Street, Suite E

Minor conditional use permit to deviate from shared parking requirements for a physical therapist/rehab studio (Pilates On 17th) with one-on-one 50 minute

sessions from 9:00 am to 4:00 pm Monday through Friday; and 9:00 am to 1:00 pm Saturday (closed Sunday).

Approved, subject to conditions.

Comments received: None.

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

August 9, 2012

Aaron Kudla
23046 Avenida De La Carlota, Suite 600
Laguna Hills, CA 92653

RE: ZONING APPLICATION ZA-11-39
MINOR CONDITIONAL USE PERMIT TO ALLOW EXPANDED HOURS OF OPERATION/EXPANDED SEATING AREA FOR A HOOKAH LOUNGE
3033 BRISTOL STREET, SUITE F, COSTA MESA

Dear Mr. Kudla:

Review of the minor conditional use permit for the above-referenced request has been completed. The application, as described in the attached project description, has been denied, based on the attached findings. The decision will become final at 5:00 p.m. on August 16, 2012, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please contact the project planner, Mel Lee, at 714-754-5611 or via email at mel.lee@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments:
1. Original Zoning Letter and Attachments
2. Applicant's Request
3. Location Maps and Plan
4. Letter from Staff Dated November 23. 2011
5. Site Photos

cc: Engineering
Fire Protection Analyst
Building Division

Seyedmehdi Hassani
20 Palantine, #104
Irvine, CA 92612

Bublyz Hookah
3033 Bristol Street, Suite F
Costa Mesa, CA 92626

Baco Limited LLC
26 Corporate Plaza Drive, Suite 100
Newport Beach, CA 92660

Marice White
3059 Loysburg Bay
Costa Mesa, CA 92626

Steven Arnel
740 Wingate Bay
Costa Mesa, CA 92626

Aaron and Kristine Courdy
752 Wingate Bay
Costa Mesa, CA 92626

Mary Hagarty
759 Schenley Bay
Costa Mesa, CA 92626

PROJECT DESCRIPTION

Project Location

- Bublyz Hookah Lounge occupies an approximately 1,830 square-foot suite within an existing 39,133 square-foot multi-tenant retail center The property is zoned C1 (Local Business) and has a General Plan designation of General Commercial.

- The property is bounded by a C1 commercially-zoned property to the south, R3 multiple-family residentially-zoned property to the west, and C1 commercially-zoned properties to the north and west, across Paularino Avenue and Bristol Street, respectively (see Attachment 3).

Description

- ***Approved:*** Hookah retail store and lounge with a maximum of 300 square feet of public seating area and hours of operation from 11:30 am to 11:00 pm, seven days a week. No outdoor seating or activities allowed. Retail business is the primary business (60%).

- ***Proposed:*** Expansion of Hookah lounge by: (1) Extending the lounge hours by an additional two hours to 1:00 am and; (2) Expanding the seating area to 877 square feet after 6:00 pm.

History

Original Zoning Approval, Subject to Conditions

- On July 14, 2011, the City issued a zoning letter, subject to conditions, and based on the representation of the business as primarily a "hookah retail store" with a limited seating area for the customers to sample flavored tobacco products prior to purchase. Based on this description, the combination retail store and maximum 300 square-foot lounge area was approved, subject to strict compliance with the following conditions of approval (Attachment 1):

    1. Hours of operation shall be limited to 11:30 am to 11:00 pm.
    2. Customer seating area shall be limited to 300 square feet or seating for a maximum of 12 persons at all times.
    3. If parking shortages or other parking-related problems arise, the business operator shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. This may include reduction or elimination of the customer seating area and/or changes to the operational hours outside of peak periods with high parking demand.
    4. There shall be no live entertainment or dancing permitted on the premises at any time without a minor conditional use permit approval.

5. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding uses. The business owner and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
6. The applicant shall take whatever steps are necessary to prohibit customers from loitering or smoking in front of the establishment or at the rear of the property. The back door shall remain closed at all times.
7. A copy of this letter must be kept on premises and presented to any authorized City official upon request.

The letter was signed by Mr. Seyedmehdi Hassani, the business operator, agreeing to operate the use in accordance with the above provisions. At the time this use was conditionally approved, the Costa Mesa Village Center had four other vacant suites for a total of 7,900 square feet of un-leased area.

Police Response and Code Enforcement Activity

- In September 2011, a Code Enforcement complaint related to the business being open past 11:00 pm was lodged by an anonymous party. Police visited the site and confirmed that the business was open past midnight. Police observed customers sitting at table outside of the establishment with an employee providing beverage service. A tarp was hung vertically and appeared to block access and sight from the back alley. Police indicated that the open for business sign was also powered on.

  Code Enforcement Case #C11-1259 was opened. Most notably, the following prohibited activities were noted based on a field inspection and police observations:

  - Use of an outdoor barbeque grill and related equipment on the exterior of the building to prepare flavored tobacco for smoking.
  - Outdoor seating (tables/chairs).
  - Expanded indoor seating area beyond the allowable 300 square-foot area.
  - Hours of operation (based on police observation) past 11:00 pm.

  On September 21, 2011, the Chief of Code Enforcement and a Code Enforcement Officer completed a follow-up site inspection where the issues had been corrected.

Date	Action Taken
September 7, 2011	Complaint for prohibited business activities received.
September 8, 2011	Police observed business operations at midnight.
September 9, 2011	Code Enforcement Case #C11-1259 opened. Fix it citations in the amount of $300.00 issued.
September 21, 2011	Citations voided based on corrections.
October 28, 2011	Application for MCUP submitted.
March 12, 2012	Code Enforcement Case #C12-0318 opened.
March 14, 2012	Fix it citation in the amount of $150.00 issued.
July 19, 2012	Fix it citation in the amount of $300.00 issued.

Police continue to monitor the operation on a regular basis. Staff inspected the site on August 2, 2012 and observed an unused barbeque grill stored outside the building (Attachment 5).

Minor CUP Application

- On October 28, 2011, the applicant submitted the minor conditional use permit application to allow the following modifications (Attachment 2):

  1. Expand the hours of operation to allow a closing time of 1:00 am, Monday through Sunday.
  2. Expand the seating area from 300 square feet to 877 square feet between the hours of 6:00 pm to 1:00 am.

  Because the business is located within 200 feet of a residential zone, a minor conditional use permit is required to operate past 11:00 pm. No live entertainment, dancing, or alcoholic beverage sales are proposed. Additionally, because the applicant is requesting to expand the seating area to 877 square feet between the hours of 6:00 pm to 1:00 am, a request to deviate from shared parking requirements based on unique operating characteristics is also required.

Concerns with Land Use Compatibility and Parking Noted by Staff

A letter to the applicant dated November 23, 2011 indicated concerns with the proposal, including the following notations (Attachment 4):

- "Please note that staff will not likely support approval of hours of operation past 11:00 p.m. in this suite due to its proximity to the residential properties and the lack of practical mitigation measures to address impacts to residents during the late night hours of operation."

- "Please note that staff will not likely support approval of a deviation from shared parking requirements since this site already has nonconforming parking with a number of parking deviations and restaurant uses with a higher parking demand."

ANALYSIS

Justifications for Denial

Given the proximity of this location to sensitive residential uses and the inadequacy of measures to minimize impacts, staff cannot support the requests for the following reasons:

- *Proposal to extend business hours past 11:00 pm is incompatible with sensitive residential uses.* Hours of operation past 11:00 pm would result in significant adverse impacts to the nearby residentially-zoned properties, including, but not limited to noise, graffiti, litter, loitering, and increased criminal activity.

  The building in which the lounge is located is setback approximately 74 feet from residentially-zoned property containing two-story multiple family dwelling units. The area between the subject building and residential properties contains a paved parking area and drive aisle. The properties are separated by a combination of chain link and wood fencing approximately six feet in height (no block walls exist).

- *The City has received opposition letters from surrounding property owners.* At the time of publication of this report, 15 letters in opposition to the proposal have been received. Resident concerns involve: proximity to residences, parking, noise, litter and loitering impacts.

- *The business has not been operating in a manner that is compliant with the original approval.* As noted earlier, the use was permitted to operate between the hours of 11:30 am to 11:00 pm. A complaint was lodged regarding late hour operations shortly after the business owner signed the July 2011 zoning letter indicating the closure of the use by 11:00 pm.

  At that time, the Police Department verified at least one instance where the establishment was open after midnight, and there is a current open Code Enforcement case dated March 14, 2012 in which two citations have been issued for late hour operations.

  Concerns have been raised that two websites (Yelp and Yahoo) identify the current business hours as 11:30 am to 12:30 am, Monday through Thursday, and 11:30 am to 2:30 am Friday and Saturday, which is not consistent with the 11:00 pm closing time stipulated in the City's zoning letter.

- *Similar hookah lounges within 200 feet of residentially-zoned properties operating past 11:00 pm have a long history of complaints regarding litter, noise and loitering.* On August 8, 2011, Planning Commission denied a request for a hookah lounge to be open past 11:00 pm because of the adverse impacts the operation had on adjacent residential uses, in this case a 270-unit, 18-story senior housing building (Bethel Towers) on West 19th Street (Minor Conditional Use Permit ZA-11-08 for Sultana Hookah Lounge at 698 West 19th Street). As with the current operation, this lounge was open past midnight – and that business generated numerous calls for Police service for noise, litter, and odor disturbances related to outdoor activities which are prohibited under code. Staff is concerned that the late hour operations of this business would also result in similar issues and incompatibility with residential uses.

- *Expansion of Hookah Lounge would create a shortage of parking*. There is no justification to allow an increase in the customer seating area from 300 square feet to 877 square feet after 6:00 pm due to the shared parking analysis prepared for the use.

  This retail center is currently under parked according to current Code requirements. City records indicate that 171 on-site parking spaces are provided for the center; 207 on-site parking spaces are required per the shared parking analysis prepared for the center. The on-site parking requirements for eating and drinking establishments per code is 10 parking spaces per 1,000 square feet of floor area for establishments in excess of 300 square feet of seating area, and four parking spaces for every 1,000 square feet of floor area for establishments with 300 square feet or less of seating area. These parking requirements are also used for purposes of determining the number of parking spaces required for hookah lounges. Thus, per code, 18 on-site parking spaces are required for this use if the seating area exceeds 300 square feet; seven parking spaces are required if the seating area is 300 square feet or less.

  According to the applicant, there is justification for the request for expanded seating area based on the offset hours of other uses in the center, i.e., after 6:00 pm. However, because the existing on-site parking is already deficient for eating and drinking establishments with more than 300 square feet of seating area, including hookah lounges, the applicant's request to expand the seating area cannot be supported. There is no justification based on unique operating characteristics, i.e., past 6:00 pm, since the peak evening parking times for weekdays and weekends is already allocated to other eating and drinking establishments in the center through the minor conditional use permit process.

- *Inconsistency with the General Plan*. The proposal in not consistent with General Plan Objective LU-1F to minimize blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned property and history of zoning code violations, this site is considered an inappropriate location for the proposed extended hours of operation for the hookah lounge.

FINDINGS

1. The proposal does not comply with Costa Mesa Municipal Code Section 13-29(e) because:

   a. A compatible and harmonious relationship does not exist between the building and site development, and use(s), and the building and site developments and uses that exist, or have been approved, for the general neighborhood. Specifically, a proposal to extend business hours past 11:00 pm is incompatible with residential uses that exist within 200 feet for the subject property. Hours of operation past 11:00 pm will result in significant adverse impacts to the nearby residentially-zoned

properties, including, but not limited to noise, graffiti, litter, loitering, and increased criminal activity.

b. The proposal does not comply with performance standards as prescribed in the Zoning Code. Specifically, the use was permitted to operate between the hours of 11:30 am to 11:00 pm. However, the Police Department has documented at least one instance where the establishment was open until 1:00 am, and there is an open Code Enforcement case dated March 14, 2012 in which two citations have been issued for ongoing violations of the July 14, 2011 zoning approval for the use. Additionally, several websites, including Yelp and Yahoo, identify the current business hours as 11:30 am to 12:30 am, Monday through Thursday, and 11:30 am to 2:30 am Friday and Saturday, which is not consistent with the 11:00 pm closing time stipulated in the City's zoning letter. Because the existing on-site parking is already deficient for eating and drinking establishments with more than 300 square feet of seating area, including hookah lounges, the applicant's request to expand the seating area cannot be supported. There is no justification based on unique operating characteristics, i.e., past 6:00 pm, since the peak evening parking times for weekdays and weekends is already allocated to other eating and drinking establishments in the center through the minor conditional use permit process.

c. The proposal is not consistent with the General Plan. The proposed use is not consistent with General Plan Objective LU-1F to minimize blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned property and history of zoning code violations, this site is considered an inappropriate location for the proposed extended hours of operation for the hookah lounge.

2. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because:

a. The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area. Specifically, hours of operation past 11:00 pm will result in significant adverse impacts to the nearby residentially-zoned properties, including, but not limited to noise, graffiti, litter, loitering, and increased criminal activity.

b. Granting the minor conditional use permit will be materially detrimental to the health, safety and general welfare of the public and otherwise injurious to property or improvements within the immediate neighborhood. Specifically, because the existing on-site parking is already deficient for establishments, including hookah lounges, with more than 300 square feet of seating area, the applicant's request to expand the seating area cannot be supported. There is no justification based on unique operating characteristics, i.e., past 6:00 pm, since the peak evening parking times for weekdays and weekends is already

deficient based on the number of on-site parking spaces (per the shared parking analysis, a parking deficiency of up to 36 spaces in the pm hours on weekdays to 23 spaces in the pm hours on weekends exists).

c. Granting the minor conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation for the property. Specifically, the proposed use is not consistent with General Plan Objective LU-1F to minimize blighting influences and maintain the integrity of stable neighborhoods and General Plan Objective HOU-1.2 which protects existing residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. Given the proximity to residentially-zoned property and history of zoning code violations, this site is considered an inappropriate location for the proposed extended hours of operation for the hookah lounge.

3. The Costa Mesa Zoning Administrator has denied ZA-11-39. 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.

4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 1

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

July 14, 2011

Seyedmehdi Hassani
20 Palatine, #104
Irvine, CA 92612

SUBJECT: BUBLYZ HOOKAH
3033 BRISTOL STREET, SUITE F

Dear Mr. Hassani:

The property (Costa Mesa Village) currently has five vacant suites. This center contains nonconforming parking with historic parking issues during peak periods of the day. Therefore, new businesses are approved on a case-by-case basis subject to adequate parking and other zoning requirements.

The City has considered your request to occupy a 1,800 square-foot suite (Suite F) to establish a retail store and hookah smoking lounge in the commercial center. We have reviewed the description of your business in your letter dated June 20, 2011, attached documents and floor plan.

Due to the retail nature of your business with limited seating area and operating hours, we are able to authorize your business, subject to strict compliance with the following conditions:

1. Hours of operation shall be limited to 11:30 a.m. to 11 p.m.
2. Customer seating area shall be limited to 300 square feet or seating for a maximum of 12 persons at all times.
3. If parking shortages or other parking-related problems arise, the applicant shall institute whatever physical or operational measures are necessary, as determined by the Planning Division, to minimize or eliminate the problem. This may include reduction or elimination of the customer seating area and/or changes to the operational hours outside of peak periods with high parking demand.
4. There shall be no live entertainment or dancing permitted on the premises at any time without a minor conditional use permit approval.
5. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding uses. The business owner and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
6. The applicant shall take whatever steps are necessary to prohibit customers from loitering or smoking in front of the establishment or at the rear of the property. The back door shall remain closed at all times.
7. A copy of this letter must be kept on premises and presented to any authorized City official upon request.

By signing the statement below, you agree to comply with the conditions of this letter.

I have read, understand, and will abide by the conditions of this letter.

7/14/2011

SEYEDMEHDI HASSANI **DATE**
Business Owner

Please note that this arrangement is unique and is based on your compliance with the above conditions. Any changes in your currently proposed operations will need to be approved by Planning staff. Noncompliance with these conditions, expansion of business, or any other related incompatibility issues may require approval of a minor conditional use permit. For example, the Zoning Code requires approval of a minor conditional use permit to deviate from shared parking requirements or to expand the business hours after 11 p.m.

The City wishes you well with your new business in Costa Mesa. If you have any questions regarding this letter, please contact Wendy Shih, Associate Planner, at (714) 754-5136 or wshih@ci.costa-mesa.ca.us.

Sincerely,

KHANH NGUYEN
Interim Development Services Director

Attachment: Business Owner Letter dated June 20, 2011

cc: Acting Assistant Development Services Director

D.B. Investments
17853 Santiago Blvd., #107
PMB 315
Villa Park, CA 92861

To Whom It May Concern:

This letter is to bring to your attention the manner in which this business will operate for which there will be more than sufficient parking spaces. A major part of this business (%60) is retail: consumers will be offered smoking products for sale. These products will be displayed on display shelves located in and around the seating area of the store.

The nature of this business is such that its hours of business activity are during times that other surrounding businesses are slow, like between the hours of 3:00 P.M. to 5:00 P.M. and 8:00 P.M. to 11:00 P.M. Our hours of operation are 11:30 A.M. to 11:00 P.M.

The attached documents, pictures and video show the number of available parking spaces, which support the conclusion that there will be more than enough parking spaces for all businesses in this shopping center.

Sincerely yours,

6/20/2011

Seyedmehdi Hassani

Owner of the Bublyz

3033 Bristol ST Suite F

Costa Mesa

Received
City of Costa Mesa
Development Services Department
JUN 21 2011

DATE	TIME	AVAILABLE SPACE
6/9/11	12:00 P.M.	63
	12:15 P.M.	42
	12:30 P.M.	36
	12:45 P.M.	38
	1:00 P.M.	39
	1:15 P.M.	46
	3:00 P.M.	63
	4:00 P.M.	76
	5:00 P.M.	74
	8:00 P.M.	31
	8:15 P.M.	35
	8:30 P.M.	43
	8:45 P.M.	53
	9:00 P.M.	58
	9:15 P.M.	64
	9:30 P.M.	67
	9:45 P.M.	71
	10:00 P.M.	65
6/10/11	12:00 P.M.	64
	12:15 P.M.	38
	12:30 P.M.	40
	12:45 P.M.	38
	1:00 P.M.	34
	1:15 P.M.	47
	3:00 P.M.	59
	4:00 P.M.	66
	5:00 P.M.	69
	8:00 P.M.	31
	8:15 P.M.	25
	8:30 P.M.	29
	8:45 P.M.	32
	9:00 P.M.	35
	9:15 P.M.	30
	9:30 P.M.	31
	9:45 P.M.	29
	10:00 P.M.	36
6/11/11	12:00 P.M.	65
	12:15 P.M.	60
	12:30 P.M.	57
	12:45 P.M.	59
	1:00 P.M.	66
	1:15 P.M.	68

	3:00 P.M.	63
	4:00 P.M.	69
	5:00 P.M.	68
	8:00 P.M.	54
	8:15 P.M.	59
	8:30 P.M.	67
	8:45 P.M.	60
	9:00 P.M.	55
	9:15 P.M.	50
	9:30 P.M.	53
	9:45 P.M.	60
	10:00 P.M.	72
6/16/11	12:00 P.M.	53
	12:15 P.M.	48
	12:30 P.M.	51
	12:45 P.M.	35
	1:00 P.M.	48
	1:15 P.M.	62
	3:00 P.M.	67
	4:00 P.M.	71
	5:00 P.M.	73
	8:00 P.M.	25
	8:15 P.M.	20
	8:30 P.M.	41
	8:45 P.M.	40
	9:00 P.M.	45
	9:15 P.M.	48
	9:30 P.M.	52
	9:45 P.M.	60
	10:00 P.M.	67
6/17/11	12:00 P.M.	30
	12:15 P.M.	34
	12:30 P.M.	20
	12:45 P.M.	28
	1:00 P.M.	31
	1:15 P.M.	40
	3:00 P.M.	57
	4:00 P.M.	66
	5:00 P.M.	74
	8:00 P.M.	16
	8:15 P.M.	19

	8:30 P.M.	19
	8:45 P.M.	23
	9:00 P.M.	27
	9:15 P.M.	25
	9:30 P.M.	32
	9:45 P.M.	42
	10:00 P.M.	38
6/18/11	12:00 P.M.	62
	12:15 P.M.	67
	12:30 P.M.	65
	12:45 P.M.	61
	1:00 P.M.	56
	1:15 P.M.	62
	3:00 P.M.	58
	4:00 P.M.	69
	5:00 P.M.	75
	8:00 P.M.	67
	8:15 P.M.	54
	8:30 P.M.	46
	8:45 P.M.	63
	9:00 P.M.	52
	9:15 P.M.	54
	9:30 P.M.	51
	9:45 P.M.	61
	10:00 P.M.	68

OUR PICK HOURS

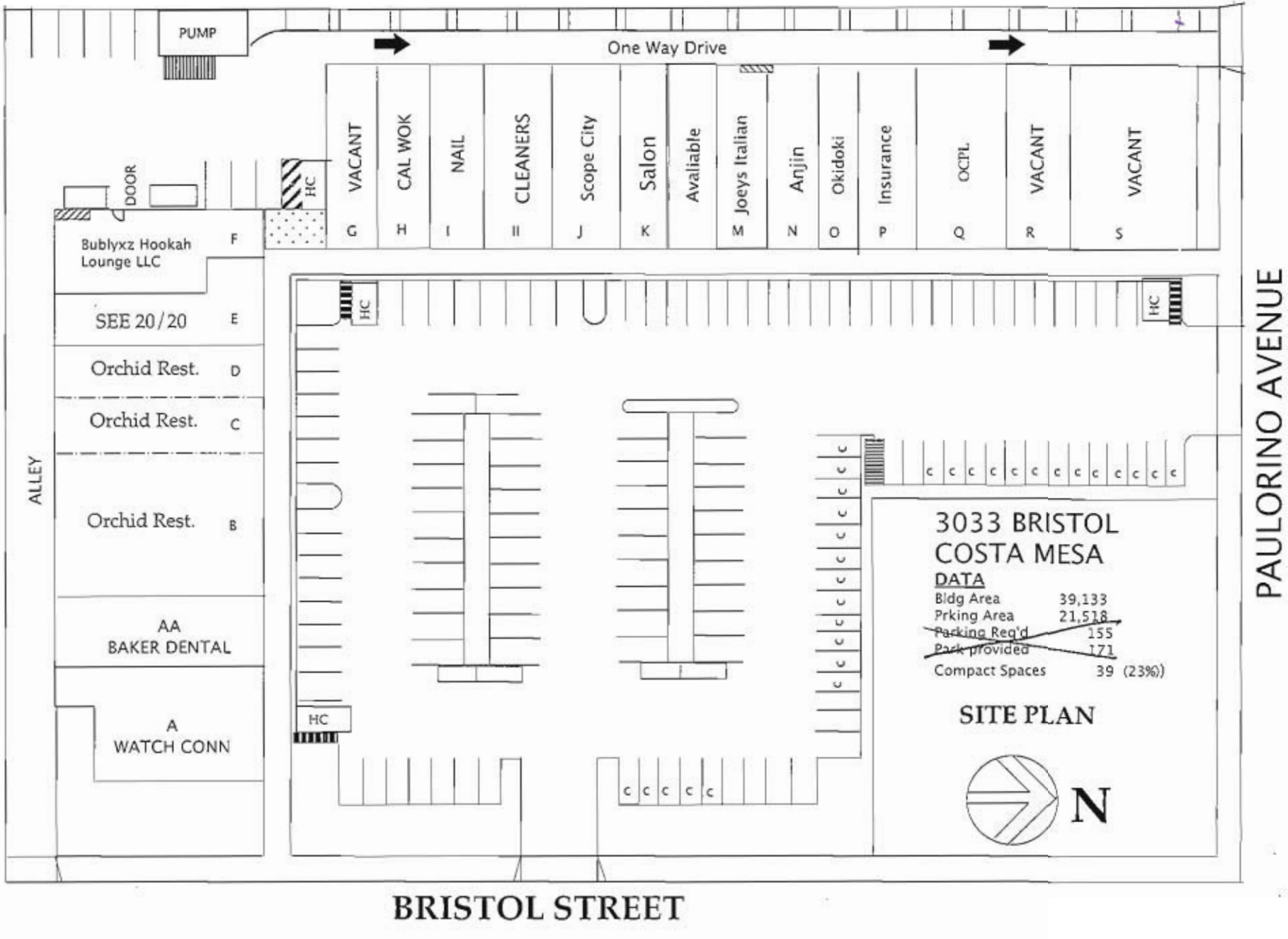
COSTA MESA VILLAGE MONDAY THROUGH FRIDAY HOURS OF OPERATION

UNIT	TENANT	APPROX. SQ. FT.	APPROX. % OF TOTAL	Monday-Friday Hours of Operation																	
				9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2
A	WATCH CONNECTION	2,700	6.90%			x	x	x	x	x	x	x									
AA	SENSATIONAL DENTAL	2,033	5.19%		x	x	x	x	x	x	x	x	x								
B, C & D	ORCHID REST.	6,840	17.47%			x	x	x	x	x	x	x	x	x	x	x					
E	SEE 20/20	1,840	4.70%		x	x	x	x	x	x	x	x									
F	VACANT	1,800	4.60%																		
G	VACANT	1,440	3.68%																		
H	CALIFORNIA WOK	1,440	3.68%			x	x	x	x	x	x	x	x	x	x	x					
I	CREATIVE NAIL SALON	1,440	3.68%	x	x	x	x	x	x	x	x	x	x	x							
II	GLORY CLEANERS	1,800	4.60%	x	x	x	x	x	x	x	x	x	x	x							
J	SCOPE CITY	1,800	4.60%		x	x	x	x	x	x	x	x	x	x							
K	NANU'S THREADING	1,440	3.68%		x	x	x	x	x	x	x	x	x	x							
L	VACANT	1,440	3.68%																		
M	HASHIGO	1,404	3.59%									x	x	x	x	x	x	x	x		
N	ANJIN	1,440	3.68%									x	x	x	x	x	x	x	x	x	
O	OKI DOKI	1,440	3.68%				x	x	x	x	x	x	x	x	x	x	x				
P	EASTWOOD INS.	1,440	3.68%		x	x	x	x	x	x	x	x	x								
Q	ORANGE COUNTY LIBRARY	2,376	6.07%					x	x	x	x	x	x	x	x	x	x				
R	VACANT	1,800	4.59%																		
S	VACANT	3,240	8.28%																		

Note:
Watch Connection Closed on Monday
OCPL Closed on Monday

COSTA MESA VILLAGE SATURDAY HOURS OF OPERATION

UNIT	TENANT	APPROX. SQ. FT.	APPROX. % OF TOTAL	Saturday Hours of Operation																	
				9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2
A	WATCH CONNECTION	2,700	6.90%			x	x	x	x	x	x	x									
AA	SENSATIONAL DENTAL	2,033	5.19%		x	x	x	x	x	x	x	x	x								
B, C & D	ORCHID REST.	6,840	17.47%			x	x	x	x	x	x	x	x	x	x	x	x				
E	SEE 20/20	1,840	4.70%		x	x	x	x	x	x	x	x									
F	VACANT	1,800	4.60%																		
G	VACANT	1,440	3.68%																		
H	CALIFORNIA WOK	1,440	3.68%			x	x	x	x	x	x	x	x	x	x	x					
I	CREATIVE NAIL SALON	1,440	3.68%	x	x	x	x	x	x	x	x	x	x	x							
II	GLORY CLEANERS	1,800	4.60%	x	x	x	x	x	x	x	x	x	x	x							
J	SCOPE CITY	1,800	4.60%		x	x	x	x	x	x	x	x	x	x							
K	NANU'S THREADING	1,440	3.68%		x	x	x	x	x	x	x	x	x	x							
L	VACANT	1,440	3.68%																		
M	HASHIGO	1,404	3.59%									x	x	x	x	x	x	x			
N	ANJIN	1,440	3.68%									x	x	x	x	x	x	x	x	x	
O	OKI DOKI	1,440	3.68%				x	x	x	x	x	x	x	x	x	x	x				
P	EASTWOOD INS.	1,440	3.68%		x	x	x	x	x	x	x	x	x	x							
Q	ORANGE COUNTY LIBRARY	2,376	6.07%					x	x	x	x	x	x	x	x	x	x				
R	VACANT	1,800	4.59%																		
S	VACANT	3,240	8.28%																		


PUMP
One Way Drive
VACANT G
CAL WOK H
NAIL I
CLEANERS II
Scope City J
Salon K
Avaliable
Joeys Italian M
Anjin N
Okidoki O
Insurance P
OCPL Q
VACANT R
VACANT S
DOOR
HC
Bublyxz Hookah Lounge LLC F
SEE 20/20 E
Orchid Rest. D
Orchid Rest. C
Orchid Rest. B
AA BAKER DENTAL
A WATCH CONN
ALLEY
HC
3033 BRISTOL
COSTA MESA
DATA
Bldg Area 39,133
Prking Area 21,518
Parking Req'd 155
Park provided 171
Compact Spaces 39 (23%)
SITE PLAN
N
PAULORINO AVENUE
BRISTOL STREET

COSTA MESA VILLAGE SUNDAY HOURS OF OPERATION

UNIT	TENANT	APPROX. SQ. FT.	APPROX. % OF TOTAL	Sunday Hours of Operation																	
				9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2
A	WATCH CONNECTION	2,700	6.90%																		
AA	SENSATIONAL DENTAL	2,033	5.19%																		
B, C & D	ORCHID REST.	6,840	17.47%			x	x	x	x	x	x	x	x	x	x	x	x				
E	SEE 20/20	1,840	4.70%																		
F	VACANT	1,800	4.60%																		
G	VACANT	1,440	3.68%																		
H	CALIFORNIA WOK	1,440	3.68%			x	x	x	x	x	x	x	x	x							
I	CREATIVE NAIL SALON	1,440	3.68%		x	x	x	x	x	x	x	x									
H	GLORY CLEANERS	1,800	4.60%																		
J	SCOPE CITY	1,800	4.60%		x	x	x	x	x	x	x	x									
K	NANU'S THREADING	1,440	3.68%		x	x	x	x	x	x	x	x	x								
L	VACANT	1,440	3.68%																		
M	HASHIGO	1,404	3.59%									x	x	x	x	x	x	x			
N	ANJIN	1,440	3.68%									x	x	x	x	x	x	x	x	x	
O	OKI DOKI	1,440	3.68%				x	x	x	x	x	x	x	x	x	x	x				
P	EASTWOOD INS.	1,440	3.68%																		
Q	ORANGE COUNTY LIBRARY	2,376	6.07%																		
R	VACANT	1,800	4.59%																		
S	VACANT	3,240	8.28%																		

LAW OFFICES OF AARON J. KUDLA ATTACHMENT 2

ATTORNEYS AT LAW

April 6, 2012

REC'D APR 13 2012

CITY OF COSTA MESA
Development Services Department
77 Fair Drive
Costa Mesa, CA 92628

RE: Minor CUP for 3033 Bristol Street, Suite F (Bublyz Hookah)
Applicant/Tenant: Seyedmehdi Hassani ("Applicant")

Dear Ms. Shih:

We received your letter dated November 23, 2011, which provides a list of requirements needed to continue the Minor CUP Application for Applicant related to Bublyz Hookah located at 3033 Bristol Street, Suite F ("Premises").

In response to your letter, the following requested documents and information is provided.

1. Application with Owner signature. In addition, an document from the Owner regarding authorized representatives of Owner is provided.

2. Site Plan has been revised as requested.

3. Written confirmation. Applicant hereby confirms the following:

    a. The business will not include live entertainment, dancing or sale/service of alcoholic beverages; and

    b. There are no outdoor activities.

Applicant respectfully requests that the City (1) increase the seating area to 877 square feet during the hours of 6 p.m. to close, and (2) extend the hours of operation until 1 a.m., Monday to Sunday. Please direct any questions regarding this letter and application to my office at (949) 305-7411 or email at kudlalaw@gmail.com

Sincerely,

Aaron J. Kudla
Attorney at Law

TEL: (949) 305-7411 | FAX: (949) 326-0100 | 23046 AVENIDA DE LA CARLOTA, SUITE 600, LAGUNA HILLS, CA 92653 | KUDLALAW@GMAIL.COM

City of Costa Mesa

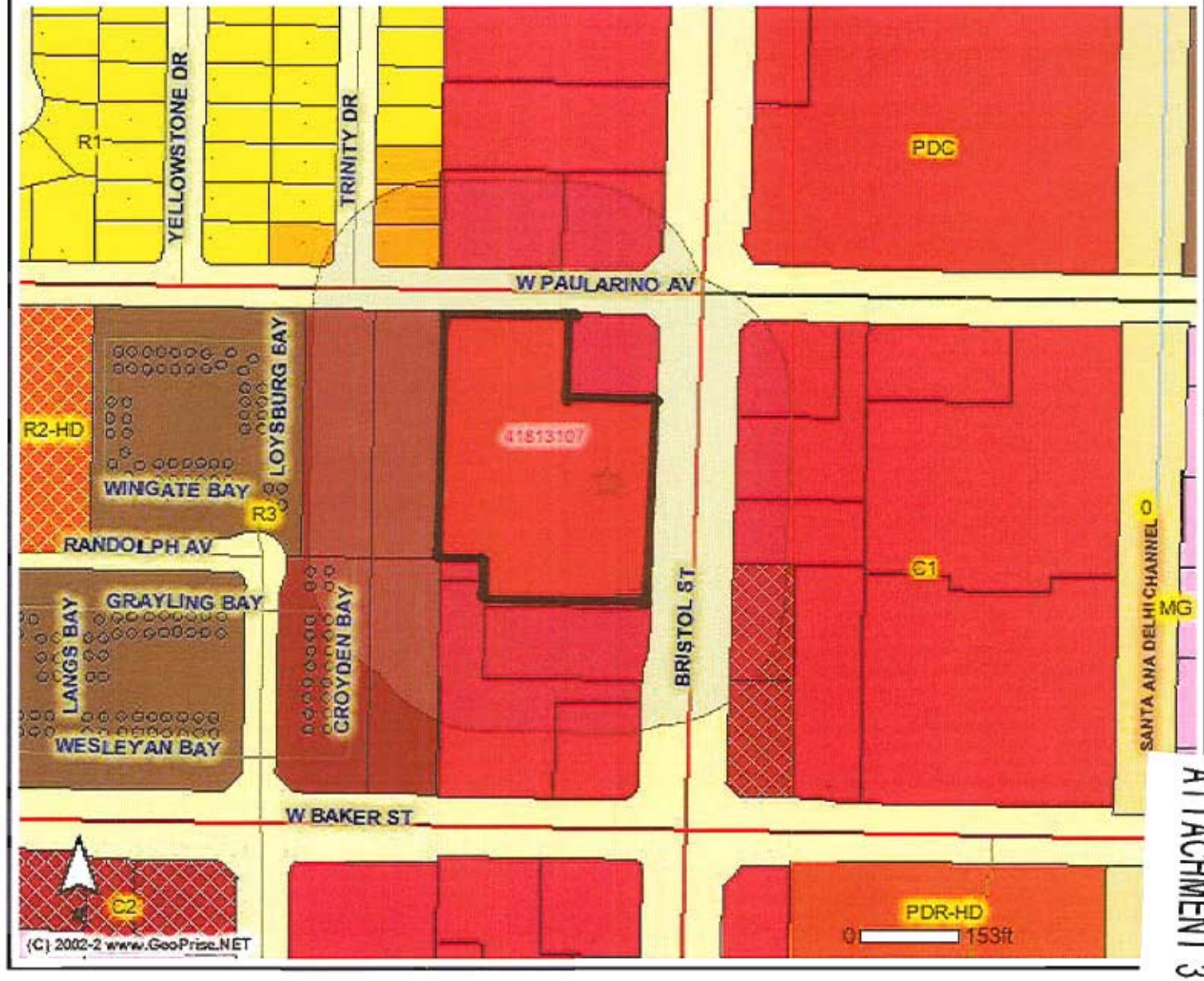
CITY OF COSTA MESA - [Created: 8/1/2012 9:46:16 AM] [Scale: 294.05] [Page: 8.5 x 11 / Landscape]

Overview Map

Legend

- Address Points
- Freeway
- Roads
- Collector
- Freeway
- Major
- Newport BLVD
- Primary
- SECONDARY
- Hydrology Channel-
- Street Names
- Street Centerlines
- Parcel Lines
- City Boundary
- Water Ways

Map Display



ATTACHMENT 3

(C) 2002-2 GeoPrise.net (GeoVec, Inc.) - (866)422-2505

City of Costa Mesa

CITY OF COSTA MESA - [Created: 8/1/2012 9:44:59 AM] [Scale: 294.04] [Page: 8.5 x 11 / Landscape]

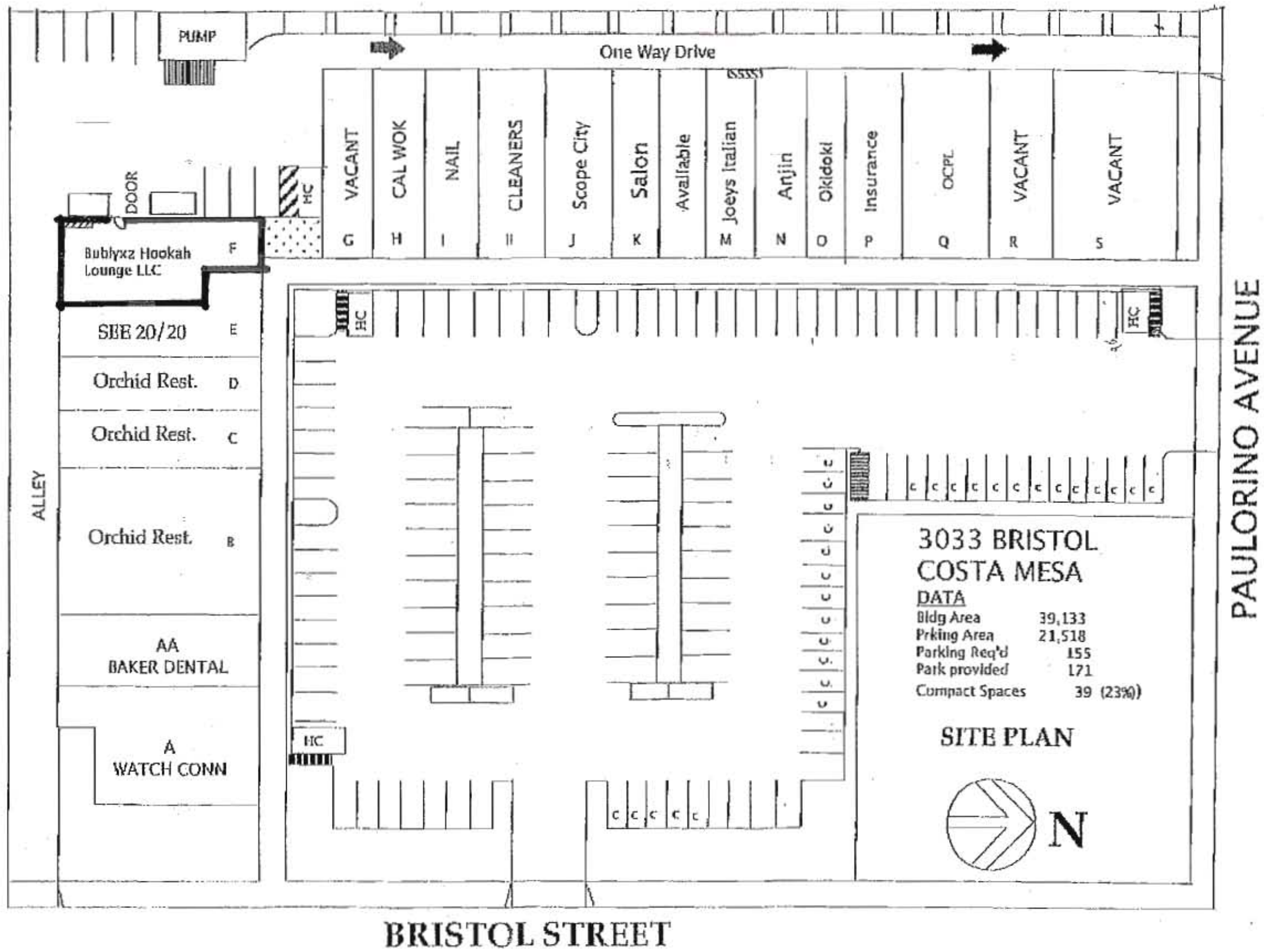
Overview Map

Legend

- Address Points
- Freeway
- Roads
- Collector
- Freeway
- Major
- Newport BLVD Primary
- SECONDARY
- Hydrology Channel
- Street Names
- Street Centerlines
- Parcel Lines
- City Boundary
- Water Ways

Map Display

(C) 2002-2 GeoPrise.net (GeoVec, Inc.) - (866)422-2505


PUMP
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VACANT G
CAL WOK H
NAIL I
CLEANERS
Scope City J
Salon K
Available
Joeys Italian M
Anjin N
Okidoki O
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OCPL Q
VACANT R
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DOOR
HC
Bublyxz Hookah Lounge LLC F
SBE 20/20 E
Orchid Rest. D
Orchid Rest. C
Orchid Rest. B
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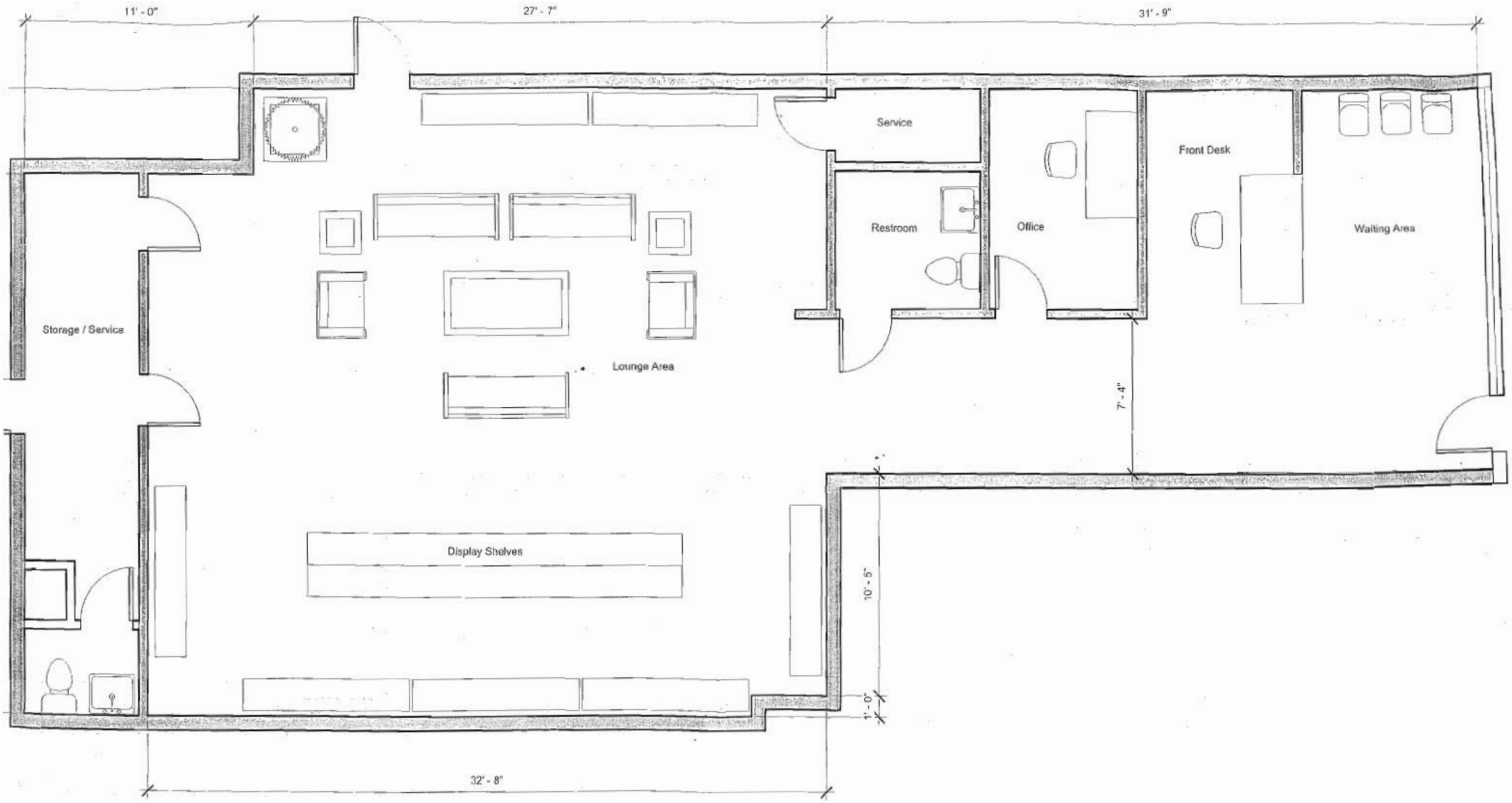
PAULORINO AVENUE
BRISTOL STREET


11' - 0"
27' - 7"
31' - 9"
Service
Front Desk
Restroom
Office
Waiting Area
Storage / Service
Lounge Area
7' - 4"
Display Shelves
10' - 5"
1' - 0"
32' - 8"

PLANS

LOCATION:
3033 BRISTOL STREET
SUITE F
COSTA MESA, CA 92612

APPLICANT:
SEYEDMEHDI HASSANI
(949) 232-3533

CITY OF COSTA MESA

ATTACHMENT 4

REC'D NOV 29 2011

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

Application Status Form

November 23, 2011

Aaron Kudla
P.O. Box 3362
Laguna Hills, CA 92654

APPLICATION: **ZONING APPLICATION ZA-11-39**
MINOR CONDITIONAL USE PERMIT FOR PARKING DEVIATION AND EXTENDED HOURS OF OPERATION - BUBLYZ HOOKAH
3033 BRISTOL STREET, SUITE F, COSTA MESA

Dear Mr. Kudla:

In accordance with State law, the City of Costa Mesa has 30 days to review a land use application to determine if it is complete. After reviewing your submittal package for a minor conditional use permit (MCUP), we have determined that the application is incomplete. The following information is required for further review and processing:

1. Complete application form with property owner (not business owner) information and wet signature. A blank form is attached for your use.
2. Verify and revise actual on-site parking count on site plan for accurate analysis. Delete "parking required" as this is inaccurate and not applicable based on current tenant list.
3. Provide written description and/or confirmation for the following:
    a. The business will not include live entertainment, dancing, or sales/service of alcoholic beverages.
    b. Describe and show on plans location of any outdoor activities, including grilling, smoking, seating, service, waiting area, etc.

Please note the following comments if you wish to continue to process the application by submitting the above-listed items:

a. Please note that staff will not likely support approval of hours of operation past 11 p.m. in this suite due to its proximity to the residential properties and the lack of practical mitigation measures to address impacts to residents during the late night hours of operation.
b. Please note that staff will not likely support approval of a deviation from shared parking requirement since this site already has nonconforming

parking with a number of parking deviations and restaurant uses with higher parking demand.

The application is considered incomplete and will not be processed until the above-listed items are submitted. Once the items are submitted, the City will review the application and again determine whether the application is complete and processing can continue.

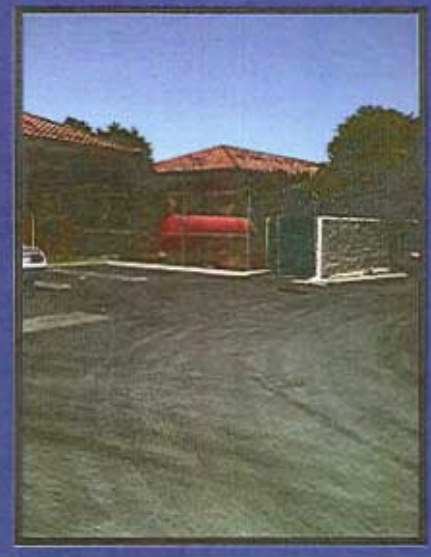
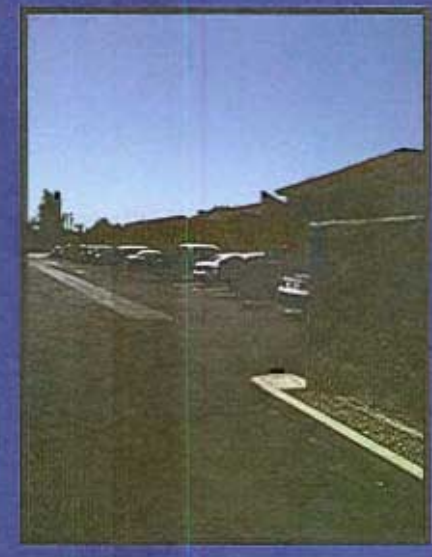
Should you have any questions regarding the above items, please do not hesitate to contact me at (714) 754-5136 or via email at wendy.shih@costamesaca.gov. The best time to reach me is between the hours of 1 p.m. and 5 p.m.

Sincerely,

WENDY SHIH
Associate Planner

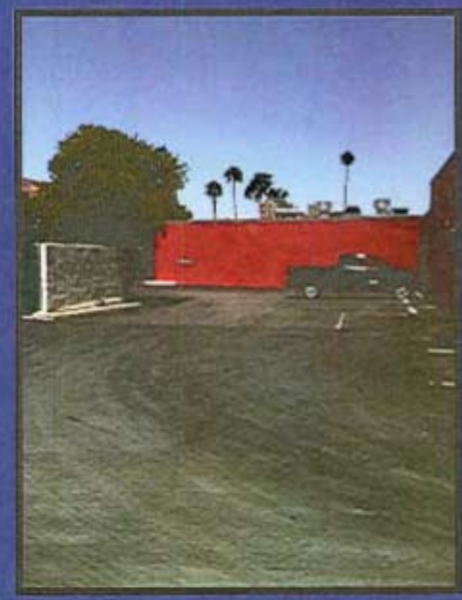
Attachment: Planning Application Form

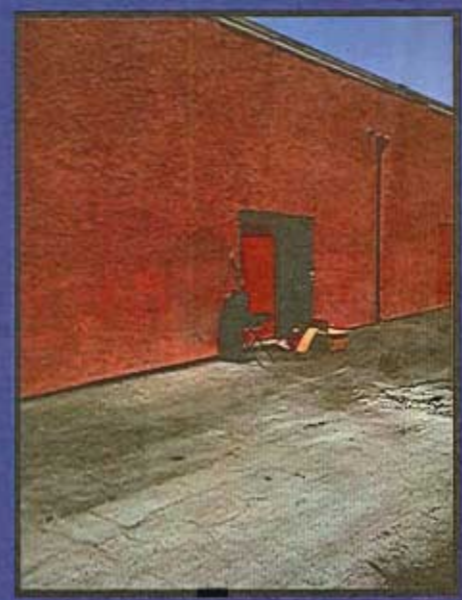
Cc: Baco Limited LLC
26 Corporate Plaza Dr., Ste. 100
Newport Beach, CA 92660

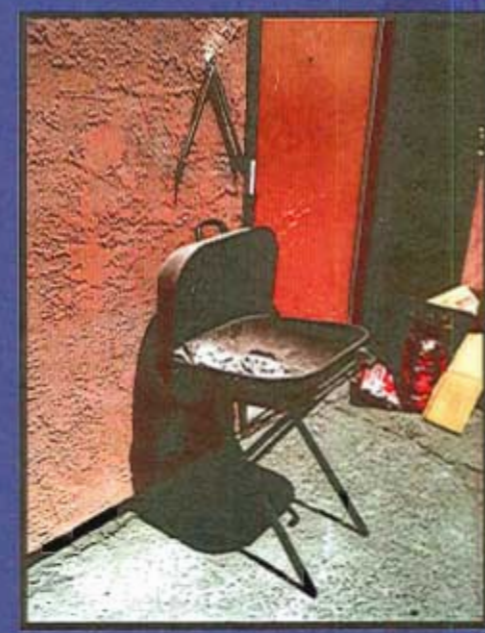



REAR PARKING AREA FOR BUBLYZ HOOKAH
3033 BRISTOL STREET, SUITE F (ZA-11-39)

ATTACHMENT 5







REAR OF BUBLYZ HOOKAH (NOTE OUTSIDE GRILL)

JULIAN, SORAYA

From: Marice White [marice@mconsensus.com]
Sent: Monday, August 06, 2012 9:31 AM
To: PLANNING COMMISSION
Cc: NAGHAVI, PETER; clair.flynn@costamesaca.gov; ERIC BEVER - City Council; jim@righeimer.com; gary@skoshmonahans.com; stevemensinger@me.com; LEECE, WENDY; Colin McCarthy
Subject: Opposition to Smoking Lounge Minor CUP
Importance: High

Attn: Zoning Administrator
RE: ZA-11-39
3033 Bristol St., Suite F

As an adjacent homeowner to the above referenced action please let this email serve as my official comments on the record pertaining to the item. I am **OPPOSED** to this minor conditional use permit (MCUP) for Bublyz Hookah to operate until 1 a.m. Monday – Sunday and to allow the use to deviate from shared parking requirements. There are a number of reasons why I am opposed and that I encourage you to consider in making your decision.

1. Extended hours of operation – what types of uses are permitted to have such hours, 7 days a week? There will be patrons coming and going late in to the night, cars cutting through the area and driving on the streets near our homes, we are already in an area that is heavily impacted by bars, restaurants and clubs that have extended hours (and they are not open late 7 days/week) – adding this will make the problems of traffic, noise and the associated issues of trash and strangers in and around our community worse, not to mention how it impacts the parking in our community and adjacent streets.
2. Parking – absolutely not, this area is already HEAVILY impacted by parking – there are already a number of shared parking agreements utilized by the existing bars, restaurants and clubs that impact our community – we have valets darting across Baker at all hours to accommodate the shared parking uses, the side streets lined bumper to bumper from cars of patrons either not utilizing valet or patronizing the uses without valet and people willing to park further and further away (and in our neighborhoods) to walk to the bars, restaurants and clubs – with the impact on the homeowners of noise, trash and strangers in and around our community.
3. Location – the shopping center this business is located in is already heavily impacted by its own and adjacent uses. Often times it is difficult to park there as it is, and there is overflow from the adjacent bars, restaurants and clubs that use this lot as it gets later.

When the SOBECA Urban Plan was underway (which I know the subject property is not a part of) it was with excitement at the thought of all the redevelopment and future potential the area near our homes has that it was welcomed. This type of MCUP goes against the goals of the Plan, a couple of which state:

- Regulate land uses recognizing the development potential of the plan area and need to sensitively integrate new development with the surrounding areas, and therefore, promote both resident and business community confidence in the long term.
- Ensure compatibility of mixed-use developments with existing and future allowable development in abutting zoning districts.

This MCUP does not do either of the above – allowing a smoking lounge to operate until 1 a.m. does not

"sensitively integrate" into our community. "Ensure compatibility" also not done, creating more parking issues in a parking impacted area, as well as the hours of operation – it is not compatible. When I think of all of the other businesses (large sales tax generators like Target and Home Depot) adjacent to residential in town that are not allowed to operate late and have even had issues with the city and community in terms of hours of operation over the years, I just can't see how the findings could be made to approve this MCUP. I'd rather give the sales tax generators an extra 30 minutes of operating hours than allow this MCUP to be approved.

The area we live in is great – we can walk to The Camp, Anti-Mall and other uses – and it is with excitement that once redevelopment re-commences, more great uses and mixed-uses will be coming online. In fact there is a new home project on Paularino right now in the beginning stages where 10 new homes will go – this is what we want to see – this is what increases our property values and bring vitality to our area. I consider this a great place to live, a safe place to live and want to work together to ensure it stays that way. A smoking lounge, open until 1 a.m., seven days a week goes against all the great redevelopment that has, is and will occur. Please do not approve this MCUP.

I would like to be kept informed of any decisions/actions on this item. I would also like to be informed of the ZA's decision on this item, and should the applicant's request be granted, I would like to know the process for appealing it to the Planning Commission.

Thank you,
Marice White
3059 Loysburg Bay
Costa Mesa, CA 92626
Marice@MConsensus.com

COLGAN, JULIE

From: LEE, MEL
Sent: Wednesday, August 08, 2012 4:53 PM
To: COLGAN, JULIE
Subject: FW: ZA-11-39 3033 Bristol street, Suite F

From: BOUWENS-KILLEEN, WILLA
Sent: Tuesday, August 07, 2012 7:40 AM
To: LEE, MEL
Subject: FW: ZA-11-39 3033 Bristol street, Suite F

FYI – W.

From: Steven Amel [mailto:samel00@sbcglobal.net]
Sent: Monday, August 06, 2012 9:51 AM
To: jim@righeimer.com; PLANNING COMMISSION; NAGHAVI, PETER; FLYNN, CLAIRE; ERIC BEVER - City Council; gary@skoshmonahans.com; stevemensinger@me.com; LEECE, WENDY
Subject: ZA-11-39 3033 Bristol street, Suite F

Attn: Zoning Administrator
RE: ZA-11-39
3033 Bristol St., Suite F

As an adjacent homeowner to the above referenced action please let this email serve as my official comments on the record pertaining to the item. I am **OPPOSED** to this minor conditional use permit (MCUP) for Bublyz Hookah to operate until 1 a.m. Monday – Sunday and to allow the use to deviate from shared parking requirements. There are a number of reasons why I am opposed and that I encourage you to consider in making your decision.

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3. Location – the shopping center this business is located in is already heavily impacted by its own and adjacent uses. Often times it is difficult to park there as it is, and there is overflow from the adjacent bars, restaurants and clubs that use this lot as it

gets later.

When the SOBECA Urban Plan was underway (which I know the subject property is not a part of) it was with excitement at the thought of all the redevelopment and future potential the area near our homes has that it was welcomed. This type of MCUP goes against the goals of the Plan, a couple of which state:

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Thank you,
Steven Amel
740 Wingate Bay
Costa Mesa, CA 92626

JULIAN, SORAYA

From: Aaron Courdy [acourdy@bluebeam.com]

Sent: Monday, August 06, 2012 11:36 AM

To: PLANNING COMMISSION; NAGHAVI, PETER; FLYNN, CLAIRE; ERIC BEVER - City Council; jim@righeimer.com; gary@skoshmonahans.com; stevemensinger@me.com; LEECE, WENDY

Subject: ZA-11-39 - 3033 Bristol St., Suite F

Hello All,

My apologies, I realized that I did not include my address on the original email. I am the owner of:

752 Wingate Bay
Costa Mesa, CA 92626

Please feel free to contact me with any questions.

Best Regards,

Aaron Courdy, P.E.
Bluebeam Software, Inc.
626-296-2143 | acourdy@bluebeam.com
866 496 2140 Toll Free | 626 398 9210 Fax
766 E. Colorado Blvd., Suite 200
Pasadena, CA 91101
www.bluebeam.com

From: Aaron Courdy [mailto:acourdy@bluebeam.com]
Sent: Monday, August 06, 2012 10:41 AM
To: 'planningcommission@costamesaca.gov'; 'peter.naghavi@costamesaca.gov'; 'claire.flynn@costamesaca.gov'; 'bevercamp@earthlink.net'; 'jim@righeimer.com'; 'gary@skoshmonahans.com'; 'stevemensinger@me.com'; 'ece@ci.costa-mesa.ca.us'
Subject: ZA-11-39 - 3033 Bristol St., Suite F

Attn: Zoning Administrator

RE: ZA-11-39
3033 Bristol St., Suite F

As an adjacent homeowner in the Pentridge Cove 2 Community to the above referenced action please let this email serve as my official comments on the record pertaining to the item. I am **OPPOSED** to this minor conditional use permit (MCUP) for Bublyz Hookah to operate until 1 a.m. Monday – Sunday and to allow the use to deviate from shared parking requirements. There are a number of reasons why I am opposed and that I encourage you to consider in making your decision.

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When the SOBECA Urban Plan was underway (which I know the subject property is not a part of) it was with excitement at the thought of all the redevelopment and future potential the area near our homes has that it was welcomed. This type of MCUP goes against the goals of the Plan, a couple of which state:

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I would like to be kept informed of any decisions/actions on this item. I would also like to be informed of the ZA's decision on this item, and should the applicant's request be granted, I would like to know the process for appealing it to the Planning Commission.

Regards,

Aaron Courdy, P.E.
Bluebeam Software, Inc.
626-296-2143 | acourdy@bluebeam.com
866 496 2140 Toll Free | 626 398 9210 Fax
766 E. Colorado Blvd., Suite 200
Pasadena, CA 91101
www.bluebeam.com

JULIAN, SORAYA

From: Courdy, Kristine [Kristine.Courdy@pcm-inc.org]

Sent: Monday, August 06, 2012 11:39 AM

To: Courdy, Kristine; PLANNING COMMISSION; NAGHAVI, PETER; FLYNN, CLAIRE; ERIC BEVER - City Council; 'jim@righeimer.com'; 'gary@skoshmonahans.com'; 'stevemensinger@me.com'; LEECE, WENDY

Subject: RE: ZA-11-39 - 3033 Bristol St., Suite F

My address is 752 Wingate Bay. I appreciate your consideration of the below request.

Thanks,

Kristine Courdy
Engineering Analyst
Laguna Woods Village®
PCM Inc., Agent
949.597.4620

From: Courdy, Kristine
Sent: Monday, August 06, 2012 10:31 AM
To: 'planningcommission@costamesaca.gov'; 'peter.naghavi@costamesaca.gov'; 'claire.flynn@costamesaca.gov'; 'bevercamp@earthlink.net'; 'jim@righeimer.com'; 'gary@skoshmonahans.com'; 'stevemensinger@me.com'; 'ece@ci.costa-mesa.ca.us'
Subject: ZA-11-39 - 3033 Bristol St., Suite F

Attn: Zoning Administrator

RE: ZA-11-39
3033 Bristol St., Suite F

As an adjacent homeowner in the Pentridge Cove 2 Community to the above referenced action please let this email serve as my official comments on the record pertaining to the item. I am **OPPOSED** to this minor conditional use permit (MCUP) for Bublyz Hookah to operate until 1 a.m. Monday – Sunday and to allow the use to deviate from shared parking requirements. There are a number of reasons why I am opposed and that I encourage you to consider in making your decision.

1. Extended hours of operation – what types of uses are permitted to have such hours, 7 days a week? There will be patrons coming and going late in to the night, cars cutting through the area and driving on the streets near our homes, we are already in an area that is heavily impacted by bars, restaurants and clubs that have extended hours (and they are not open late 7 days/week) – adding this will make the problems of traffic, noise and the associated issues of trash and strangers in and around our community worse, not to mention how it impacts the parking in our community and adjacent streets.

2. Parking – absolutely not, this area is already HEAVILY impacted by parking – there are already a number of shared parking agreements utilized by the existing bars, restaurants and clubs that impact our community – we have valets darting across Baker at all hours to accommodate the shared parking uses, the side streets lined bumper to bumper from cars of patrons either not utilizing valet or patronizing the uses without valet and people willing to park further and further away (and in our neighborhoods) to walk to the bars, restaurants and clubs – with the impact on the homeowners of noise, trash and strangers in and around our community.

3. Location – the shopping center this business is located in is already heavily impacted by its own and adjacent uses. Often times it is difficult to park there as it is, and there is overflow from the adjacent bars, restaurants and clubs that use this lot as it gets later.

When the SOBECA Urban Plan was underway (which I know the subject property is not a part of) it was with excitement at the thought of all the redevelopment and future potential the area near our homes has that it was welcomed. This type of MCUP goes against the goals of the Plan, a couple of which state:

- Regulate land uses recognizing the development potential of the plan area and need to sensitively integrate new development with the surrounding areas, and therefore, promote both resident and business community confidence in the long term.
- Ensure compatibility of mixed-use developments with existing and future allowable development in abutting zoning districts.

This MCUP does not do either of the above – allowing a smoking lounge to operate until 1 a.m. does not "sensitively integrate" into our community. "Ensure compatibility" also not done, creating more parking issues in a parking impacted area, as well as the hours of operation – it is not compatible. When I think of all of the other businesses (large sales tax generators like Target and Home Depot) adjacent to residential in town that are not allowed to operate late and have even had issues with the city and community in terms of hours of operation over the years, I just can't see how the findings could be made to approve this MCUP. I'd rather give the sales tax generators an extra 30 minutes of operating hours than allow this MCUP to be approved.

The area we live in is great – we can walk to The Camp, Anti-Mall and other uses – and it is with excitement that once redevelopment re-commences, more great uses and mixed-uses will be coming online. In fact there is a new home project on Paularino right now in the beginning stages where 10 new homes will go – this is what we want to see – this is what increases our property values and bring vitality to our area. I consider this a great place to live, a safe place to live and want to work together to ensure it stays that way. A smoking lounge, open until 1 a.m., seven days a week works against all the great redevelopment that has, is and will occur. Please do not approve this MCUP.

I would like to be kept informed of any decisions/actions on this item. I would also like to be informed of the ZA's decision on this item, and should the applicant's request be granted, I would like to know the process for appealing it to the Planning Commission.

Regards,

Kristine Courdy
Engineering Analyst
Laguna Woods Village®
PCM Inc., Agent
949.597.4620

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(infontc:091409)

JULIAN, SORAYA

From: Tony Smith [fdxramper@hotmail.com]

Sent: Monday, August 06, 2012 12:37 PM

To: PLANNING COMMISSION

Subject: Hookah Lounge

I live at 748 Wingate Bay in the city and I oppose the conditional use permit for the Hookah Lounge. There already is enough trash, transients, loitering near the Randolph area; we don't need any more of these things that this permit will promote.

JULIAN, SORAYA

From: Wiegandt, Dan [Dan.Wiegandt@theaustin.com]
Sent: Monday, August 06, 2012 8:47 PM
To: PLANNING COMMISSION
Subject: ZA-11-39

As a local resident to the proposed project, I am AGAINST the proposed conditional use permit.

I do not support the extension of the hours for the Hookah lounge.
Business's adjacent to residential do not need to be open past 11:00 PM.
Allowing this conditional use would set a bad precedent for other businesses.
We do not support bars, nightclubs or similar uses adjacent to residential.
This is just an opportunity to create problems.

Deviation from parking requirements is not acceptable.
Parking in the neighborhood is already a problem with local apartments, visitors and shopping center.
People are parking in the local neighborhood just to catch the bus.
Parking is already a neighborhood problem.

Again I am against the proposed conditional use permit.

COLGAN, JULIE

From: Kathy Karlheim [kakarlheim@sbcglobal.net]
Sent: Tuesday, August 07, 2012 9:43 AM
To: PLANNING
Subject: Uses Impacting our Neighborhood- Costa Mesa

To: planningcommission@costamesa.ca.gov
Subject: Uses Impacting our Neighborhood- Costa Mesa
Good Morning,

I received a postcard from the City of Costa Mesa concerning a zoning decision about a Hookah lounge (Bristol & Paularino) that has applied for a minor conditional use permit. This permit will allow them to deviate from existing parking requirements and allow them to operate until 1 a.m. seven days a week.

I vehemently disagree with moving forward with the zoning decision based on the below. I've been a Pentridge Cove I resident and owner for years. I've also been the President of the HOA and I've "seen and heard it all" from our owners and residents over the years. Pentridge Cove I and II have had numerous break-ins and thefts over the years due to the venues that are frequented late at night/early morning in the Baker St./Bristol St. areas. We are a residential area and those who frequent these establishments park in our area on Randolph and in the private complexes. As enumerated below and not to mention, when the CM police dept was called to request additional patrolling of the area we were told were were a private residential area. Thus, at homeowners expense we now have a parking and security company.

Attn: Zoning Administrator

RE: ZA-11-39

3033 Bristol St., Suite F

As an adjacent homeowner to the above referenced action please let this email serve as my official comments on the record pertaining to the item. I am **OPPOSED** to this minor conditional use permit (MCUP) for Bublyz Hookah to operate until 1 a.m. Monday – Sunday and to allow the use to deviate from shared parking requirements. There are a number of reasons why I am opposed and that I encourage you to consider in making your decision.

1. Extended hours of operation – what types of uses are permitted to have such hours, 7 days a week? There will be patrons coming and going late in to the night, cars cutting through the area and driving on the streets near our homes, we are already in an area that is heavily impacted by bars, restaurants and clubs that have extended hours (and they are not open late 7 days/week) –

adding this will make the problems of traffic, noise and the associated issues of trash and strangers in and around our community worse, not to mention how it impacts the parking in our community and adjacent streets.

2. Parking – absolutely not, this area is already HEAVILY impacted by parking – there are already a number of shared parking agreements utilized by the existing bars, restaurants and clubs that impact our community – we have valets darting across Baker at all hours to accommodate the shared parking uses, the side streets lined bumper to bumper from cars of patrons either not utilizing valet or patronizing the uses without valet and people willing to park further and further away (and in our neighborhoods) to walk to the bars, restaurants and clubs – with the impact on the homeowners of noise, trash and strangers in and around our community.

3. Location – the shopping center this business is located in is already heavily impacted by its own and adjacent uses. Often times it is difficult to park there as it is, and there is overflow from the adjacent bars, restaurants and clubs that use this lot as it gets later.

When the SOBECA Urban Plan was underway (which I know the subject property is not a part of) it was with excitement at the thought of all the redevelopment and future potential the area near our homes has that it was welcomed. This type of MCUP goes against the goals of the Plan, a couple of which state:

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This MCUP does not do either of the above – allowing a smoking lounge to operate until 1 a.m. does not "sensitively integrate" into our community. "Ensure compatibility" also not done, creating more parking issues in a parking impacted area, as well as the hours of operation – it is not compatible. When I think of all of the other businesses (large sales tax generators like Target and Home Depot) adjacent to residential in town that are not allowed to operate late and have even had issues with the city and community in terms of hours of operation over the years, I just can't see how the findings could be made to approve this MCUP. I'd rather give the sales tax generators an extra 30 minutes of operating hours than allow this MCUP to be approved.

The area we live in is great – we can walk to The Camp, Anti-Mall and other uses – and it is with excitement that once redevelopment re-commences, more great uses and mixed-uses will be coming online. In fact there is a new home project on Paularino right now in the beginning stages where 10 new homes will go – this is what we want to see – this is what increases our property values and bring vitality to our area. I consider this a great place to live, a safe place to live and want to work together to

ensure it stays that way. A smoking lounge, open until 1 a.m., seven days a week works against all the great redevelopment that has, is and will occur. Please do not approve this MCUP.

I would like to be kept informed of any decisions/actions on this item. I would also like to be informed of the ZA's decision on this item, and should the applicant's request be granted, I would like to know the process for appealing it to the Planning Commission.

Thank you,

Marice White

758 Wingate Bay

Costa Mesa, CA

714-329-6306

COLGAN, JULIE

From: Susan Thompson [susanthompson@earthlink.net]
Sent: Tuesday, August 07, 2012 3:29 PM
To: PLANNING COMMISSION
Subject: App no. ZA-11-39

We live around the corner from this location and are opposed to allowing its hours to be extended to 1 a.m.

Susan A. Thompson

COLGAN, JULIE

From: mary h [mphwork@hotmail.com]

Sent: Tuesday, August 07, 2012 4:05 PM

To: PLANNING COMMISSION; NAGHAVI, PETER; FLYNN, CLAIRE; ERIC BEVER - City Council; jim@righeimer.com; gary@skoshmonahans.com; stevemensinger@me.com; LEECE, WENDY

Subject: MCUP for Bublyz Hookah

Attn: Zoning Administrator
RE: ZA-11-39
3033 Bristol St., Suite F

As an adjacent homeowner to the above referenced action please let this email serve as my official comments on the record pertaining to the item. I am **OPPOSED** to this minor conditional use permit (MCUP) for Bublyz Hookah to operate until 1 a.m. Monday – Sunday and to allow the use to deviate from shared parking requirements. There are a number of reasons why I am opposed and that I encourage you to consider in making your decision.

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redevelopment that has, is and will occur. Please do not approve this MCUP.
I would like to be kept informed of any decisions/actions on this item. I would also like to be informed of the ZA's decision on this item, and should the applicant's request be granted, I would like to know the process for appealing it to the Planning Commission.

Thank you,
Mary Hagarty
759 Schenley Bay
Costa Mesa, CA 92626
714-557-7180

COLGAN, JULIE

From: Janet Lee Krochman [jkrochman@jlkcpa.com]
Sent: Tuesday, August 07, 2012 5:08 PM
To: PLANNING COMMISSION
Subject: Opposition to Application # ZA-11-39

Please do not support the extension of hours for the Bublyz Hookah lounge from 11pm to 1am Mon-Sunday nor the deviation from the shared parking requirements. Too much negative impact for the residential neighborhood. I live at 3107 Trinity Drive.

Thank You

Janet Lee Krochman, CPA
(714-557-7718)

COLGAN, JULIE

From: Frank Masciale [frank@southcoastprop.com]
Sent: Tuesday, August 07, 2012 8:48 PM
To: PLANNING COMMISSION
Subject: Application ZA-11-39

Planning Commission,
The application to extend the closing time to 1:00am does not seem to have the best interest of the neighboring community in mind. Any establishment that will be open until 1:00 am 7 days a week is in essence an entertainment establishment that does not blend well with apartments immediately adjacent and homes within a few hundred feet proximity. This is a bad idea and should not be approved.

Thank you,

Frank Masciale

South Coast Properties, Inc.

South Coast Construction

frank@southcoastprop.com

(714) 612-3875 (714) 549-0175 Fax

P.O. Box 436 Corona del Mar, CA 92625

P.O. Box 4238 Costa Mesa, CA 92628-4238

COLGAN, JULIE

From: Gloria Walser [gloria.walser@sbcglobal.net]

Sent: Tuesday, August 07, 2012 9:04 PM

To: PLANNING COMMISSION

Subject: ZA-11-39

I am opposed to there being a hookah lounge, especially if it is allowed to stay open past 11:00 PM. I do not welcome a late night party type crowd, that has been drinking and smoking, to be in our residential area. I fear it will bring load inconsiderate people parking, littering and loitering in our neighborhood.

Gloria Walser
gloria.walser@sbcglobal.net

COLGAN, JULIE

From: anonymous0032000-1@yahoo.com
Sent: Tuesday, August 07, 2012 9:24 PM
To: PLANNING COMMISSION
Subject: Application ZA-11-39

Dear Planning Commission,

This is in regards to Application ZA-11-39 which wants to extend the closing time of a hookah lounge to 1 am, and to deviate from the shared parking requirements.

Please reject this application.

The extended time is problematic for the residential neighborhood as it will mean more late night noise even later in the night. This will impact people's ability to sleep well. Furthermore, it will attract more dubious/nefarious individuals to a residential neighborhood as a hookah lounge is for people who like to socialize with alcohol and tobacco products. Extending the presence of such people is not beneficial to the residential neighbor hood. It will also negatively impact property values.

They also should not be allowed to deviate from the shared parking requirements. Even with the current shared parking requirements customers from businesses in that strip mall still park in residential neighborhoods, even late at night. Again this further extends the presence of noise and dubious individuals into a residential neighborhoods that should be quite. Also it impacts finding parking in the residential neighborhoods that are already heavily impacted by parking from the businesses and apartment tenants and visitors. This difficulty in residents finding parking leaves the streets clutter with parked cars, makes parking scares, and impacts property values.

For these reasons please reject Application ZA-11-39 in its entirety.

Thank you.

COLGAN, JULIE

From: Brigitte Hartman [dennisthecat@gmail.com]

Sent: Wednesday, August 08, 2012 5:58 PM

To: PLANNING COMMISSION

Subject: ZA-11-39 Business Hours of Hookah Lounge

To the Planning Commission of the above named business matter,

We are residents of this Costa Mesa neighborhood, owning property on Trinity Drive. Although not being opposed to this hookah lounge itself, we are concerned about the proposed business hours. Being open later than all the other businesses could possibly lead to hooliganism when normal residents need to sleep. Another concern are the parking spaces throughout the neighborhood being used up by possible patrons and their disposing of trash (beer bottles and cans, fast food containers and paper bags, etc.) on our lawns. This is a problem we are already experiencing coming from the businesses around the area in general. And one more very big concern is the fact that once you allow this business to remain open longer, other businesses in the whole area may want to follow suit.

We are therefore asking to keep the business hours for the hookah lounge in line with all the other businesses in this area.

Thank you for your consideration,
Brigitte Hartman and Sahin Kipkacli

COLGAN, JULIE

From: Claudia Monroy [cmonroy30@yahoo.com]
Sent: Wednesday, August 08, 2012 10:29 PM
To: PLANNING COMMISSION
Subject: ZA-11-39

8/8/12

To whom it may concern,

I am sending this e-mail to let you know I don't agree with the Hookah lounge be open those hours. We already have parking issues and people driving over the speed limit in our street. I have great concern that if this permit is given it will cause people to be walking around (and not sober most of the time) around our street, as it already happens.

Thank you for taking the time to read this,

Claudia Monroy

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

August 9, 2012

Mr. Richard M. Lee
RLA Advisors
1370 Reynolds Avenue, Suite 120
Irvine, CA 92628

RE: ZONING APPLICATION ZA-12-20
MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM SHARED PARKING FOR A PROPOSED CHIROPRACTIC OFFICE
2755 BRISTOL STREET, SUITE 120, COSTA MESA

Dear Mr. Lee:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5:00 p.m. on August 16, 2012, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Raynald F. Pascua, at (714) 754-5245, or at ray.pascua@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
Findings
Conditions of Approval, Code Requirements
Approved Conceptual Plans

cc: Engineering
Fire Protection Analyst
Building Safety Division

PROJECT DESCRIPTION

- The subject property is located on the west side of Bristol Street between Bear Street on the north and Newport Boulevard on the south. Currently, the property is located within the CL (Commercial Limited) zoning district and has a General Plan land use designation of General Commercial. On-site improvements include a 2-story building that is approximately 30,160 square feet, 131 parking spaces (based on the submitted site plan), paved drive aisles, and landscape treatment. Based on City building records, the structure was originally constructed in the 1960's.

- The applicant requests approval of a Minor Conditional Use Permit (MCUP) to allow a reduction in the amount of required parking spaces for a chiropractic office.

- This application is for an approximately 2,086 square foot tenant space consisting of six offices, a conference room, receptionist station, and storage room and area. The operating times are as follows:

    - Proposed Days and Hours of Operation:

        - Monday through Wednesday 9:00 a.m. to 1:00 p.m. and 2:30 p.m. to 6:30 p.m.

        - Tuesday through Thursday 2:30 p.m. to 6:30 p.m.

        - Friday 8:00 a.m. to 1:00 p.m.

As noted, the subject property is improved with a parking lot containing 131 on-site parking spaces that serves a total of 13 tenant spaces, which includes the suite that is being considered in this application. Based on information provided by the applicant, there are three tenant spaces currently vacant.

Based on a list of the most current leases available for the building provided by the applicant, half of the tenant spaces are occupied by retail/office-related businesses, while the balance of the tenant spaces are occupied by medical-related businesses. As a result, a total of 141 on-site parking spaces are required, which is 10 on-site parking spaces less than what is presently provided.

Since the operational characteristics of a chiropractic practice are similar in nature to that of a medical office, the medical parking ratio is applied (six parking spaces per 1,000 square feet. Based on the size of the tenant space, approximately 2,086 square feet, a total of eight on-site parking spaces are allocated for the suite.

As a result, the applicant is requesting approval of a minor conditional use permit to deviate from shared parking requirements.

- City staff does not anticipate that the proposed use will create a parking impact. Based on the submittal use description, there will be a total of six individuals (chiropractor, assistant, two patients receiving treatment, two patients in the waiting room) in the tenant space during the peak time when other on-site uses will be utilizing the parking lot, i.e., 8:00 am to 6:00 pm, Monday through Friday.

- Additionally, if parking shortages or other parking-related problems arise, the business operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the days and/or hours of the business.

- The proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the recommended conditions of approval, the proposed use should not adversely impact the surrounding uses. Specifically, with the recommended conditions of approval, the use will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the Minor Conditional Use Permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the Minor Conditional Use Permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property. Specifically, eight on-site parking spaces are allocated for the suite, but a maximum of six people will be in the tenant space during peak parking times. Additionally, if parking shortages or other parking-related problems arise, the business operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to days and/or hours of the business.

B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
    1. The proposed use is compatible and harmonious with uses both on-site, as well as those on surrounding properties.
    2. Safety and compatibility of the design of the buildings, and other site features, including functional aspects of the site development, such as automobile and pedestrian circulation, have been considered.
    3. The use is consistent with the General Plan designation because the project will not exceed the allowable General Plan intensity for the site.

C. 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 under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.

D. 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 use shall be limited to the type of operation as described in the staff report and the attached applicant's description letter.

2. The use shall be limited to six individuals (chiropractor, an assistant, two patients receiving treatment, two patients in the waiting room) within the tenant space at any given time.

3 If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the days and/or hours of the business.

4 The use 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 appropriate security and operational measures are necessary to comply with this requirement.

5. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to commencement of the business. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

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. Approval of the zoning application is valid for one (1) year 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) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.

2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

3. Use shall comply with all requirements of Articles 5 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.

Bldg. 4. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code , California Plumbing Code , California Green Building

Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

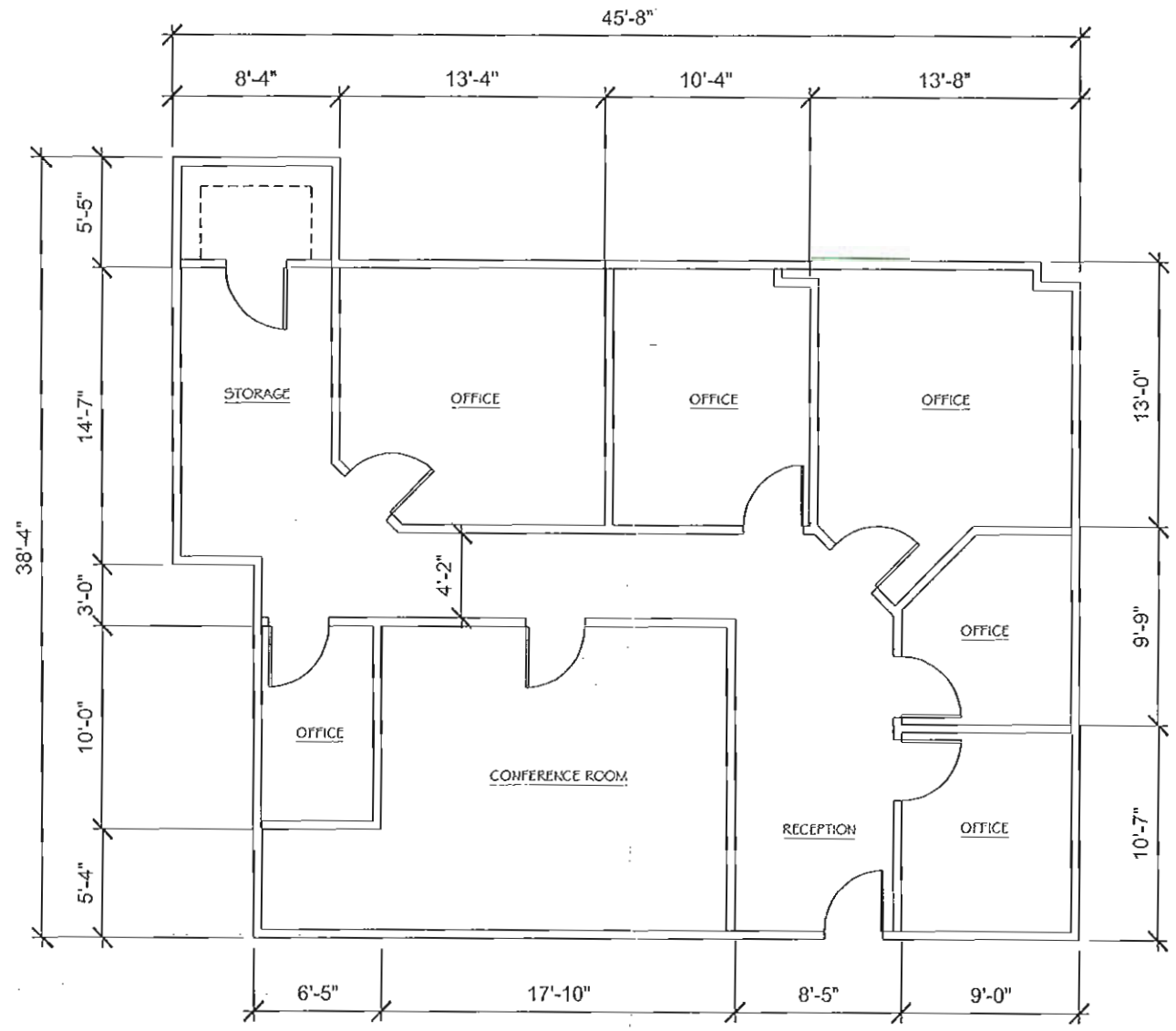
Bus. Lic.

5. 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.

6. Business license(s) shall be obtained prior to the initiation the business.

Eng.

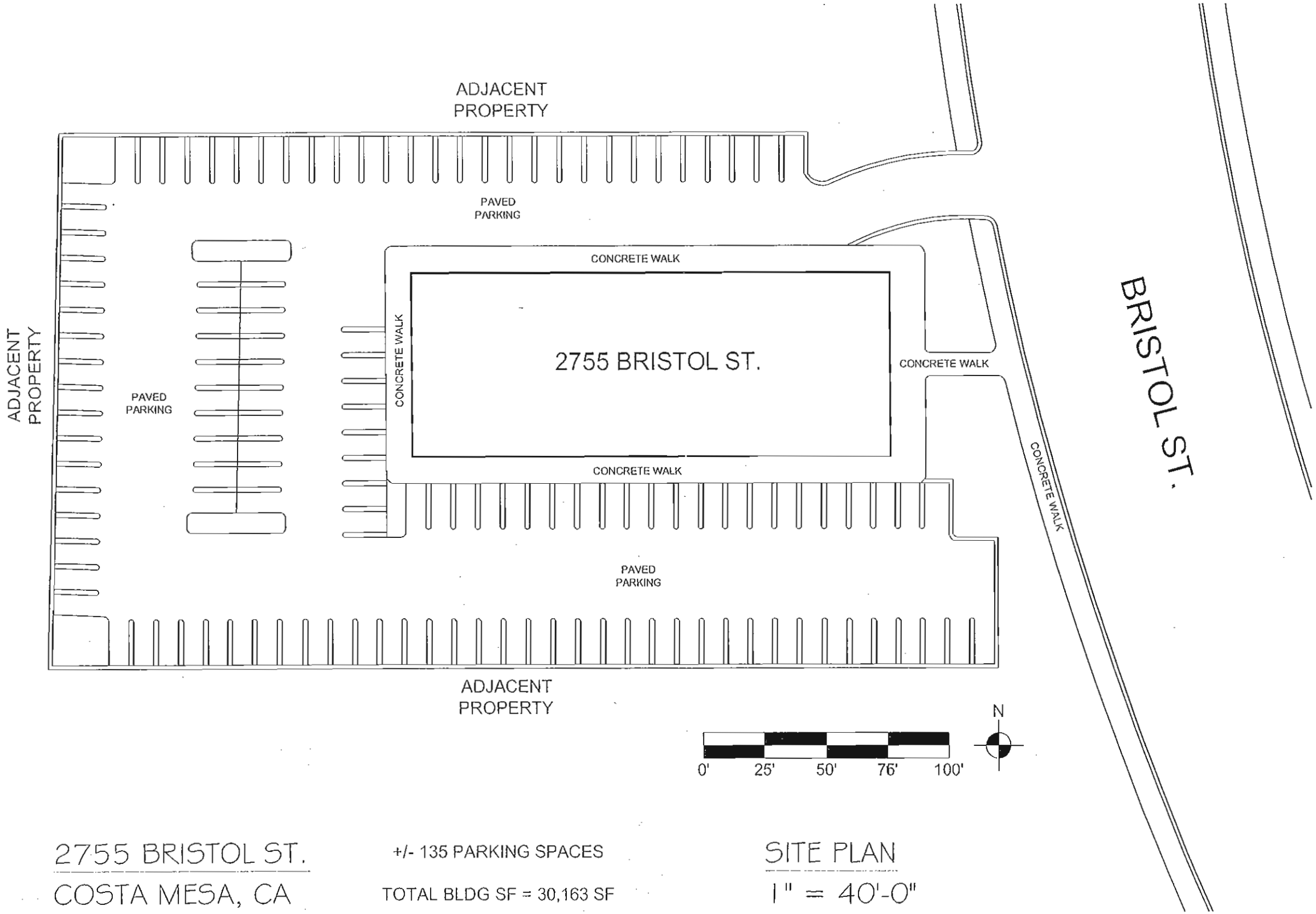
7. For building permits involving projects with a valuation of $10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: $1,000 or 3% of the total project value, whichever is greater.



2755 BRISTOL ST., SUITE 120
COSTA MESA, CA

FLOOR PLAN
1/8" = 1'-0"

2,086 sf



2755 BRISTOL ST.
COSTA MESA, CA

+/- 135 PARKING SPACES

TOTAL BLDG SF = 30,163 SF

SITE PLAN
1" = 40'-0"

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

August 9, 2012

Toby Walker
P.O. Box 8083
Newport Beach, CA 92658

RE: ZONING APPLICATION ZA-12-22
MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM SHARED PARKING FOR A PILATES STUDIO
462 E. 17TH STREET, SUITE C, COSTA MESA

Dear Mr. Walker:

Staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5 p.m. on August 16, 2012, unless appealed by an affected party including filing of the necessary application and payment of the appropriate fee or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5611, or at mel.lee@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments:
- Project Description
- Findings
- Conditions of Approval, Code Requirements, and Special District Requirements
- Approved Conceptual Plans

cc:
- Engineering
- Fire Protection Analyst
- Building Safety Division

Leland R. Johnson
14486 Tyee Road
Umpqua, OR 97486

Gillett Commercial Real Estate Services
Attn: Denny Pender, Vice President
1609 E. McFadden Avenue, Suite C
Santa Ana, CA 92705

Pilates On 17th
462 East 17th Street, Suite C
Costa Mesa, CA 92627

PROJECT DESCRIPTION

- The property is located on the north side of East 17th Street, between Tustin Avenue and Irvine Avenue, and contains a 6,700 square foot multiple tenant commercial building. There are 29 existing on-site parking spaces and an additional 3 parking spaces are available on the adjacent property (450 E. 17th Street) through a recorded reciprocal easement. The property is zoned C1 (Local Business District) and has a general plan land use designation of General Commercial.
- The applicant requests approval of a minor conditional use permit (MCUP) to allow a reduction in the amount of required parking to legalize a pilates studio specializing in physical therapy.
- This application is for a 1,950 square-foot space utilized as a central work out area. The proposed use consists of the following:

    - Proposed hours of operation:
        - Group classes (two trainers and four clients maximum):
            - Monday through Friday, 6:00 am to 9:00 am, and 4:00 pm to 8:00 pm.
            - Saturday 6:00 am to 1:00 pm
            - Sunday, closed.
        - One-on-one classes by appointment only (two trainers and two clients maximum):
            - Monday through Friday, 9:00 am to 4:00 pm.

- For the proposed use, code requires 20 on-site parking spaces; eight on-site parking spaces are allocated for this suite based on the City's commercial parking requirements. As a result, the applicant is requesting approval of a minor conditional use permit to deviate from shared parking requirements.
- Staff does not anticipate any parking impacts because a maximum of six people will be in the space during the peak time other on-site uses will be utilizing the parking area. Additionally, if parking shortages or other parking-related problems arise, the business operator will be required to institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number of classes.
- The use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the proposed conditions, the proposed use should not adversely impact surrounding uses. Specifically, with the recommended conditions of approval, the use will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or

improvements within the immediate vicinity. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property. Specifically, a maximum of six people will be in the space during the peak time the other on-site uses will be utilizing the parking area. Additionally, if parking shortages or other parking-related problems arise, the business operator will be required to institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number of classes.

B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
   1. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
   2. Safety and compatibility of the design of the buildings, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
   3. The use is consistent with the General Plan designation because the project will not exceed the allowable General Plan intensity for the site.

C. 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 under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.

D. 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 use shall be limited to the type of operation as described in the staff report and the attached applicant's description letter. The business operation shall be limited to the following:
   - Group classes (two trainers and four clients maximum):
     - Monday through Friday, 6:00 am to 9:00 am, and 4:00 pm to 8:00 pm.
     - Saturday 6:00 am to 1:00 pm
     - Sunday, closed.
   - One-on-one classes by appointment only (two trainers and two clients maximum):
     - Monday through Friday, 9:00 am – 4:00 pm.

2. If parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number of or eliminating scheduled group classes.
3. The use 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.

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.

1. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
2. Use shall comply with all requirements of Code Sections 13-43 Article 3, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.

Bldg. 3. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code , California Plumbing Code , California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

Bus. Lic. 4. 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.

5. Business license(s) shall be obtained.

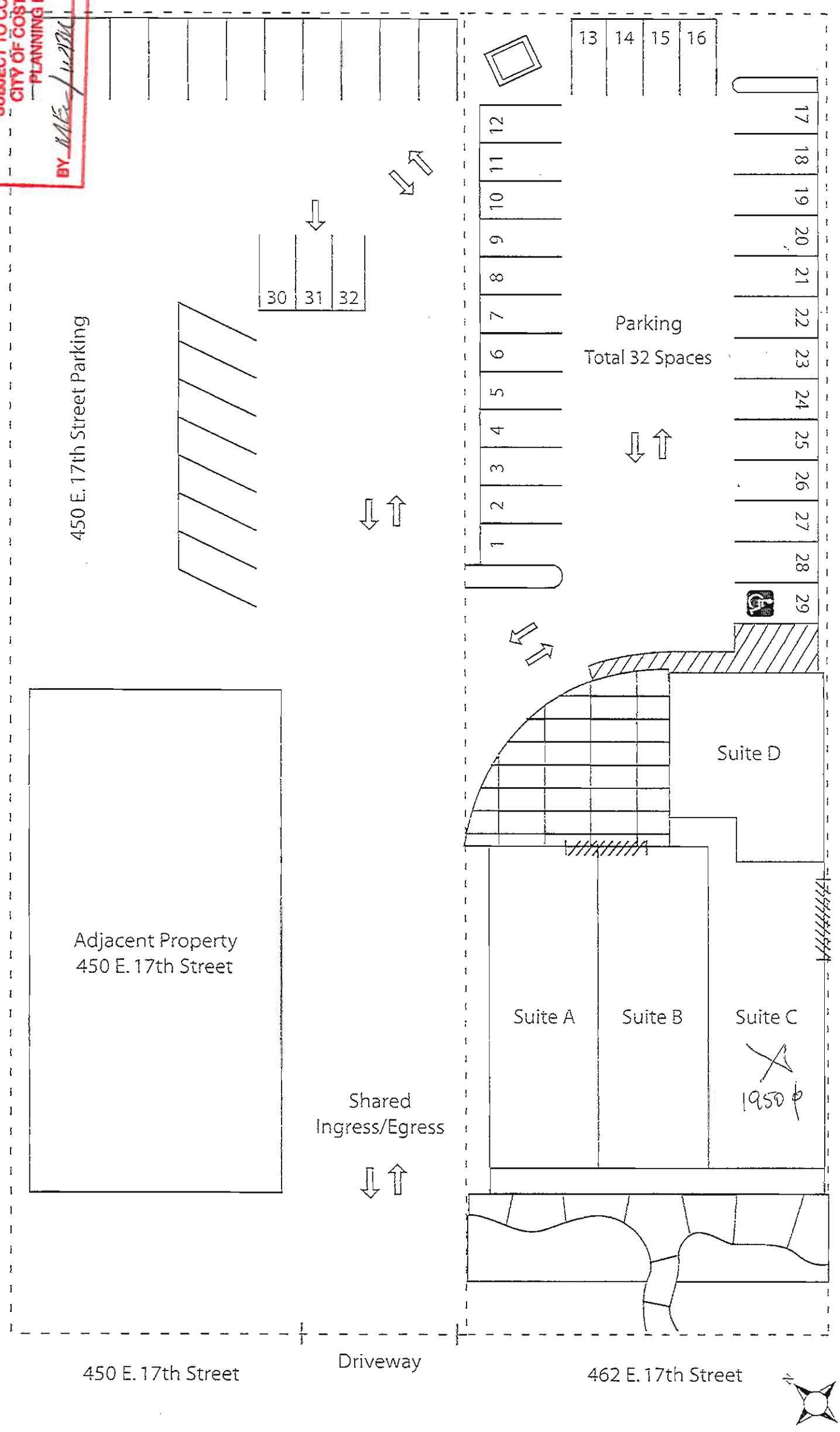
SPECIAL DISTRICT REQUIREMENTS

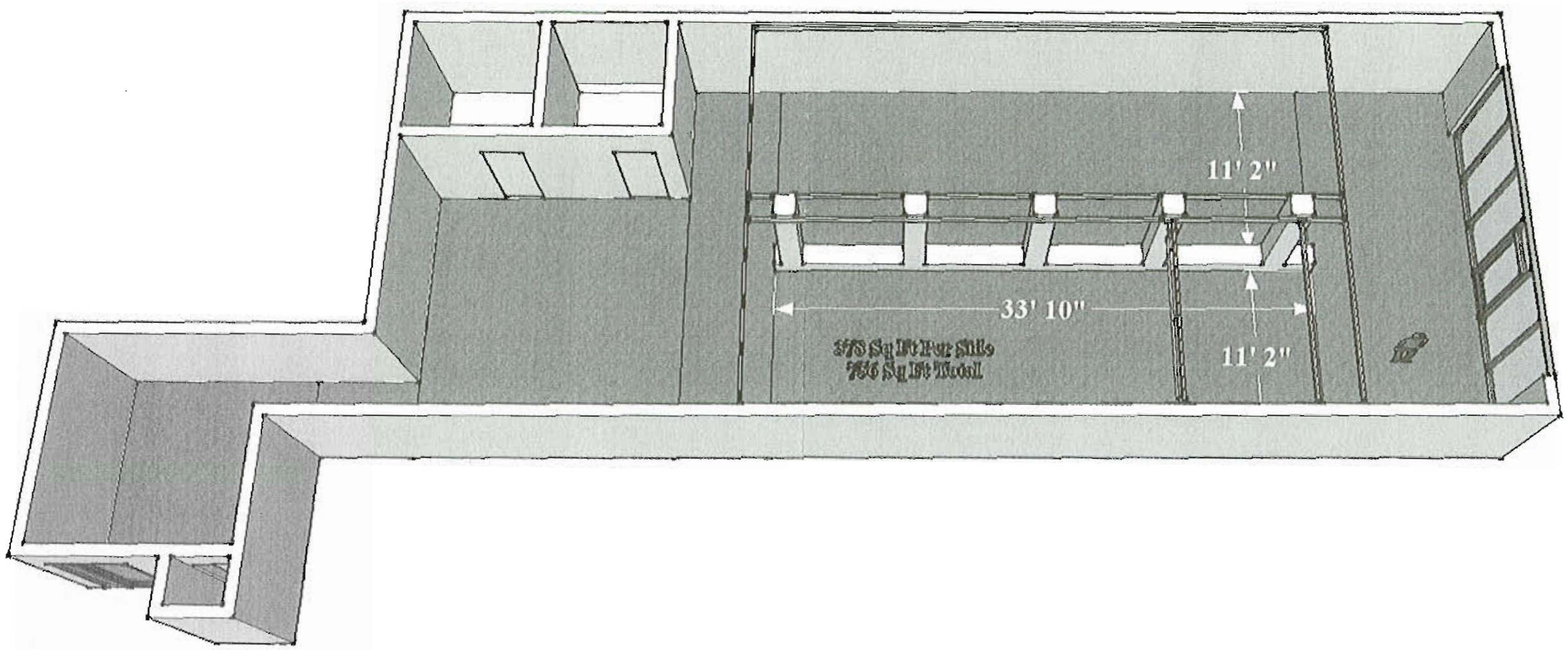
The requirements of the following special districts are hereby forwarded to the applicant:

Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements.

AQMD 4. Applicant shall contact the Air Quality Management District 800.288.7664 for potential additional conditions of development or for additional permits required by the district.

MINOR CONDITIONAL USE PERMIT/
ADMINISTRATIVE ADJUSTMENT NO. ZA-12-22
Approval in Concept
SUBJECT TO CONDITIONS
CITY OF COSTA MESA
PLANNING DEPT.
BY [illegible] DATE 8/9/12




11' 2"
33' 10"
11' 2"