



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: MARCH 21, 2013
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 March 28, 2013. 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-13-03 127 23rd Street

Minor conditional use permit to allow a detached, three car garage to exceed 700 square feet (816 square feet proposed). The 16,347 square-foot is currently developed with a 1,500 square-foot, two-story home.

Approved, subject to conditions.

Comments received: None.

ZA-13-07 755 E. 17th Street, Unit D

Minor conditional use permit for a physical training facility in a 1,300 square-foot building with a deviation from shared parking requirements (maximum three individuals per each one hour session with one trainer). Hours of operation are 7:00 am to 10:00 am, and 5:00 pm to 8:00 pm, Monday through Friday, and 7:00 am to 3:00 pm on Saturdays (closed Sundays).

Approved, subject to conditions.

Comments received: None.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

March 21, 2013

Corrie Kates
Foothill Project Management
1590 Adams St. #4403
Costa Mesa, CA 92628

**RE: ZONING APPLICATION ZA-13-03
MINOR CONDITIONAL USE PERMIT TO ALLOW AN 816 SQUARE-FOOT
DETACHED GARAGE.
127 23rd STREET, COSTA MESA**

Dear Mr. Kates:

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 March 28, 2013, 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, Marilyn Simpson, at 714.754.5136, or at marilyn.simpson@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

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

cc: Public Works, Parkways
Fire Protection Analyst
Building Safety Division

Rodney & Ilene Moritz
127 23rd Street
Costa Mesa, CA 92627

PROJECT DESCRIPTION

- The subject property (127 23rd Street) is located on the south side of 23rd Street, west of Elden Avenue, and is developed with a 1,092 square-foot one-story single-family residence and three, 117 square-foot storage sheds. The site currently does not have a garage. A 38-foot long driveway extends to the house. The property is zoned R2-MD (Multiple-Family Residential District, Medium Density) and has a General Plan designation of Medium Density Residential. The surrounding properties are zoned R2-MD and also have a General Plan designation of Medium Density Residential.
- The applicant requests approval of a minor conditional use permit (MCUP) to allow a detached three car garage to exceed the maximum 700 square-foot area permitted by Code. The garage is proposed to be 816 square feet in area and includes a toilet and sink.
- The three car garage is proposed at the rear of the lot. It is to be divided by a wall into a 308 square-foot, one-car space to store an antique car, and a 508 square-foot, two-car space for routine vehicle parking. The two-car space includes a toilet and sink.
- The garage will be used for vehicle parking and storage and not for habitable use. The toilet and sink in the garage is intended for incidental use by the homeowner while working in the garage.
- The proposed driveway will be constructed with concrete pavers that will improve the aesthetics of the property and provide more pervious surface.
- Per the applicant, the chain link fence at the south side of the property will be removed and replaced with a wood or vinyl fence. Landscaping will be provided in front of the new fence.
- The proposed garage, with the exception of the proposed size, satisfies all applicable development standards.
- 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.5 of the General Plan Land Use Element and Objective CD-7A.1 of the General Plan Community Design 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, the proposed 816 square-foot garage will satisfy all applicable development standards with the exception of exceeding the maximum allowable 700 square-foot area by 116 square feet. The property does not currently have a garage and the proposed project would bring the residential property into conformance with the off-street parking requirement for single-family residences. Additionally, the garage will be used for vehicle parking

and storage and not for habitable use. The toilet and sink in the garage is intended for incidental use by the homeowner while working in the garage. As conditioned, a land use restriction will notify current and future property owners of the approved use of the garage spaces.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed project is compatible and harmonious with uses both on-site as well as those on surrounding properties. The garage is designed to be architecturally compatible with the existing home.
 2. 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. Compatibility of the design of the garage and other site features has been considered.
 3. The project complies with off-street parking requirements by providing a minimum two-car garage and open parking spaces.
 4. 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.5 of the General Plan Land Use Element and Objective CD-7A.1 of the General Plan Community Design Element.
- 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 15303, Class 3(e), New Construction, 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 project shall be limited to the type of building as described in this staff report and the attached applicant's plans. Any change in the use, size, and design shall require review by the Planning Division and may require an amendment to the minor conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. The architectural style, colors and materials of the proposed garage shall match the existing home.
 3. A minimum 20 foot by 20 foot clear inside dimension shall be provided for the two-car garage. The proposed garage shall be used for non-habitable purposes.

- purposes.
4. A Land Use Restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the issuance of building permits. The Land Use Restriction shall reference Code provisions prohibiting the use of the detached garage as a second unit. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a Lot Book Report or current Title Report identifying the current legal property owner so that the document may be prepared.
 5. The existing concrete driveway shall be modified in its entirety to include pavers matching the new driveway.
 6. The chain link fence on the south side of the property shall be removed. Acceptable replacement fencing material shall include block, wood, or vinyl. The area in front of the fence shall be landscaped.
 7. The conditions of approval, code requirements, and special district requirements of ZA-13-03 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 8. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to occupancy permit. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
- Park. 9. Plant one 24-inch box *Tristania laurina* in public right-of-way.

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 year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to 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. Garage shall be provided with automatic garage door openers.
 3. All on-site utility services shall be installed underground.
 4. 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. 5. Comply with the requirements of the 2010 California Residential Code, 2010 California Building Code Volume 2, California Electrical Code, California Mechanical Code, California Plumbing Code, 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. 6. All contractors and subcontractors must have valid business licenses to do
Lic. 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.

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 2. Applicant shall contact the Air Quality Management District (AQMD) at 800.288.7664 for potential additional conditions of development or for additional permits required by the AQMD.
- CDFA 3. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at 714.708.1910.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

March 21, 2013

Mr. Ben Ballinger
19071 Eric Court
Huntington Beach, CA 92648

**RE: ZONING APPLICATION ZA-13-07
MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM
SHARED PARKING FOR A PHYSICAL TRAINING FACILITY
755 E. 17TH STREET, COSTA MESA**

Dear Mr. Ballinger:

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 March 28, 2013, 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, and Special District
 Requirements
 Approved Conceptual Plans

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

PROJECT DESCRIPTION

- The subject property is located on the southeast corner of 17th Street and Placentia Avenue in the MG (General Industrial) zoning district, and has a consistent General Plan land use designation of LI (Light Industrial). Physical on-site improvements include five freestanding buildings that total approximately 65,794 square feet; 179 standard parking spaces (based on the submitted site plan); paved drive aisles; landscape treatment along the street frontages; and four ingress/egress driveways from 17th Street at the north side of the property and a single ingress/egress driveway from Placentia Avenue.
- The applicant requests approval of a Minor Conditional Use Permit (MCUP) to allow a deviation from the shared parking requirements to allow a physical training facility.
- This application is for a 1,300 square-foot tenant space, located in easternmost multi-tenant building. The tenant space consists of an office, lavatory, and a large open workout area. Based on the submitted floor plan, there is an entrance/exit door at the west end of the tenant space that is adjacent to the main parking lot and a door/roll-up service door at the east end of the tenant space that is also adjacent to a parking lot.
- The regular days and hours of operation are as follows:

Monday through Friday	6:00 a.m. to 8:00 p.m. for one-hour semi-personal training sessions
Saturday	7:00 p.m. to 3:00 p.m. for one-hour semi-personal training sessions
Sunday	Closed

As noted, the subject property is improved with a parking lot containing 179 off-street parking spaces that serves a total of 48 tenant spaces, which includes the suite that is being considered in this application. Based on the amount of existing parking, approximately four parking spaces are allocated to this suite.

Since the operational characteristics of a fitness training and martial arts gym are similar in nature to that of a health club, spas, etc., the appropriate parking ratio is 10 parking spaces per 1,000 square feet of gross floor area. Based on the size of the tenant space, 1,300 square feet, a total of 13 on-site parking spaces are required.

- City staff does not anticipate that the proposed use will create a parking impact. The proposed use will be open Monday through Friday from 6:00 a.m. to 8:00 p.m. for semi-personal training sessions that will consist of one coach and a maximum of three clients. In addition, there will be a maximum of two employees in the facility at any given time. As stated in the submitted use description provided by the applicant,

the majority of the training sessions will be held outside of the normal business hours; therefore, impacts on parking will be minimal.

- 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, a maximum of four people will be in the tenant space during standard business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday when 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 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

- PIng. 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. Semi-personal training sessions that are scheduled between 8:00 a.m. to 5:00 p.m. Monday through Friday, shall be limited to a maximum of one coach and a maximum of three clients, with a maximum of four people inside the suite at any one 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.

- PIng. 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 3 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to industrial 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. 5. All contractors and subcontractors must have valid business licenses to do
Lic. 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.
- Eng. 6. Business license(s) shall be obtained prior to the initiation the business.
7. For demolition, grading, or 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.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani. 1. Applicant shall comply with the requirements of the California Department
of Food and Agriculture (CDFA) to determine if red imported fire ants exist
on the property prior to any soil movement or excavation. Call CDFA at
(714) 708-1910 for information.
- AQMD 2. Applicant shall contact the Air Quality Management District (800) 288-7664
for potential additional conditions of development or for additional permits
required by AQMD.