



City of Costa Mesa

Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: SEPTEMBER 5, 2013
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

Will

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 September 12, 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-13-18 1677 Superior Avenue

Minor Conditional Use Permit to establish a physical fitness studio (Orange Coast Crossfit) in a 3,600 square foot tenant space within the industrial complex, with a reduction in the amount of required parking due to offset hours of operation. The classes have a maximum of 10 students/trainers between 9:00 a.m. and 5:30 p.m. weekdays; no limitation from 5:00 a.m. to 9:00 a.m., and 5:30 p.m. to 8:30 p.m. weekdays, and Saturday-Sunday from 8:00 a.m. to 11:00 a.m.

Approved, subject to conditions.

Comments received: None.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

September 5, 2013

Justin Flynn
200 Paris Lane, #216
Newport Beach, CA 92663

MINOR CONDITIONAL USE PERMIT APPLICATION ZA-13-18

**RE: ZONING APPLICATION ZA-13-18 MINOR CONDITIONAL USE PERMIT TO
ALLOW ESTABLISHMENT OF A PHYSICAL FITNESS STUDIO USE
1677 SUPERIOR AVENUE SUITE #G,H & I, COSTA MESA**

Dear Mr. Flynn:

Staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the 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 September 12, 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, Antonio Gardea, at (714) 754-5692, or at antonio.gardea@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Site Plan/Floor Plan

cc: Engineering
Fire Protection Analyst
Building Safety Division

Bob Clark
1677 Superior Avenue, Unit D
Costa Mesa, CA 92627

PROJECT DESCRIPTION

The property is located near the southwest corner of Superior Avenue and 17th Street in the MG (General Industrial) zoning district, and has a General Plan land use designation of LI (Light Industrial). Physical on-site improvements include a 10,800 square foot building with 33 parking spaces, paved drive aisles; landscaping along the street frontage; and one point of ingress/egress driveways from Superior Avenue.

The applicant requests approval of a Minor Conditional Use Permit (MCUP) to legalize the establishment and expansion of a physical fitness studio use and for a deviation from the shared parking requirements due to offset operating hours. The Light Industrial General Plan designation allows commercial uses provided that the use is complementary to the area and is within the allowable floor area ratio standards. The maximum allowable FAR for low traffic generating uses is .35 in the Light Industrial designation. The site area is 39,723 square feet, resulting in a floor area ratio of .27. The proposed use is a high trip generating use but only occupies 33 percent of the existing building and does not conflict with peak hour traffic periods because of the offset hours of operation.

The use occupies a 3,600 square foot tenant space, located in the existing multi-tenant building. The tenant space consists of an office, two bathrooms, and a large open workout area. Based on the submitted floor plan, there are entrance/exit doors along the north side of the tenant space and three roll-up doors along the south side of the tenant space adjacent to the parking lot.

Proposed Hours of Operation / Class Size

Proposed days and hours of operation are Monday through Friday from 5:00 a.m. to 8:30 p.m. and Saturday and Sunday from 8:00 a.m. to 10:30 a.m. The class sizes are to be as follows:

Weekdays:

Time	Class Size
5:00 a.m.	10
6:00 a.m.	15
7:00 a.m.	10
9:00 a.m.	6
10:00 a.m.	6
12:00 p.m.	6
1:00 p.m.	6
4:30 p.m.	6
5:30 p.m.	15
6:30 p.m.	15
7:30 p.m.	12

Weekends:

Time	Class Size
8:00 a.m.	10
9:00 a.m.	15
10:00 a.m.	10

Parking

The total of on-site parking spaces provided for the entire property is 33 spaces at a ratio of three spaces per 1,000 square feet of building area. Applying the industrial parking ratio to the various tenant spaces, the minimum number of parking necessary is 32 spaces. Based on this analysis, the site complies with the code required parking and there is an excess of one parking space. Based on the City's industrial parking requirements, ten parking spaces are allocated to the three tenant spaces occupied by the physical fitness studio.

The parking ratio for a physical fitness use is 10 spaces per 1,000 square feet of floor area; Consequently, the physical fitness studio use would require 36 parking spaces. The property contains only 33 off-street parking spaces to serve the nine tenant spaces. As a result, the applicant is requesting approval of a minor conditional use permit to deviate from shared parking requirements.

Parking impacts result during regular business hours on weekdays because approximately 19 clients and staff (15 clients and four employees/coaches) use the facilities. In addition, a portion of the parking area is occupied with fitness mats. Staff is unaware of parking impacts either before 9:00 a.m. or after 5:00 p.m. In order to limit parking impacts to surrounding uses, a condition of approval will limit the class sizes to a maximum of six clients from 9:00 a.m. to 5:00 p.m. during weekdays. In addition, the existing parking spaces shall be unobstructed and remain available for a maximum of 10 staff and/or customers/clients of the physical fitness studio use at any one time during regular business hours. If parking shortages or other parking-related problems continue, 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 operating hours of the business.

General Plan Consistency

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 physical fitness studio 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 ten people will be in the tenant space during standard business hours of 9:00 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. The proposed use is a high trip generating use but only occupies 33 percent of the existing building and does not conflict with peak hour traffic periods because of the offset hours of operation.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed use is compatible 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:
- Scheduled Group Classes (four trainers and 15 clients maximum):
 - Monday through Friday, 5:00 am – 8:00 am, and 5:30 pm to 8:30 pm.
 - Saturday/Sunday 8:00 am – 11:00 am
 - Scheduled Group Classes (maximum of ten people – including staff):
 - Monday through Friday, 9:00 am – 4:30 pm
2. One-hour training sessions that are scheduled between 9:00 a.m. to 4:30 p.m. Monday through Friday, shall be limited to a maximum of ten people, including employees, at any one time.
 3. There shall be a minimum of 15 minutes between sessions to allow departing students to leave before arriving students.
 4. All uses shall be conducted within the leased tenant spaces (underroof), per Section 13-53. Article 5, Chapter V, Title 13 of the Costa Mesa Municipal Code.
 5. The use shall be conducted, at all times, in a manner that will allow the peaceful enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate operational measures are necessary to comply with the noise control requirements of Section 13-283. Chapter XIII, Title 13 of the Costa Mesa Municipal Code.
 6. Outdoor storage, including the temporary use of shipping containers, is prohibited. The existing shipping container shall be removed within sixty (60) days of the effective date of this application.
 7. The extra trash bin/container shall be removed from the property, or shall be fully screened from view and/or placed in a trash enclosure per CMMC 13-73, within thirty (30) days of the effective date of this application.
 8. The parking spaces shall be restriped within sixty (60) days of the effective date of this application. Parking stalls shall be double-line striped in accordance with City standards. The parking spaces shall remain unobstructed and available for customer and employee parking.
 9. The fitness mats shall be removed from the parking spaces along the south property line within thirty (30) days of the effective date of this application.
 10. 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.
 11. Address numerals shall be installed on the building frontage within thirty (30) days of the effective date of this application
 12. The landscaping in the planter area along the street frontage shall be replaced within thirty (30) days of the effective date of this application.
 13. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. 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. Street address shall be visible from the public street and shall be displayed on the freestanding sign. If there is no freestanding sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
4. Use shall comply with Articles 5 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to industrial development standards.
5. The property owner is responsible for the maintenance of the landscaping on their property. Any dead, dying, or diseased trees, shrubbery, vines, groundcover, or turf, must be replaced within sixty (60) days of written notice from the development services or public services departments. Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. Compost and/or mulch used as a groundcover shall maintain a consistent two (2)-inch minimum layer over soil.
6. All trash containers shall be screened from public rights-of-way and adjacent properties (CMMC Sec. 13-74). The finished elevations of all buildings, structures, walls and fences shall be approved by the planning division prior to issuance of building permits. In nonresidential zones, trash enclosures shall be provided under the direction of the planning division (CMMC Sec. 13-73).
- Bldg. 7. Comply with the requirements of the 2010 California Building Code, California Electrical Code, California Mechanical Code, California

Plumbing 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 or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Compliance with the 2010 California Green Building Standards shall be required if the scope of work falls within the requirements of Section 5.701.

8. Applicant shall contact the Air Quality Management District 800.288.7664 for potential additional conditions of development or for additional permits required by the AQMD.
9. 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.
10. Show on plans compliance with 11B of the 2010 California Building Code.
11. Occupancy shall be required to meet the minimum plumbing fixture count as required by the 2010 California Plumbing Code Section 412.0 and Table 4-1.
- Bus. Lic. 12. 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.
13. Business license(s) shall be obtained prior to the initiation the business.
- Trans. 14. The applicant shall submit a \$6,154.00 Traffic Impact Fee to the Transportation Division prior to the effective date of the Minor Conditional Use Permit. The traffic impact fee is based upon the average daily trip generation rate of 16.46 net trip ends for the proposed use. The fee is required to fulfill mitigation of off-site traffic impacts pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated and includes credits for existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the Minor Conditional Use Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- Eng. 15. 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. 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 800.288.7664 for potential additional conditions of development or for additional permits required by the district.