

TO:

CITY COUNCIL AND PLANNING COMMISSION

CC:

TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN

FROM:

WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR

DATE:

APRIL 23, 2015

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 April 30, 2015. 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-15-01 657 WEST 19TH STREET

Minor conditional use permit to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 on-site spaces required; 29 on-site spaces provided) based on unique operating characteristics.

Approved, subject to conditions of approval.

Comments received: Two against.

ZA-15-04 1630 AND 1640 SUPERIOR AVENUE

Planned Signing Program for a freestanding sign across a private street (Commercial Way) with the support structures on two private properties on either side of the street. The sign is proposed at a height of 29 feet (7 feet maximum height allowed) and area of approximately 48 square feet

Withdrawn.

Comments received: Ten in support.

Seven against.

LEE, MEL

From:

Ryder, Kenneth A. < kryder@gdsrlaw.com>

Sent:

Wednesday, March 04, 2015 1:50 PM

To:

LEE, MEL

Subject:

Application No. ZA-15-01 (657 W. 19th St.)

Dear Mr. Lee--The number of on-site parking spaces for this proposed use is greatly below the required number of spaces for this use at this site. Can you please advise where vehicles will be parking when the on-site spaces are full? If this overflow is to be accommodated by street parking, please advise how you will mitigate this impact (potentially approx. 40 vehicles) on street parking use by existing residents and businesses in this area. I am available by telephone if you would like to discuss. Thank you. Regards, Ken

Kenneth A. Ryder | Partner
Garrett DeFrenza Stiepel Ryder LLP
3200 Bristol Street, Suite 850, Costa Mesa, CA 92626-1808
Tel: 714.384.4300 | Direct: 714.384.4311 | Fax: 714.384.4320

Email: kryder@gdsrlaw.com | Web: www.gdsrlaw.com

GDSR. Sophisticated. Practical. Creative. Efficient.

To whom: + may concern
TO WHOM. T May CONCERN
I don't approve of App
ZA=15-01.
I live behind the D.M.V.
and most of the time i
can't even Park in front
DE INC AND THE IN TYONT
the inadiquite parking
there
Parking spaces than
re quited is redicious.
I suggest they do like
the restofus, make do
with what you have or
Make other arrangments
S'uce Hely,
Movin Grains
Mexvin Greine
649 Beach st
SSCSW 5

×



April 7, 2015

Gary Armstrong
Planning Commission Dept
77 Fair Drive, Second Floor
Costa Mesa, Ca. 92626

Reference: Application ZA-15-04

1630-1640 Superior Ave, C-M

Dear Planning Commission:

I am the office manager for Crank Brothers Deck Co., Inc. located on Commercial Way in Costa Mesa. While the idea of having a Brewery and Art Zone is nice, we have to question the parking situation if something like that was to be built here.

We are located on a private street and each business has their own employees/customers they need room for, so parking is already extremely limited. Most of our employees have to park on the frontage road, which is getting harder with the new residential area that was just built around the corner from us.

This street has a lot of traffic throughout the day and I can't see how Commercial Way can handle the traffic (pedestrian or vehicle) that would come from this kind of venture.

Respectfully,

Carrie Munsey

Crank Family Commercial Way LLC

134 Commercial Way Costa Mesa Ca. 92627 949 646 9356

April 7, 2015

Planning Commission Dept Attn: Gary Armstrong 77 Fair Drive Second Floor Costa Mesa, Ca. 92626

> Reference: Application ZA-15-04 1630-1640 Superior Ave, C-M

Dear Planning Commission:

I am the Trustee of the Crank Family Trust. My family owns properties on this industrial and commercial private road covering over 23,000 square feet that have been in the family for approximately 70 years. My business is still on this street, CRANK BROS., which has become extremely crowded due to the number of businesses and vehicles. My own employees must drive down the street to find parking on the frontage road. There is already constant juggling for parking on this street and we are continually infringing on our neighbors parking areas creating stress and problems. The retail businesses at the end of the block (Superior Ave) are constantly using our private parking spaces to park. During special events, it is even worse! Besides being time consuming and aggravating, it is an absolute nuisance to continually waste time having to monitor my own private property for illegally parked vehicles. The posting of NO Parking becomes obsolete as the volume of traffic and vehicles increases.

More importantly, as a landlord, I am restricted from who I can entertain as Potential tenants in my units because other property owners will be using my property for their tenants/customers. This seems unduly fair. While I can advertise differently, any potential tenant visiting the property can see the limitations for their customers and employees and other parking problems that they would have conducting their business on this street in it's current congestion.

While the Art Zone is a wonderful idea and the Brewery too, unless someone is building an underground parking structure around here, there is no way Commercial Way can handle any additional business, vehicles or traffic. If you should question the validity of my statement, you should see the street on a normal working day.

To add to our dilemma, the new residential units just built and selling around the corner (on both diagonals) are going to further increase the problems for our Commercial Way businesses and traffic!

Respectfully,

Rita Crank

Business Owner and Trustee for The Crank Family Estate

Dear Mayor and City Council Members:

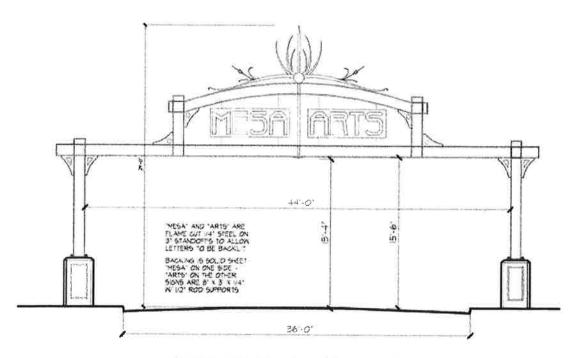
Last year the City Council and the Planning Commission met in Joint Study Sessions to work on the Visioning Statements for the General Plan Update. According to the City, below is the purpose of those study sessions:

"Visioning" is the term given to the process that enables a city to define its future in a very public process. Visioning participants can be brought together to recognize shared values and purposes, with the aim of articulating a shared vision for the City of Costa Mesa. A vision defines what the community should look like physically, socially, and environmentally in five, 10, or 20 years. The visioning step in the General Plan update process creates a sense of ownership for City residents, business and property owners, and other stakeholders to the extent that they want to see and help make that vision a reality.

Additionally, Council approved that the consultant team implement the "Great Reach" as a communication strategy that would be inclusive of the diverse opinions and input throughout the city as a means to make the General Plan Update a living document that will guide planning decisions going forward.

But, nowhere, does it mention in the Visioning Statement or the "Great Reach" public comments that any part of the Westside Industrial Zoned properties would become the MESA ARTS DISTRICT!!! Yes, just a few days ago, we received a Notice of a "Zoning Administrator Decision Date" on Application # ZA-15-04, regarding the erection of a "Freestanding Sign" to be installed on the private alley entrance at Commercial Way from Superior Street, as the gateway into the "Mesa Arts" District. See Below:

As submitted in ZA-15-04, by John Morehart



SIGN ACROSS COMMERCIAL WAY 1630. - 1640 SUPERIOR AVENUE COSTA MESA

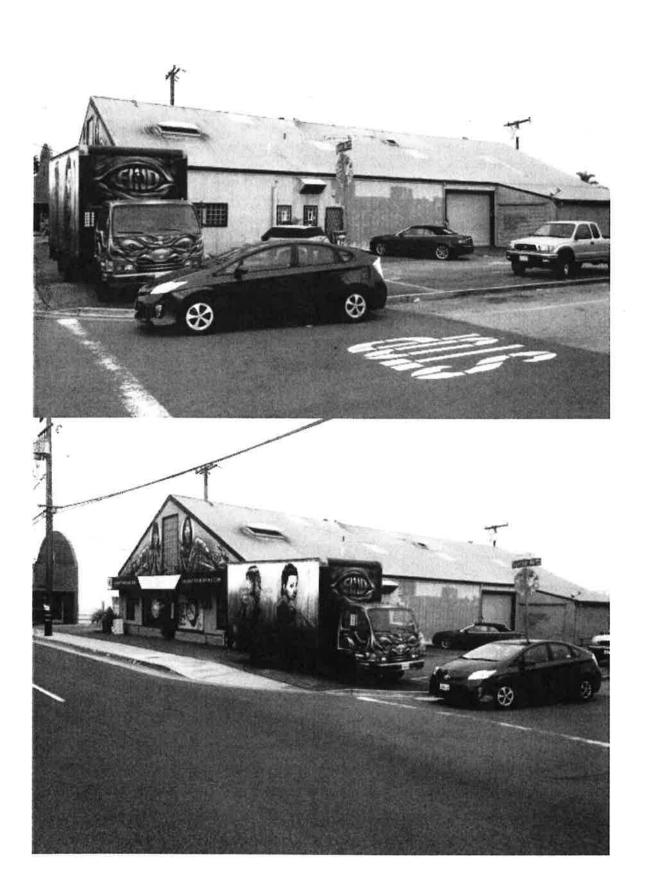
Although City employees may be within their duties to make such a decision is this manner, I ask the members of City Council if you believe they should! It seems as though such a "Vision" should be more deliberative and inclusive, maybe even part of the General Plan Update or at least it should be addressed through the CUP process where all the stakeholders, especially other property owners and tenants in the industrial area may be a part of such "Big Picture Thinking" — this is not the case here. Instead, a single individual property owner, who in recent years has acquired multiple parcels in the Westside Industrial area has, with the help of a City Zoning Administrator, been allowed to re-shape the Westside Industrial area into his own vision for the area. The rest of us are left to deal with parking shortages, illegal and dangerous jaywalking as patrons from his properties on one side of Superior park and then try to cross on foot to his properties on the other side of Superior. Just a few weeks ago, part of the Commercial Way alley was coned off and turned into a parking lot for large event hosted at the properties on Superior and Commercial Way.

The last time an "Arts District" was approved in the City of Costa Mesa, there was significant public input, and City Council Approval of the District. But the "Mesa Arts" District will be decided upon by only a few, and at the recommendation of the Zoning Administrator, as the notice clearly reads that there will be "NO PUBLIC HEARING" on this matter. Where the vision is going from here is to be determined, but if his recent Craigslist Posts are any indication, this property owner appears to have an insight on what the "City" really wants instead of Industrial use for the area.

(See Attached)

Sincerely,

Wayne & Suzi Iwamoto Gil's Catamaran 141 E 16th, Costa Mesa, CA 92627 949-646-5750





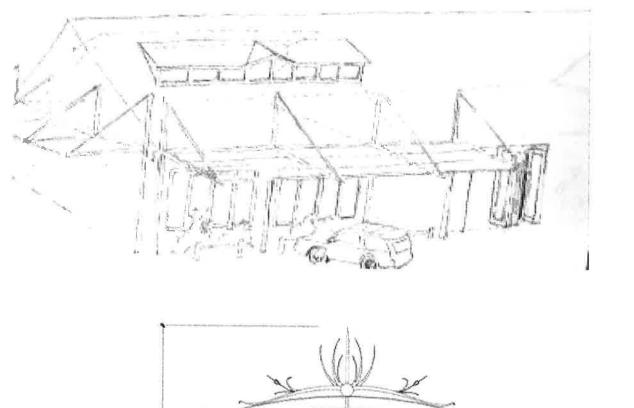


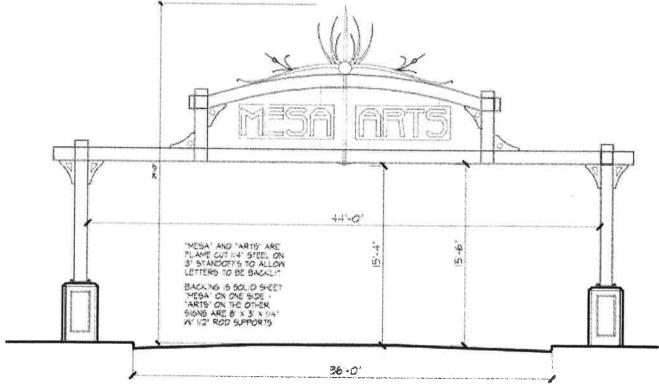












SIGN ACROSS COMMERCIAL WAY 1630. - 1640 SUPERIOR AVENUE COSTA MESA

1630 Superior

prime commercial corner 15000 warehouse in the HEART of west side (SOUTH OF 17TH ST/ WEST OF NEWPORT /EAST OF SUPERIOR AVE); 400 new \$800,000 live work HOMES under construction IMMEDIATELY AROUND THIS PROPERTY!! without a doubt you're looking at one of the most unique opportunities you will see this property offers the unique "HEART OF THE WEST SIDE VILLAGE"

currently proposed street sign (a private commercial street) and the commercial opportunity to make this unique ideallic setting in the heart of the WEST SIDE of costa mesa a unique and magnificent landmark unreal setting for service industry to handle the many people with money to consume products from the adjacent 438 newly constructed or on going construction of homes (this is the "golden triangle" of costa mesa and newport beach (between newport blvd and superior ave below 17th street)

PERFECT COMMERCAIL USE FOR BREWERY, SHOPS, RETAIL CITY WANTS TO SEE SERVICE BASED INDUSTIES TO SUPPORT THE NEAR 400 X \$1,000,000 HOMES BEING COSNTRUCTED AND SOLD NEARBY

LARGE STREET SIGN BEING DESIGNED AND PERMITTED TO CROSS COMMERCIAL WAY TO ENHNCE THE "MESA ARTS" DISTRICT

steel trussed ceilings; old concrete floors LARGE SKYLIGHTS corner location in the most cherished creative west side commercial district (superior ave runs down to the balboa peninsula) fronting on both public and private streets, the layout allows freedom from many constraints and offers greater use and opportunity with fewer bureaucratic concerns 3 BUILDINGS CREATE A CAMPUS OF MIXED USE offices warehouse and studios IN A GARDEN LIKE SETTING

1st building: 7500 street front building w large vaulted loft , full kitchen 5 bathrooms, shower, hi steel trussed ceilings ; additional 2000 sf of bonus mezzanine

2nd building consists of 4 separate units for a total of 1750 sf of garden suites or great little shops etc w 3 roll up doors

3rd building; a stand alone 1000 sf with separate bathroom (6 in total); 3x 500 sf studios(

4th building : an additional 500 sf separate entry street front shop/retail or? ground level entry or warehouse flex space

5th building is a large carport and parking lot perfect to house the cars (45) to facilitate the parking

total sq ftge of building; 15000 sf plus this areas has 400 live work homes under construction within 1/2 block of this property average home value is \$750,000 and selling briskly this property will be an optimum commercial service provider for these live work lofts this is a tremendous opportunity to service a use of convenience, brewery, restaurants, shops cafes; all within the new scope of the needed service area of these new homes fenced yard 25 parking spaces; could increase parking to include another 24 spaces totally unique full of personality just waiting for the right new occupant space offers high flexibility to operate a myriad of business including retail, manufacturing, industrial ideal as a design collaborative w large open areas and smaller offices looking inward; owner will cooperate to provide more open airy skylights, roll back glass doors removal of all interior partitions etc this building has been consistently leased and tenant only vacated this week due to our desire to renovate and recreate the space to make it more of a village cooperative surrounding business include vibrant non profits w dynamic growth, social events, fund raising parties, design collectives etc

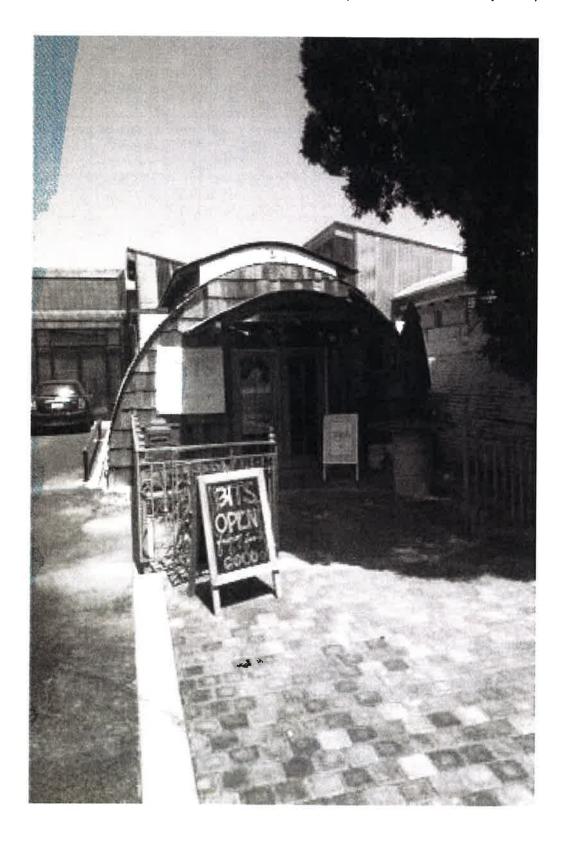
john morehart 94928964565

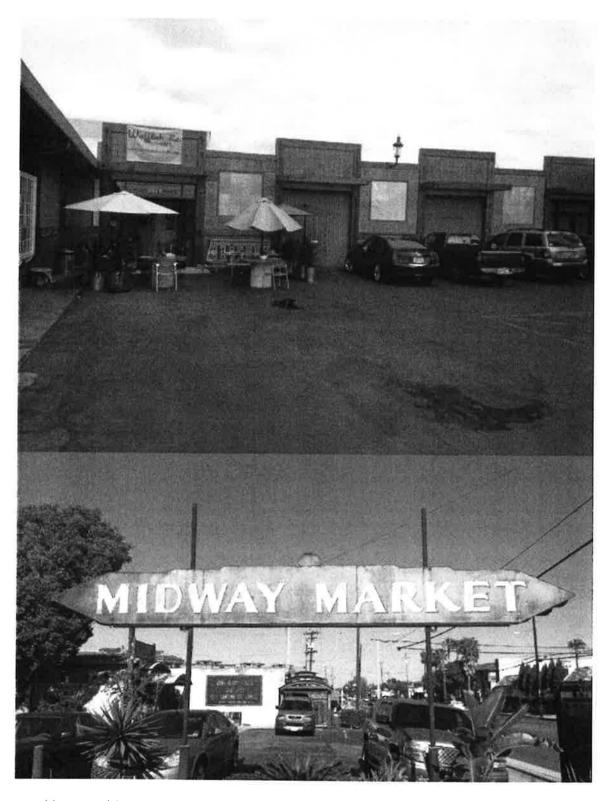
do NOT contact me with unsolicited services or offers.

post id: 4935733473/posted: 18 days ago/updated: 9 days ago/ 3/25/15

Second CRAIGSLIST AD - Superior AVE

 $1200 / 600 \text{ft}^2$ - 600 to 6000 sf retail mecca (costa mesa 17th superior)





sparkle pop shiny and bright from 600 to 5000 sf available of prime retail space

a cool magnet, a bit of bling in a the highly sought after west side retail market over 450 live work units planned on the adjacent neighboring property (currently undergoing construction) pick 600 ft to 6000 sf loft w terrific exposure and delightful charm 17th st and superior; 1 block (50 yards) from newport blvd and 17th st, the busiest, best known interesction in costa mesa; the heart of the west side Mecca classic details, old charm numerous bathrooms kitchens etc in a renovated space arty hip trendy look make this ideallic spot perfect for

someone looking to stand out and make a statement; tremendous traffic w the new rave WAFFLEAHOLIC next door; outside tables and approved for light food, take am look at this campus of eclectic shops and see for yourself what effort and enthusiasm has gone into creating this magical space first time available in 20 years, all photos are accurate but the interior shots are not the exact spot, they do however reflect the feel and imagery of the space; by the way this space may be able to add additional space adjacent up to 5000 sf! i have other unique and marvelous spaces available in COSTA MESA WEST SIDE and invite your inquiry; thank you for looking!

john morehart show contact info

post id: 4935736424/posted: 18 days ago/updated: 9 days ago²² 3/25/15

INLOES, DANIEL

From:

ARMSTRONG, GARY

Sent:

Tuesday, April 07, 2015 2:21 PM

To:

INLOES, DANIEL

Subject:

FW: COMMERCIAL WAY PARKING PROBLEMS -Applications ZA-15-04

Attachments:

2015 Planning Commission.doc

Follow Up Flag: Flag Status:

Follow up Flagged

FYI, Gary

Gary Armstrong, AICP Economic and Development Services Director / Deputy CEO City of Costa Mesa (714) 754-5182

From: Rita Crank [mailto:rcrank@CrankBrothersDeck.com]

Sent: Tuesday, April 07, 2015 11:15 AM

To: ARMSTRONG, GARY

Subject: COMMERCIAL WAY PARKING PROBLEMS -Applications ZA-15-04

Gary,

I question that this "art zone" while a wonderful idea has not considered appropriate parking needs, since parking problems already exist with retail businesses at end of Commercial Way spilling down the private road onto other private properties!

Please see attachment.

Best Regards,

Rita Crank Commercial Way Business Owner and Crank Family Estate Trustee

INLOES, DANIEL

From:

INLOES, DANIEL

Sent:

Wednesday, April 08, 2015 1:10 PM

To:

'barry walker'
'John Morehart'

Cc: Subject:

FW: Commercial Way - Sign Arch and Parking

Another comment in regards to ZA-15-04

Daniel Inloes, AICP Associate Planner City of Costa Mesa (714) 754-5088

From: ARMSTRONG, GARY

Sent: Wednesday, April 08, 2015 11:52 AM

To: INLOES, DANIEL Cc: FLYNN, CLAIRE

Subject: FW: Commercial Way - Sign Arch and Parking

I spoke by telephone to this gentleman this morning.

Gary

Gary Armstrong, AICP
Economic and Development Services
Director / Deputy CEO
City of Costa Mesa
(714) 754-5182

From: Calwest Properties [mailto:calwestproperties@sbcglobal.net]

Sent: Wednesday, April 08, 2015 10:26 AM

To: ARMSTRONG, GARY

Subject: Commercial Way - Sign Arch and Parking

Hello Gary,

Per our conversation today, we are the management company for Superior Self Storage. A couple of concerns are:

- 1) There is a fire access gate to the storage site on Commercial Way. We would not want this to be interfered with.
- 2) People visiting the businesses on Commercial Way will occasionally ask the storage managers where they can park or if they can use our parking which we advise they cannot.
- 3) Commercial Way is a private street, and I am assuming that there are probably access agreements for those land owners that are "land lock."
- 4) If a sign archway is ever approved by the City... there should be a condition that Mr. Morehart have specific insurance for the arch and provide an indemnity agreement to all owners to cover possible hazards associated with such a sign.

Thank you for presenting these concerns to the appropriate City personnel, and please contact me with any questions. Also, would you please add us to the mailing list using the address below, and confirm receipt of this e-mail.

Rodney Plascencia BRE License 00804325 Calwest Properties, Inc. 1700 Adams Ave., Ste 203, Costa Mesa, CA 92626 714.427.3030 Fax 714.427.3031



This email has been checked for viruses by Avast antivirus software. www.avast.com

INLOES, DANIEL

From:

BOUWENS-KILLEEN, WILLA

Sent:

Wednesday, April 08, 2015 7:26 AM

To:

INLOES, DANIEL

Subject:

FW: Application ZA-15-04

Hi, Dan -- please copy for the file. Thanks!! Willa

----Original Message-----

From: Gregg Kelly [mailto:gkelly57@pacbell.net]

Sent: Tuesday, April 07, 2015 5:00 PM

To: ARMSTRONG, GARY; PLANNING COMMISSION

Subject: Application ZA-15-04

My name is Gregg Kelly and I am the property owner on the corner of Commercial Way and Newport Blvd. Our address is 1555 Newport Blvd, Costa Mesa and we currently have a boat service and boat sales business operating on the property.

It has come to my attention that certain changes to Commercial Way are being considered that could negatively impact my business. I am concerned about a few things such as:

- 1. The area around our business might be "Branded" or signed in a way that does not represent my business. At the very least there should be a public forum to review what changes are being considered.
- 2. Parking on the street is already extremely tight. The parking on 16th St. is even worse, and in fact they overflow onto our street. I might suggest you drive down both of these streets during business hours to see just how bad it is. How will any proposed change in zoning affect parking on the street.
- 3. I also have concern about safety for pedestrians. Commercial Way is not well lighted and has no sidewalks. Any business that moves onto the street that will be open at night should be required to have parking on their premises.

Sincerely,

-Gregg-

Gregg Kelly +++ (949) 310-5117 +++ gkelly57@pacbell.net

From:

Andrea Krumins <andrea@davisinkltd.com>

Sent:

Friday, April 17, 2015 7:13 AM BOUWENS-KILLEEN, WILLA

To: Subject:

commercial way sign

Hello Willa Bowins Killeen,

We are business owners and homeowners in the City of Costa Mesa. We wanted to reach out to show our support with the proposed sign/archway on Commercial Way. We feel this sign will help give highlight to the hidden gem it will represent. We are located on Superior and are an Interior Design Firm (please note our website if needed), we love our area and we love the idea of the sign. Many people drive by and are often unaware of the area as a whole, when they stop by they are so happy and thrilled they have found many small businesses with a creative twist. The sign will only bring great positive energy to the area as it will show the support of community and growth as a whole. We encourage the city of Costa Mesa to highly consider the sign. We feel it will help to better support this growing area, as well as show that Costa Mesa supports their growing communities. Please reach out to me directly if you would like to further chat or have any questions.

Thank you in advance for your time and energy! Enjoy!

Andrea Krumins Vice President Davis Ink Limited O: 949-723-2128

C: 714-915-0659 F: 714-751-1682 www.davisinkltd.com

From: Sent: To: Subject:	jessie.simonson@gmail.com on behalf of Jessie Simonson <jessie@31bits.com> Friday, April 17, 2015 9:24 AM BOUWENS-KILLEEN, WILLA [BULK] Westside Archway</jessie@31bits.com>	
Importance:	Low	
Dear Willa,		
My name is Jessie and I'm co-founder and Brand Director at <u>31 Bits</u> . In short, we work with 170 artisans in Northern Uganda who make jewelry out of recycled paper. By selling it in the U.S., we are able to provide them with finance training, health education, and business training.		
We've been operating in Costa Mesa for almost 7 years, and have been on the Westside for 5 years. We are so thankful to be among other businesses who share a similar love for art, Costa Mesa, and caring for the world. I wanted to share my strong support for building an Archway on Commercial Way. It will be a symbol of Costa Mesa pride and love for our community. These kinds of symbols generate conversation and community, like "hey, have you checked out the Arts District yet?" and that's just what we need here! People need to know how amazing this place is!		
Thank you for your time.		
Jessie		
JESSIE SIMONSON Brand Director 31BITS.COM fashion for good		
x		

From:

Tony Clark <Tony@CLARKFunctionalArt.com>

Sent:

Friday, April 17, 2015 10:14 AM

To:

BOUWENS-KILLEEN, WILLA

Subject:

Archway on Commercial Way

Dear Willa,

I'm an artist on Commercial Way. The Archway is a fun way to say we are here. Please do not stifle creativity and fun. The public sector has been cutting back on the promotion of the arts, if the private sector is wanting to do the job please support.

Thanks so much!
Tony



Tony Clark
Artist
CLARK Functional Art
1630 Superior Ave #H
Costa Mesa, CA 92627
949.375.1367
www.CLARKFunctionalArt.com
Visit my Blog www.CLARKFunctionalArt.blogspot.com

* Located 100ft down Commercial Way from Superior Ave

From:

Thomas Monroe <thomas.monroe@dainese.com>

Sent: To: Friday, April 17, 2015 12:24 PM BOUWENS-KILLEEN, WILLA

Subject:

Arch on Superior /

Dear Ms. Bouwens-Killeen,

I'm just dropping you a line in support of John Morehart's proposed arch over Commercial Way near Superior Ave. I manage the business directly across the street - Dainese - and along with Kearianne Muizz, we've put together a few fun neighborhood business events to draw more people and fun to our area. I see this arch piece as a new element that will further the awareness of our little neighborhood, which can only benefit all the local businesses.

I hope to see an arch going up soon! Thanks for your time.

Best regards,

Tom Monroe Dainese 1645 Superior Ave., Costa Mesa, CA 92627 949 650 2300 dstoreorangecounty.com

-- Il contenuto di questo messaggio e degli eventuali allegati e' RISERVATO e da considerarsi utilizzabile solamente dalla persona o dall'ente cui e' indirizzato. Se avete ricevuto questo messaggio per errore, siete pregati di rispedirlo al mittente e di eliminarlo (D.Lgs. 196/2003). The content of this message and any attachments is CONFIDENTIAL and intended solely for the use of the individual or entity to whom it is addressed. If you have received this message in error, please return it to the sender and delete it (Italian Law 196/2003).

From:

Matthew Fletcher <matthewfletcher@sbcglobal.net>

Sent:

Saturday, April 18, 2015 3:35 PM

To:

BOUWENS-KILLEEN, WILLA

Subject:

[BULK] Support for art sign near Superior

Importance:

Low

Hi Willa

I read about the proposed monument sign on Commercial Way near Superior, and think it's a great idea. Our west side needs to encourage neighborhood identification like this. Perhaps the name itself could be open to suggestions, but a monument sign of some kind is a great idea. Furthermore, as "City of the Arts", I feel we need to support and encourage our grass roots arts movement as much as we do our well-established "artsy" areas by South Coast Plaza. With so many new homes being built in the immediate area of the proposed sign, it is visionary property owners like Mr. Morehart, as well as his tenants like Clayton Peterson and the Boathouse Collective, who will give the neighborhood an important balance.

Sincerely, Matthew Fletcher

Matthew Fletcher
Realtor
949 677 3618 mobile
www.matthewfletcherhomes.com
matthewfletcher@sbcglobal.net

From:

Elizabeth Thamer <elizabeth.thamer@gmail.com>

Sent:

Sunday, April 19, 2015 8:37 AM BOUWENS-KILLEEN, WILLA

To: Subject:

Costa Mesa Arch

Dear Willa,

My name is Elizabeth Thamer, I have been fortunate enough to spend the last 46 years of my life living in the Newport Beach, Costa Mesa area of Orange County.

I remember the fields before South Coast Plaza was built, (before the 405 existed!).... There have been many change...

The industrial area of Costa Mesa has always held a special place in my heart... Visiting the sailmaker's lofts, seeing the progress of boats being built as you passed along Placentia... Imaging what kind of fences were being created (because the Pyramid Fence building looked like something out of a fairy tale book).

The Costa Mesa Art Arch was brought to my attention be a 90 year old woman by the name of DeeDee (a true 'old timer', 8th or 9th Generation Californian... Her Uncle Tito gave the land to the City of Los Angeles that now houses Dodgers Statium).

DeeDee loves the idea of this Arch!!!

Please consider Yin and Yang:

Yin and Yang; describes how apparently opposite or contrary forces are actually complementary,

I know we have the Segerstrem Performing Art Center (Yin)... We could easily have the Costa Mesa Art Enclave (Yang)...

I sincerely thank you for your consideration.

Elizabeth Thamer



Elizabeth Thamer

Sales Associate

elizabeth.thamer@gmail.com

C: 949 433-5011 T: 949 698-1323 F: 949 698-1322 Villa Real Estate 660 Newport Center Drive, Suite 200 Newport Beach, CA 92660 VILLAREALESTATE.COM

From:

clay@boathousecollective.com

Sent:

Monday, April 20, 2015 10:13 AM

To: Subject:

BOUWENS-KILLEEN, WILLA Commercial way - Archway

Hi Willa,

I would like to express my support for the proposed archway at the entrance to Commercial Way, off of Superior, in West-side Costa Mesa. I commend John Morehart for attempting to add elements that will keep Costa Mesa authentic, infusing the new urban loft developments with the long standing industrial area, celebrating the craftsmanship, creativity and arts community that helped build Costa Mesa to the City it is today. As a fellow business owner who has worked hard to pioneer the west side, I appreciate John's vision and willingness to fund projects like the Archway that will create a monument leading to a special area of industrial West-side, mixing art, music, retail and cuisine. I am currently working on this project with John, that will bring these elements to his property on Commercial way, designed to service all the new urban developments in the area, keeping residents within walking distance on the West-side, and less likely to venture outside the city to spend their money. This concept will be complementary to the City and would appeal to old and new residences alike, who will appreciate and support what the Archway stands for. I think the approval of the Archway will be a perfect way to create momentum for this exciting new destination for our city and memorializes the culture and historical elements of the West-side.

Sincerely,

Clayton Peterson
BOATHOUSE
949-548-3626 - office
714-231-9149 - mobile
1640 Pomona ave Costa Mesa 92627

From:

Brandon Johnson

bjohnson@tierrada.com>

Sent:

Wednesday, April 22, 2015 10:47 AM

To:

BOUWENS-KILLEEN, WILLA

Subject:

Arts District Signage

Willa,

As a Costa Mesa resident and representative of nearby property owners, I wanted to express my support for the improvements and "Mesa Arts" monumentation that has been proposed for the properties at Superior and 16th Street.

I have been a strong supporter of a transforming Westside for years and am thrilled to see surrounding business owners, artists, restauranteurs, designers, etc. starting to blossom in this area. I believe that the signage will help create a sense of place for the growing "Style on Superior" community and establish the area as a new cultural hub.

Enhancement such as this will help push the conversion of dilapidated industrial into a thriving mixed-use community. Further, this specific improvement will require zero public right-of-way or funding nor will it burden the city with any improvement obligations, a great value for both local businesses and all of the city's residents.

I understand their may be some concerns about fire access and other safety items, but urge you to work cooperatively with the property owner to address them. I look forward to the "Mesa Arts" signage and the continued revitalization of the area.

Thanks for your time.

Best,

Please note our new address:

Brandon Johnson

MANAGING DIRECTOR

TIERRA DEVELOPMENT ADVISORS

4400 MACARTHUR BLVD, SUITE 970 :: NEWPORT BEACH, CA 92660

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From:

Charlene Ashendorf <cmash.oc@gmail.com>

Sent:

Wednesday, April 22, 2015 10:48 AM

To:

BOUWENS-KILLEEN, WILLA

Subject:

An Arts sign of the times MESA ARTS

Dear Ms. Bouwens-Killeen:

Referencing an April 15th article by Brad Zint in the Daily Pilot, I see that a final decision is supposed to be made with regards to the Mesa Arts archway on the city's westside today.

Is this a public meeting? If so, when and where is it?

If it is a private meeting, I would like to voice my support for this proposal.

For years, the Westside has been an eclectic part of town. Drawing musicians, artists, private galleries, comedy and informal, neighborhood bars. Originally, 19th Street paved the way for its reputation of verve, with one of the first comedy clubs under the radar to a cutting edge art shop, e-vocal! In recent years we have seen a change to Placentia with art studios moving in and popping up, giving way to some credible surf businesses as well. In the last 12 months high end, three story live/work housing has dramatically changed the landscape on the West side.

Mesa Arts is cropping up and making way for an enthusiastic lifestyle! Small businesses, nonprofits, restaurants and great little shops will bring life to 16th Street!

Years ago, there was a tale of two Costa Mesas. One was the giant - South Coast Plaza, the other the Center for the Performing Arts. Ultimately they were "bridged" with a magnificent structure.

The time is now to support this foundation for the new arts in the Westside. Making Mesa cool is one thing; keeping it that way there must be signs along the way.

Instead of finding ways not to support the recommendation by Mr. Morehart, let's find ways to mitigate concerns and take action now. I believe that safety concerns, such as fire truck access and parking can be bridged, so can Mesa Arts.

Thank you,

Charlene M. Ashendorf, Costa Mesa resident and Artivist

From:

normandyhome@gmail.com on behalf of scott sarkisian <scott@normandymetal.com>

Sent:

Wednesday, April 22, 2015 1:26 PM

To:

BOUWENS-KILLEEN, WILLA

Cc:

johnmmorehart@sbcglobal.net; Mark Sarkisian

Subject:

Mesa Arts Sign

As the owner of Normandy Metal Refinishers and New York Hardware, I feel that any improvement artistically to the area is a plus...The sign that John Morehart proposes fits the area and the vibe, that has been here for at least the last 41 years, that I've been in my location..In my opinion, the work John has done to improve the area is way better than any of those monolithic, evasive condos that are popping up on every corner... I whole heartedly support the Mesa Arts Sign!!!

Thank you, Scott Sarkisian

SCOTT SARKISIAN

NORMANDY METAL REFINISHERS

1603 SUPERIOR AVENUE COSTA MESA, CA 92627 949.631.5555 workshop 949.645.0864 facsimile www.normandymetal.com

From:

Crush Photo Studios <info@crushphotostudios.com>

Sent:

Wednesday, April 22, 2015 1:11 PM

To:

BOUWENS-KILLEEN, WILLA

Subject:

Mesa Arts Sign Proposal

To whom it may concern,

In regard to the Mesa Art Sign proposed for Superior and Commercial Way, I fully support the arch being built. I think it will be a big improvement and I am excited to see it finished.

Thank you, Nancy Villere

Tel: 949-722-0090 **Crush Photo Studios** 1630 Superior Costa Mesa, CA 92627

www.crushphotostudios.com

THE WAY

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

April 23, 2015

Solid Landings Behavioral Health Attn: Kristen B. Ford, Esq. 2900 Bristol Street, Suite B-300 Costa Mesa, CA 92626

RE: ZONING APPLICATION ZA-15-01 MINOR CONDITIONAL USE PERMIT FOR PARKING REDUCTION FOR GROUP COUNSELING USE (SOLID LANDINGS BEHAVIORAL HEALTH, DBA ROCK SOLID RECOVERY)

657 WEST 19TH STREET, COSTA MESA

Dear Ms. Ford:

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 attached and subject to the conditions listed. The decision will become final at 5:00 p.m. on April 30, 2015, 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

UBduo us- Lui

Zoning Administrator

Attachments:

Project Description

Findings

Applicant's Project Description and Plans

CC:

Engineering

Fire Protection Analyst Building Safety Division

Transportation Services Division

ZA-15-01 April 23, 2015 Page 2 of 13

> Rock Solid Recovery 657 West 19th Street Costa Mesa, CA 92627

> John Morehart 126 East 16th Street Costa Mesa, CA 92627

BACKGROUND

Project Site/Environs

The project site is located on the south side of West 19th Street, mid-block between Pomona Avenue and Anaheim Avenue. The site is .36 acres (15,681 square feet) in size. The property is zoned C1 (Local Business District) and has a General Plan Land Use Designation of General Commercial. The site contains a two-story, 6,710 square foot commercial building originally constructed in 1961, a surface parking lot, and site fencing. The site is bounded by commercial uses to the West and north (across West 19th Street), a commercial use (restaurant) and a residential use to the east, and residential uses (across Plumer Street) to the south. The site currently provides 29 on-site parking spaces, which are accessed via a gated driveway on Plumer Street. There is also an existing driveway approach on the West 19th Street frontage of the property, but it is not used because the paved driveway leading from the approach has been removed and is gated and blocked by 5 parallel van parking spaces provided adjacent to the building.

Prior land use actions on the property include a conditional use permit for a fraternal lodge on the second floor, approved in 1965 approved under Conditional Use Permit C-49-65, and a proposed conditional use permit for a manufacturing use under PA-87-07, which was denied by the Planning Commission on January 26, 1987.

The building is currently occupied by Solid Landings, DBA Rock Solid Recovery, which provides outpatient treatment programs and other services, including group counseling, for men with drug and alcohol addiction. The use is currently operating without an approved business license or minor conditional use permit to allow a reduction in the required on-site parking spaces required to support the group counseling use, which is described in the next section.

PROJECT DESCRIPTION

The applicant utilizes the building for the following services:

- State certified outpatient treatment programs for Rock Solid Recovery clients (men) residing in sober living group homes or state certified outpatient residential programs. The programs for women are a separate operation not conducted from this site.
- Individual and group counseling sessions, as well as educational sessions.
- Administrative offices.

According to the applicant's description of the use, a copy of which is attached to this letter, the various programs and services offered at the site run from 6:00 am to 9:00 pm, Monday through Friday. Weekend operation is limited to one-on-one therapy appointments on an as-needed basis between 8:00 am and 5:00 pm. The maximum number of staff on site at any one time during the weekday is 17 and the maximum

ZA-15-01 April 23, 2015 Page 4 of 13

number of clients on the site at any one time during the weekday is 30. The clients come to the site by vans at various times of the day. The applicant claims that at no time will the required on-site parking for the use exceed 20 spaces; 3 spaces for the vans and 17 spaces for the staff that drive their cars to the site.

Minor Conditional Use Permit for Reduction in Required On-Site Parking for Group Counseling Use

The City's Zoning Code does not specify a parking requirement for group counseling uses. Zoning Code Section 13-90 (Parking For Uses Not Specified) allows the number of required parking spaces for uses not specified in the Zoning Code to be determined by the Zoning Administrator based upon the parking required for similar types of uses.

Zoning Administrator Determination No. 08-5, dated May 19, 2008, determined that the parking requirement for group counseling uses was to be classified the same as for trade and vocational schools, which is 10 parking spaces per 1,000 square feet of gross floor area. In the case of the subject property, this equates to a requirement of 67 on-site parking spaces based on the existing 6,710 square foot building area. The 10 spaces per 1,000 square foot parking requirement for group counseling uses is needed for the entire building because the other uses (i.e., administrative offices and therapy rooms) support the primary group counseling use.

Because the subject property currently provides 29 on-site parking spaces, a shortfall of 38 spaces required for the use, the applicant is requesting approval of a minor conditional use permit to allow for the reduction in the required parking amount based on their specific operation as discussed in the prior section of this letter and per Zoning Code Section 13-89.5 (Reduction in Parking Requirements).

<u>ANALYSIS</u>

Justifications for Approval

Staff has reviewed the applicant's request and supports the request based on the following:

• Based on the applicant's description of the use, an adequate number of on-site parking spaces is provided. As noted earlier, applicant states that currently 29 on-site parking spaces are provided of the 67 spaces required for the use, a shortfall of 38 spaces. However, based on the information provided by the applicant, an adequate number of on-site parking spaces can be provided for the use. The building square footages and summary of on-site activities are provided in the tables below:

PROPOSED USE OF ROOMS AND SQUARE FEET (SF)

TO SECURE A SECURE AND A 12 SEC.	FIRST FLOOR	
Therapy Offices (8)	1,434 SF	
Meeting Rooms (4)	1,218 SF	
Client Lounge/Dining Area	624 SF	
Reception/Sign In	99 SF	

SECON	ND FLOOR
Offices (4)	693 SF
Conference Room/Kitchen/Storage Room	682 SF
Meeting Rooms (1)	1,218 SF
Computer Lab/Library (1)	682 SF

	SUMMARY OF ON-SITE ACTIVITIES (MON-FRI)
6:00 AM	The first Rock Solid employee arrives in a company vehicle and parks in the gated lot.
7:30-9:30 AM	16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles.
8:45-9:15 AM	Clients from 4 different sober living homes arrive via 3 12-seat passenger vans. The vans drop clients off within the gated parking lot and do not remain onsite. The total number of clients that arrive via the 3 passenger vans range from 21-30. The vans arrive at 15 minute intervals so as not to overlap.
9:15 AM-3:00 PM	Clients rotate through one-on-one therapy, group counseling, computer lab/library time, lunch, and free time.
3:00-3:30 PM	Three passenger vans arrive to transport clients to the gym. Clients not wishing to go to the gym are transported home. Clients do not return until the following day. The vans arrive at 15 minute intervals so as not to overlap.
3:00-5:00 PM	Staff remains until 5:00 PM
5:00-6:00 PM	A cleaning crew of 3-6 people arrive in 1 or 2 cars and stays for 1 hour.
6:00 PM-6:30 PM	Evening staff arrives to run group sessions attended by Rock Solid Clients. 10 employees are present representing 10 vehicles. Clients arrive via 3 vans at 15-minute intervals. The approximate number of
	clients is 30. The total vehicles on site is 13.
6:30-8:30 PM	Group sessions held during this time period.
8:30-9:00 PM	Passenger vans arrive to transport clients to their homes at 15-minute intervals. The employees leave at 9:00 PM once the last passenger van leaves the site.

SUMMARY OF ON-SITE ACTIVITIES (SAT-SUN)		
8:00 AM-5:00 PM Therapist may schedule an appointment with a client on an as needed basis. If an appointment occurs the number of vehicles is 2 –one for the therapist and one for the client who is transported to the premises via a Rock Solid vehicle.		

Source: Applicant Letter Dated December 11, 2014

- The operational measures proposed by the applicant to mitigate the parking reduction is sufficient to mitigate long-term potential parking impacts. Staff acknowledges that the measures described in the applicant's letter may address parking shortages. However, staff is recommending, as a condition of approval, that if parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to eliminate the problem. Additionally, based on the large parking shortfall, staff is recommending a number of conditions to ensure that the use is conducted entirely on the property so as to avoid parking shortfalls in the surrounding neighborhood as a result of the applicant's use.
- The current configuration of the parking area limits vehicle ingress and egress to the site from Plumer Street, creating additional commercial traffic on a local street adjacent to a residential neighborhood; therefore, vehicular access from W. 19th Street will be required to be provided. Unlike the other commercially-zoned properties on this block, which provides vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The current gate design lacks an adequate throat for vehicles accessing the parking lot, no kiosk for drivers to access the key pad, and no turnaround area for vehicles that do not gain access into the facility. As a result approaching vehicles are routinely blocking the public sidewalk and extending into through-lanes of traffic while the drivers exits the vehicle to access the key pad placed at the sidewalk adjacent to the gate. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the gate and van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval. The reopening of the 19th Street gate will result in the loss of 5 additional parking spaces, putting the applicant at a scant 24 available spaces, with a 43-space shortfall. The applicant has stated it will only need 20 spaces, 17 for employees and 3 for client vans.

GENERAL PLAN CONFORMITY

Future development of all land within the City of Costa Mesa is guided by the General Plan adopted in 2002. The General Plan sets forth land use goals, policies, and objectives that guide new development and uses.

Based on the issues discussed in the previous sections, the request, as conditioned, is consistent with the following goals and objectives of the General Plan.

- Objective LU-1F.1: Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.
- Objective CIR-1A.14: Reduce or eliminate intrusion of commuter through traffic on local streets in residential neighborhoods.

ENVIRONMENTAL DETERMINATION

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, Existing Facilities, of the CEQA Guidelines.

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

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

Facts in Support of Findings:

<u>Based on the applicant's description of the use, an adequate number of on-site parking spaces is provided.</u> As noted earlier, 67 parking spaces is required for the use, 24 on-site parking spaces is provided, a shortfall of 43 spaces required for the use. However, based on the information provided by the applicant, an adequate number of on-site parking spaces can be provided for the use.

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

Facts in Support of Findings:

The current configuration of the parking area limits vehicle ingress and egress to the site from Plumer Street, creating additional commercial traffic on a local street adjacent to a residential neighborhood; therefore, vehicular access from W. 19th Street will be required to be provided. Unlike the other commercially-zoned properties on this block, which provides vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the

gate and five van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval.

Finding: Granting the minor conditional use permit will not allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings:

The request is consistent with the following goals and objectives of the General Plan:

 Objective LU-1F.1: Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.

Consistency: The measures described in the applicant's letter may address parking shortages. However, staff is recommending, as a condition of approval, that if parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem. Therefore, the request is consistent with this General Plan goal.

• Objective CIR-1A.14: Reduce or eliminate intrusion of commuter through traffic on local streets in residential neighborhoods.

Consistency: Unlike the other commercially-zoned properties on this block, which provides vehicular access from West 19th Street as well as Plumer Street, the subject property's sole vehicular ingress and egress is from Plumer Street. The Transportation Services Division has reviewed the applicant's proposal and has determined that to reduce the number of vehicles using Plumer Street to access the site, the driveway on West 19th Street should be restored, the gate and van parking spaces blocking the access from West 19th Street should be removed, and West 19th Street used as the main access to the site, with Plumer Street being designated for egress of vehicles only. This has been incorporated as a condition of approval. Therefore, the use is consistent with this General Plan goal.

B. 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, Existing Facilities, of the CEQA Guidelines

C. 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 conditions of approval, code requirements, and special district requirements of ZA-15-01 shall be blueprinted on the face of the site plan as part of the plan check submittal package (if plan check is required).
 - 2. The onsite activities shall be as follows:

	SUMMARY OF ON-SITE ACTIVITIES (MON-FRI)
6:00 AM	The first Rock Solid employee arrives in a company vehicle and parks in the gated lot.
7:30-9:30 AM	16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles.
8:45-9:15 AM	Clients from 4 different sober living homes arrive via 3 12-sea passenger vans. The vans drop clients off within the gated parking loand do not remain onsite. The total number of clients that arrive via the 3 passenger vans range from 21-30. The vans arrive at 15 minute intervals so as not to overlap.
9:15 AM-3:00 PM	Clients rotate through one-on-one therapy, group counseling, compute lab/library time, lunch, and free time.
3:00-3:30 PM	Three passenger vans arrive to transport clients to the gym. Clients no wishing to go to the gym are transported home. Clients do not return until the following day. The vans arrive at 15 minute intervals so as no to overlap.
3:00-5:00 PM	Staff remains until 5:00 PM
5:00-6:00 PM	A cleaning crew of 3-6 people arrive in 1 or 2 cars and stays for 1 hour
6:00 PM-6:30 PM	Evening staff arrives to run group sessions attended by Rock Solic Clients. 10 employees are present representing 10 vehicles. Client arrive via 3 vans at 15-minute intervals. The approximate number of clients is 30. The total vehicles on site is 13.
6:30-8:30 PM	Group sessions held during this time period.
8:30-9:00 PM	Passenger vans arrive to transport clients to their homes at 15-minute intervals. The employees leave at 9:00 PM once the last passenge van leaves the site.

Therapist may schedule an appointment with a client on an as needed basis. If an appointment occurs the number of vehicles is 2 –one for the therapist and one for the client who is transported to the premises via a Rock Solid vehicle.

- 3. No employees, clients or visitors to the property shall park on City streets. All parking for the use shall take place on the property in designated parking spaces.
- 4. All clients shall be dropped off and picked up in the parking area. No pick-up or drop-off will occur in the driveways or public right-of-ways.
- 5. The use shall be limited to the type of operation as described herein. Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the 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 the Municipal 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)].
- 6. The zoning application herein approved shall be valid until revoked. The Director of Economic & Development/Deputy CEO or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
- 7. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
- 8. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem.
- 9. 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 operator shall institute whatever security and operational measures are necessary to comply with this requirement.
- 10. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New

business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

- 11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the Planning Division conditions of approval and code requirements have been satisfied.
- 12. No later than 90 days from the date of approval, the landscape setback areas along the W. 19th Street frontage shall be landscaped with trees and vegetation. The landscape plan shall contain 24-inch box trees to the satisfaction of the Development Services Director.
- 13. Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to select the attorney defending it, if it elects to do so.
- 14. Applicant shall obtain Planning approval for the construction of the commercial driveway on W. 9th Street, pursuant to condition 15, below.
- Trans. 15. No later than 45 days from the date of approval, revise the parking area and access gates as follows:
 - a) Construct commercial driveway at the existing approach on W. 19th Street leading to the parking area at the rear of the site, which shall be used for vehicle ingress, unless otherwise directed by the Transportation Services Division.
 - b) Eliminate any parking spaces which interfere with the driveway access to the parking area at the rear of the site to comply with the standard drive aisle dimensions per the City's Parking Design Standards.
 - c) Onsite vehicular circulation shall comply with the City's Parking Design Standards.
 - d) Existing Plumer Street access shall only be used as vehicle egress,

unless otherwise directed by the Transportation Services Division.

16. No later than 30 days from the date of approval, existing vehicle gate locations shall be submitted to the Transportation Services Division for review and approval. If the existing gate locations cannot be approved, the applicant shall relocate and/or remove the vehicle gates as necessary.

Fire 17. All vehicular access gates shall comply with the requirements of Sections 506.1 and 506.2 of the 2013 California Fire Code (or any successor provisions), so as to provide access to emergency crews. A Knox system for gate access must be obtained through the Costa Mesa Fire Department within 30 days from the date of approval for the existing gate on Plumer Street, and concurrently with the approval of the gate on W. 19th Street.

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. This use, as well as all contractors and subcontractors doing construction-related activity on the site, shall have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
 - 2. 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 permit(s) 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.
 - 3. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
 - 4. Street address shall be visible from the fascia adjacent to the main entrance or on another prominent location. 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.

- 5. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- 6. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
- 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- 8. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
- Bldg. 9. Comply with the requirements of the following adopted codes: 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code, and 2013 California Energy Code (or the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and 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.
 - Requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities shall comply with chapter 11B of the 2013 California Building Code.





December 11, 2014

VIA HAND DELIVERY TO: CITY OF COSTA MESA

City of Costa Mesa Development Services Department 77 Fair Drive Costa Mesa, California 92628-1200

Re: Amended Application for Minor Conditional Use Permit for Parking Deviation for 657 West 19th Street, Costa Mesa, California – Project Description & Justification

City of Costa Mesa Development Services Department:

A. Introduction

Sure Haven, Inc. d/b/a Rock Solid Recovery (hereinafter "Rock Solid") submits the following detailed project description and justification for a parking deviation for the 657 West 19th Street property as a location for a state certified outpatient treatment program attended by Rock Solid clients residing in a sober living home or state certified outpatient residential program. This parking deviation request includes this justification followed by a list of [proposed] conditions on the minor conditional use permit (MCUP.)

Use is permitted: 657 West 19th Street is located in a C1 local business district. A C1 business district includes, but is not limited to, facilities such as city halls, courthouses, police/fire stations, schools, art studios, antique malls, banks, beauty shops, hardware stores, department stores, grocery stores, movie theaters, automobile sale and repair, administrative offices, medical and dental offices, and dance studios. Therefore, use of the premises as a outpatient treatment facility, which is most similar to a medical office (as explained *ante*), administrative offices, and medical (therapy) offices is permitted under the City's Code. No use authorization for the use is required.

Parking deviation: The 19th street property is 6710 square feet. The entrance is on Plumer Street and includes 29 on site parking spaces that are accessed via a confidential gate code known to Rock Solid employees. Members of the general public cannot freely enter and park. Rock Solid seeks a parking deviation that permits this facility to function with the allocated 29 gated spaces instead of the 54 required per the Code. This request is based upon Rock Solid's detailed use of the facility as described herein.







B. Detailed Project Description

Solid Landings Behavioral Health, Inc. is the parent company of Rock Solid Recovery. It provides effective residential and outpatient treatment services for those suffering from the disease of drug and alcohol addiction. We have operated our homes and treatment facilities within the City of Costa Mesa since approximately 2010. In doing so, we have contributed to the fiscal health of the City in many ways, including but not limited to, employing individuals in various capacities, including staff in our corporate offices, the warehouse, landscaping and maintenance, alumni services, family programming, therapy, and community outreach. We are good neighbors in the community. We operate and maintain our properties in a manner that is compatible with each neighborhood, we upgrade our homes to increase their value, and respect the surrounding communities.

Solid Landings Behavioral Health operates gender specific programs. Rock Solid is the program for men and Sure Haven is the program for women. This MCUP only concerns the Rock Solid program which proposes to locate its administrative offices, state certified outpatient treatment program, and individual counseling services at 657 West 19th Street.

Rock Solid's outpatient treatment program is under the jurisdiction of the State Department of Heath Care Services which certifies nonresidential alcohol and drug treatment programs through a procedural framework that requires a detailed provider application followed by a thorough review process to confirm regulatory compliance. In order to obtain this certification, Rock Solid provided the State with a plan of operations detailing a continuous quality management program, its structured recovery program for clients, and a description of education and vocational classes with professional staffing. Following certification, the State provides ongoing oversight and evaluation through quality assurance standards for continuing regulatory compliance.

C. Detailed Program Description

Clients of the Rock Solid program include:

- Adults who voluntarily agree to attend group sessions, individual counseling, and educational sessions to address their substance abuse problems;
- Adults that are currently living in a sober living home or state licensed residential program;
- Private paying individuals either through insurance or out-of-pocket; and
- Voluntary admits, not referred from the criminal justice system.





¹ California Health & Safety Code §§11830, et seq.; California Code of Regulations, Title 9, Section 10501, et seq.



The following is a detailed outline of the activities related to 657 19th Street (hereinafter "19th Street"). This program runs Monday through Friday followed by limited weekend use. The weekday schedule is as follows:

•	6:00 a.m.	The first Rock Solid employee arrives at 19th Street in a
•	7:30-9:30 a.m.	company vehicle and parks in the gated lot. 16 additional Rock Solid employees and/or therapists arrive in personal or company vehicles. These staff members include 8 therapists to hold 1:1 counseling sessions, 4 therapists who run group sessions; 5 additional staff members who perform administrative tasks and manage the computer lab/library. The maximum number of vehicles on-site throughout the remainder of the day, not including transportation vans (discussed <i>ante</i>), is 17 – one for each employee.
•	8:45 – 9:15 a.m.	Clients from four different sober living homes arrive at 19th Street via three 12-seat passenger vans. The vans drop clients off within the gated parking lot and do not remain onsite. The total number of clients that arrive via the three passenger vans will range from approximately 21-30. The
		vans will arrive at 8:45, 9:00 and 9:15 so as not to overlap.
•	9:15 – 3:00 p.m.	Clients will generally rotate through 1:1 therapy, group counseling, computer lab/library time, lunch, and self-reflection/homework, and free time.
•	3:00 – 3:30 p.m.	Three passenger vans arrive in the gated parking area and transport clients to the gym. Clients not wishing to go to the gym are transported home. Clients do not return to the campus until the following weekday. The vans will stagger their pickups at 3:00, 3:15 and 3:30.
•	3:00 – 5:00 p.m.	Staff may remain on campus until 5:00 when they leave for the day.
•	5:00 – 6:00 p.m.	A cleaning crew of 3 to 6 individuals arrives in one or two cars, park in the gated lot and stays for approximately 60 minutes.
•	6:00 p.m.	Evening staff arrives to run group sessions attended by Rock Solid clients. 10 employees are present representing 10 vehicles. The clients arrive via three passenger vans with staggered arrivals at 6:00, 6:15 and 6:30 p.m. The approximate number of clients onsite will be 30. The total vehicles,





including vans, is 13.





• 6:30 – 8:30 p.m.

Group sessions are held during this time period.

8:30 – 9:00 p.m. Passenger vans arrive to transport clients to their

respective homes at 8:30, 8:45 and 9:00 p.m. The employees leave at 9:00 p.m. once the final client departs via passenger van.

During the weekend, a therapist may schedule an appointment with a client at 19th Street. These appointments are rare; however, they occur between 8:00 a.m. and 5:00 p.m. when the need arises. If an appointment occurs, then the maximum number of vehicles would be two, one for the therapist and one for the client who is transported to the premises in a Rock Solid vehicle.

D. Parking Justification

Rock Solid intends to use the 19th street building as part of its outpatient treatment program. Specifically, the building has three uses: administrative, medical (therapist) office space and group counseling. As mentioned above, these are all approved uses within the C1 zone. The only issue relates to sufficient parking. Rock Solid requests a parking variance from 48 to 29 parking spaces. This request is nearly identical to the variance requested and granted for the Group Counseling Center at 1901 Newport Boulevard, Suite 149, Costa Mesa (ZA-09-34). (This document is attached hereto as Exhibit "A.")

The parking lot attached to 19th Street contains 29 gated parking spaces. The maximum number of vehicles onsite at any given time of the day is 17, plus at most, 3 passenger vans. The total number of spaces necessary for Rock Solid's use is 20, which leaves nearly a third of the lot empty. (See parking map attached as Exhibit "B.") The required parking for 19th Street far exceeds the demand of the actual use, permitting the City to reduce the requirement. (Costa Mesa Municipal Code § 13-89.5.)

The City generally requires group counseling to have 10 parking spaces for every 1000 square feet of floor space (10:1); however, due to Rock Solid's actual use as described above, this is an excessive parking requirement and an improper classification for its use. Other establishments that require 10:1 parking are open to the general public and include large restaurants, gyms, trade schools, business colleges, dancing and music academies, and skating rinks. (Costa Mesa Zoning Code, Chapter IV Off Street Parking.) These are extremely different from Rock Solid's use, which is private in nature and both the parking and building entrance are only accessed via a locked gate on a side street. The other 10:1 establishments are not only public, but they encourage large members of the public to attend, they require parking of vehicles owned by unknown members of the public, and the owners of the establishment have very limited control over who parks in the lots.

Rock Solid has absolute control of all vehicles that enter and park in the lot. Only employees have the gate access code and Rock Solid has complete control over the number







of employees present at 19th Street at any given moment. Further, only part of the first floor will be used as a group counseling center. The remainder of the building will be split between administrative and therapist offices. The below chart describes the breakdown of our uses:

Use	Square Feet	Parking Required
Group Counseling	3840	39
Medical Office	1434	9
Administrative	1435	6
TOTAL	6710	54

Due to Rock Solid's use, the total number of parking spaces per the code is 54. However, should the City consider the entire building group counseling (which it is not) then, the total parking would be 67 spaces. Either way, the parking requirement under the Code does not coincide with Rock Solid's actual use and therefore this MCUP is respectfully requested.

E. American's with Disabilities Act

The American's with Disabilities Act (ADA), Title II, prohibits state and local governments from discriminating against individuals with disabilities in virtually all governance activities and decision-making, including planning and land use. (ADA Title II: State and Local Government Activities; 28 C.F.R. §§35.130, et seq.) Public entities must make reasonable modifications in rules, policies and practices that are necessary to avoid discrimination on the basis of a disability "unless the public entity can demonstrate that making the modification would fundamentally alter the nature of the service, program or activity." (28 C.F.R. §§35.130(b)(7),the ADA term "reasonable modification" has the same meaning as "reasonable accommodation" under the federal and state fair housing laws; Costa Mesa Municipal Code §13-200.60, et seq., reasonable accommodations.)

The ADA's reasonable modification mandate provides an additional basis for Rock Solid's request for a parking deviation. The City of Costa Mesa's classification of Group Counseling as a trade or vocation school leads to the very high parking requirement of 10:1. The requirement is based on the questionable assertion that the demand for parking at group counseling sessions is the same as that of vocational or trade schools. The more appropriate classification of an outpatient treatment program, such as Rock Solid's, is as a medical office space. This suggested approach is in line with the State's efforts to create parity between physical and mental health treatment access. Classification of Rock Solid's treatment program as one which requires 10:1 parking places an enormous barrier to treating disabled individuals suffering from drug and alcohol addiction.







F. Decisions must not be Arbitrary or Capricious

Decisions of a zoning board are ultimately appealable to the court. When a court reviews decisions of a zoning board and/or its officers, the court may inquire into the conduct of the board or officers which relates to the decision making process in order to determine whether the decision was arbitrary or capricious. (*Ruppert v. Washington* (1973) 366 F. Supp 686.) These decisions are reviewable, not only for the purpose of determining whether there has been an erroneous interpretation of the law, but also to determine whether they impair personal or property rights by reason of an arbitrary or unlawful exercise of discretion. (*Ruppert v. Washington* (1973) 366 F. Supp 686.)

Sober Living By the Sea previously requested a similar parking variance for 1901 Newport Boulevard in Costa Mesa, CA wherein the City agreed that a *total* of 6 parking spaces were required for a 3800 square foot group counseling center because all clients arrived by passenger vans and only 4 employees would be present at the sessions. (ZA-09-34 attached as "A.") Rock Solid requests that the City come to the same, reasonable conclusion, and grant the requested parking deviation. A decision otherwise would essentially prohibit the use of the property by the disabled and be arbitrary.

G. Proposed Conditions on the MCUP

Rock Solid has prepared and agrees to abide by the following list of proposed conditions that could be placed upon the Minor Conditional Use Permit requested herein.

Conditions of Approval

- 1. Operation of the business shall be limited as described in the project description and the applicant's December 8, 2014 submittal. Any expansion or modification of the use or hours of operation may require approval of an amendment to the minor conditional use permit.
- 2. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to eliminate the problem in a timely fashion.
- 3. Hours of operation shall be from 6:00 a.m. to 9:00 p.m., Monday through Friday. Weekend operation is limited to one-on-one therapy appointments that, if necessary, would occur between 8:00 a.m. and 5:00 p.m.









4. A copy of the conditions of approval for the minor conditional use permit shall be kept on the premises and presented to any authorized City Official upon request. New business/property owners shall be notified of the conditions of approval upon transfer of the business or ownership of land.

H. Conclusion

Rock Solid respectfully requests the City grant its request for a minor conditional use permit to allow a reduction in the parking requirement for the outpatient treatment center, therapy offices and administrative offices located at 19th Street. This reduction will not be detrimental to the health, safety or general welfare of the public or other properties or improvements within the immediately vicinity. Specifically, the required parking exceeds the actual anticipated demand for the use since the attendees are transported to and from the site via passenger vans. Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan. Therefore, the parking deviation should be granted as requested.

Sincerely,

Kristen B. Ford

Vice President and Corporate Counsel

Rock Solid Recovery, Inc.





Exhibit A



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92828-1200

DEVELOPMENT SERVICES DEPARTMENT

November 5, 2009

Brian Burke 2811 Villa Way Newport Beach, CA 92663

RE: ZONING APPLICATION ZA-09-34

REDUCED PARKING REQUIREMENT FOR GROUP COUNSELING CENTER

1901 NEWPORT BOULEVARD, SUITE 149, COSTA MESA

Dear Mr. Burke:

Review of the minor conditional use permit 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 (attached). The decision will become final at 5 p.m. on November 12, 2009, 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 feel free to contact the project planner, Wendy Shih, at 714-754-5136 between 1 p.m. and 5 p.m. or via email at wshih@ci.costa-mesa.ca.us

Sincerely,

WILLA BOUWENS-KILLEEN, AICP

Zoning Administrator

Attachments:

Project description

Findings

Conditions of approval Approved conceptual plans

CC:

Engineering

Fire Protection Analyst

Building Division

1901 Newport LLC

3424 Wilshire Blvd., Ste. 1200

Los Angeles, CA 90010

PROJECT DESCRIPTION

Background:

- Sober Living by the Sea provides group counseling and education for drug and alcohol abuse at 1040 West 17th Street, in an approximately 8,273 square-foot suite.
- The applicant proposes to relocate the business to a smaller suite (approximately 3,800 square feet) at the subject location.
- The property is zoned PDC (Planned Development Commercial) and has a General Plan designation of Commercial Center. The property contains a three-story commercial building and a single-story office building, totaling 127,512 square feet.
- According to the City's Land Use Matrix, group-counseling and education center (categorized under trade and vocational schools) is a use permitted within the PDC zone. However, a minor conditional use permit is required to allow a reduction in shared parking requirements due to unique operating characteristics.

Analysis:

- The applicant states that the hours of operation will be from 8 a.m. to 9 p.m., Monday through Friday, with a maximum of four employees/administration staff on-site during those hours. Lectures and educational groups will occur between 9 a.m. and 4:30 p.m. and between 6:30 p.m. and 8:30 p.m.
- The facility will provide individual and group counseling for up to 12 people. All attendees will be transported to and from the facility by two passenger vans.
- The Code requires 10 spaces per 1,000 square feet of gross floor area or 38 parking spaces for the counseling/education center; 11 parking spaces are allocated to this suite based on general office parking requirement (3 spaces per 1,000 square feet for office buildings exceeding two stories in height and 100,000 square feet in area).
- Based on the applicant's description of the proposed use, the actual parking demand is six spaces (four spaces for the employees plus two passenger vans).
- Since all counseling attendees will arrive and leave by passenger vans only and the total actual parking demand is comparable to a general office use, parking impacts are not anticipated.

FINDINGS

- 1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
 - a. The proposed use is compatible and harmonious with uses on-site as well as those on the surrounding properties.

- b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
- c. The proposed use is consistent with the General Plan because it is a permitted use in the PDC zone and no parking impacts are anticipated due to the unique operating characteristics.
- d. The planning application is for a project-specific case and does not establish a precedent for future development.
- 2. The minor conditional use permit to allow a reduction in shared parking requirements for a counseling/education center substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially 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. Specifically, the required parking exceeds the actual anticipated demand for the use since the attendees are transported to and from the site via passenger vans. Granting the minor conditional use permits will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- 3. 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 from CEQA under Section 15301 for Existing Facilities.
- 4. 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. Operation of the business shall be limited as described in the project description and in the applicant's letter dated September 21, 2009. Any expansion or modification of the use or hours of operation may require approval of an amendment to the minor conditional use permit.
 - 2. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem.
 - 3. Hours of operation shall be from 8 a.m. to 9 p.m., Monday through Friday.
 - 4. All attendees shall wait for transportation service inside the building only.
 - 5. A copy of the conditions of approval for the minor conditional use permits must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

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 or business license 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. Once the use is legally established, the zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
- Bus. 2. A business license shall be obtained prior to the initiation of the business approved under this application.
- Bldg. 3. Comply with the requirements of the California Code of Regulations, Title 24, also known as the 2007 California Building Standards Code, as amended by the City of Costa Mesa.

Exhibit B

W. 19TH ST. TACO MESA MOUSE GRAPHICS 657 W 19TH ST COSTA MESA, CA ·EII RESIDENCE VEHICLE GATE PLUMER ST.

SOLE 1/8-1/-07



PROJECT

TWO STORY COMMERCIAL BUILDING 657 W. 19TH ST COSTA MESA, CA 92627

CLIE

CLIENT: ROCK SOLID RECOVERY, INC. 2900 BRISTOL ST. SUITE B-300 COSTA MESA, CA 92626 (949)-467-9213

