

TO:

CITY COUNCIL AND PLANNING COMMISSION

CC:

TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN

FROM:

WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR

DATE:

**JULY 9, 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 July 16, 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.bouwenskilleen@costamesaca.gov if you have any questions or would like further details.

#### **2787 BRISTOL STREET** ZA-15-13

Minor conditional use permit for a group counseling use (Windward Way Recovery) in the CL Zone with a deviation from the shared parking requirements. Group counseling and individual counseling sessions will take place weekdays between 9:00 a.m. and 9:00 p.m. The clients are proposed to be shuttled to the site from various sober living homes in the community.

Approved, subject to conditions of approval.

Comments received: One inquiry.

#### **1021 BAKER STREET** ZA-15-17

Master plan amendment for the addition of a modular classroom at St. John the Baptist Catholic School with no increase to student enrollment or staffing in the I&R zone.

Approved, subject to conditions of approval.

Comments received: None.

## **GARDEA, ANTONIO**

From:

Silvia Saucedo <ssaucedo@raineslaw.com>

Sent:

Tuesday, July 07, 2015 2:22 PM

To:

GARDEA, ANTONIO

Subject:

FW: Comments on ZA-15-13; 2787 Bristol Street

Attachments:

Revised Bristol Aerial View.pdf

Antonio- FYI

Please let me know that you have received this and if you have any questions or would like to discuss further.

Thanks for all of your time.

Silvia

From: Silvia Saucedo

**Sent:** Tuesday, July 07, 2015 12:53 PM **To:** PlanningCommission@costamesaca.gov

**Cc:** jason@golding.com

Subject: FW: Comments on ZA-15-13; 2787 Bristol Street

From: Silvia Saucedo

**Sent:** Tuesday, July 07, 2015 12:51 PM **To:** PlanningCommission@costamesa.gov

Cc: jason@golding.com

Subject: Comments on ZA-15-13; 2787 Bristol Street

Site Address: 2787 Bristol Street

Application number: ZA-15-13

Applicant: Jeremy Broderick, Windward Way Recovery (WWR)

Planning Division:

Please consider this email as our written comments regarding the above referenced application for a Minor Conditional Use Permit with a deviation from the shared parking requirements. These comments are submitted on behalf of Jason Golding who owns the adjacent office building located at 2801 Bristol Street. Mr. Golding's building and the applicant's building share a driveway off of Bristol which leads to the rear of the buildings where separate parking for each building is located, however, parking is NOT shared.

Mr. Golding's tenants have expressed concerns regarding potential health, safety and general welfare issues as well as potential nuisances which may result from approval of the MCUP. Specifically, the concerns are 1) noise impacts that may disrupt the office environment resulting from patients waiting to load the shuttles, 2) WWR's patients not always using the shuttles, the parking on 2787 not being sufficient to meet demand and patients parking in Mr. Golding's parking, 3) patients loitering while waiting to load the shuttles may create an environment that encourages I vandalism or crime resulting in an unsafe work environment for Mr. Golding's tenants, as the parking lot is open, there is no security, and they may access the parking lot after dark.

In speaking with Antonio Gardea, we arrived at a better understanding of the project. Our understanding is as follows:

- I. Most of the building will continue to be used as office space, as follows:
  - a. 4,000 square feet for the existing Chiropractic practice on site,
  - b. 6,600 square feet for Windward Way Recovery (WWR) administrative and office use, and
  - c. 675 square feet for group counseling.
- II. There are currently 55 available parking spaces. Because **all** of the patients will be shuttled and not driving vehicles, the parking spaces have been allocated as follows:
  - a. 6 spaces per 1,000 square feet for Chiropractic practice: 24 spaces
  - b. 16 parking spaces for the 16 employees of WWR: 16
  - c. 5 parking spaces for the 3-5 shuttles for the group counseling: 5

TOTAL:45 (10 extra spaces)

III. The total number of patients, both one-on-one and group-counseling patients, is limited to 30 at any give time. All patient counseling will occur weekdays, only, between the hours of 9AM and 9PM.

IV. All patients will be required to wait inside the building for the shuttle. The shuttles will pick-up and drop-off at the rear of the building.

V. WWR will re slurry and re-stripe their parking lot as well as replace trees and landscaping

Please let us know if our understanding of the above is incorrect. If our understanding is correct, please let us know should the uses or any of the above conditions change.

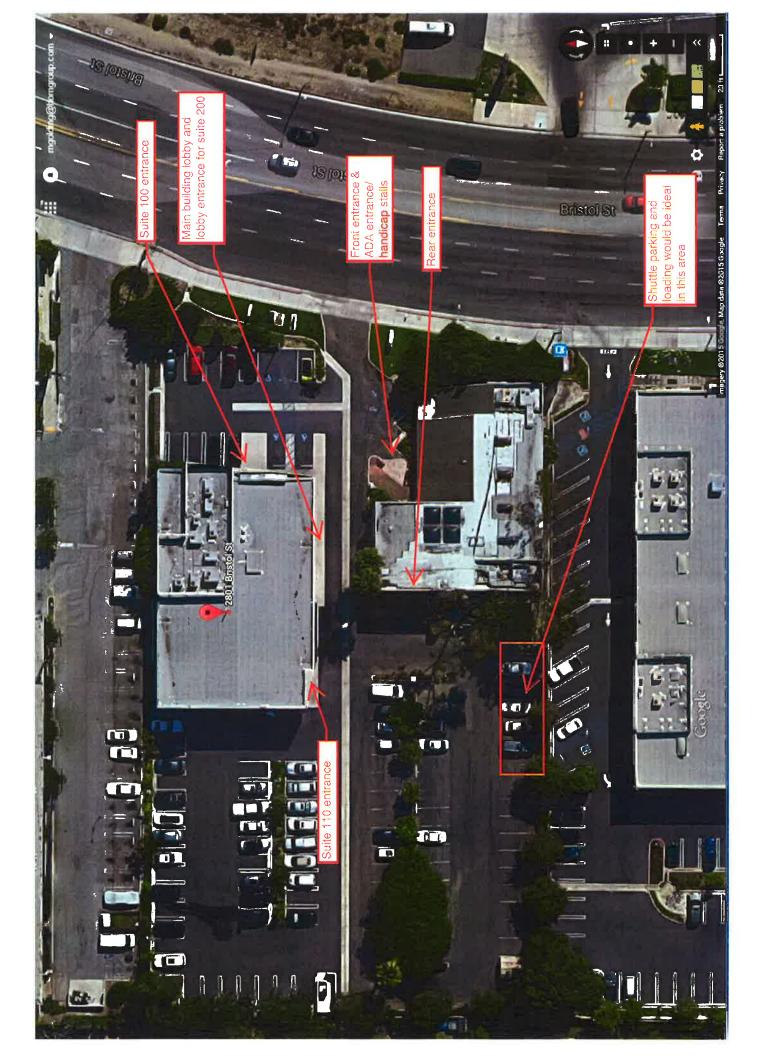
We respectfully request that the Planning Department consider adding a condition that the shuttles load and unload on the south side of the property line, as depicted in the attached PDF. This condition will help ensure that the shuttle loading and unloading is conducted in such a way that does not interfere with normal use of the driveway (pursuant to Municipal Code Section 13-99).

We also respectfully request that the uses and deviation allowed by the MCUP be regularly closely examined to prevent any public health, safety and general welfare issues or nuisances and to ensure that the conditions of the MCUP are being followed.

Please let us know if you have any questions, you can reach me directly at 323-243-4556.

Silvia Saucedo

#### Silvia Saucedo



# **CITY OF COSTA MESA**



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

DEVELOPMENT SERVICES DEPARTMENT

July 9, 2015

Windward Way Recovery Attn: Jeremy Broderick 2318 Newport Boulevard Costa Mesa, CA 92627

RE: ZO

**ZONING APPLICATION ZA-15-13** 

MINOR CONDITIONAL USE PERMIT FOR GROUP COUNSELING AND TO

DEVIATE FROM THE SHARED PARKING REQUIREMENTS

2787 BRISTOL STREET, COSTA MESA

Dear Mr. Broderick:

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 July 16, 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, Antonio Gardea, at (714) 754-5692, or via email at antonio.gardea@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP

**Zoning Administrator** 

Attachments:

**Project Description** 

**Findings** 

Bauvens Kun

Conditions of Approval, Code Requirements, and Special District

Requirements

Applicant's Project Description and Plans

CC:

Engineering

Fire Protection Analyst Building Safety Division

**Transportation Services Division** 

ZA-15-13 July 9, 2015 Page 2 of 12

> Michael Gooing 6 Gardenia Irvine, CA 92620

Michael Gooing 2787 Bristol Street Costa Mesa, CA 92626

Andrea Maloney Sapetto Real Estate Solutions, Inc. 18662 MacArthur Boulevard, Suite 200 Irvine, CA 92612

## **BACKGROUND**

## **Project Site/Environs**

The project site is located on the west side of Bristol Street. The property is zoned CL (Limited Commercial District) and has a General Plan Land Use Designation of General Commercial. The site is bounded by commercial uses to the north and south as well as across Bristol Street to the east. The properties to the west are zoned as R1 and developed with single family residences. The site is a rectangular-shaped lot with an approximate area of 0.74 acres (32,378 square feet). The property is developed with a two-story, 11,315-square foot building and a 55-space surface parking lot. Access to the parking lot is from a shared driveway along the north side of the property. The property is considered a nonconforming development since the medical building was constructed with a parking ratio of five spaces per 1,000 square feet of building area; six spaces per 1,000 square feet of building area is currently required.

## PROJECT DESCRIPTION

Windward Way Recovery, presently located at 2318 Newport Boulevard, proposes to relocate their administrative offices as well as individual and group counseling offices to the subject site. Windward Way plans to serve approximately 30 clients, Monday through Friday from 9 a.m. to 9 p.m. With respect to parking, the City considers one-on-one counseling the same as general office and the proposed group counseling is considered the same as "Trade and Vocational Schools". Group counseling requires approval of a minor conditional use permit (MCUP) since the property is located in the Commercial Limited (CL) zone. Additionally, a MCUP is requested to deviate from the shared parking requirements due to the unique operating characteristics of this use.

## <u>ANALYSIS</u>

Windward Way would occupy 7,315 square feet of the 11,315 square foot, two-story building. The proposed floor plan consists of a group counseling room and office on the first floor and 16 administrative offices on the second floor. The remainder of the first floor (4,000 square feet) will continue to be used as medical office space (Gooling Chiropractic Clinic).

The floor plans indicate that Windward Way Recovery would primarily be using the second floor of the building (approximately 6,600 square feet) for their administrative offices and one-on-one counselling. A limited area of the first floor (717 square feet) would be used for group counseling. According to the applicant's letter, none of the clients would be driving to the site; approximately 30 clients will be transported to and from the site for individual and group counseling sessions in three to five shuttles. The shuttle vehicles have a capacity of seven to 14 passengers each. The facility would have a maximum of 16 employees.

## Zoning Code Parking Requirements

Three parking ratios are applicable to the subject property: The medical parking ratio of six parking spaces per 1,000 square feet of floor area for the chiropractor's office and two other parking ratios for the counseling use. Per Zoning Administrator Determination No. 08-1, one on one counseling may be classified as general office use; consequently, the parking requirement is four parking spaces per 1,000 square feet of floor area. Per Zoning Administrator Determination No. 08-5, the parking ratio for group counseling use is 10 parking spaces per 1,000 square feet of gross floor area. Applying the parking ratios above, a minimum of 57 parking spaces are required for the combination of uses. A summary of the required parking is provided below.

Table 1: Zoning Code - Parking Calculation						
Use	Area (SF)	rea (SF) Ratio Required Spaces				
Medical	4,000	6/1,000	24			
Office	6,598	4/1,000	26			
Group Counseling	717	10/1,000	7			
Total Required	11,315		57			

## Operational Based Parking Demand

The applicant indicates that the mental health diagnosis and drug addiction treatment center has unique operating conditions that reduce their parking demand as noted below:

- The clients would be transported via shuttles to the site; Windward Way Recovery anticipates using three to five shuttles. The shuttles will unload clients along the east side of the building and not at the rear of the property that abuts single family residences.
- A maximum of 16 people would be employed at the site. Eight of the employees would provide counseling and medical services to the clients. The other eight employees serve administrative functions.
- The group counseling room is proposed on the first floor and the clients are transported by shuttles. All but one of the 17 administrative offices are proposed on the second floor.

Clients for both the individual and group counseling sessions will be shuttled to the site and are not allowed to drive to the site. Since the maximum number of shuttles is projected to be five vehicles, the required parking for the group counseling use is reduced from a minimum of seven spaces to five spaces. As indicated in the table that follows, the overall parking deviation allowed for this use permit is two spaces (59 spaces required per Code; 57 spaces allowed by MCUP). Based on these parameters, adequate parking would be provided with the 55 existing parking spaces.

Table 2: MCUP - Parking Calculation						
Use	Area (SF)	Ratio	Required Spaces			
Medical	4,000	6/1,000	24			
Admin. Office / One on One						
Counseling	6,598	4/1,000	26			
Shuttles	5		5			
Parking Required			55			
Total Provided			55			

In response to potential loitering concerns, a condition was added requiring the clients to wait for the shuttle inside the building. In addition, a concern was expressed by the neighboring property owner that pick up and drop off would occur in the shared driveway. Consequently, a condition was added requiring five parking spaces immediately adjacent to the rear of the building to be set aside as shuttle parking only to ensure that the parking spaces will be readily available and that vehicles would not obstruct the driveway. And consistent with other requests for parking deviations, a condition of approval has been included requiring that if parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to eliminate the problem, including, but not limited to, reducing the number of clients served at the site and/or restricting the number of clients in the group counseling sessions.

During a site visit, staff observed that the parking lot was damaged and several trees were removed. Staff was informed that the ficus trees were removed to prevent further damage to the parking lot. The curbs surrounding the planter have been uplifted and require reconstruction and the asphalt is dilapidated. Conditions of approval have been included requiring the replacement of the removed trees and repair of the parking lot, including slurry sealing and restriping the parking spaces.

## **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-1A: Establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure.

LU-1A.1 Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.

• Objective LU-1F: Establish policies, standards, and procedures to minimize blighting influences and maintain the integrity of stable neighborhoods.

LU-1A.1 Protect existing stabilized residential neighborhoods, including mobile home parks from the encroachment of incompatible or potentially disruptive land uses and/or activities.

The General Commercial designation is intended to permit a wide range of commercial uses, which serve both local and regional needs. Appropriate uses include uses permitted in the General Commercial designation such as retail shops, financial institutions, service establishments, as well as more intense uses like restaurants, automobile sales and service, and establishments that benefit from exposure to major transportation routes.

The proposed group counseling use would provide a service to the community and would not generate vehicle trips in excess of that which can be supported by the existing traffic infrastructure. The existing office building is located along a major transportation corridor surrounded by commercial office buildings. Although, single family residences are located on the property to the west, there is no direct pedestrian or vehicular access between the properties. As conditioned, this should be a quiet use that takes place within the building and is compatible with general office uses.

## **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: Based on the applicant's description of the use and the floor plan provided, an adequate number of on-site parking spaces would be provided since the actual parking demand is comparable to the minimum number of parking spaces required per the Zoning Code. Fifty-seven parking spaces are required for the proposed group counseling use and existing medical use, which would result in a shortfall of two spaces. However, the applicant

indicates that the proposed group counseling use will be provided to clients that will not be driving and shuttled to the site with multiple-passenger vehicles lowering the parking demand and making it comparable to an office 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:** As conditioned, the proposed group counseling use will be compatible with the surrounding businesses and abutting residences. The proposed use is akin to general offices and would only operate during weekdays from 9:00 a.m. to 9:00 p.m. with no weekend counseling sessions. The floor plan correlates with the number of employees and clients expected to be on site. The clients will be shuttled to and from the site. In addition, access to the property is only from Bristol Street and not from any of the surrounding residential streets.

**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-1A: Establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure.
  - LU-1A.1 Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.
- Objective LU-1F: Establish policies, standards, and procedures to minimize blighting influences and maintain the integrity of stable neighborhoods.
  - LU-1A.1 Protect existing stabilized residential neighborhoods, including mobile home parks from the encroachment of incompatible or potentially disruptive land uses and/or activities.

The General Commercial designation intended to permit a wide range of commercial uses, which serve both local and regional needs. Appropriate uses include uses permitted in the Neighborhood Commercial designation such as retail shops, financial institutions, service establishments, as well as more intense uses like restaurants, automobile sales and service establishments that benefit from exposure to major transportation routes.

The proposed group counseling use would provide a service to the community and would not generate vehicle trips in excess of that which can be supported by the existing traffic infrastructure. The existing office building is located along a major transportation corridor surrounded by commercial office buildings to the north, south and across Bristol Street to the east. Although single family residences abut the property to the west, there is no direct pedestrian or vehicular access between the properties.

- 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-15-13 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 use shall be limited to the type of operation as described herein:
    - A mental health diagnosis and drug addiction treatment center with no more than 30 clients at any one time.
    - The treatment center shall limit the maximum number of staff at the treatment center to no more than 16 at any time.
    - The hours of operation shall be Monday through Friday from 9:00 a.m. to 9:00 p.m.
    - The clients shall be transported to the site via the business' shuttle service.
    - The clients shall be prohibited from driving to the site.
    - The clients shall wait for the shuttle inside the building.
    - The applicant shall inform all clients that outside loitering is prohibited.
    - Parking spaces number 48-52 as shown on the site plan shall be designated as shuttle parking only.
    - Drop off and pick up of clients shall be prohibited in the shared driveway;
       pick up and drop off shall occur on the west side of the building.
    - A maximum of five shuttle vehicles shall be allowed at the site at any one time.

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)].

- 3. The zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services/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.
- 4. 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.
- 5. 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.
- 6. The parking lot shall be repaired, slurry sealed, and restriped within sixty (60) days of the Zoning Administrator approval.
- 7. The parking lot landscaping shall incorporate a minimum of nine trees. A minimum of five of the trees shall be evergreen.
- 8. The landscaping in the parking lot planters shall be replaced within sixty (60) days of the effective date of this application.
- 9. 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 number of patient appointments, counseling services, or restricting the operating hours of the business.
- 10. 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.
- 11. 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.

## **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.
- 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. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- 5. Two 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.
- 6. Two sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
- 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- 8. All landscaped areas shall be separated from paved vehicular areas by six inch high continuous Portland Cement Concrete curbing.
- 9. Parking stalls shall be double-striped in accordance with City standards.
- 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.
- Bldg. 11. 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.
  - 12. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities shall comply with chapter 11B of the 2013 California Building Code.
    - Accessibility shall be to and through the front door and to the commercial space from the public sidewalk.
    - Accessible restrooms/bathrooms in the commercial space.
    - Accessible parking.

 Accessible entry door, ramps, landings, sidewalks, hallways, strike edge clearances, and elevation changes.

Bus. Lic. 13. If construction occurs, 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.

## SPECIAL DISTRICT REQUIREMENTS

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

Sani. 1. Comply with the requirements of the California Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

AQMD 2. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.

## SAPETTO REAL ESTATE SOLUTIONS, INC.

April 23, 2015

Ms. Willa Bouwens-Killen Principal Planner City of Costa Mesa Planning Department 77 Fair Drive Costa Mesa, CA 92628

RE: 2787 Bristol Baker Street, Costa Mesa, CA
Minor Conditional Use Permit Application for Windward Way Recovery

Dear Ms. Bouwens-Killen:

On behalf of our client, Windward Way Recovery ("Tenant"), we are submitting an application for a Minor Conditional Use Permit for the above referenced property.

Windward Way Recovery is currently located at 2318 Newport Boulevard, Costa Mesa and is in need of more space. Approval of this CUP will help provide a solution to their current need.

We have attached all items in the submittal checklist as outlined in the City of Costa Mesa CUP application form, as well as the following additional items for submittal of the:

- I. Request for Revised Project Description
- II. Project Description/Justification
- III. Existing Compatible Use

We believe this use is substantially compatible with uses permitted in the general area and does not pose to be materially detrimental to any other nearby properties.

#### I. Request:

A. Revised Project Description to the Zoning Request Letter dated April 3, 2015

A Zoning Verification letter was received from City of Costa Mesa on April 3, 2015 and is attached. The letter stated that based on the information provided that the building uses would consist of the following:

- -Chiropractic Practice- 6 spaces per 1,000sf 4,000sf 24 spaces required,
- -Group Counseling- 10 spaces per 1,000sf 7,315sf 73 spaces required

As a part of this Minor Conditional Use Permit application it is requested that the uses for the building be revised as follows in accordance with the floor plans and site plan submitted as a part of the application:

-Chiropractic Practice - 5 spaces per 1,000sf - 4,000sf - 20 spaces required

(Gooing Chiropractic has been in business in this location since 2003 with a 5 spaces per 1,000 parking requirement (20 spaces) and requests that ratio be grandfathered due to the longstanding occupancy.)

-Windward Way Recovery

> Administrative Offices – 4 spaces per 1,000sf – 6,597.50sf – 27 spaces Group Counseling – 10 spaces per 1,000sf - 717.50sf - 8 spaces

The Minor CUP application is being submitted per the requirements of the CL Commercial Limited zoning designation for the property.

#### II. Project Description/Justification

Windward Way Recovery is a mental health diagnosis and alcohol and drug addiction treatment center that operates sober living homes in R-2 zoned properties in the City of Costa Mesa as well as administrative offices and clinical facilities at 2318 Newport Boulevard, also in Costa Mesa.

A Minor Conditional Use Permit Application is being submitted to City of Costa Mesa for Windward Way Recovery to occupy 7,315sf of the existing 11,315sf, two-story, medical office building located at 2787 Bristol Street. Windward Way Recovery is in process of purchasing building for the purpose of administrative offices and group counseling as shown on the floor plans . This facility is intended to replace the current location at 2318 Newport Boulevard in Costa Mesa which they have outgrown. The following is information about the site and a description of the proposed operation:

#### A. Subject Property:

- 1) Location: 2787 Bristol Street
- 2) General Plan Designation: Commercial Limited
- 3) Zone: CL
- 4) Site Improvements: 11,315 square foot building
- 5) Lot Area: ±.78 Acres (±33,976 square feet)
- 6) Parking Spaces: 55 spaces

#### B. Existing Medical Use Since 2003:

Gooing Chiropractic in approximately 4,000 square feet
 ( Previously, Gooing Chiropractic and ±7,000 square feet has been leased to a variety of medical uses since 2003 with a parking ratio of 5 spaces/1,000sf. (requesting to be "grandfathered" for current parking ratio)

#### C. New Tenant for Building:

- 1) Company: Windward Way Recovery
- 2) Use: 6,597.50 square feet Office and administration with 717.50 square feet for group counseling
- 3) Statement of Activities:
  - a. 16 administrative /counselor employees
  - b. Group counseling
  - c. All clients will be transported to and from the site via shuttle buses
  - d. Operating Hours: 9:00 a.m. 9:00 p.m.

Windward Way Recovery proposes to occupy a total of 7,315sf of the building, the use would be primarily 6,597.50sf of administrative offices and 717.50 square feet for group counseling space. It should be noted that Windward Way Recovery will have a total of 16 employees on site, 8 will be administrative functions such as admissions, marketing, IT, and billing. The remaining 8 employees will be the clinical staff including Certified Alcohol Drug Counselors, Marriage and Family Therapy Counselors, a psychologist and a medical doctor. Windward Way Recovery plans to operate Monday thru Friday from 9:00am to 9:00pm.

Approximately 30 clients will be seen for individual and group counseling on site at a time. All clients will be transported between sober living residences and the facility for counseling sessions, no clients will drive themselves to the facility.

#### a. Proposed Use:

6,597.50 square feet of Administration/offices and 717.50 square feet for group counseling – <u>all</u> counseling patients will be shuttled to the facility – no counseling patients will be drive to the facility.

#### b. Justification

A group counseling facility for the purpose of alcohol and drug abuse treatment, such as proposed by Windward Way Recovery is a use permitted in the CL, Commercial Limited zoning designation subject to a Minor Conditional Use Permit. Windward Way Recovery and its owner Jeremy Broderick has and does operate sober living residences as well as an administrative and counseling facility at 2318 Newport Boulevard in the City of Costa Mesa for over five years. Windward Way Recovery has an exemplary reputation in the Costa Mesa community and Jeremy Broderick has recently participated in the Preserve Our Neighborhood Task Force at the invitation of Mayor Jim Righeimer as the only sober living/treatment facility representative (see attached Daily Pilot article). Jeremy has also served on the Improve Our Neighborhood Task Force with Assistant City Manager Rick Francis.

The sober living residences operated by Windward Way Recovery are maintained very well and are attractive to the neighborhoods that they are located in. Windward Way Recovery does not have a history of warnings or citations at either the sober living residences or the Newport Boulevard location. Windward Way Recovery provides an important service needed in the community to help persons with drug and alcohol dependency and it has a successful record of client treatment with less than a 10% recurrence rate. A client testimony and additional information about Windward Way Recovery are attached to provide additional information about the operation.

Windward Way Recovery plans to relocate its administrative and counseling operation from the current location at 2318 Newport Boulevard to 2787 Bristol Street. This is a stand-alone, existing building with parcels located to the north and south of the building also zoned CL Commercial Limited. The area to the west of the building, separated by the parking area and a six foot high block wall fence is Residential (R1) and to the east is Bristol Street and a parcel designated Local Business (C1). Gooing Chiropractic (the current building owner) will continue to operate in Suite 102.

This building location allows for the operation of Windward Way Recovery administrative and counseling services on its own separate parcel with only one other tenant in the building. As noted in the project description, there will be 8 administrative personnel on site and an additional 8 personnel consisting of counselors, a psychologist and medical director. Up to 30 clients could be at the facility at a time, either participating in group counseling or individual counseling. The use is compatible to the surrounding uses in the area. Clients will be transported to and from the facility from sober living residences in Costa Mesa by shuttle buses that will run every three hours between 9:00am and 8:00pm Monday through Friday. There will be no counseling sessions on weekends and no clients at the facility on weekends.

Windward Way Recovery would hope to see the City's encouragement approving this minor CUP as it does not impact the property and will continue to help the people of Costa Mesa/Community.

#### e. Existing Compatible Use

- a. Property is currently used/occupied as a Medical building.
- b. The CL Zone allows for Medical and Office/Administration uses as permitted uses:

Use	Parking Ratio	Size	Required Spaces
Existing Chiropractor	(Existing Parking Ratio) 5:1000	4,000	20 spaces
Admin/Offices	4:1000	6,597.50	27spaces
Group Counseling	10:1000	717.50	8 spaces
Total Required Available Spaces			55 spaces
			55 spaces
	0 spaces		

Please note that all group counseling clients will be shuttled to the building will be 8 parking spaces not being used (abundance of parking).

We are requesting that the City recognize that Gooing Chiropractic (existing owner of the building) has been operating in the building since 2003 and that it's "Medical Use Status" is grandfathered at this location at a 5:1000 parking ratio. The other suites in the building have also been leased out to "Medical Use" tenants since 2003 at a 5:1000 parking ratio.

d. A total of 55 spaces are provided at the building, 20 spaces will be available for Gooing Chiropractic, 34 spaces are available for the administrative and counseling employees of Windward Way Recovery more than what is required. As discussed, clients will be transported to and from the site via shuttle buses that run approximately every 3 hours between 9:00am and 9:00pm, Monday through Friday and therefore the 8 spaces for group counseling will not be needed for that function. The applicant is requesting approval for this use due to the fact that shuttle buses will transport all clients to and from site, therefore clients will not require parking stalls at the building. In addition to the fact that the Group Counseling portion is only approximately 800 square feet of the building and will not impact the building of the surrounding neighbors.

#### The following Attachments are included in this Application:

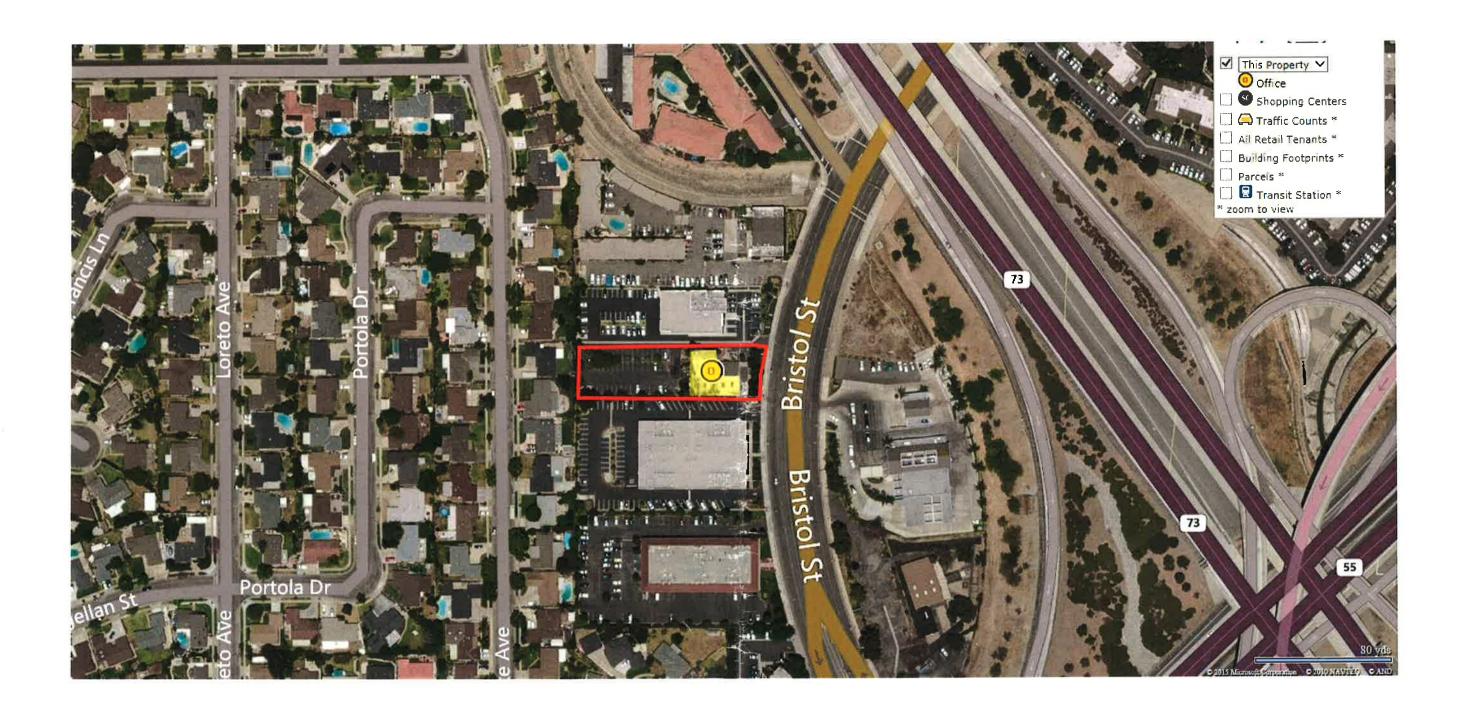
- 1) Application Form
- 2) Floor Plans (first and second floors)
- 3) Site Plan
- 4) Aerial Photograph of Subject Property
- 5) News Article/Information about Windward Way Recovery and Client Testimony
- 6) Public Notification labels
- 7) Application fee

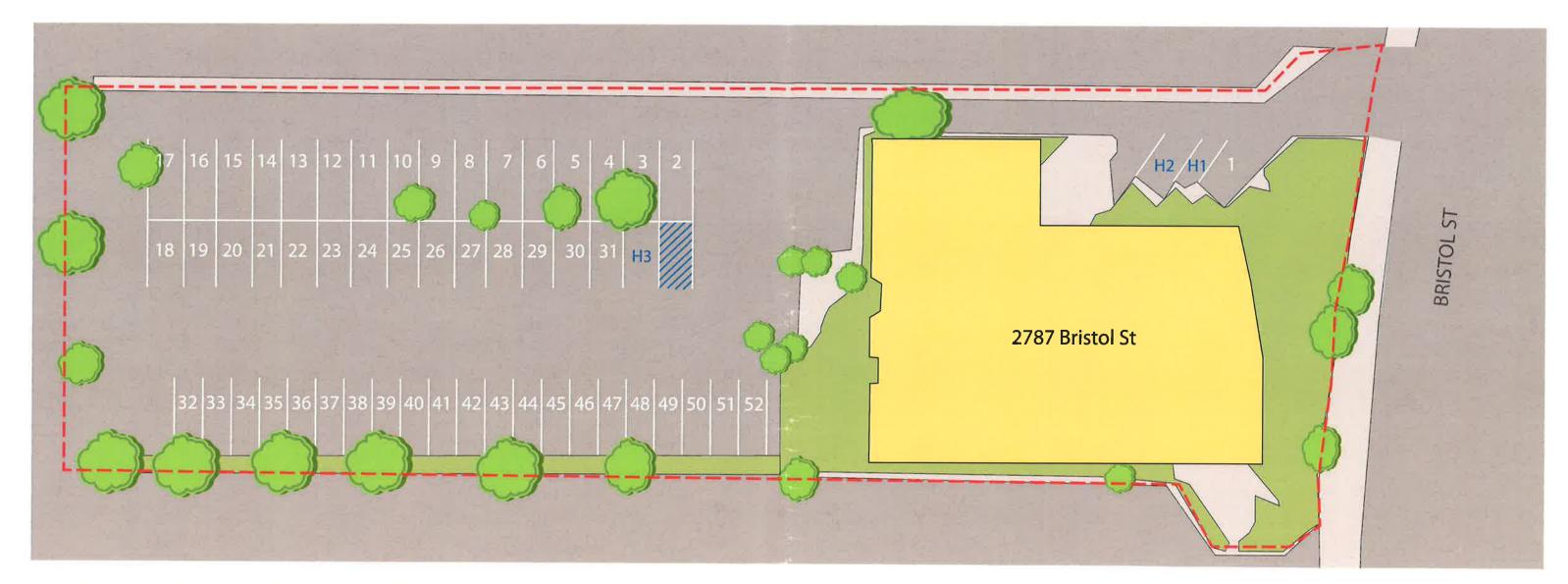
Thank you in advance for your consideration of this application request. I will be contacting you to find out the planner assigned to the application. If you have any questions I can be reached at 949-683-3271 or <a href="mailto:amaloney@sapettorealestate.com">amaloney@sapettorealestate.com</a>.

Sincerely,

Andrea Maloney
SAPPETTO REAL ESTATE SOLUTIONS

Cc: Jeremy Broderick, Windward Way Recovery Sean Ahern, Lee & Assoc.

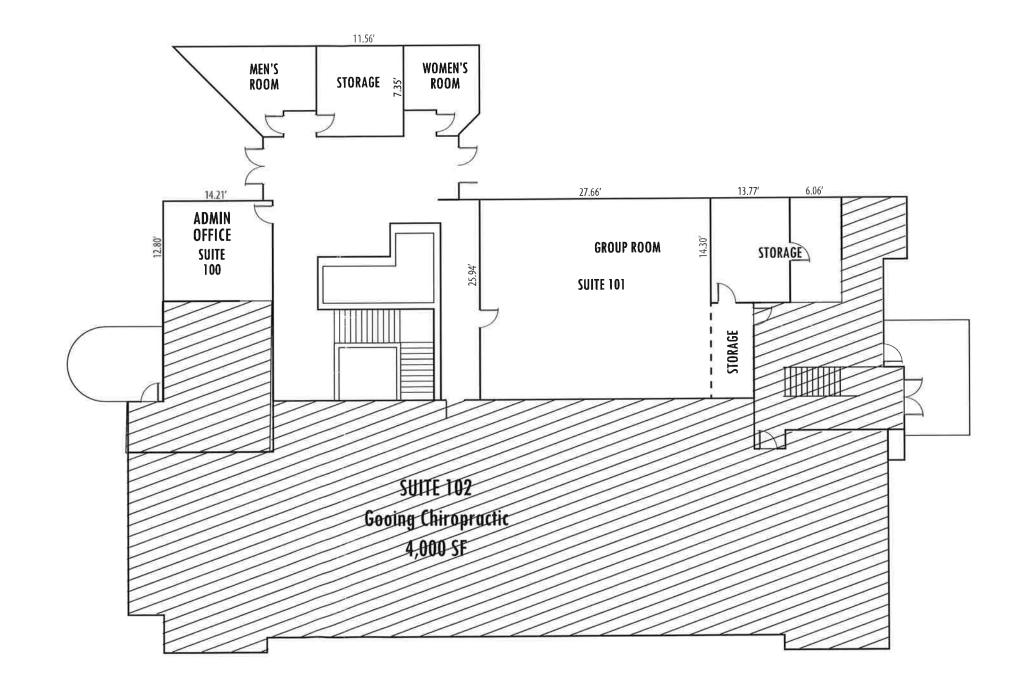




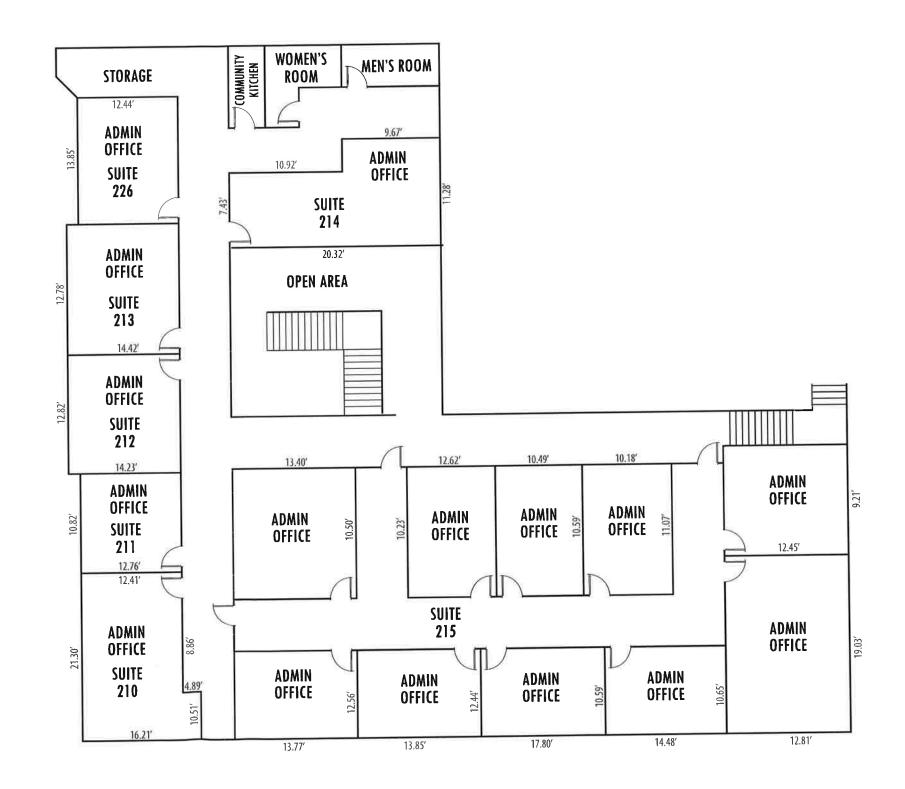
Use	Parking Ratio	Size	Required Spaces
Chiropractic Practice	5 spaces/ 1,000 sq. ft.	4,000	20 Spaces
Group Counseling	10 spaces/ 1,000 sq. ft.	717.50	8 Spaces *
Administration Offices/Counseler Offices	4 spaces/ 1,000 sq. ft.	6,597.50	27 Spaces
		Total Required	55 spaces
		Parking Provided	55 spaces

<sup>\*</sup>Shuttle buses will transport clients participating in group sessions to and from site.

# **FIRST FLOOR**



# **SECOND FLOOR**

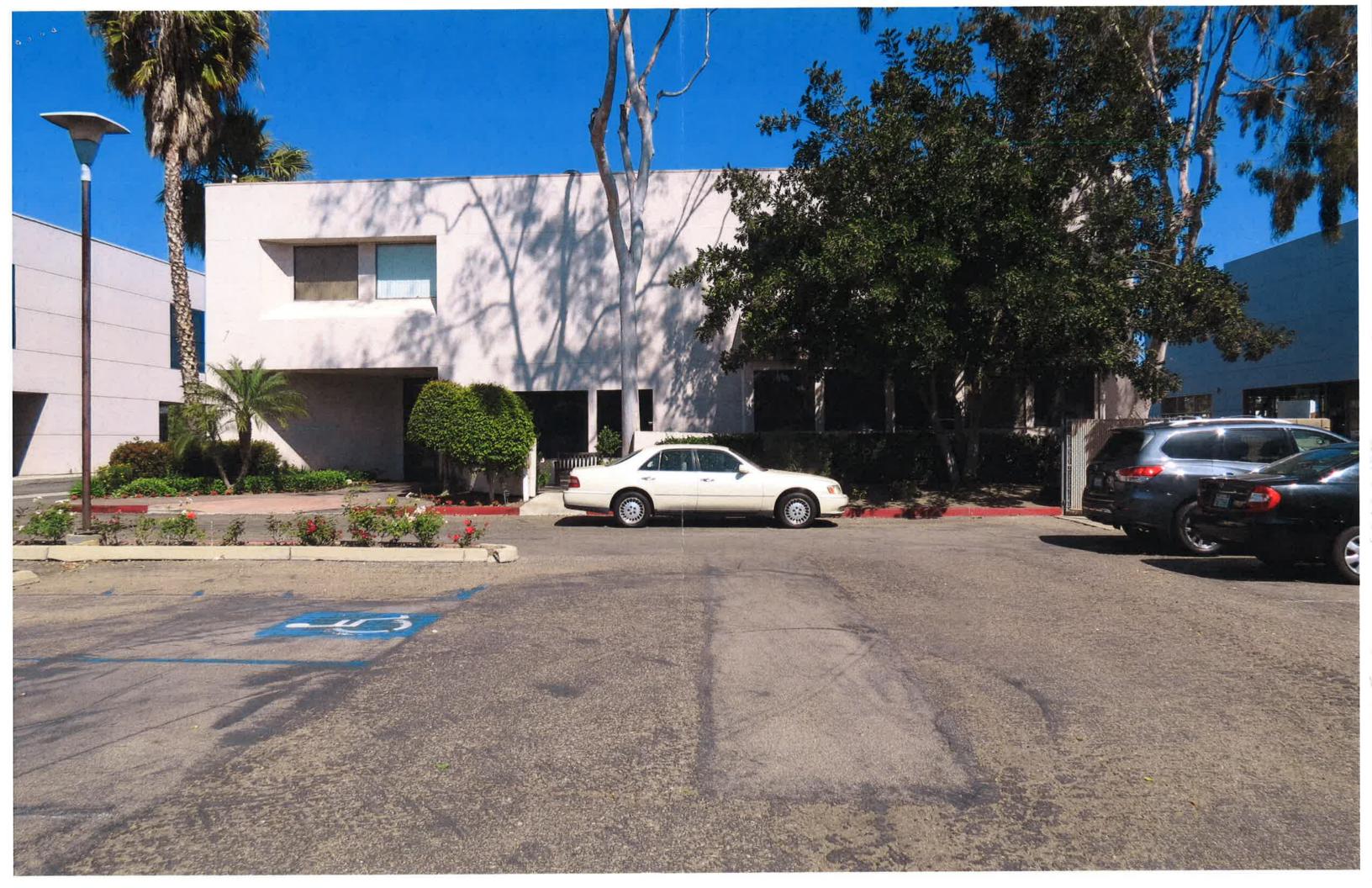












# CITY OF COSTA MESA



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

DEVELOPMENT SERVICES DEPARTMENT

July 9, 2015

Ron Cole 11 Spanish Bay Drive Newport Beach, CA 92660

RE:

**ZONING APPLICATION ZA-15-17** 

AMENDMENT TO A MASTER PLAN TO ADD A MODULAR CLASSROOM AT

ST. JOHN THE BAPTIST SCHOOL 1021 BAKER STREET, COSTA MESA

Dear Mr. Cole:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5:00 p.m. on <u>July 16, 2015</u>, 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, Chelsea Crager, at (714) 754-5609, or at <a href="mailto:chelsea.crager@costamesaca.gov">chelsea.crager@costamesaca.gov</a>.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP

**Zoning Administrator** 

Attachments:

Project Description and Analysis

**Findings** 

Conditions of Approval and Code Requirements

Project Description

**Approved Conceptual Plans** 

CC:

Engineering

Fire Protection Analyst

**Building Safety Division** 

St. John the Baptist School

1021 Baker Street

Costa Mesa, CA 92626

## PROJECT DESCRIPTION

The subject property is located on West Baker Street, west of Bear Street and the 73 Freeway. The property is zoned I&R (Institutional and Recreational) and has a General Plan land use designation of Low Density Residential. Properties to the north, south, east, and west are zoned residentially and are developed with residential uses.

The 10.3-acre property contains a church and a school, originally approved in 1958.

## Previous Entitlements

- August 18, 1958 Master plan for a church and a school (V-150)
- May 4, 1959 Amendment to master plan to include a convent (V-612)
- March 8, 1965 Amendment to the master plan to add a 5,241 square foot rectory and 7,219 square foot parish hall
- January 9, 1984 Amendment to the master plan for a 1,455 square foot 2-story addition to the rectory (ZE-84-04)
- July 13, 1992 Amendment to the master plan to add a portable modular classroom to the school (PA-92-29)
- March 15, 1998 Amendment to the master plan for to add a modular classroom to the school (PA-97-40)

## Proposed Amendment

The applicant proposes amending the master plan to allow the addition of a 3,600 square foot modular classroom to allow for additional programming for existing students. There is no proposed increase in student enrollment, and/or number of staff, and no change in hours of operation of the school.

## **ANALYSIS**

## Operational Characteristics

The modular classroom is intended to provide extra classroom space for existing students. There is no proposed increase in the number of students, teachers, or administrators (611 students, 20 teachers, 5 aides, and 3 administrators exist). Additionally, the hours of operation for the school are 7:55 a.m. to 2:30 p.m. and are not proposed to change.

#### Classroom Placement

ZA-15-17 July 9, 2015 Page 3 of 5

The proposed modular building is to be placed near the center of the subject parcel, on existing blacktop basketball courts. The location is approximately 250 feet from residential properties to the east, and over 300 feet from residential properties to the west. The building is conditioned to be painted and well integrated with existing structures.

## **Parking**

The new modular classroom will not impact parking at the subject property, because it will not cover any existing parking spaces and will not intensify the use at the property. The onsite parking requirement is 249 parking spaces, as noted in Master Plan Amendment PA-97-40. Since church parking is calculated based on the size of the sanctuary, the addition of classroom area will not affect required parking. There are currently 201 striped parking spaces available onsite; however, if necessary, more than adequate overflow parking can be provided on the playing fields and blacktop basketball courts.

## General Plan Consistency

The General Plan land use designation for the subject property is Low Density Residential. While primarily intended for single family residential development, this designation also permits non-residential uses that complement and serve the surrounding residential neighborhood, such as schools, churches, parks, libraries, and public facilities. The existing church and school are compatible with this designation, and because student enrollment and hours of operation are not proposed to change, there will be no change in intensity of use at the subject property.

The maximum floor area ratio permitted in the Institutional and Recreational zone is 0.25. The addition of the 3,600 square foot modular classroom will increase the floor area ratio at the subject property from 0.12 to 0.13. Therefore, the intensity of the development is consistent with the Zoning Code and General Plan.

The proposed project, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the included conditions of approval, the addition of a modular classroom building should not adversely impact the surrounding uses.

## **FINDINGS**

A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(5) in that:

The master plan amendment meets the broader goals of the General Plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of the neighboring development. The proposed new classroom is located in the

center of the subject property and is well-integrated into the existing buildings. It does not cover any existing parking, nor does it intensify the use through increase in students, school personnel, or hours of operation.

- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:
  - 1. There will be a compatible and harmonious relationship between the proposed building and the site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. The proposed new classroom is located in the center of the subject property and is well-integrated with the existing buildings. There is no proposed intensification of the existing school use.
  - 2. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries, and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation have been considered. The modular building is to be placed in an area that does not interfere with existing parking or circulation.
  - 3. The project complies with performance standards described elsewhere in the Zoning Code, and is conditioned to operate as described in this staff report.
  - 4. The project as conditioned is consistent with the General Plan in that the project,
  - 5. This zoning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15303, New Construction or Conversion of Small Structures, 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 master plan amendment herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The master plan amendment may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of the applicable laws or ordinances, or if, in the opinion of the Development Services

- Director or his designee, any of the findings upon which the approval was based are no longer applicable.
- 2. The modular building shall be painted to match the remainder of the permanent buildings under the direction of Planning Staff.
- 3. The number of students, faculty, staff, and aides shall remain unchanged.
- 4. The hours of operation of the school are to remain unchanged.
- 5. The modular building shall be removed when it is no longer used or needed.

## **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.

- Bldg.
- 1. Comply with the requirements of the 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, 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.
- 2. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2013 California Building Code.
  - Accessibility shall be to and through the front door from the public sidewalk.
  - Accessible restrooms/bathrooms in the commercial space.
  - Accessible parking.
  - Accessible entry door, ramps, landings, sidewalks, hallways, strike edge clearances and elevation changes.
- 3. Modular unit shall comply with the Department of Housing and Community Development Division Codes and Standards current requirements.



May 21, 2015

Claire L. Flynn, AICP Assistant Development Services Director City of Costa Mesa 77 Fair Drive Costa Mesa, CA 92628

Re: Modular building installation at St. John the Baptist School

Dear Ms. Flynn

St. John the Baptist Catholic School, located at 1021 Baker Street, was opened in 1959 in the City of Costa Mesa as a parish school and has long served a diverse community of families. We are fortunate to have a strong student enrollment of close to 600 students, the maximum allowed by the City.

In April 2015, Serra Catholic School, located in Ladera Ranch, offered to donate a fairly new 3,600 square foot modular building because they were commencing with the construction of the next phase of their permanent school campus. The only request Serra Catholic asked was that we relocated the modular building by July 2015. As a result, we are requesting a Zoning Administrator review and approval of the attached Master Plan Amendment application.

The installation of the modular building will allow for additional programming for our students. The additional square footage being added to our campus necessitates the need for the Master Plan Amendment application. However, please note that this is an application for the installation of the modular building and <u>not</u> a request to increase the maximum number of students already allowed.

Enclosed is the application, site plan with accessible paths of travel and foundation plan for the modular building. Please let me know if there is anything else you need.

Thank you,

Father Augustine Puchner

St. John the Baptist Catholic Church Pastor

Father Congretine Puchner

(714) 540-2214

## St. John the Baptist Church and School Campus Master Plan Amendment Application

Handicap access from Baker Street towards church and school campus:





From Baker Street looking towards school field:



Handicap parking spaces located adjacent to the school blacktop area where new modular will be located:



View from handicap parking spaces and along the fence line of blacktop where modular building will be installed. Handicap access from parking spaces to blacktop area where modular building will be through gate...



Or through the school office which can be accessed through walkway by blue bins in the picture below.



View from parking lot of fence line where modular building will be installed.

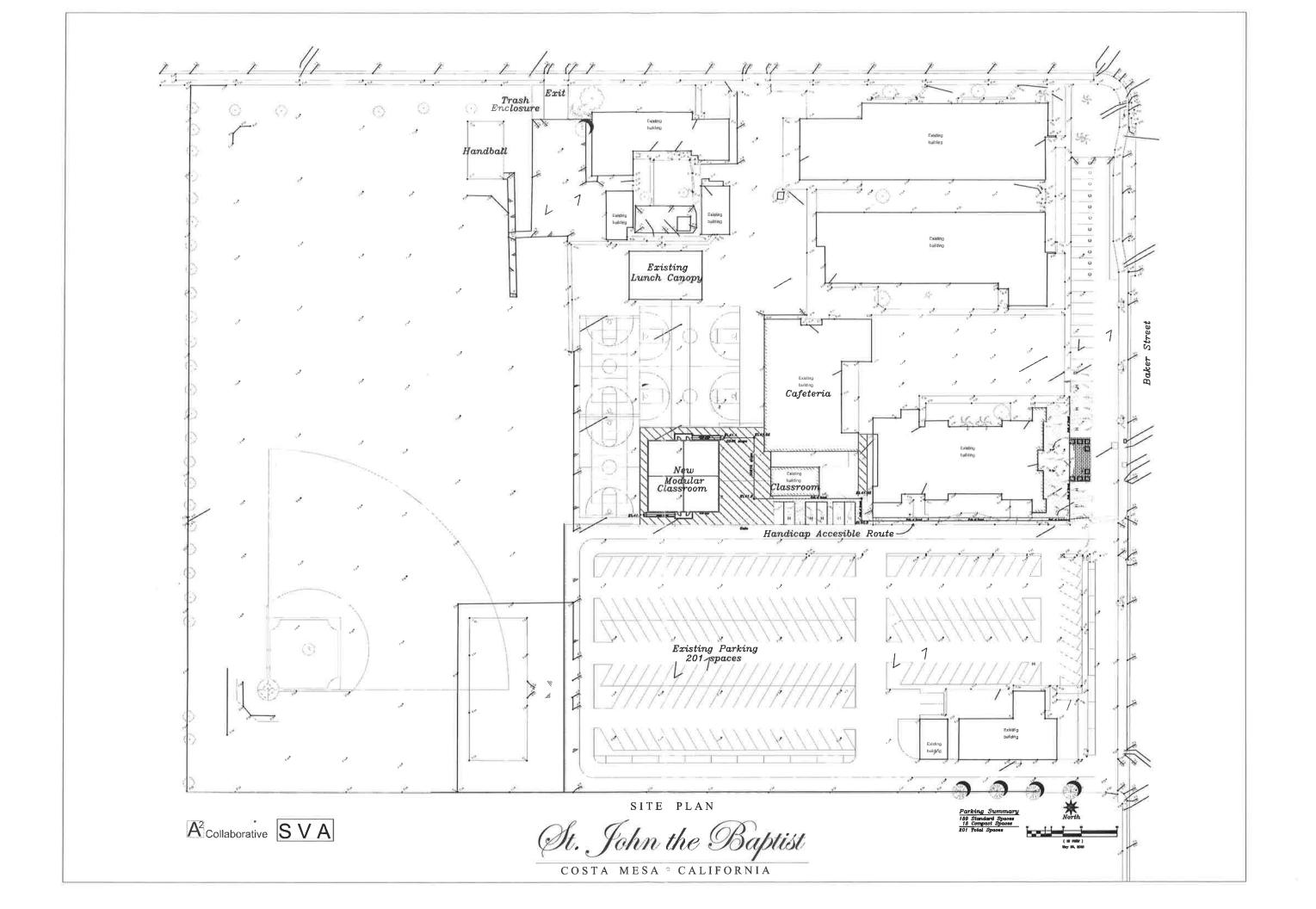


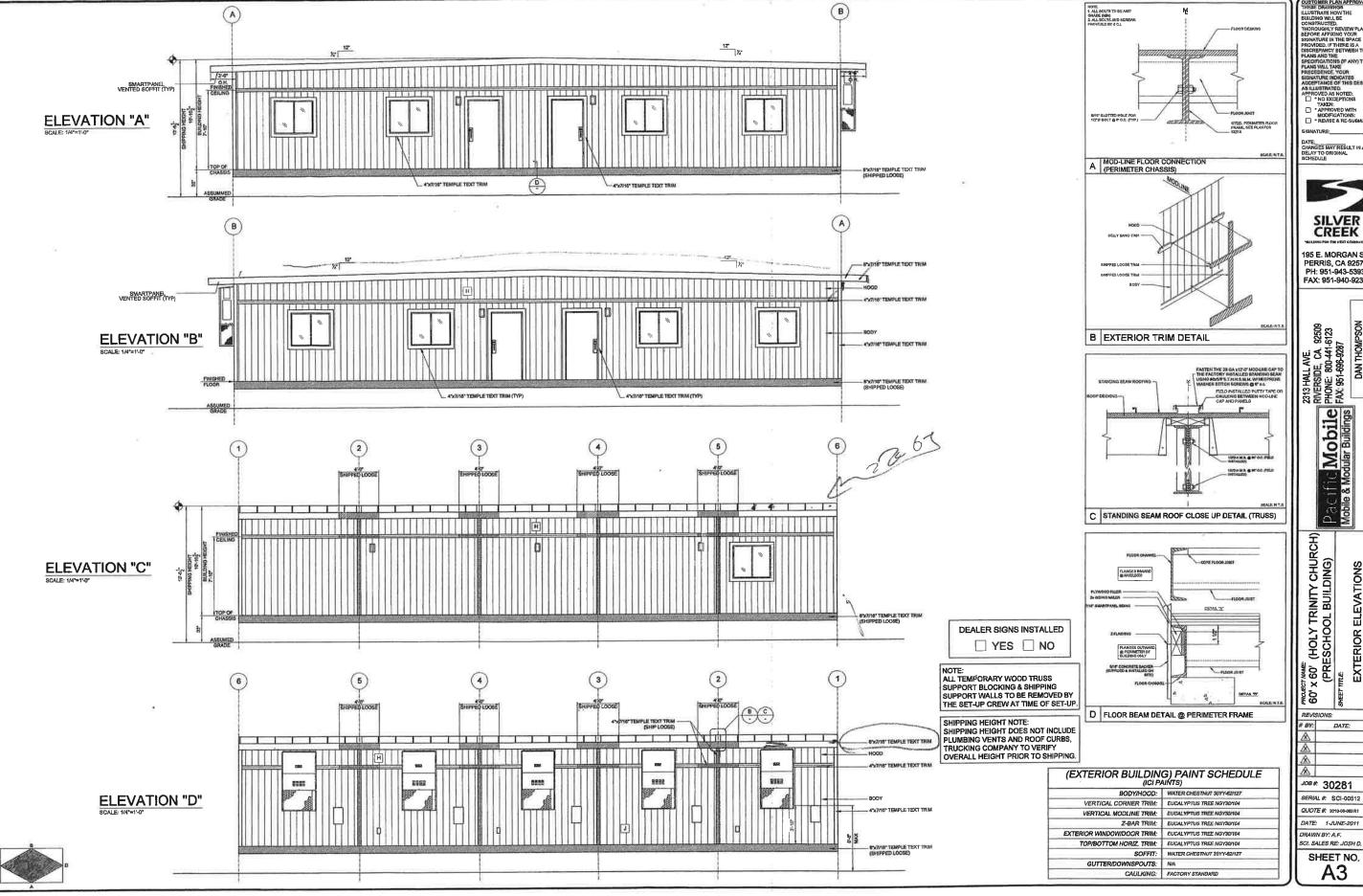
View from blacktop area towards fence where the modular will be installed.



View from edge of blacktop looking towards Baker Street.







DATE: CHANGES MAY RESULT IN A DELAY TO ORIGINAL SCHEDULE



195 E. MORGAN ST PERRIS, CA 92571 PH: 951-943-5393 FAX: 951-940-9232

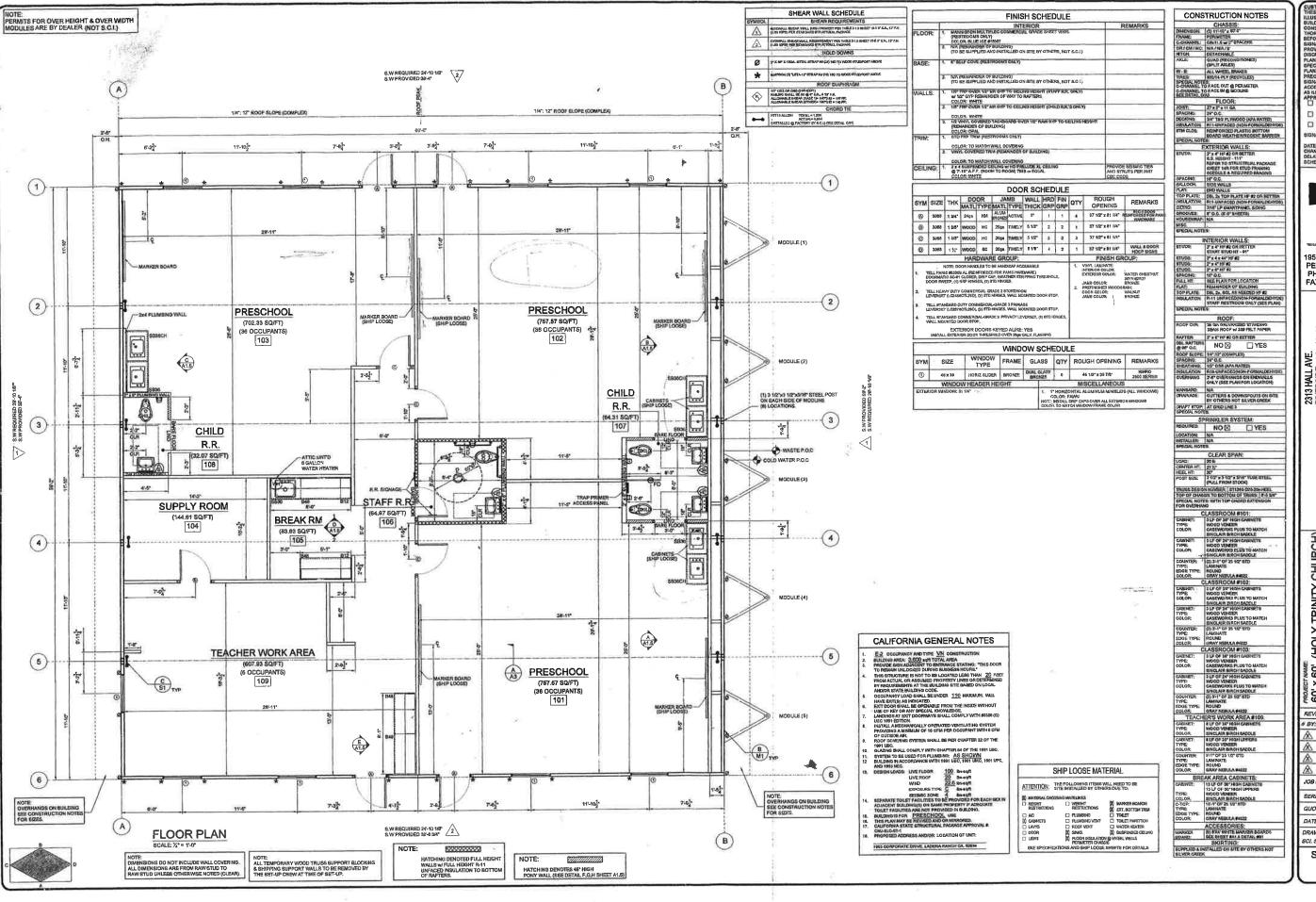
Mobile dular Buildings

O'X 60" (HOLY TRINITY CHURCH)
(PRESCHOOL BUILDING)
(PRESCHOOL BUILDING)
ET TITLE

EXTERIOR ELEVATIONS 60 REVISIONS: # BY:

DATE: JOB#: 30281 SERIAL #: SCI-00512

DRAWN BY: A.F. SCI. SALES RE: JOSH D. SHEET NO. **A3** 



CUSTOMER PLAN APPR TAKEN:

APPROVED WITH
MODIFICATIONS:

REVIGE & RE-GUBM DATE: CHANGES WAY RESULT IN A DELAY TO ORIGINAL 2313 HALL AVE. RIVERSIDE, CA. 92 PHONE: 800-441-61; FAX: 951-696-9287 Mobile adular Buildings Pacific Mobile & Mod (HOLY TRINITY CHURCH) ESCHOOL BUILDING) P. 80 90 REVISIONS: # BY: DATE JOB# 30281 SERIAL #: SCI-00512 QUOTE #: 2010-09-063 R1

**SILVER** CREEK

195 E. MORGAN ST **PERRIS. CA 92571** FAX: 951-940-9232

SCHEDULES PLAN FLOOR

DATE: 1-JUNE-2011

DRAWN BY: A.F. SCI. SALES RE: JOSH D. SHEET NO. **A**1