

TO:

CITY COUNCIL AND PLANNING COMMISSION

CC:

TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN

FROM:

WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR

DATE:

DECEMBER 10, 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. Project descriptions have been kept brief for this notice. 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-15-38

3184 AIRWAY AVENUE, SUITE J

A minor conditional use permit for a deviation from shared parking requirements due to off-set hours of operation for a religious education and cultural assembly use:

- Monday through Sunday 4:00 a.m. 6:00 a.m. and 7:00 p.m. – 9:30 p.m.
- Saturday 10:00 a.m. 2:00 p.m.
- Sunday 10:00 a.m. 2:00 p.m. (10 times per year)

Approved, subject to conditions of approval:

Comments received: Three in opposition.

COLGAN, JULIE

From: mark Lim <emailmarklim@gmail.com>
Sent: Tuesday, December 08, 2015 8:37 AM
To: PLANNING COMMISSION
Subject: Fwd: Ref: Public Notice of CUP Application ZA-15-38

Ref: Public Notice of CUP Application ZA-15-38

3184 Airway Ave. Bldg J. Costa Mesa, CA 92626

Applicant: Salim Rahemtulla.

Dear Sir or Madam:

We are writing to indicate that we will have conflicting hours of operation with the proposed use by the religious education and cultural assembly in 3184 Airway Ave Bldg J. This building is in very close proximity and we foresee conflicting parking issues.

There will be parking issues during the proposed hours of operation. Our church has evening services on Wednesday – Friday evenings from 7:00pm – 9:30pm. Week night services consist of roughly 100 members. We also have weekly Sunday services from 9:00am to 1pm. Sunday services can hold roughly 400 attenders. Through the year, we also have Saturday events as well. We would overlap in the majority of their proposed hours of operation.

Furthermore, we do see that the OCC Company located in Building C has frequent evening events that take up a lot of parking.

Best Regards,

Mark Lim | Associate Pastor

Berean Community Church

3184 Airway Ave Bldg B

Costa Mesa, CA 92626

949-231-8323

Law Offices of Philip Y Kim, APC A PROFESSIONAL LAW CORPORATION

December 8, 2015

Via Email Only: planningcommission@costamesaca.gov

City of Costa Mesa, Planning Division City Hall 77 Fair Drive Costa Mesa, CA

OBJECTION TO MINOR CONDITIONAL USE PERMIT

Re:

3184 Airway Ave., Suite J, Costa Mesa, CA ("Subject Premises")

Application No.: ZA-15-38
Applicant: Salim Rahemtulla

To whom it may concern:

I represent Berean Community Church ("Berean") regarding the above-referenced matter. Berean is located at 3184 Airway Ave, Suite A and B, Costa Mesa, CA, in the same business park as the applicant. The description of the notice states: "A minor conditional use permit for a deviation from shared parking requirements due to off-set hours of operation for a religious education and cultural assembly use..." Additionally, the notice states that the project is categorically exempt under Section 15301 of the State CEQA Guidelines, which in turn states: "The operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." In commenting on this provision, the State of California opined, "The key consideration is whether the project involves negligible or no expansion of an existing use." Furthermore, the current use is not within the list of "existing facilities" enumerated under Section 15301.

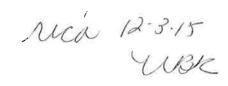
As I understand it, the Subject Premises is going from a standard office use of the facility to a religious use. My client believes that the Applicant will significantly and adversely impact the current parking situation with respect to my client and also the other tenants of the business park. The use contemplated does not fit the definition under Section 15301. At a minimum, a parking study should be conducted to analyze the impacts to neighboring businesses such as Berean. If there are significant impacts, which my client believes there will be, then we request that the hearing officer impose certain mitigation measures to minimize any impacts to my client.

Thank you for your anticipated cooperation in matter. I can be reached at the number listed below.

Sincerely,

Philip Y. Kim





Via Certified and First Class Mail

November 30, 2015

Ms. Willa Bouwens-Killeen, AICP Zoning Administrator City of Costa Mesa 77 Fair Drive Costa Mesa, CA 92628-1200

RE: MINOR CONDITIONAL USE PERMIT-APPLICATION ZA-15-38
3184J AIRWAY AVENUE
KOLL IRVINE COMMUNITY ASSOCIATION
COSTA MESA, CALIFORNIA

Dear Ms. Bouwens-Killeen:

The Koll Irvine Community Association Board of Directors has requested that I contact you regarding the application for Minor Conditional Use Permit #ZA-15-38 for 3184J Airway Avenue in the Koll Irvine Community Association in Costa Mesa.

Based upon prior experience, the Board of Directors is very concerned for existing businesses within the business park related to the anticipated impact upon parking with this type of use. The Board is respectively requesting the Planning Commission to conduct a study of the possible impact on traffic and parking of the neighboring businesses in the Koll Irvine Community Association prior to approving any such use now or in the future.

We appreciate your immediate attention to this matter. Should you have any questions, please feel free to contact me at 714-433-7300 Ext 213 or by Email at dhasan@pacificwest.cc

Sincerely,

Pacific West

Asset Management Corporation

David Hasan

Property Manager

Enclosures

NOTICE OF A ZONING ADMINISTRATOR **DECISION DATE**

The Costa Mesa Zoning Administrator will make a decision regarding the following application:

DECISION DATE:

Application No.

Site Address:

December 10, 2015

ZA-15-38

City Hali Address:

City Hall

(No meeting

77 Fair Drive

required.)

Costa Mesa, CA

Applicant:

Salim Rahemtulla

Zone:

Exempt - Section 15301

Environmental

Existing Facilities

Website:

Contact:

(714) 754-5245 www.costamesaca.gov

3184 Airway, Suite J

Planning Division

Determination: Email:

PlanningCommission@costamesaca.gov

Description: A minor conditional use permit for a deviation from shared parking requirements due to off-set hours of operation for a religious education and cultural assembly use:

- Monday through Sunday 4:00 a.m. 6:00 a.m. and 7:00 p.m. 9:30 p.m.
- Saturday 10:00 a.m. 2:00 p.m.
- Sunday 10:00 a.m. 2:00 p.m. (10 times per year)

Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities).

Public Comments: There will be no public hearing on this request. Oral or written comments must be received by the Planning Division prior to the decision date (see above). The decision letter (and any related conceptual plans, as applicable) can be downloaded from the City's website following the decision http://www.costamesaca.gov/index.aspx?page=940 If you challenge this action in court, you may be limited to raising only those issues you, or someone else raised, prior to the decision date.



His Highness Prince Aga Khan Shia Inuani Ismaili Council for the Western United States

October 13, 2015

Ms. Willa Bouwens-Killeen, AICP Zoning Administrator, City of Costa Mesa 77 Fair Drive, Post Office Box 1200 Costa Mesa, California 92628-1200

Re: 3184-J Airway Avenue - Planning Application for Conditional Use Permit

Dear Ms. Bouwens-Killeen:

This letter accompanies the attached Planning Application for a Conditional Use Permit for the subject property. The His Highness Prince Aga Khan Shia Imami Ismaili Council for the Western United States is in the process of relocating its Orange County religious assembly premises from 17965 Sky Park Circle, Suites C and D, Irvine, CA, a 3,200 square foot space in the Irvine Business Complex, to better address our space requirements.

We have been at our current property for the purposes described in this letter since 1988. At this time, we are under a Standard Offer for Purchase of Real Estate at 3184-J Airway Avenue, a 6,000 square-foot industrial property, and this application is pursuant to a mutually agreed-upon offer with the seller.

It is important to note that our proposed use, which includes religious, educational, and cultural assembly, is substantially compatible with uses permitted in the general area. Our proposed use would not be materially detrimental to other properties in the same area. Our assemblies take place outside of regular business hours and are not usual to other religious assemblies.

We have approximately 140-210 members of all ages. All facilities will be constructed within the existing 6,000 square feet building area with no exterior alterations. Monday through Thursday evening attendance is approximately 50 people. Friday evening attendance is approximately 150 people. Once a month, we host an evening for special services with attendance at approximately 200 people. The number of parking spaces required respectively ranges from 15 to 20 spaces, 40-50 spaces, and 70-80 spaces.

In reference to parking, there are 154 parking spaces in the direct vicinity of the ten 3184 Airway buildings. All of these parking spaces are within walking distance of the entrance of the 3184-J Airway Avenue building. Based on the number of parking spots available and the time of day that we will be using the property, we believe that our use will not adversely affect any of neighbors' uses.

Hours of operation are as follows:

- 7:00 pm 9:30 pm, Monday through Sunday
- Saturday educational classes are held from 10am to 2pm during the school year
- Sundays, ten times per year services held from 10am to 2pm
- 4:00 am 6:00 am, Monday through Sunday
- Services for quiet contemplation and meditation. Approximately 10 to 15 people attend these meditation services.

With the above described uses and lack of impact to other occupants of buildings within the business park, we request approval for our proposed use particularly given that our use will be outside of the typical business hours of current occupants of the business park.

Attached, please find additional information about the Ismaili Community and our religious assembly space, which is known as a *Jamatkhana*. If you have any questions, please contact Mr. Salim Rahemtulla at (949) 456-5583.

Sincerely,

Muneerah Merchant,

President

His Highness Prince Aga Khan Shia Imami Ismaili

Council for the Western United States

Encl. 1

ITY OF COSTA ME P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200



DEVELOPMENT SERVICES DEPARTMENT

December 10, 2015

Salim Rahemtulla 82 Meadowbrook Aliso Viejo, CA 92656

RE: **ZONING APPLICATION ZA-15-38**

> MINOR CONDITIONAL USE PERMIT FOR A RELIGIOUS AND CULTURAL CENTER WITH A DEVIATION FROM SHARED PARKING REQUIREMENTS

3184 AIRWAY AVENUE, SUITE J, COSTA MESA

Dear Mr. Rahemtulla:

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 December 17, 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, Chelsea Crager, at (714) 754-5609, or at chelsea.crager@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICH

Zoning Administrator

Attachments:

Project Description and Analysis

Findings

Willy Emwers-Killeen/CH

Conditions of Approval, Code Requirements, and Special District

Requirements

Business Description

Approved Conceptual Plans

CC:

Engineering

Fire Protection Analyst

Building Safety Division

Randy Shafer

1874 Samar Drive

Costa Mesa, CA 92626

PROJECT DESCRIPTION

The property is located on the east side of Airway Avenue, north of McCormick Avenue. The site is zoned MP (Industrial Park) and has a General Plan land use designation of Industrial Park. Physical on-site improvements include 32 buildings with 435 parking spaces and three points of ingress/egress on Airway Avenue.

The use will occupy a 6,000 square foot space, located in one of the existing buildings. The proposed floor plan consists of an ante room and prayer hall, seven offices, storage, a lunch room, and two restrooms.

The applicant requests approval of a minor conditional use permit (MCUP) to allow the establishment of a religious education and cultural assembly center with a deviation from the shared parking requirements due to offset hours of operation.

Previous Entitlement

In 2010, Minor Conditional Use Permit ZA-10-22 was approved for a church with offset hours of operation at 3184 Airway Avenue, Suite A. The church is conditioned to operate as follows:

Sunday: 9:00 a.m. to 1:00 p.m. (every week) and 7:00 p.m. to 10:00 p.m. (4 times per

year)

Friday: 7:00 p.m. to 9:00 p.m.

Saturday: 9:00 a.m. to 11:00 a.m. (one time per month)

In their justification letter dated April 1, 2010, the applicant stated they would need a maximum of 109 parking spaces.

ANALYSIS

Noise

Noise impacts are not anticipated to surrounding uses due to the quiet nature of a religious education and cultural assembly center and a condition of approval that all activities will occur indoors.

Parking and Circulation

The parking ratio for a cultural assembly center with no fixed seating is 1 space for every 35 square feet of seating area within the main assembly area; consequently, 55 parking spaces would be required for the proposed space 1,914 square feet assembly area. The applicant is requesting approval of a minor conditional use permit to deviate from shared parking requirements due to offset hours of operation. The following schedule is proposed:

ZA-15-38 December 10, 2015 Page 3 of 6

Monday through Sunday: 4:00 a.m. to 6:00 a.m. and 7:00 p.m. to 9:30 p.m.

Saturday: 10:00 a.m. to 2:00 p.m.

Sunday: 10:00 a.m. to 2:00 p.m. (10 times per year)

The project is conditioned to operate at these times only, which should not interfere with normal business hours of 8:00 a.m. to 5:00 p.m. when parking demand will be at its peak. However, there is concern that parking demands of the proposed religious/cultural center could conflict with the parking approved under ZA-10-22 for the church at 3184 Airway Suite A.

In their justification letter dated October 13, 2015 the applicant stated that they would require a maximum of 150 parking spaces. In the worst case scenario, the church operates every Sunday (with a parking demand of 109 spaces) while the proposed religious/cultural center proposes to operate during the same hours (with the 150 space parking demand) -- resulting in an overall parking demand of 259 spaces. However, the religious/cultural center Sunday meetings would occur only 10 times per year. Additionally, the overall development (3184 through 3188 Airway Avenue) contains approximately 435 parking spaces and there are no other parking deviations approved for this development; consequently adequate parking exists to serve both uses at the same time.

Should parking shortages or other parking-related problems and/or conflicts develop, the center operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, modifying operating hours.

General Plan Consistency

The Industrial Park General Plan land use designation is intended to apply to large districts that contain a variety of industrial and compatible office and support commercial uses. The offset hours of operation and quiet nature of the proposed use will not generate noise or parking impacts, allowing the use to be compatible with surrounding uses.

The proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the included conditions of approval and due to the nature of the use, the religious education and cultural center should not adversely impact the surrounding uses.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
 - 1. The proposed use is compatible and harmonious with developments in the same

general area and would not be materially detrimental to other properties within the area. The proposed use will have offset hours of operation that will minimize any parking impacts on surrounding uses. The use is quiet in nature and will not have any noise impacts on surrounding uses.

- 2. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. All activities will take place underroof. The center will be in operation only during the early morning, evening, and weekends, when most other businesses in the center are closed.
- 3. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the General Plan designation and any applicable specific plan for the property. The proposed use does not substantially increase the density or intensity at the property since no building area will be added; the use will operate outside normal business hours; and is quiet in nature.
- B₁ 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. Parking impacts will be avoided by conditioning the religious education and cultural center to operate during the early morning, evening, and weekends only.
 - 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 proposed hours of operation are during the early morning, evening, and weekends only and adequate parking exists for both this use as well as the existing church at 3184 Airway Avenue, Suite A; therefore no traffic or parking impacts are anticipated.
 - 3. The project complies with performance standards described elsewhere in this Zoning Code, and is conditioned to operate as described in this staff report.
 - 4. The use is consistent with the General Plan in that a religious and cultural education center is considered a compatible use in the Industrial Park land use designation.
 - 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

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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.

D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

CONDITIONS OF APPROVAL

Plng. 1. The use shall

1. The use shall be limited to the type of operation described in this staff report: a religious education and cultural assembly center with the following hours of operation:

Monday-Sunday: 4:00 a.m. to 6:00 a.m. and 7:00 p.m. to 9:30 p.m.

Saturday: 10:00 a.m. to 2:00 p.m.

Sunday: 10:00 a.m. to 2:00 p.m. (10 times per year)

Any change in the operational characteristics including, but not limited to, type of service provided or hours of operation will require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval.

- 2. All uses shall be conducted within the tenant space (underroof).
- 3. If parking shortages or other parking-related problems arise, the center operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, modifying the hours of operation.
- 4. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Approval of the zoning application is valid for one year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
 - 2. Permits shall be obtained for all signs according to the provisions of the

ZA-15-38 December 10, 2015 Page 6 of 6

Costa Mesa Sign Ordinance.

Bldg.

- 3. 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 and 2013 California Energy Code (or the applicable adopted, California Building code California Electrical code, California Mechanical code California Plumbing Code 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 disability shall comply with chapter 11B of the 2013 California Building Code.
- 4. Requirements for accessibility to sites, facilities, buildings, and elements by individuals with disability shall comply with chapter 11B of the 2013 California Building Code.
 - 1. Accessibility shall be to and through the front door and to the commercial space from the public sidewalk.
 - 2. Accessible restrooms/bathrooms in the commercial space.
 - 3. Accessible parking.
 - 4. Accessible entry door, ramps, landings, sidewalks, hallways, strike edge clearances, and elevation changes.
 - 5. Additional access requirements may be required as per 2013 California Building Code.

Bus. Lic.

- All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- 6. If required, a business license shall be obtained prior to the initiation the business.

Trans.

7. The applicant shall submit a \$2,172 Traffic Impact Fee to the Transportation Division prior to the effective date of the Minor Conditional Use Permit. The traffic impact fee is based upon the average daily trip generation rate of 9.11 net trip ends for the proposed use. The fee is required to fulfill mitigation of off-site traffic impacts pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated and includes credits for existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the Minor Conditional Use Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

SPECIAL DISTRICT REQUIREMENTS

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

Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary

ZA-15-38 December 10, 2015 Page 7 of 6

District at (949) 645-8400 for current district requirements.

- CDFA 2. 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 3. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.



His Highness Prince Aga Khan Shia Imami Ismaili Council for the Western United States

October 13, 2015

Ms. Willa Bouwens-Killeen, AICP Zoning Administrator, City of Costa Mesa 77 Fair Drive, Post Office Box 1200 Costa Mesa, California 92628-1200

Re: 3184-J Airway Avenue - Planning Application for Conditional Use Permit

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Page 2...

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Sincerely.

Muneerah Merchant,

President

His Highness Prince Aga Khan Shia Imami Ismaili

Council for the Western United States

Encl. 1

