



City of Costa Mesa

Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: FEBRUARY 18, 2016
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-15-28 **3197 F AIRPORT LOOP DRIVE**

Minor Conditional Use Permit for Orange County CrossFit gym, which provides structured workouts to groups of 8-15 people, mainly before and after neighboring businesses are closed. Proposed hours of operation are 5 AM to 10AM & 4:30 PM to 8:30 PM seven days a week.

Approved, subject to conditions of approval.

Comments received: None.

ZA-15-40 **126 E. 16TH STREET**

Minor conditional use permit to allow an existing group counseling facility for substance abuse (Zen Recovery Path) to expand within an existing building from 1,681 square feet (existing) to 2,681 square feet (proposed) to accommodate administrative offices. Parking in excess of that required (27 spaces required; 29 spaces proposed) will be provided on an abutting parcel under the same address and ownership of the group counseling facility to accommodate the proposed expansion.

Note: Although the project notice said 29 spaces will be provided, 38 spaces are actually proposed (9 at the front of the building and 29 spaces underneath the canopy).

Approved, subject to conditions of approval.

Comments received: None.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

February 18, 2016

Kyle Kell
3197-F Airport Loop Drive
Costa Mesa, CA 92626

**RE: ZONING APPLICATION ZA-15-28
MINOR CONDITIONAL USE PERMIT FOR A PHYSICAL FITNESS STUDIO
AND TO DEVIATE FROM THE SHARED PARKING REQUIREMENTS
3197-F AIRPORT LOOP DRIVE, COSTA MESA**

Dear Mr. Kell:

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 February 25, 2016, 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, Justin Arios, at (714) 754-5667, or at justin.arios@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description and Analysis
 Findings
 Conditions of Approval, Code Requirements, and Special District
 Requirements
 Business Description
 Approved Conceptual Plans

cc: Engineering Pacific West Asset Management
 Fire Protection Analyst 3191-D Airport Loop Dr.
 Building Safety Division Costa Mesa, CA 92626

PROJECT DESCRIPTION

The property is located at Koll Irvine on Airport Loop Drive, south of the 405 Freeway, west of John Wayne Airport and east of the 55 Freeway. The site zoned MP (Industrial Park), and has a General Plan land use designation of Industrial Park. Physical on-site improvements include 19 multi-tenant buildings with approximately 330 parking spaces and five points of ingress/egress on Airport Loop Drive.

The physical fitness use occupies a 4,800 square foot tenant space, located in one of the existing multi-tenant buildings. The proposed floor plan consists of a gym floor, an equipment room, a front office, a locker room and two restrooms. The hours of operation are Mondays through Fridays 5AM to 8:50PM (see table below), Saturdays 8AM to 11AM and Sundays 10AM to 11AM.

Monday – Friday Class Times	Max. Occupants
5AM – 6AM	17
6AM – 7AM	17
9AM – 10AM	14
12PM – 1PM	14
4:20PM – 5:20PM	14
5:30PM – 6:30PM	17
6:40PM – 7:40PM	17
7:50PM – 8:50PM	17

The applicant requests approval of a minor conditional use permit (MCUP) to allow the establishment of a fitness studio in the MP zone and to allow a deviation from the shared parking requirements due to unique operating characteristics.

ANALYSIS

Physical Fitness Studio Use

The fitness studio stands alone in the center of the complex; since it isn't connected to other buildings, it should not adversely affect any of the surrounding businesses. However, as a reminder to the applicant, a condition of approval has been included requiring that music as well as any verbal instructions/coaching not be audible outside the tenant space. This requirement should ensure there are no noise impacts on surrounding uses. Additionally, parking should not be impacted based on operational limitations described below.

Parking Requirements

The parking ratio for a personal training (fitness) studio is 10 spaces per 1,000 square feet of floor area or 48 parking spaces for this studio. Based on the parking spaces for this site and the building square footage for this site, the subject building is allocated 14

parking spaces (2.86 spaces/1,000 sq. ft.). The applicant is requesting approval of a minor conditional use permit to deviate from shared parking requirements due to unique operating characteristics. During normal business hours, when parking demand is at its highest (8:00AM to 5:00PM on weekdays), the maximum occupancy at the facility will be limited to 14 occupants (including both clients, trainers and other staff). Limiting the building to a maximum of 14 occupants during normal business hours should ensure that the parking demand does not exceed the number of parking spaces allocated to the tenant space.

A condition of approval will require a minimum of 10 minutes between sessions to allow departing clients to leave before clients arrive, limiting impacts on parking. If parking shortages or other parking-related problems develop, the business operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the class sizes and/or operating hours of the business.

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 limited class sizes during normal business hours will not generate parking impacts, and therefore, ensure the use is compatible with surrounding uses.

The occupancy of one suite by a personal training business on a property containing a variety of uses will not impact the overall FAR designation of the site. To mitigate the project's traffic impacts, a traffic impact fee of \$8,145 is being assessed to mitigate the project's traffic impacts, consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

The proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the included conditions of approval, the personal training use 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 be limited to a maximum of 14 occupants, with a 10 minute gap between classes, during normal business hours to prevent parking impacts on surrounding uses. The physical fitness sessions will occur within the free standing building and should not generate noise or other detrimental effects on the surrounding industrial 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. The proposed use will be conditioned to have all training take place inside the tenant space, leaving all parking available for customer and employee parking. The proposed personal training studio will be conditioned to operate with a maximum of 14 people during normal business hours to avoid parking impacts and a condition has been included requiring that any music and/or coaching not be audible outside the building.

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. Due to the proposed operating characteristics, the proposed use does not increase the intensity of the use beyond what is allowed by the General Plan FAR requirements.

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. Parking impacts will be avoided by conditioning the physical fitness studio to operate with limited class sizes of no more than 12 clients and a total of 14 occupants during normal business hours.

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.

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 the physical fitness studio, as proposed, is considered a compatible use in an 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 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 be limited to the type of operation as described herein:
- A 10-minute gap shall be provided between all classes.
 - During regular business hours (between 8AM and 5PM weekdays), the building shall not have more than 14 occupants (inclusive of clients, coaches, and employees).
 - Outside of regular business hours, the building shall not have more than 17 occupants (inclusive of clients, coaches, and employees).
 - Music, as well as any type of verbal instructions/coaching, shall not be audible outside the tenant space.
- 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)].
2. The parking spaces on site shall remain unobstructed and available for customer and employee parking.
3. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, reducing the occupancy and/or operating hours of the business.
4. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate security and operational measures are necessary to comply with this requirement.

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.
- Bldg. 2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
3. All activity shall be conducted indoors.
4. 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.
- Bus. 5. All contractors and subcontractors must have valid business licenses to do
Lic. business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
6. Business license shall be obtained prior to the initiation the business.
- Trans. 7. The applicant shall submit an \$8,145 Traffic Impact Fee to the Transportation Division prior to the effective date of the Minor Conditional Use Permit. 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 District at (949) 645-8400 for current district requirements.
2. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
- AQMD 3. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.



Dear City of Costa Mesa,

As a CrossFit facility we run small 8-15 person small group fitness classes. We are one of the first established CrossFit facilities out of about ten locations in Costa Mesa. The most similar to ours is CrossFit Costa Mesa. They have a member count close to ours in a similar type building. They are both stand alone units with their own parking lots. I know they have been granted a CUP for their space due to it being a unique fitness business like ours with off hours that do not conflict with neighboring businesses.

Monday through Friday we run nine CrossFit classes per day. Our working hours are opposite of our neighboring businesses there for, there is virtually no conflict with our business hours. We run a closed gym model, in which people cannot use the facility unless they are signed in and taking class from a certified CrossFit trainer. This process is unlike that of a large open gym, like 24 Hour Fitness. We use a sophisticated software system called "Mind Body Online," that requires our members to sign up for their class before entering the gym. If members do not sign up via Mind Body Online, they cannot attend class. We limit the size of our classes and once that limit has been reached then the class is closed and the member must sign up for another class that has available spots. We have been using this software for over seven years and it has been the most impeccable when it comes to monitoring the specific amount of people that can be in the gym at one time. It also insures that our parking lot is never overfull. We have also implemented a fifteen minute grace period in-between classes to ensure minimal traffic frequency in the area.

Crossfit Gyms in Costa Mesa

There are roughly Ten Crossfit Gyms listed in the City of Costa Mesa all doing the same type of functional fitness training. Documented below are those gyms along with estimated parking space accommodations for those facilities. Included is a map of Orange Coast Crossfit and all our allotted parking.

BalBoa CF
2930 Grace Lane, Costa Mesa (65 spaces)

Vibe CF
2925 Airway Ave. Costa Mesa (44 spaces)

Orange Coast CF
3197 Airport loop, Costa Mesa (100 spaces)

Costa Mesa CF
766 St. Clair st. Costa Mesa (35 spaces)

CF Fly
3845 Birch st, Newport Beach (40 spaces)

CF Newport Mesa
375 Bristol st. Costa Mesa (50 spaces)

CF Upgrade



City of Costa Mesa
Minor CUP *Revision*
Application NO. ZA-15-28
Orange Coast CrossFit

Orange Coast CrossFit Revisions – Minor Condition Use Permit

2a. Orange Coast CrossFit has been operating at 3197-F Airport Loop Dr. since April 1, 2015 – The gym was previously operated at 2020 Placentia where it was purchased from Justin Flynn by New owners (Kyle Kell) and (Kenneth Leverich) – We (the new owners) realized that 2020 Placentia was not a sufficient location in city standards or ours. We found a great location with plenty of parking and plenty of space.

2b. Total square footage of our building is 4,800 sq. ft.

3c. The reason we limit our class size to 15 is because although there is a lot of parking and space we want to be courteous to our neighboring business 's and keep the traffic low. We also have a 10 minute gap between our afternoon classes to reduce congestion of members coming in and going out. We like our classes to be safely organized, having each athlete being able to have sufficient space to perform movements. We have seen CrossFit Gym's that pack classes to the walls and with the equipment we use (Barbells, Dumbbells, Kettlebells, etc) We found that 15 people per class is just right.

4c. All of or classes are 1 hour long with 1 Coach. There is always an owner on site overseeing the classes as well. In between class times our coaches sometimes train personal 1 on 1 Client's, so no more than 4 people in the gym on off hours. Our schedule is listed below.

Monday – Friday

5am – 6am
6am – 7am
9am – 10am
12pm – 1pm
4:20pm – 5:20pm
5:30pm – 6:30pm
6:40 – 7:40pm
7:50pm – 8:50pm

Saturday

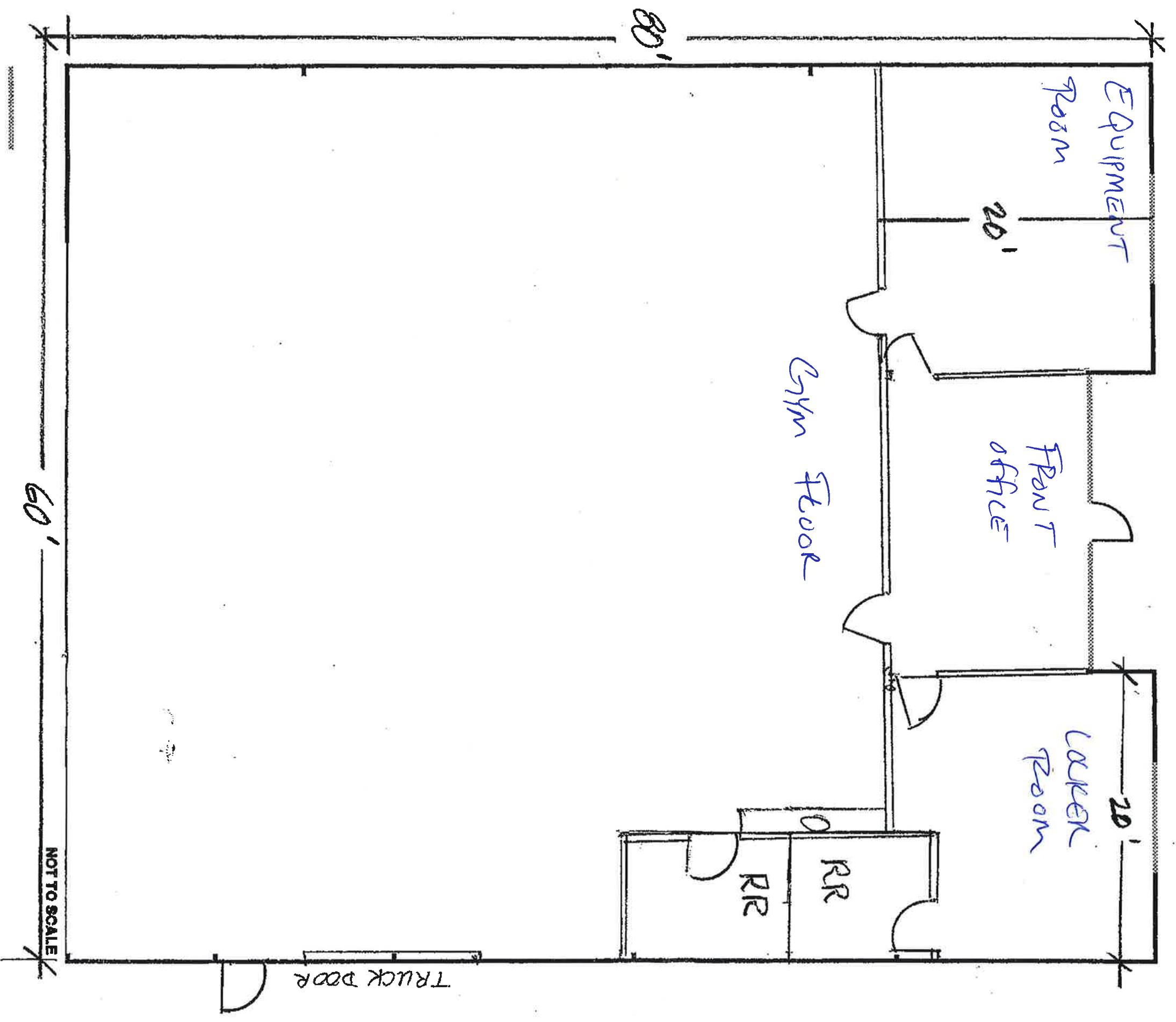
8am – 9am
9am – 10am
10am – 11am

Sunday:

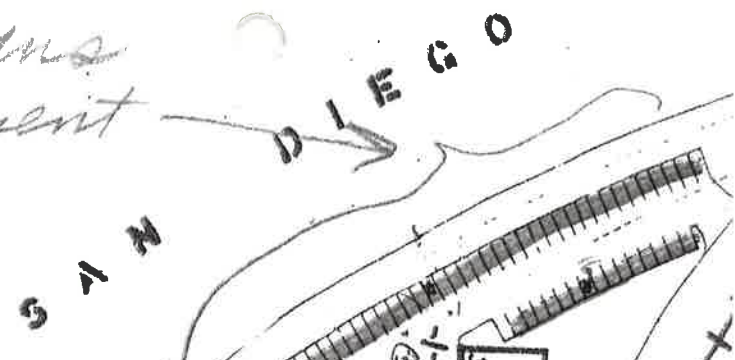
10am – 11am

MINOR CONDITIONAL USE PERMIT
ADMINISTRATIVE ADJUSTMENT NO. 24-15-28
Approval in Concept
SUBJECT TO CONDITIONS
CITY OF COSTA MESA
PLANNING DEPT.
BY: JR DATE: 2/15/16

FLOOR PLAN
3197-F AIRPORT LOOP
Costa Mesa

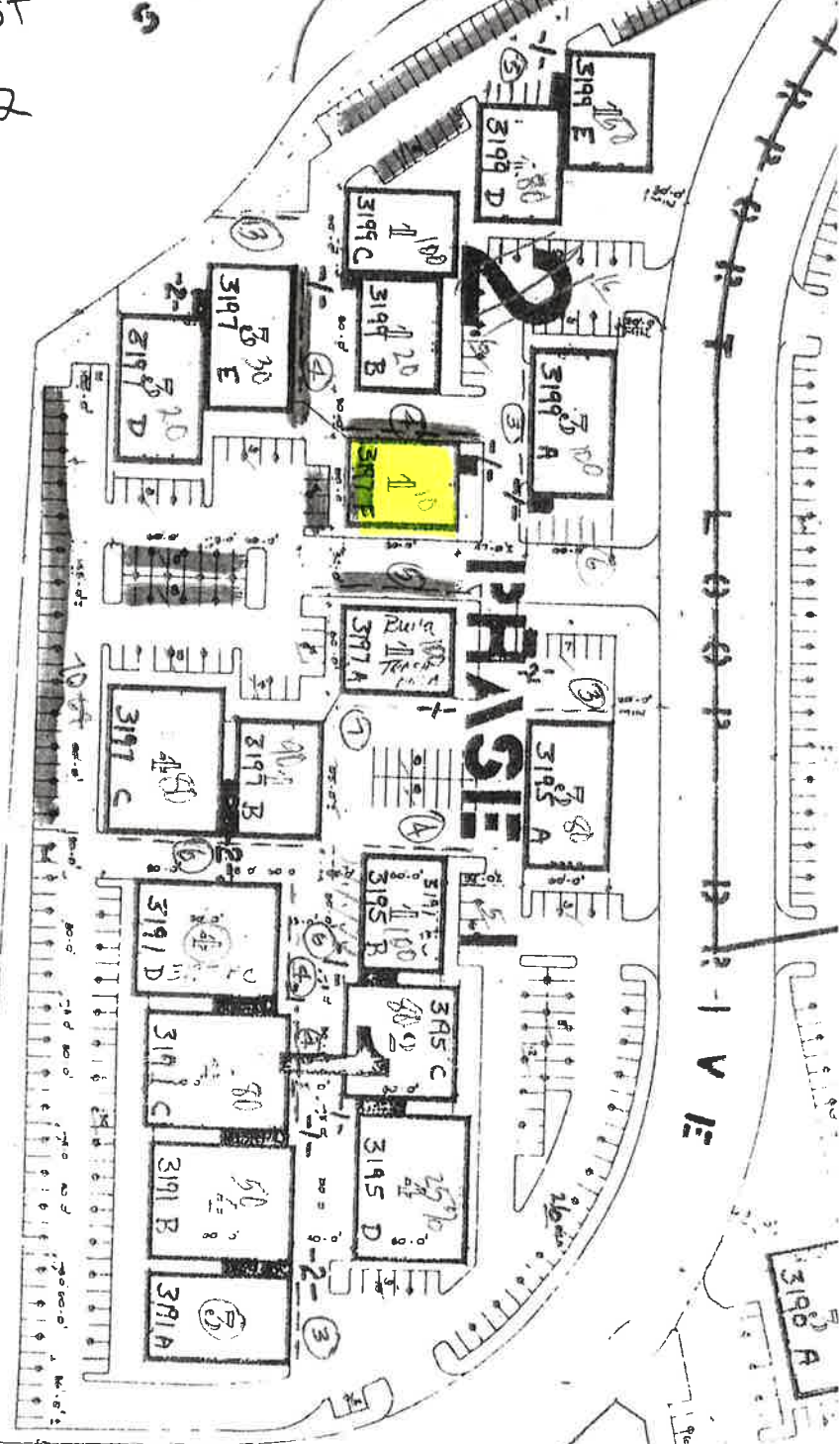


Cal Trans
Easement



ORANGE CAST
CROSSFIT
714-668-9112

THE PLAN



19 Bldg

PH I total stalls 328 + 6 = 330
14,800 sq ft
2.5 Bldgs

PH 1 & 2 = 291,000 sq ft
COD 285
Ato
Prelim = 3/15

AIRPORT LOOP DRIVE





CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

February 18, 2016

Matthew Carver
126 E. 16th Street
Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-15-40 MINOR CONDITIONAL USE PERMIT FOR
AN EXPANSION OF A GROUP COUNSELING USE (ZEN RECOVERY)
126 EAST 16TH STREET, COSTA MESA**

Dear Mr. Carver:

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. The decision will become final at 5:00 p.m. on February 25, 2016, 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
Zoning Administrator

Attachments: Project Description
 Findings
 Applicant's Project Description and Plans

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

ZA-15-40
February 18, 2016
Page 2 of 9

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

BACKGROUND

Project Site/Environs

The project site is located on the north side of East 16th Street, mid-block between Superior Avenue and Newport Boulevard. The property consists of two contiguous parcels .77 acres (33,541 square feet) in size. The properties have a split zone (MG – General Industrial and C1 - Local Business District) and a split General Plan designation (Light Industry and General Commercial). The site contains a 2,642 square foot building originally constructed in 1950 and a 6,393 square foot roof structure constructed in 1993. There are also several storage containers on the property; however, since they do not occupy landscape or parking areas, they are not subject to approval of a minor conditional use permit.

PROJECT DESCRIPTION

Zen Recovery has been operating out of the rear portion of the building (approximately 1,681 square feet) since 2012; a glass block business operated out the front portion of the building (approximately 1,000 square feet). Due to the glass block business leaving the property, the applicant is proposing to provide administrative offices for the facility in the portion of the building previously occupied by the glass block business.

The applicant utilizes the building for the following services:

- State certified outpatient treatment programs for adults residing in sober living group homes or state certified outpatient residential programs.
- Individual (one-on-one) and group counseling sessions (limited to 14 persons), 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 8:00 pm, Monday through Friday. The maximum number of staff on site at any one time during the weekday is 4 and the maximum number of clients on the site at any one time during the weekday is 14. The clients come to the site by vans at various times of the day. Code requires 27 parking spaces for the use; although the project notice said 29 spaces will be provided, 38 spaces are actually proposed (9 at the front of the building and 29 spaces underneath the canopy).

ANALYSIS

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, 27 parking spaces is required for the use, 38 spaces are proposed. A condition of approval is incorporated requiring the items currently stored under the canopy (including the storage container) be removed no later than 30 days from the date of approval. Additionally, proof of recordation of a Land Use Restriction executed by and between the applicant and the City of Costa Mesa, (requiring that the parking area on the abutting property be maintained as long as the use is conducted on the property) is to be submitted prior to any release of building permits and/or final inspections for the property.
- 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 minimize or eliminate the problem.
- The use is not expected to create noise or traffic impacts surrounding neighbors. Because the property is surrounded by commercial and industrial uses, no adverse noise or traffic impacts are anticipated. There is no current active Code Enforcement complaints regarding the use.

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 LU-1A.3:** *Locate high-intensity developments or high traffic generating uses away from low-density residential in order to buffer the more sensitive land uses from the potentially adverse impacts of the more intense developments or 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, an adequate number of on-site parking spaces is provided. As noted earlier, 27 parking spaces is required for the use, 38 spaces are proposed. Based on the description of the operation 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 use is a commercial project consistent with the zoning of the properties and the other similarly-zoned properties in the vicinity. Compliance with the applicable Building and Fire Safety Codes will ensure that the project is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

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 LU-1A.3:** *Locate high-intensity developments or high traffic generating uses away from low-density residential in order to buffer the more sensitive land uses from the potentially adverse impacts of the more intense developments or uses.*

Consistency: The project site does not abut low-density residential properties. Adequate infrastructure is available to serve the proposed project. Therefore, the project is consistent with this General Plan objective.

- 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, 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 onsite activities shall be as follows:
- State certified outpatient treatment programs for adults residing in sober living group homes or state certified outpatient residential programs.
 - Individual (one-on-one) and group counseling sessions (limited to 14 clients, plus 4 staff), as well as educational sessions.
 - Administrative offices.
2. The use shall be limited to the type of operation as described herein; i.e., group counseling and support services with employees parking onsite and clients being transported to the site via passenger vans. 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 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 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.

4. Applicant shall defend, indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval. City shall have the right to select the attorney defending it, if it elects to do so.
5. 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.
6. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem.
7. 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.
8. 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.
9. 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.
10. A Land Use Restriction executed by and between the applicant and the City of Costa Mesa (requiring that the parking area on the abutting property be maintained as long as the use is conducted on the property) shall be recorded prior to the issuance of building permits and/or final inspection. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a Lot Book Report or current Title Report identifying the current legal property owner so that the document may be prepared.
11. No later than 30 days from the date of approval, the exterior storage underneath the canopy (including the storage container) shall be removed and the paved surface striped with parking spaces as shown on the approved plans. The compact parking spaces shown on the conceptual plans shall be increased to full size parking stalls per the City's Parking Design Guidelines. Parking stalls shall be double-striped in accordance with City standards.
12. 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 (1) 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.

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.
- Bldg.
6. If new construction is proposed, 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.

7. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities shall comply with chapter 11B of the 2013 California Building Code.
- Trans. 8. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/final inspection based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

LEE, MEL

Subject: FW: ZA-15-40 Zen Recovery.doc

From: Mathew Carver [mailto:sifu2236@me.com]

Sent: Tuesday, February 16, 2016 1:49 PM

To: LEE, MEL <MEL.LEE@costamesaca.gov>

Subject: Re: ZA-15-40 Zen Recovery.doc

hey mel, under project description i would like to be permitted 4 employees and a max of 14 clients on site at one time. if possible. if that is an issue that will harm my application then i will not. let me know.

Sifu Mathew Carver

Zen Recovery Path

CEO/Founder

www.zenrecoverypath.com

800-759-1930



City of Costa Mesa:

Thank you for the opportunity to present this request to add the adjacent parking lot to our current use permit. We have been operating our small counseling program at 126 E. 16th St. (formerly a boat manufacturing and auto shop in an industrial zone) since December of 2012 with the permission of the city of Costa Mesa (previously sent letter dated December 6th, 2012), a valid Costa Mesa business license and a state certification via The Department of Health. In our three (3) years of operation, we have been substantially compatible with the other mix of commercial, residential and industrial businesses.

Three main topics will be addressed in this letter and corresponding Conditional Use Permit request:

1. Our Philosophy and Vision for the Future
2. Parking and Traffic Solutions
3. Addition of Existing Adjacent Space.

1. Our Philosophy and Vision for Future

Zen Recovery Path is a Holistic Outpatient provider of counseling and coaching services for private American citizens over the age of 30 with self-reported substance abuse issues. Most of our participants are very high-functioning and productive members of society willingly attending our facility to better their lives and improve their physical and spiritual health. We are completely holistic and address the substance abuse issue from an Eastern-minded perspective. We do not prescribe or administer any illicit or licit drugs. Our Zen program is completely non-medical and non-pharmaceutical based. Our community-based approach differs greatly from our industry contemporaries for three unique differences:

- a. We believe that long-term sobriety can be achieved through hard work, exercise, self-discipline and spiritual development. Zen puts an emphasis on meditation, martial arts practice and tai chi practice, exclusively. All of our participants learn, practice and cultivate their individual spiritual paths on a day by day, hour by hour basis drawing from a multitude of Buddhist, Hindu and Taoist inspirations.
- b. Individual Therapy and coaching (one-on-one) is the primary standard of Zen. Individual attention offers a unique and rewarding experience to each of our participants. Group sessions are also utilized to support a healthy group dynamic and offer bonding and opportunities for participants to feel and express their compassion and innate connectedness with one another. These group sessions are limited to only 3-4 participants. We believe this style of therapy offers a more sincere approach and fosters more successful outcomes.
- c. 75% of our participants live within the city of Costa Mesa and adjacent communities.



Zen Recovery was built on the belief that real change and human growth starts right at home. It starts with one individual and grows out from them affecting our friends, family, our community, our city and ultimately the entire nation and world. By easing the suffering of those whom stand right next to us, we believe we can create a chain reaction of positive change, personal growth and sublime grace within our personal community and, ultimately, the world community.

Our philosophy for Zen Recovery is to remain a small yet vibrant force within our community. Our small business plan is not built on a financial growth model. Instead, it is based on a personal growth model. We are truly a Mom-n-Pop style small business with the ideals of honesty, positive regard and community awareness.

2. Parking and Traffic Solutions

In anticipation of city ordinances, Zen Recovery has secured a parking lot space directly adjacent to our current location (same address 126 E 16th Street). This space has a site plan (enclosed with application) and offers us 28 off street parking spaces, plus 7 dedicated spots in front of the business, plus 2 ADA spots for handicapped parking (see site plan).

We also operate one vehicle (Nissan van), which can seat 8 people comfortably. When appropriate (some participants drive themselves), this vehicle is used to shuttle clients in the early morning and return them home in the evening. All services during the interim are provided onsite. Given the nature of our small business and our philosophy of treatment, we have no plans or needs to increase the number of vehicles we use for transportation.

Due to the intense and unique nature of our business model, our hours of operation begin at 6:00am and finish at 8:00pm. Participants pack their own lunches and dinner is provided onsite by a local catering company (Seaside Catering). During that time clients engage in intense physical and martial arts training, silent meditation, life coaching, individual therapy (1-on-1) and small group therapy (3-4 participants).

3. Addition of Existing Adjacent Space

Recently, we have acquired 961 square feet (only 600 square feet is being used) of adjacent space in the front area of our currently operating business. This 961 square foot area is already in existence and would function solely as an office for my personal assistant (248 square feet), an office for myself (352 square feet) and a walkthrough (361 square feet) for participants to access our main building. There is no new construction involved. I alerted city planning of this space acquisition (per our 2012 agreement) which negated our prior operating permit and necessitated a full CUP, as per the city's request.

The remainder of the property has been running "as is" as a substance abuse day program. We



have been open since December of 2012 and have received zero complaints, citations or corrective actions in that time. We practice good neighbor polices and have never required the assistance of law enforcement or any other corrective measures from the city, state or nation. We are certified by the state of California's Department of Health and Human Services.

Zen Recovery Path is community-friendly. Program rules and guidelines include respecting the rights of neighboring businesses to function and operate in a safe, clean, friendly, and welcoming business community. Zen Recovery maintains a strict policy on client conduct and behavior while visiting the center. The policy includes no loitering off premises in front of neighboring businesses, smoking in designated smoking areas, prohibited use of profanity or glorifying the use of drugs, being kind and respectful to staff, clients, and visitors of the center, and maintaining a clean and safe program.

Thank you for working so closely with us during this process. We greatly appreciate and value your time, patience and expertise.

Best regard,

Sifu Mathew Carver
Zen Recovery Path
CEO/Founder



CITY OF COSTA MESA

P. O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

DEVELOPMENT SERVICES DEPARTMENT

December 6, 2012

Matthew Carver
126 E. 16th Street
Costa Mesa, CA 92627

**RE: ZONING AUTHORIZATION FOR ZEN RECOVERY AT
126 E. 16TH STREET, COSTA MESA, CA**

Dear Mr. Carver:

The purpose of this letter is to verify conformance with Zoning Code requirements, subject to conditions, for a proposed counseling office at 126 E. 16th Street. The proposed 1,681 square-foot lease area is within an approximately 2,700 square-foot building in the MG (General Manufacturing) zone. There are seven parking spaces in the front parking lot along E. 16th Street. A future parking area could be established along the northeasterly rear of the building.

The City has considered your request to establish an outpatient drug and alcohol treatment program for adults in an office environment. Day sessions occur between 10AM and 4PM, Monday through Friday. Evening sessions occur between 6PM and 9PM about three nights per week. The project description submitted by you is enclosed as Attachment 1. You verbally indicated that the proposed business does not involve medical consultations and that the maximum number of persons at the facility, including employees, would be 6 to 7 persons at any time. Additionally, most clients are shuttled to the facility and do not drive.

You also indicated that the front area to the right of the large group room is the reception area. The rear office behind the large group room is a lunch area. The other three offices are dedicated to 3 employees.

Based on the project description and verbal clarifications, Planning staff concluded that there would be sufficient on-site parking to accommodate the proposed business. Your proposal is approved subject to these following additional conditions of approval.

1. The use shall be limited to the type of operation as described in this letter. Any change in the operational characteristics including, but not limited to, expansion of seating area, shall require review by the Planning Division and may be subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
2. ~~The customer seating area shall be limited to 300 square feet for the indoor dining area.~~ (NA) *OK 12/07/12*

3. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem or provide off-site parking at another location subject to the approval of a conditional use permit.

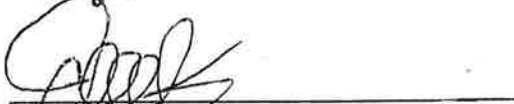
By signing the statement below, you are signifying their agreement with these conditions.



Matthew Carver, Zen Recovery

12/6/12

Date



Property Owner

12/6/12

Date

In the spirit of promoting small business in the Costa Mesa, staff believes that a signed agreement to these terms would be sufficient to reflect the proposed operations. Please note that this approval is strictly related to zoning compliance. You would need to consult with Building Division staff regarding the Building Code requirements for any interior alterations to the building. Please contact Charles Chamoun at 714 754 5614.

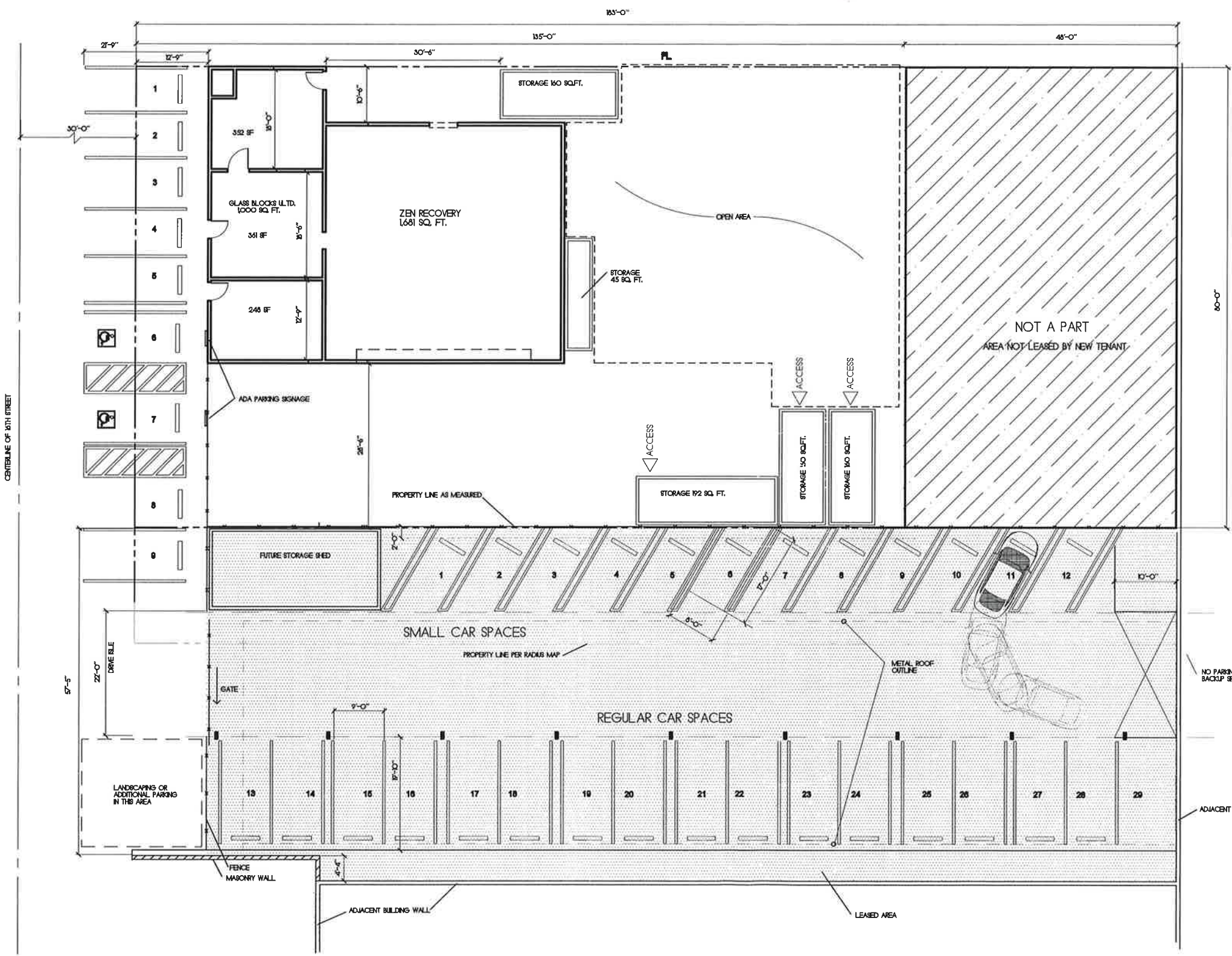
If you have any questions or comments, please contact me at (714) 754-5278, or Mel Lee at mel.lee@costamesaca.gov.

Sincerely,



Claire Flynn, AICP
Assistant Director, Development Services

Attachments



MINOR CONDITIONAL USE PERMIT/
 ADMINISTRATIVE ADJUSTMENT NO. **2A-15-40**
Approval in Concept
 SUBJECT TO CONDITIONS
 CITY OF COSTA MESA
 PLANNING DEPT.
 BY MFE / WPK DATE 2/18/16

ZEN RECOVERY
 126 E 16TH STREET.
 COSTA MESA, CALIFORNIA

CONTACT: MATHEW CARVER
 T: (800) 759 1930 F 95771 637 8749
 EMAIL: SFR@ZENRECOVERYPATH.COM



