



City of Costa Mesa

Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, PETER NAGHAVI, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: JULY 19, 2012
SUBJECT: ZONING ADMINISTRATOR DECISION(S)

WKB

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 26, 2012. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-12-17 2925 Airway Avenue, Suite B

Minor conditional use permit to allow a 5,211 square-foot fitness training studio (CrossFit) in an industrial zone with a deviation from parking requirements due to offset hours of operation. The applicant proposes: private classes by appointment only (one instructor, four students) from 8:00 a.m. to 4:30 p.m. and group classes (two instructors, 20 students) from 6:30 a.m. to 7:45 a.m. and 4:30 p.m. to 8:00 p.m., Monday through Friday; group classes 9:00 a.m. to 1:00 p.m. on Saturday; and closed on Sundays.

Approved, subject to conditions.

Comments received: None.

ZA-12-21 350 Clinton Street, Suite E

Minor conditional use permit to legalize a 3,949 square-foot fitness and nutrition training facility (Innovative Results) with a deviation from shared parking requirements due to unique operating characteristics. The applicant proposes hourly private classes by appointment only (three trainers, nine students maximum throughout the day) from 5:00 a.m. to 7:00 p.m., Monday through Sunday.

Approved, subject to conditions.

Comments received: None.

PA-08-03 271 Flower Street

Fourth request for time extension for a minor conditional use permit for excess garage area (700 sq. ft. allowed; 843 sq. ft. proposed) and a minor design review for a new two-story residence with less than a 10-foot average second story side setback (8.5 feet proposed).

Approved, subject to conditions.

Comments received: Two opposed.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

July 19, 2012

Todd Winter, Esq.
1901 Newport Blvd., Suite 350
Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-12-17
MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM
SHARED PARKING FOR A PROPOSED PHYSICAL FITNESS FACILITY
2925 AIRWAY AVENUE, UNIT B, COSTA MESA**

Dear Mr. Winter:

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 p.m. on July 26, 2012, 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
Conditions of Approval, Code Requirements, and Special District Requirements
Approved Conceptual Plans

cc: Engineering
Fire Protection Analyst
Building Safety Division

Davis Partners
1420 Bristol Street North, Suite 100
Costa Mesa, CA 92626

PROJECT DESCRIPTION

- The property is located on the northwest corner of Airway Avenue and Clinton Street and contains a 58,565 square-foot multiple tenant industrial building complex originally constructed in the 1970's. The property is zoned MP (Industrial Park) and has a General Plan land use designation of Industrial Park.
- The applicant requests approval of a minor conditional use permit (MCUP) to allow a reduction in the amount of required parking to support a proposed physical fitness facility.
- This application is to use 5,211 square-foot space for a central work out area for CrossFit. The proposed use consists of the following:
 - Proposed hours of operation:
 - Scheduled Group Classes (two trainers and 20 clients maximum):
 - Monday through Friday, 6:30 am – 7:45 am, and 4:30 pm to 8:00 pm.
 - Saturday, 9:00 am – 1:00 pm.
 - Sunday, closed.
 - Private Classes (two trainers and four clients maximum):
 - Monday through Friday, 8:00 am – 4:30 pm.
- Approximately 180 on-site parking spaces are provided for the entire property, which complies with the parking requirements for industrial uses per code. For the proposed use, code requires 52 on-site parking spaces; 16 on-site parking spaces are allocated for this suite based on the City's industrial parking requirements. As a result, the applicant is requesting approval of a minor conditional use permit to deviate from shared parking requirements.
- Staff does not anticipate any parking impacts because a maximum of six people will be in the space during the peak time other on-site uses will be utilizing the parking, i.e., 8:00 am to 4:30 pm, Monday through Friday. There is also a separate physical fitness facility (Innovative Results) operating in a 3,949 square-foot space within the same building addressed as 350 Clinton Street (ZA-12-21). However, no parking conflicts are anticipated between the two uses because the parking areas closest to these two tenant spaces are on opposite sides of the building. Additionally, if parking shortages or other parking-related problems arise, the business operator will be required to institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number of classes.
- The use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the proposed conditions, the proposed use should not adversely impact surrounding uses. Specifically, with the recommended conditions of approval, the use will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to

the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property. Specifically, a maximum of six people will be in the space during the peak time the other on-site uses will be utilizing the parking area. Additionally, if parking shortages or other parking-related problems arise, the business operator will be required to institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number of classes.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. Safety and compatibility of the design of the buildings, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The use is consistent with the General Plan designation because the project will not exceed the allowable General Plan intensity for the site.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.
- D. The project, 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

- P1ng. 1. The use shall be limited to the type of operation as described in the staff report and the attached applicant's description letter. The business operation shall be limited to the following:
- Scheduled Group Classes (two trainers and 20 clients maximum):
 - Monday through Friday, 6:30 am – 7:45 am, and 4:30 pm to 8:00 pm.
 - Saturday, 9:00 am – 1:00 pm.
 - Sunday, closed.
 - Private Classes (two trainers and four clients maximum):
 - Monday through Friday, 8:00 am – 4:30 pm.
2. If parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number of or eliminating scheduled group classes.
 3. 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 whatever security and operational measures are necessary to comply with this requirement.

4. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to commencement of the business. 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.

- | | |
|--------------|--|
| PIng. | <ol style="list-style-type: none">1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.3. Use shall comply with all requirements of Articles 3 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to industrial development standards.4. Parking stalls shall be double-striped in accordance with City standards. |
| Bldg. | <ol style="list-style-type: none">5. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. |
| Bus. Lic. | <ol style="list-style-type: none">6. 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. |
| Eng. | <ol style="list-style-type: none">7. Business license(s) shall be obtained prior to the initiation the business.8. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to |

Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.

- Trans. 9. Fulfill mitigation of off-site traffic impacts at the time of building occupancy by submitting the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated based upon the average daily trip generation rate of 16.46 net trip ends for the proposed use and includes credits for existing uses. At the current rate per trip end, the traffic impact fee is estimated at \$8,869.00. NOTE: The Traffic Impact Fee will be recalculated at the time of occupancy of the building 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.
- AQMD 4. Applicant shall contact the Air Quality Management District 800.288.7664 for potential additional conditions of development or for additional permits required by the district.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

July 19, 2012

Bert W. Tarayao, AIA
89 Pelican Court
Newport Beach, CA 92660

**RE: FOURTH EXTENSION OF TIME FOR PLANNING APPLICATION PA-08-03
231 FLOWER STREET, COSTA MESA**

Dear Mr. Tarayao:

Staff's review of your time extension request for the above-referenced project has been completed. The request, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval, code requirements, and special district requirements (attached). The decision will become final at 5:00 p.m. on July 26, 2012, 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 via e-mail at mel.lee@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
Findings
Conditions of Approval

cc: Engineering
Fire Protection Analyst
Building Safety Division

Daniel and Jani Judge
220 E. 19th Street
Costa Mesa, CA 92627

PROJECT DESCRIPTION:

- The property is located on the City's east side and is mid-block on Flower Street between Orange Avenue and Westminster Avenue.
- On June 23, 2008, Planning Commission approved Planning Application PA-08-03 for a proposed two-story, four-bedroom residence and attached three-car garage; which includes a:
 - Minor conditional use permit for excess garage area (700 square feet maximum allowed; 843 square feet proposed);
 - Minor design review to deviate from the City's Residential Design Guidelines for recommended average second floor side setback on the left side (east) elevation (10-foot average setback allowed; 8.6 feet proposed).
- The applicant initially also requested approval of variances from building and chimney height, necessitating Planning Commission review as PA-08-03; however, because the applicant redesigned the project to eliminate the variance requests, the time extension is being approved by the Zoning Administrator instead of the Planning Commission.
- One-year extensions of time were granted by the Zoning Administrator on June 18, 2009, July 8, 2010, and July 7, 2011. This is the fourth time extension request for the project.
- Approval of the requested extension for PA-08-03 will expire on June 23, 2013, unless the applicant obtains building permits prior to that date or requests an additional extension of time.

Time Extension Request

Code allows the granting of an extension of time for a Planning Application upon "showing of good cause by the applicant". The time extension does not change the previously-adopted findings and conditions of approval for PA-08-03, and there have been no changes to the Zoning Code that would affect the project as currently approved.

Title 20 Compliance

At this time, there are no open Code Enforcement cases on this property. Staff inspected the property on July 10, 2012 and found no property maintenance issues.

CONCLUSION

It is staff's opinion that approval of the extension, retroactive to June 23, 2013, is appropriate and consistent with the previous time extension granted for this project.

FINDINGS:

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g) in that the proposed development is compatible and harmonious with existing and/or anticipated development on surrounding properties. The design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.

- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property. Specifically, the size of the garage is integrated into the overall residence and the design is consistent with the parking of vehicles and other garage uses.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The project, as revised, is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The project complies with applicable performance standards prescribed in the Zoning Code.
 - The project is consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- E. 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. All applicable conditions of approval, code requirements, and special district requirements for PA-08-03 shall be complied with (attached).
2. Approval of PA-08-03 will expire on June 23, 2013, unless the applicant obtains building permits prior to that date. If the applicant is unable to obtain building permits within the 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 approval.

NEW CODE REQUIREMENTS AS OF JULY 19, 2012:

- Bldg. 1. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable

adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code (at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

2. Submit grading plans, an erosion control plan, and a hydrology study.
3. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and grading plans.
4. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. 2010 California Residential Code Section R403.1.7.3.
5. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet. 2010 California Residential Code Section R40.1.3.
- Eng. 6. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.



CITY OF COSTA MESA

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DEVELOPMENT SERVICES DEPARTMENT

July 19, 2012

Bert W. Tarayao, AIA
89 Pelican Court
Newport Beach, CA 92660

**RE: FOURTH EXTENSION OF TIME FOR PLANNING APPLICATION PA-08-03
231 FLOWER STREET, COSTA MESA**

Dear Mr. Tarayao:

Staff's review of your time extension request for the above-referenced project has been completed. The request, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval, code requirements, and special district requirements (attached). The decision will become final at 5:00 p.m. on July 26, 2012, 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.

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Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

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Findings
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cc: Engineering
Fire Protection Analyst
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220 E. 19th Street
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PROJECT DESCRIPTION:

- The property is located on the City's east side and is mid-block on Flower Street between Orange Avenue and Westminster Avenue.
- On June 23, 2008, Planning Commission approved Planning Application PA-08-03 for a proposed two-story, four-bedroom residence and attached three-car garage; which includes a:
 - Minor conditional use permit for excess garage area (700 square feet maximum allowed; 843 square feet proposed);
 - Minor design review to deviate from the City's Residential Design Guidelines for recommended average second floor side setback on the left side (east elevation (10-foot average setback allowed; 8.6 feet proposed).
- The applicant initially also requested approval of variances from building and chimney height, necessitating Planning Commission review as PA-08-03; however, because the applicant redesigned the project to eliminate the variance requests, the time extension is being approved by the Zoning Administrator instead of the Planning Commission.
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- Approval of the requested extension for PA-08-03 will expire on June 23, 2013, unless the applicant obtains building permits prior to that date or requests an additional extension of time.

Time Extension Request

Code allows the granting of an extension of time for a Planning Application upon "showing of good cause by the applicant". The time extension does not change the previously-adopted findings and conditions of approval for PA-08-03, and there have been no changes to the Zoning Code that would affect the project as currently approved.

Title 20 Compliance

At this time, there are no open Code Enforcement cases on this property. Staff inspected the property on July 10, 2012 and found no property maintenance issues.

CONCLUSION

It is staff's opinion that approval of the extension, retroactive to June 23, 2013, is appropriate and consistent with the previous time extension granted for this project.

FINDINGS:

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g) in that the proposed development is compatible and harmonious with existing and/or anticipated development on surrounding properties. The design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.

- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property. Specifically, the size of the garage is integrated into the overall residence and the design is consistent with the parking of vehicles and other garage uses.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The project, as revised, is compatible and harmonious with uses on surrounding properties.
 - Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - The project complies with applicable performance standards prescribed in the Zoning Code.
 - The project is consistent with the General Plan.
 - The cumulative effect of all of the planning applications have been considered.
- D. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- E. 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. All applicable conditions of approval, code requirements, and special district requirements for PA-08-03 shall be complied with (attached).
2. Approval of PA-08-03 will expire on June 23, 2013, unless the applicant obtains building permits prior to that date. If the applicant is unable to obtain building permits within the 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 approval.

NEW CODE REQUIREMENTS AS OF JULY 19, 2012:

- Bldg. 1. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable

adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code (at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

2. Submit grading plans, an erosion control plan, and a hydrology study.
3. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and grading plans.
4. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge devise a minimum of 12 inches plus 2 percent. 2010 California Residential Code Section R403.1.7.3.
5. Lots shall be graded to drain surface water away from foundation walls. The grade shall be a minimum of 6 inches within the first 10 feet. 2010 California Residential Code Section R40.1.3.
- Eng. 6. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.