

RECEIVED
CITY CLERK

16 FEB 16 PM 2:30

CITY OF COSTA MESA
BY BG



City of Costa Mesa

- Appeal of Commission Decision - \$1,220.00
 - Appeal of Zoning Administrator/Staff Decision - \$690.00
- (FEES MUST BE PAID IN FULL AT TIME OF FILING APPEAL)

APPLICATION FOR APPEAL OR REVIEW

Applicant Name* Muneerah Merchant c/o Salim Rahemtulla
 Address: 3350 Ocean Park Blvd., Suite 210, Santa Monica, CA 90405
 Phone: (949) 456-5583 Representing: His Highness Shia Imami Ismaili Council for the Western United States

REQUEST FOR: APPEAL REVIEW**

Decision of which appeal or review is requested: (give application number, if applicable, and the date of the decision, if known.)

ZA-15-38, Review of Minor Conditional Use Permit at 3184 Airway Avenue, Suite J. The Planning Commission reversed the Zoning Administrator's decision and denied without prejudice.

Decision by: Planning Commission
 Reasons for requesting appeal or review:

Please see attached.

Date: 16 February 2016 Signature: [Handwritten Signature]

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
 **Review may be requested only by Commissions, Commissions Members, City Council, or City Council Members.

For office use only – do not write below this line

REV 9-1-15

SCHEDULED FOR THE CITY COUNCIL/COMMISSION MEETING OF:



RECEIVED
CITY CLERK

16 FEB 16 PM 2:30

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

CITY OF COSTA MESA
BY BG

February 16, 2016

VIA HAND DELIVERY

Members of the City Council
City of Costa Mesa
ATTN: Brenda Green, City Clerk
77 Fair Drive
Costa Mesa, CA 92626

Re: Zoning Application ZA-15-38 for a Religious and Cultural Center with a
Deviation from Shared Parking Requirements at 3184 Airway Avenue, Suite J.

Dear Honorable Council members:

His Highness Prince Aga Khan Shia Imami Ismaili Council for the Western United States respectfully submits this appeal to the City Council of the Planning Commission's decision to reverse the Zoning Administrator's decision to approve the Minor Conditional Use Permit (MCUP) adjudicated on December 10, 2015, in a three to two vote. The Center approaches the City Council for relief in this matter and believes that the preponderance of the evidence presented to the Commission, including but not limited to the parking study commissioned by LSA Associates, Inc.'s ("LSA") as well as other supporting documents demonstrates sufficient parking space to meet the current and future needs of the Center.

BACKGROUND

His Highness Prince Aga Khan Shia Imami Ismaili Council for the Western United States is in the process of relocating its Orange County religious, cultural, and educational center (Center) from 17965 Sky Park Circle, Suites C and D, Irvine CA. The Center has been in operation since 1988.

The Center is currently in the process of acquiring 3184 Airway Avenue, Suite J, in Costa Mesa CA, pending the issuance of an MCUP. 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 493 parking spaces and three points of ingress/egress on Airway Avenue.

The Center filed an MCUP on October 13, 2015 (Exhibit A). We requested an approval of an 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. The Zoning Administration approved the Center's MCUP on December 10, 2015. (Exhibit B). The Planning Commission staff recommended upholding the Zoning Administrator's approval in their report. (Exhibit C). The Planning Commission in a three to two vote reversed the Zoning Administrator's approval. (Exhibit D).

PARKING NEEDS

The Center's application for the MCUP was submitted to deviate from shared parking requirements due to offset hours of operation. The Center's schedule is as follows:

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).

Days	Times	Average Parking Spaces
Monday - Sunday	7:00 p.m. to 9:30pm	20
Friday	7:00 p.m. to 9:30pm	50
Saturday and Sunday	10:00 a.m. to 2:00 p.m.	15
Monday - Sunday	4:00 a.m. to 6:00 a.m.	15

Note: Maximum parking on one special evening day of attendance per month will not exceed 80 cars. Further, this day changes each month.

Of critical importance is the Zoning Administrator's citation of our Center's parking need of 150 spaces, when in actuality, our Center needs a maximum of 80 spaces, as noted on our original MCUP application. Furthermore, despite this oversight which substantially inflated our parking needs, the Zoning Administrator approved our MCUP application.

DISCUSSION

PARKING STUDY and OTHER SUPPORTING INFORMATION

The Center contends that the parking study firmly supports approval of the MCUP application. The Center hired LSA to conduct a parking study (Exhibit E) to identify whether sufficient parking is available within the business park during the proposed hours of operation to accommodate the new parking demand. The study demonstrated sufficient parking for both the current and future needs of the Center. Furthermore, the parking study incorrectly assumed that the Center would require as many as 118 parking spaces on Sunday. Even though this number is significantly higher than the Center's actual need, the study concluded that parking is sufficient.

The Center contends that the findings of the parking study strongly outweighed the testimony from 4 out of the 32 business owners operating within the industrial complex. Chairperson Robert Dickson, who voted in favor of granting the MCUP, stated in part that the Commission has relied on parking studies from LSA in the past in order to make decisions concerning parking issues.

The Center further contends that statements and pictures that were made and provided by the business owners of the business park accounted for parking immediately adjacent to their property and did not take into account the business park's full 493 parking spaces.

Finally, documentation included demonstrates that the Berean Community Church ("Berean") can operate simultaneously with the Center and still leave a significant number of parking spaces available. See the Berean's MCUP filed in 2010 requiring 109 parking spots (Exhibit F). Moreover, Berean's objections now appear to be moot due to the likelihood of their imminent relocation. The property occupied by the church is currently listed for sale (Exhibit G) and the church obtained an MCUP from the City of Irvine on February 10, 2016, (Exhibit H) for its new location on Mitchell Dr. in Irvine.

PROPOSED PARKING PLAN

Should the City Council agree with the information provided by the Center confirming ample parking for the Center as well as current business owners located within the industrial park, the Center has prepared a parking plan. The parking plan is in place to ensure that the Center's members park in the appropriate spaces. The plan is as follows:

- Members will be notified of the appropriate parking locations to ensure a smooth flow of traffic.
- The Center's uniformed volunteer corps, already trained and active at the Center's current location, will assist anyone entering the industrial park and direct them to the appropriate parking space.
- The Center, at its expense, is willing to make signs designating the appropriate spaces for its members.
- The Center will continue to reach out to its neighbors and work with them to ensure that its members park in the appropriate spaces.

CONCLUSION

The Center contends that the property has sufficient parking to satisfy its use as well as the use of its neighbors. The Center requires a maximum of 80 parking spaces once per month, which does not conflict with any other neighbor's use at any given time. The Center has devised a parking plan to ensure that its members park in the appropriate parking spaces. The Center hopes that the City Council will take the time to review all of the documentation submitted that supports the MCUP. The Center makes itself available to answer any questions or concerns.

Sincerely,



Muneerah Merchant
President

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

Enclosure

cc: Salim Rahemtulla
City Council Members
Planning Commission Members

APPENDIX

- Exhibit A: MCUP Letter submitted October 13, 2015
- Exhibit B: Zoning Application approved, December 10, 2015
- Exhibit C: Planning Commission Agenda Report February 8, 2016
- Exhibit D: Planning Commission Reversal Notice
- Exhibit E: LSA Parking Study
- Exhibit F: Berean Church MCUP Approved May 20, 2010
- Exhibit G: Berean Church listed for sale updated February 13, 2016
- Exhibit H: Berean Church MCUP granted February 10, 2016, 17911 Mitchell South,
City of Irvine

RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSTA MESA
BY BK

EXHIBIT A



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

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.

Page 2...

Exhibit (A)

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

Exhibit (A)

RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSTA MESA
BY BG

EXHIBIT B



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 *MA*
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.

Exhibit (B)

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,

Exhibit (B)

Mark Lim | Associate Pastor

Berean Community Church

3184 Airway Ave Bldg B

Costa Mesa, CA 92626

949-231-8323

Exhibit (B)

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

25 E. Foothill Blvd., Arcadia, California 91006
Tel: 909-762-1616 | Fax: 302-371-5787

Exhibit (B)



rec'd 12-3-15
CUBK

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 respectfully 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

Mailing Address ◀ P.O. Box 19068 ◀ Irvine, California 92623-9068

3191-D Airport Loop ◀ Costa Mesa, California 92626-3404 ◀ 714.433.7300 F. 714.433.7330

Exhibit (B)

NOTICE OF A ZONING ADMINISTRATOR DECISION DATE

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

DECISION DATE:	December 10, 2015	City Hall Address:	City Hall <i>(No meeting required.)</i> 77 Fair Drive Costa Mesa, CA
Application No.	ZA-15-38	Applicant:	Salim Rahemtulla
Site Address:	3184 Airway, Suite J	Zone:	MP
Contact:	Planning Division (714) 754-5245	Environmental Determination:	Exempt – Section 15301 Existing Facilities
Website:	www.costamesaca.gov	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 date at: <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.

Exhibit (B)



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

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.

Page 2...

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

Exhibit (B)



CITY OF COSTA MESA

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, 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
Fire Protection Analyst
Building Safety Division

Randy Shafer
1874 Samar Drive
Costa Mesa, CA 92626

Exhibit (B)

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:

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

Exhibit (B)

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.

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 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

Exhibit (B)

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

- P1ng. 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.

- P1ng. 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

Exhibit (B)

- 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.** 5. 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

Exhibit (B)

- 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

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.

Page 2...

Exhibit (B)

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

Exhibit (B)

PROJECT PROPOSED TENANT IMPROVEMENTS	
DATE: 10-15-15	PROJECT: 3184-J AIRWAY AVE, COSTA MESA, CA
REVISIONS	NO. DATE
REVIEW	DATE
SHEET TITLE SITE PLAN VICINITY MAP PROPOSED FLOOR PLAN	
SHEET NO. A-1.0	



VICINITY MAP
N.T.S.



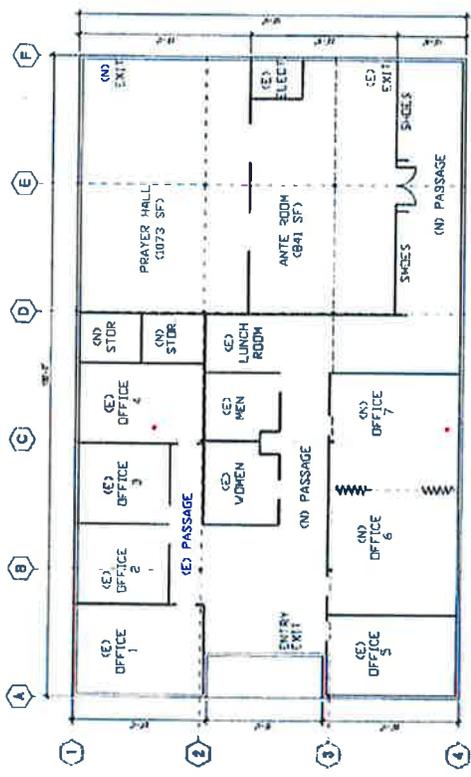
**PROPOSED
AREA OF WORK**

SITE PLAN
N.T.S.

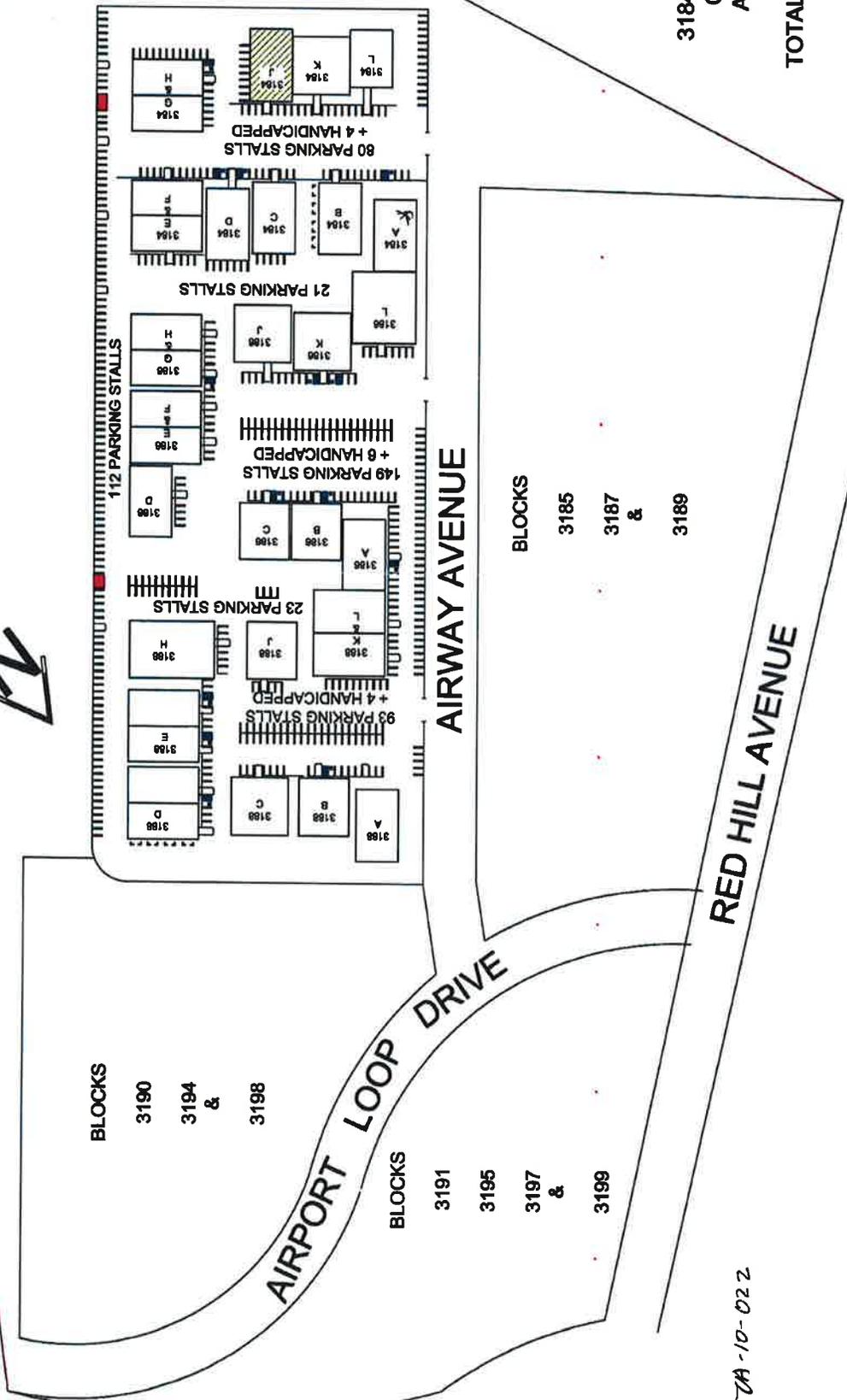
BUILDING AREA:
3184-J AIRWAY AVENUE, COSTA MESA, CA
PROPOSED TENANT IMPROVEMENT: ± 6,000 0 SF

SCOPE OF WORK:
THE GENERAL PROPOSED SCOPE OF WORK FOR THIS PROJECT IS AS FOLLOWS:

1. CONVERSION OF 3' OCCUPANCY TO 'A-3'
2. CLASSIFICATION PER CBC 107.2
3. INSTALL NEW INTERIOR WALLS AND DOORS AS SHOWN
4. (M) FINISHES TO MATCH (E)
5. (M) FINISHES TO MATCH (E)
6. (M) FINISHES TO MATCH (E)
7. REPLACE (E) BATHROOMS WINDOW PER PLUMBING CODE
8. INTERIOR ACCESSIBILITY UPGRADE AS NECESSARY.
9. PARKING IS EXISTING. SEE SITE PLAN



PROPOSED 3184-J AIRWAY AVE, COSTA MESA, CA
SCALE: 1/8" = 1'-0"



3184-J AIRWAY AVENUE
COSTA MESA, CA
AND VICINITY MAP

TOTAL 478 PARKING STALLS

SCALE: 60' - 1"

Exhibit (B)

7A-10-02 Z

RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSTA MESA
BY BG

EXHIBIT C



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 8, 2016

ITEM NUMBER: PH-1

SUBJECT: REVIEW OF THE ZONING ADMINISTRATOR'S APPROVAL OF ZONING APPLICATION ZA-15-38 FOR A RELIGIOUS AND CULTURAL CENTER WITH A DEVIATION FROM SHARED PARKING REQUIREMENTS AT 3184 AIRWAY AVENUE, SUITE J

DATE: JANUARY 28, 2016

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611
mel.lee@costamesaca.gov

DESCRIPTION

Zoning Application ZA-15-38, which was approved by the Zoning Administrator on December 10, 2015, is 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).

A total of 55 parking spaces are required for the 1,914 square foot assembly area. The proposal involves off-set operational hours in order to utilize the parking area when the other businesses are closed.

The request was approved by the Zoning Administrator on December 10, 2015, and called up for review by the Planning Commission on December 11, 2015.

AUTHORIZED AGENT

The authorized agent is Salim Rahemtulla, representing Randy Shafer, the property owner.

RECOMMENDATION

Staff recommends that the Planning Commission uphold the Zoning Administrator's approval of ZA-15-38 by adoption of Planning Commission resolution, subject to conditions.

Exhibit (C)

BACKGROUND

Project Site/Environs

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 493 parking spaces and three points of ingress/egress on Airway Avenue.

Project Description

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 (Berean Community Church). 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

Justifications for Approval

The Zoning Administrator approved the request based on the following:

- Noise impacts are not anticipated by the use. 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 will not interfere with surrounding properties. 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:

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.

Exhibit (C)

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 Berean Community 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 existing 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 493 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.

On January 21, 2016, the applicant submitted a parking study prepared by LSA supporting the above assumption that sufficient parking exists to meet the parking demand for the uses (Attachment 9).

ENVIRONMENTAL DETERMINATION

If the Zoning Administrator's approval of the request is upheld, it would be categorically exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1) for Existing Facilities.

PUBLIC NOTICE

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the affected properties (see attached Notification Radius Map).
2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

Additionally, notice was provided to all individuals who provided written correspondence in conjunction with the previous amendment under ZA-14-40 (Attachment 9).

LEGAL REVIEW

The City Attorney has reviewed the draft resolutions and they have been approved as to form by the City Attorney's Office.

ALTERNATIVES

The Planning Commission has the following alternatives:

- Uphold the Zoning Administrator's approval of the project, subject to conditions. The Planning Commission may suggest specific conditions to include in an approval of the project. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
- Reverse the Zoning Administrator's decision and deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

The Zoning Administrator approved the request based on the determination that the proposed use, as conditioned, is compatible with the surrounding residential properties and is, therefore, consistent with the City's Zoning Code and General Plan.



MEL LEE, AICP
Senior Planner



WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

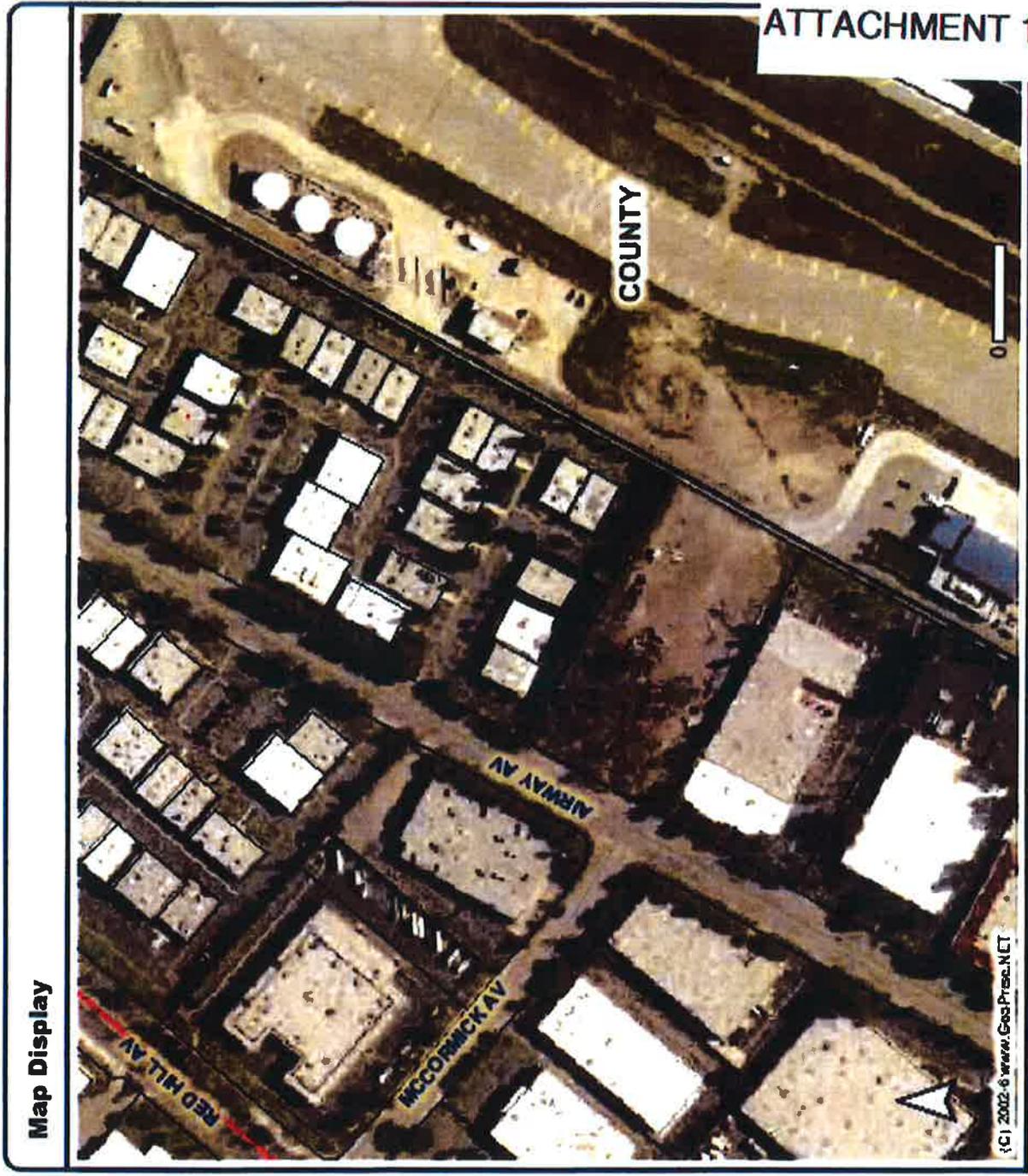
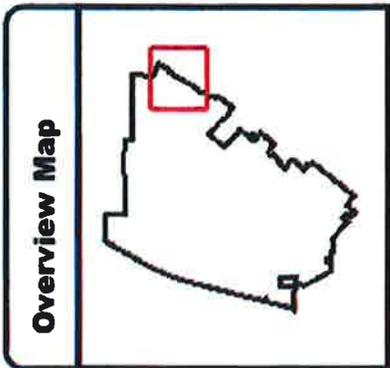
- Attachments:
1. Location Map, Zoning Map, and Radius Map
 2. Site Photos
 3. Applicant's Project Description
 4. Draft Resolutions
 5. Correspondence from Public
 6. Plans
 7. Zoning Administrator Approval Letter for ZA-15-38
 8. Review Request
 9. Parking Study

Exhibit (C)

Distribution: Director of Economic & Development Services/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

Salim Rahemtulla
82 Meadowbrook
Aliso Viejo, CA 92656

Randy Shafer
1874 Samar Drive
Costa Mesa, CA 92626



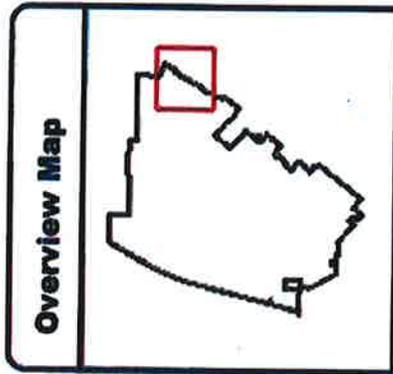
Legend

Address Points	Street Names
Freeway	Street Centerlines
Roads	Parcel Lines
Collector	City Boundary
Freeway	Water Ways
Major	
Newport	
Primary	
SECONDARY	
Hydrology	
Channel-	

(C) 2002-6 GeoPrise.net (GeoVec, Inc.) - (866)422-2505

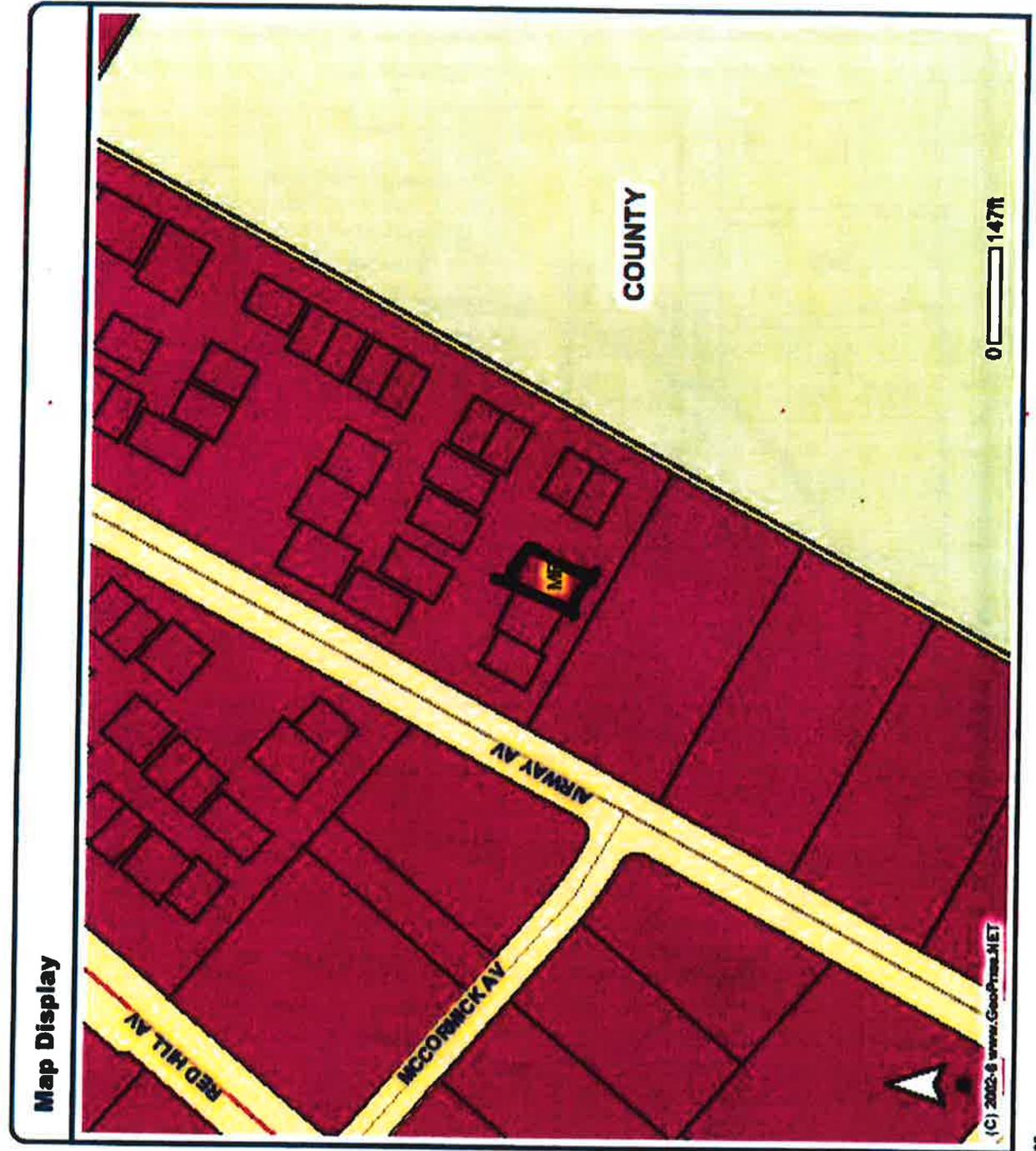
City of Costa Mesa

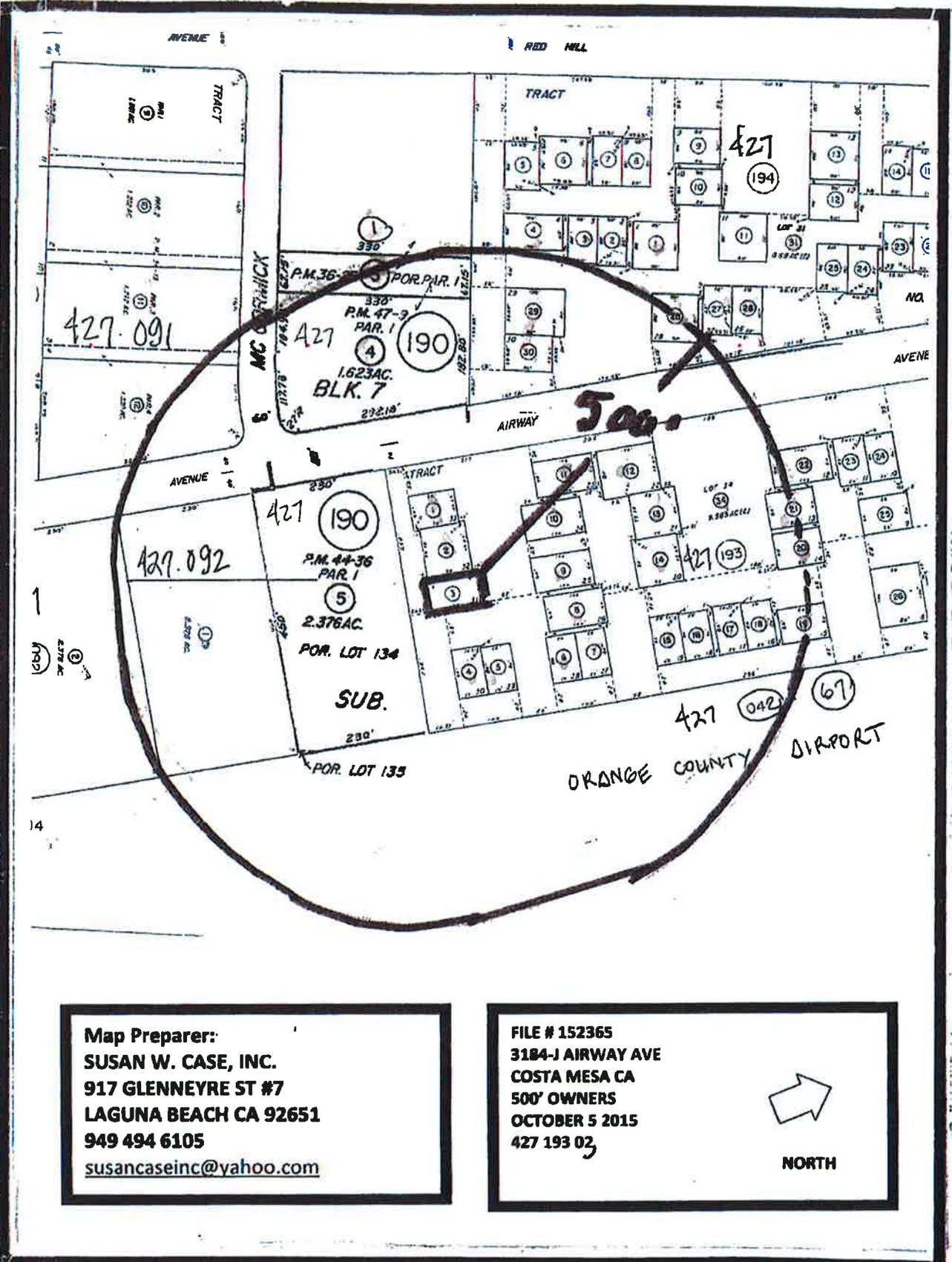
CITY OF COSTA MESA - [Created: 1/20/2016 7:57:41 AM] [Scale: 282.67] [Page: 8.5 x 11 / Landscape]



Legend

Address Points	Street Names
Freeway	Street Centerlines
Roads	Parcel Lines
Collector	City Boundary
Freeway	Water Ways
Major	
Newport Blvd	
Primary	
SECONDARY	
Hydrology	
Channel	





Map Preparer:
SUSAN W. CASE, INC.
 917 GLENNEYRE ST #7
 LAGUNA BEACH CA 92651
 949 494 6105
susancaseinc@yahoo.com

FILE # 152365
3184-J AIRWAY AVE
COSTA MESA CA
500' OWNERS
OCTOBER 5 2015
427 193 03


NORTH





Exhibit (C)



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

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.

Page 2...

Exhibit (C)

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

THE ISMAILI COMMUNITY

Ismailis In the United States

The Ismailis are a community of ethnically and culturally diverse peoples living in over 25 countries around the world. Ismailis are part of the social, educational and economic fabric of cities across the U.S., where through both individual as well as community-sponsored efforts, Ismailis have made wide-ranging contributions to the civic life of the communities in which they reside. The Ismaili community organizes an array of programs in fields such as education, healthcare, economic development, culture, youth development, and sports, in an effort to secure continuing improvements in the quality of life of members of the Community and to assist its members to make an effective contribution to society. Recent initiatives have included the development of innovative programs to strengthen parental involvement in early childhood education, nutrition and cardiovascular fitness programs, participation in trade fairs, and leadership training for volunteers.

Ismailis In the Western United States

The Ismaili community in the Western United States is small but well settled. Our members reside in major metro-centers throughout California including the San Francisco Bay Area, Greater Los Angeles, and San Diego as well as in major cities across the West Coast such as Phoenix, Las Vegas, and Seattle. Ismailis in the Western U.S. work in high tech at companies such as Facebook, Microsoft, Amazon, and Linked In, and have founded Silicon Valley startups. Ismaili professionals are also attorneys, educators, non-profit and foundation executives, and physicians, while Ismaili entrepreneurs own businesses in a variety of industries including hospitality, franchised restaurants, and real estate. Ismaili students currently attend the University of California, Berkeley, Stanford University, UCSF, UCLA, USC, the University of Washington, and UNLV, among others.

Volunteering and community service are a key Ismaili ethic and is actively encouraged. Ismailis living in the Western U.S. are regular participants in the Best Buddies bike challenge, the Santa Monica Homeless Count, and the L.A. Works Martin Luther King Junior Day of Service, among others. The Ismaili Community also organizes annual walks and golf tournaments for charity in Los Angeles, the San Francisco Bay Area, and Seattle. Ismailis are also active in interfaith activities having partnered with organizations such as NewGround and University Synagogue's Big Sunday.

Websites: www.theismaili.org | www.akdn.org

Exhibit (C)

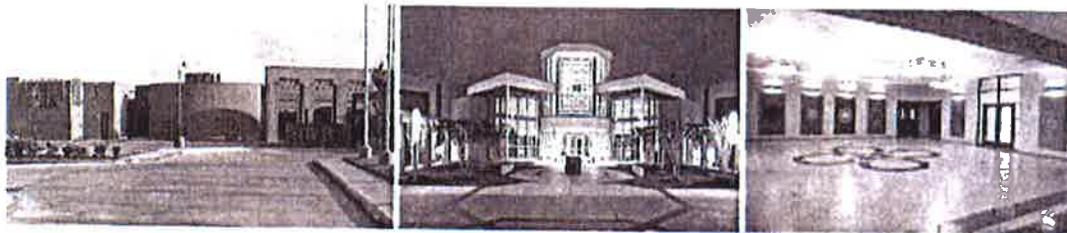


Pictures above: left: Ismaili volunteers at the Best Buddies Hearst Castle Challenge between Carmel and San Simeon, California; right: Ismaili volunteers with Los Angeles Mayor, Eric Garcetti.

The Jamatkhana

The Ismaili Jamatkhana is a house of worship and congregation for Ismailis, and a gathering place for educational and cultural activities. It is a place for contemplation, peace, and congregation.

The Governors of Texas and Illinois presided over the opening of purpose built Jamatkhana in Sugarland, Texas (Houston suburb) and Glenview, Illinois (Chicago suburb) respectively.



Jamatkhana Pictures: Left: Houston, Texas, Center: Plano, Texas, Right: Lobby of the Jamatkhana in Glenview, Illinois;
Below: Classroom in Glenview Jamatkhana



Websites: www.theismaili.org | www.akdn.org

Exhibit (C)

His Highness the Aga Khan

His Highness Prince Karim Aga Khan is the 49th hereditary Imam (spiritual leader) of the Ismaili Muslims and a direct descendant of the Prophet Muhammad. The Aga Khan has explained that as the spiritual leader of the Ismaili community, he has a responsibility to help improve the quality of life not only of his followers but also of the societies among whom they live.

In keeping with this mandate, the Aga Khan is the founder and Chairman of the Aga Khan Development Network (www.akdn.org), which has active partnerships with the World Bank, the United States Agency for International Development, and many international governments and non-governmental aid agencies.

His Highness the Aga Khan has met with almost every single United States President since John F. Kennedy and more recently signed Agreements of Cooperation between the Ismaili Imamate and the State of Texas, State of California, and the State of Illinois. The agreements establish a basis for long term collaborative programs between the states and the institutions in the fields of education, health sciences, natural disaster preparedness and recovery, culture and environment.

The Aga Khan graduated from Harvard University in 1959 and has received numerous honorary degrees, decorations, and awards in recognition of the various dimensions of his work. The Aga Khan has been convocation speaker at Brown University and was awarded the University of California San Francisco (UCSF) Medal.



Pictures above: Left: His Highness the Aga Khan receiving David Rockefeller Bridging world award. Center: His Highness the Aga Khan receiving Andrew Carnegie Medal for Philanthropy. Right: His Highness the Aga Khan at the White House Conference on Culture and Diplomacy.

Websites: www.theismaili.org | www.akdn.org

Exhibit (C)

The Aga Khan Development Network (AKDN)

The AKDN is an international network of nine development agencies with mandates that include the environment, health, education, architecture, culture, microfinance, rural development, disaster reduction, promotion of private-sector enterprise and revitalization of historic cities.

The Network encompasses more than 300 schools, two universities, two foundations, hundreds of medical clinics and hospitals, hotels, banks, insurance companies, and airlines in over 25 countries around the world. Based upon the underlying principles of empowerment, partnership, and capacity building, the AKDN is dedicated to improving the living conditions and opportunities for some of the poorest in the world without regard to faith, origin or gender.

Websites: www.theismailli.org | www.akdn.org

Websites: www.theismailli.org | www.akdn.org

Exhibit (C)

RESOLUTION NO. PC-16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION AND APPROVING ZONING APPLICATION ZA-15-38 FOR 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 AT 3184 AIRWAY AVENUE, SUITE J

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Salim Rahemtulla, authorized agent for Randy Shafer, the property owner, requesting approval of the following:

Zoning Application ZA-15-38, which was approved by the Zoning Administrator on December 10, 2015, is 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).

The request was approved by the Zoning Administrator on December 10, 2015, and called up for review by the Planning Commission on December 11, 2015.

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 8, 2016 with all persons having the opportunity to speak for and against the proposal; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of contained within Exhibit B, the Planning Commission hereby **APPROVES** Zoning Application ZA-15-38.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Application ZA-15-38 and upon the applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval and/or mitigation measures.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are 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.

PASSED AND ADOPTED this 8th day of February, 2016

Robert L. Dickson Jr., Chair,
Costa Mesa Planning Commission

Exhibit (C)

EXHIBIT A

FINDINGS (APPROVAL)

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.

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.

Exhibit (C)

- 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.**

EXHIBIT B

CONDITIONS OF APPROVAL

- PIng. 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 conditions of approval and ordinance or code provisions of zoning application ZA-15-09 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of /utilities. 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. 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 Costa Mesa Sign Ordinance.
- Bldg. 3. Comply with the requirements of the 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, and 2013 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code,

Exhibit (C)

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.

Additional access requirements may be required as per 2013 California Building Code.

5. 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.
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 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. |

Exhibit (C)

RESOLUTION NO. PC-16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING THE ZONING ADMINISTRATOR'S DECISION AND DENYING ZONING APPLICATION ZA-15-38 FOR 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 AT 3184 AIRWAY AVENUE, SUITE J

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Salim Rahemtulla, authorized agent for Randy Shafer, the property owner, requesting approval of the following:

Zoning Application ZA-15-38, which was approved by the Zoning Administrator on December 10, 2015, is 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).

The request was approved by the Zoning Administrator on December 10, 2015, and called up for review by the Planning Commission on December 11, 2015.

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 8, 2016 with all persons having the opportunity to speak for and against the proposal; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby reverses the Zoning Administrator's decision and **DENIES** Planning Application ZA-15-38 with respect to the property described above.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are 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.

PASSED AND ADOPTED this 8th day of February, 2016

Robert L. Dickson Jr., Chair,
Costa Mesa Planning Commission

Exhibit (C)

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on February 8, 2016 by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

Exhibit (C)

EXHIBIT A

FINDINGS (DENIAL)

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

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

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

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

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,

Exhibit (C)

-67-

Mark Lim | Associate Pastor

Berean Community Church

3184 Airway Ave Bldg B

Costa Mesa, CA 92626

949-231-8323

Exhibit (C)

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

25 E. Foothill Blvd., Arcadia, California 91006
Tel: 909-762-1616 | Fax: 302-371-5787

Exhibit (C)



Via Certified and First Class Mail

November 30, 2015

REC'D DEC 02

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

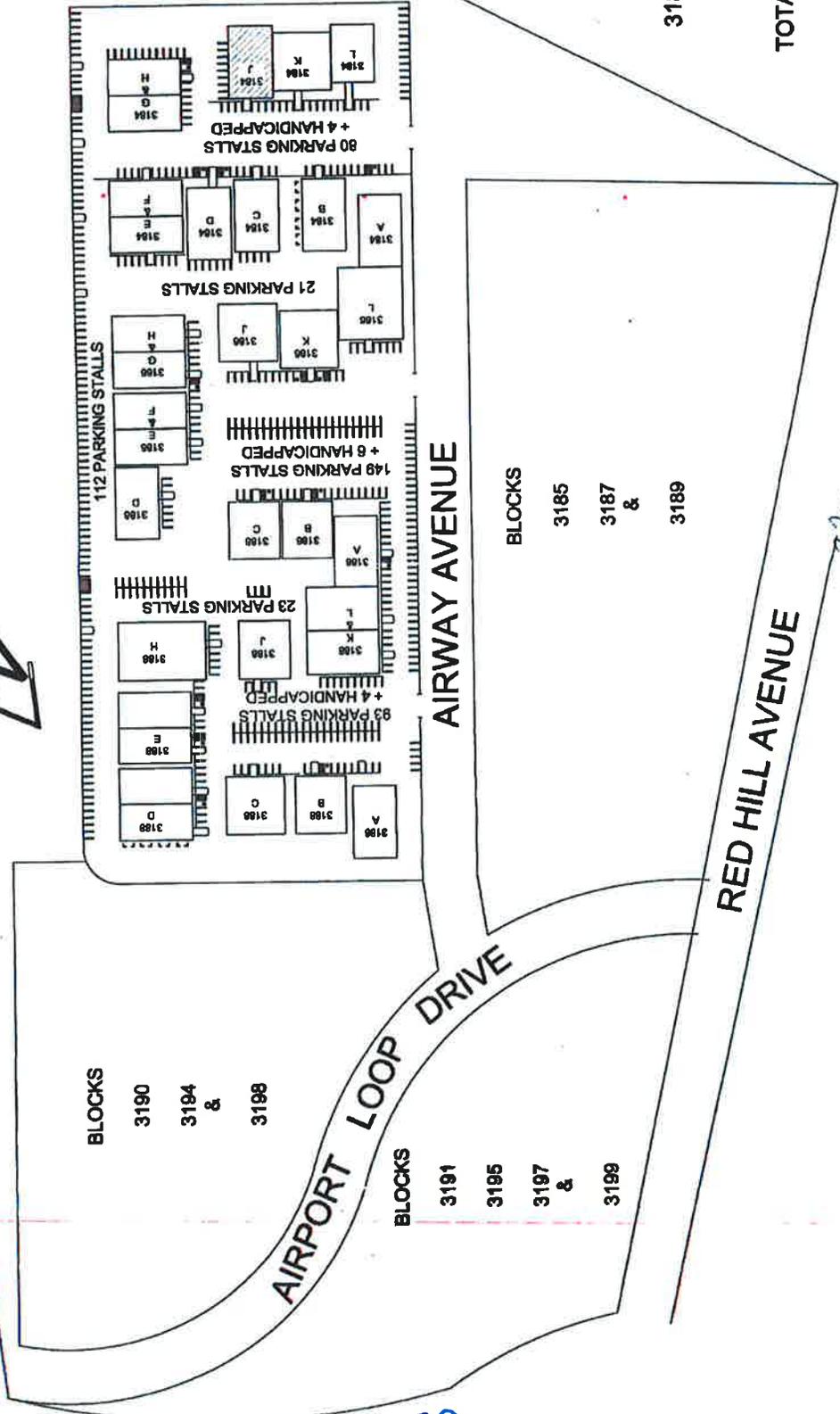
Mailing Address ◀ P.O. Box 19068 ▶ Irvine, California 92623-9068

Exhibit (C)

3191-D Airport Loop ▶ Costa Mesa, California 92626-3404 ▶ 714.433.7300 F. 714.433.7330

- 70 -

ATTACHMENT 6



3184-J AIRWAY AVENUE
COSTA MESA, CA
AND VICINITY MAP

TOTAL 478 PARKING STALLS

SCALE: 60' - 1"

Exhibit (C)



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

ATTACHMENT 7

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, 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
 Fire Protection Analyst
 Building Safety Division

Randy Shafer
1874 Samar Drive
Costa Mesa, CA 92626

-73-

Exhibit (C)

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:

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

Exhibit (C)

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.

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 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

Exhibit (C)

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

- Ping.
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.

- Ping.
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

- 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.** 5. 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

Exhibit (C)

- 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.



City of Costa Mesa

- Appeal of Planning Commission Decision - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$890.00

APPLICATION FOR APPEAL OR REVIEW

Applicant Name* STEPHAN H. ANDRANIAN
 Address 77 Fair Drive, P.O. Box 1200, Costa Mesa, CA 92628-1200
 Phone 231-8728 Representing City of Costa Mesa Planning Commission

REQUEST FOR: APPEAL REVIEW**

Decision of which appeal or review is requested: (give application number, if applicable, and the date of the decision, if known.)

ZA-15-38, dated December 10, 2015

Decision by: Zoning Administrator

Reasons for requesting appeal or review:

Zoning Administrator's decision is to grant a minor conditional use permit for a deviation from shared parking requirements. Parking required for the subject premises is 55 spaces (per code), but the subject premises only includes 16 dedicated spaces.

Review is requested to gauge impacts of the requested use on surrounding businesses.

Date: 12/11/2015

Signature: 

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
 **Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only -- do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal or review:

January 21, 2016

Salim Rahemtulla
His Highness the Aga Khan Ismaili Council for the Western United States
17965 Sky Park Circle, Suites C and D
Irvine, CA 92614

Subject: Parking Analysis for Proposed Religious Facilities at 3184 Airway Avenue, Suite J, in the City of Costa Mesa

Dear Mr. Rahemtulla:

LSA Associates, Inc. (LSA) has reviewed parking conditions within the Airway Avenue business park in relation to the proposed place of assembly and worship at 3184 Airway Avenue, Suite J, in the City of Costa Mesa (City). Currently, the church hosts assembly and worship at a smaller facility at 17965 Sky Park Circle in the City of Irvine, where they have been holding services since 1988. The proposed use will occupy a 6,000-square-foot (sf) space within a 32-building business park with three driveways off of Airway Avenue. In total, the business park at 3184–3190 Airway Avenue contains 493 marked parking spaces. Figure 1 (all figures attached) shows the project location and the parking spaces within the business park. The proposed use will divide the 6,000 sf space into an anteroom and prayer hall, seven offices, storage space, a lunch room, and two restrooms. Assembly will take place within an approximately 1,914 sf area. The purpose of this study is to identify whether sufficient parking is available within the business park during the proposed hours of operation to accommodate the new parking demand.

Hours of Operation

The hours of operation are not speculative. The current facility has been holding worship services to meet the needs of the congregation, and these service times will continue at the new facility. The list below presents the hours of operation.

- 4:00 a.m. to 6:00 a.m. daily
- 7:00 p.m. to 9:30 p.m. daily
- 10:00 a.m. to 2:00 p.m. Saturday
- 10:00 a.m. to 2:00 p.m. Sunday (up to 10 times per year)

None of these hours of operation conflict with regular weekday business hours (i.e., 8:00 a.m. to 5:00 p.m.) within the business park. However, another church (i.e., Berean Community Church) is located at 3184 Airway Avenue, Suite A, and operates under a Conditional Use Permit (CUP) for the hours of 7:00 p.m. to 9:00 p.m. Friday; 9:00 a.m. to 11:00 a.m. Saturday (once per month); 9:00 a.m. to 1:00 p.m. Sunday; and 7:00 p.m. to 10:00 p.m. Sunday (up to four times per year).

Given these pre-existing hours of operation, the potential for parking conflicts is limited to:

- 7:00 p.m. to 9:00 p.m. on Friday
- 10:00 a.m. to 1:00 p.m. on Sunday (up to 10 times per year)
- 7:00 p.m. to 9:30 p.m. on Sunday (up to four times per year)

While there is potential for parking conflicts on Sunday, these would be limited to times when either the existing or proposed church hold seldom-occurring special events. In a typical week, the potential for parking conflicts is limited to Friday evenings. The existing Berean Community Church holds college Bible study and youth Bible study starting at 7:00 p.m. every Friday. Friday evening worship services at the proposed church are expected to have the highest attendance of any of the church's services.

Existing Parking Supply and Demand

LSA confirmed the availability of parking during the proposed hours of operation and paid specific attention to the three time periods when parking conflicts are possible. LSA coordinated with an independent third-party data collection firm, National Data and Surveying Services, Inc., to collect parking data at the Airway Avenue business park. Table A shows the existing parking utilization and availability during the proposed service times. The values shown in Table A reflect the maximum parking demand during the surveyed time period. More detailed information about how parking demand varies during the surveyed time period is available in the attached parking accumulation data.

Table A: Existing Parking Demand at 3184–3190 Airway Avenue

	Total Spaces	Occupied	Vacant
Weekday 4:00 AM to 6:00 AM	493	70	423
Weekday 7:00 PM to 9:30 PM	493	87	406
Friday 7:00 PM to 9:30 PM	493	76	417
Saturday 4:00 AM to 6:00 AM	493	36	457
Saturday 10:00 AM to 2:00 PM	493	50	443
Saturday 7:00 PM to 9:30 PM	493	36	457
Sunday 4:00 AM to 6:00 AM	493	31	462
Sunday 10:00 AM to 2:00 PM	493	172	321
Sunday 7:00 PM to 9:30 PM	493	42	451

As Table A shows, the Airway Avenue business park experiences nominal parking demand during most of the proposed church operating hours. However, the existing Berean Community Church does utilize parking during its authorized hours of operation. While the existing church CUP permits services on Sunday evening from 7:00 p.m. to 10:00 p.m. up to four times per year, one of those events was not scheduled during the surveyed period and the Sunday evening data in Table A reflects typical parking conditions that would occur the majority of the year. The maximum parking associated with the existing Berean Community Church is 109 parking spaces according to their CUP. Although the existing Berean Community Church CUP does not specify hours of operation

during weekday evenings, the church holds adult Bible study at 7:00 p.m. on Wednesdays and Thursdays. The data in Table A reflects the parking conditions when this occurs.

Required Parking

Costa Mesa Municipal Code (CMMC) Section 13-89 establishes parking standards for nonresidential uses. Churches and other places of assembly require one parking space for each three fixed seats or one parking space for every 35 sf of seating area. The 1,914 sf assembly area would require 55 parking spaces per the CMMC.

As Table A shows, at least 55 parking spaces are vacant during all of the proposed hours of operation.

Future Parking Demand

Some operational details about the facility were provided in a letter dated October 13, 2015. The letter states that of the 140 to 210 members, evening services are typically attended by approximately 50 people, Friday evening services are attended by approximately 150 people, and special events can draw up to 200 people. While average vehicle occupancy (AVO) for the home-work trip may be close to 1.0, vehicle occupancy for other trips, such as to special events, is typically closer to 2.0. From previous projects examining travel behavior to religious services, LSA has found an AVO of approximately 1.7.

As shown in Table B, applying an AVO of 1.7 to the operational data yields a potential parking demand for 29 spaces during evening services, except for Friday evening, when the expected parking demand is 88 spaces. During special events (held between 10:00 a.m. and 2:00 p.m. Sunday up to 10 times per year), parking demand could be as high as 118 spaces.

Table B: Future Parking Demand at 3184 Airway Avenue

	Existing Vacant Spaces	New Parking Demand	Remaining
Weekday 4:00 AM to 6:00 AM	423	55	368
Weekday 7:00 PM to 9:30 PM	406	29	377
Friday 7:00 PM to 9:30 PM	417	88	329
Saturday 4:00 AM to 6:00 AM	457	55	402
Saturday 10:00 AM to 2:00 PM	443	55	388
Saturday 7:00 PM to 9:30 PM	457	55	402
Sunday 4:00 AM to 6:00 AM	462	55	407
Sunday 10:00 AM to 2:00 PM	321	118	203
Sunday 7:00 PM to 9:30 PM	451	55	396

Parking Distance from Suite J

The proposed place of assembly and worship will occupy 3184 Airway Avenue, Suite J. While Table B shows that sufficient parking remains within the business park to accommodate the proposed use and hours of operation, parking spaces nearest Suites A and J will be the most

desirable. The competition for close parking spaces may give the appearance of a parking shortfall even when plentiful parking exists a short walk away. Ten parking spaces are located immediately adjacent to Suite A. Seventeen parking spaces are located immediately adjacent to Suite J. Most drivers will have to find a parking space a short distance away and walk to the building entrances. Figure 1, attached, shows the parking spaces and their approximate distance from Suites A and J. Table C restates the vacancy data from Table B and categorizes existing vacant parking spaces based on their distance from Suite J.

Table C: Available Parking Spaces by Distance to Suite J

	New Parking Demand	Existing Vacant Spaces				Total
		0 to 250 Feet	250 Feet to 500 Feet	500 Feet to 750 Feet	750 Feet to 1,000 Feet	
Weekday 4:00 AM to 6:00 AM	55	95	129	109	90	423
Weekday 7:00 PM to 9:30 PM	29	79	137	112	78	406
Friday 7:00 PM to 9:30 PM	88	77	134	115	91	417
Saturday 4:00 AM to 6:00 AM	55	105	140	118	94	457
Saturday 10:00 AM to 2:00 PM	55	98	137	117	91	443
Saturday 7:00 PM to 9:30 PM	55	107	139	118	93	457
Sunday 4:00 AM to 6:00 AM	55	110	139	118	95	462
Sunday 10:00 AM to 2:00 PM	118	13	113	109	86	321
Sunday 7:00 PM to 9:30 PM	55	107	136	116	92	451

As Table C shows, the closest parking spaces remain available for the proposed assembly and worship services on weekday mornings, weekday evenings, Saturday mornings, Saturday midday, Saturday evenings, Sunday mornings, and Sunday evenings. While sufficient parking spaces are available throughout 3184–3190 Airway Avenue, the closest parking spaces would not be available on Friday evenings and Sunday midday due to parking demand generated by the existing church. Up to four times per year, the closest parking spaces may not be available on Sunday evenings due to special events at Berean Community Church. However, during these time periods, sufficient parking would be available within 500 feet, which would require less than 5 minutes to walk and is generally considered to be an acceptable walking distance.

Figure 2 illustrates the percentage of currently vacant spaces by distance between 10:00 a.m. and 2:00 p.m. on Sunday (i.e., when parking demand is highest). This is compared to the percentage of vacant spaces by distance with the proposed project. As Figure 2 shows, sufficient parking is available within 500 feet. All of the parking areas noted are within a 5-minute walking distance, and the closest half of them would be occupied during services for both churches. This is the worst-case scenario, and it is expected to occur up to 10 times per year. On a weekly basis, only the Friday evening hours of operation overlap for the two churches. On Fridays, the spaces within 250 feet are expected to be filled, and the spaces between 250 and 500 feet would be 85 percent vacant.

Conclusion

The proposed place of assembly and worship at 3184 Airway Avenue, Suite J, will divide the 6,000 sf space into an anteroom and prayer hall, seven offices, storage space, a lunch room, and two restrooms. Assembly will take place within an approximately 1,914 sf area.

- The hours of operation are proposed to be:
 - 4:00 a.m. to 6:00 a.m. daily,
 - 7:00 p.m. to 9:30 p.m. daily,
 - 10:00 a.m. to 2:00 p.m. Saturday, and
 - 10:00 a.m. to 2:00 p.m. Sunday (up to 10 times per year).
- None of these hours of operation conflict with regular weekday business hours (i.e., 8:00 a.m. to 5:00 p.m.) within the business park.
- However, another church (i.e., Berean Community Church) is located at 3184 Airway Avenue, Suite A, and operates during the hours of:
 - 7:00 p.m. to 9:00 p.m. Friday,
 - 9:00 a.m. to 11:00 a.m. Saturday (once per month),
 - 9:00 a.m. to 1:00 p.m. Sunday, and
 - 7:00 p.m. to 10:00 p.m. Sunday (up to four times per year).
- The operation of the existing church presents potential for parking conflicts from:
 - 7:00 p.m. to 9:00 p.m. Friday,
 - 10:00 a.m. to 1:00 p.m. Sunday (up to 10 times per year), and
 - 7:00 p.m. to 9:30 p.m. Sunday (up to four times per year).

The existing parking utilization was collected during each of the proposed time periods for operation of the new church. All surveyed parking spaces were within a 5-minute walking distance of the proposed church. The parking surveys revealed that sufficient parking remains within 250 feet to meet the new parking demand on weekday mornings, weekday evenings, Saturday mornings, Saturday midday, Saturday evenings, Sunday mornings, and Sunday evenings. Up to 10 times per year at Sunday midday and up to 4 times per year on Sunday evenings, new parking demand may require the use of the parking spaces within 250 to 500 feet. On a weekly basis, only the Friday evening hours of operation overlap for the two churches. On Fridays, the spaces within 250 feet are expected to be filled and the spaces between 250 and 500 feet would be 85 percent vacant.

Sincerely,

LSA ASSOCIATES, INC.



Ken Wilhelm
Principal

Attachments: Figure 1: Project Location
Figure 2: Existing and Future Sunday Midday Parking
Parking Accumulation Data

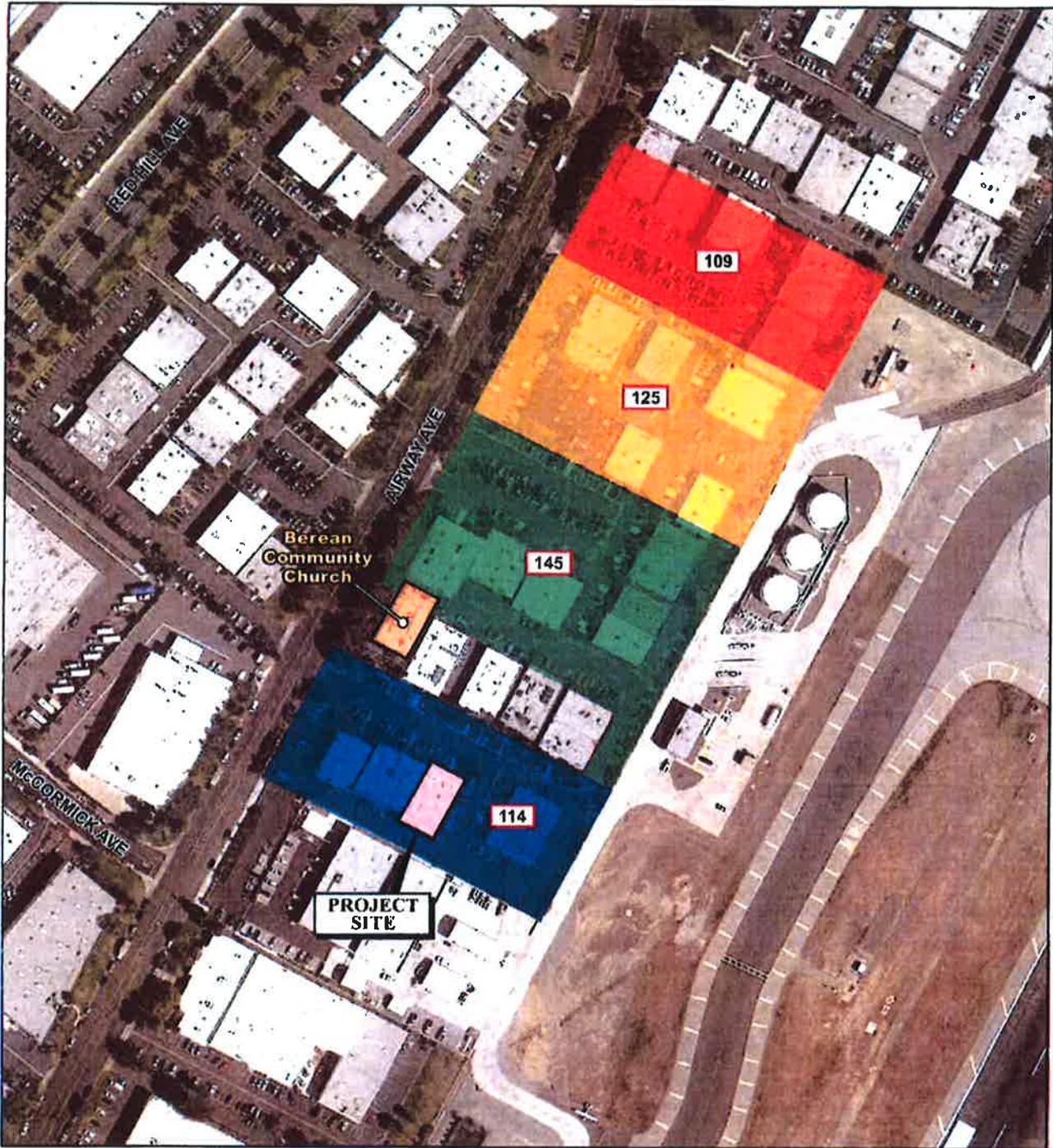


FIGURE 1

LSA

LEGEND

- Parking Space 0 - 250 Feet Away
- Parking Space 250 - 500 Feet Away
- Parking Space 500 - 750 Feet Away
- Parking Space 750 - 1,000 Feet Away
- XXX - Number of Marked Spaces (Total 493 Spaces)



SOURCE: Google Earth

I:\AZA1501\KPI.location.cdr (1/20/16)

3184 Airway Suite J
Project Location

Exhibit (C)

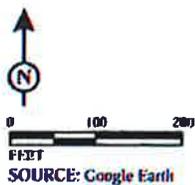


FIGURE 2

LSA

LEGEND

- Parking Space 0 - 250 Feet Away
- Parking Space 250 - 500 Feet Away
- Parking Space 500 - 750 Feet Away
- Parking Space 750 - 1,000 Feet Away
- XXX - Number of Marked Spaces (Total 493 Spaces)
- Existing Percent Full
- Future Percent Full



3184 Airway Suite J
Existing and Future
Sunday Midday Parking

I:\AZA150\INGSunday Parking.rub (1/20/18)

Exhibit (C)



RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSTA MESA
BY BG

EXHIBIT D



**CITY OF COSTA MESA
PLANNING COMMISSION MEETING
Monday – February 8, 2016
MEETING DECISIONS**

***IMPORTANT NOTE:**

The purpose of this summary is to provide timely information regarding the Planning Commission's actions at this meeting. For more detailed information regarding the Commission's actions (including the addition, deletion, or modification of conditions of approval), please see the **meeting minutes** for this Planning Commission meeting. You may also contact the Planning Division at (714) 754-5245 for more information.

CONSENT CALENDAR:

***ACTIONS**

1. **Minutes for the meeting of January 25, 2016** Approved, 5-0

PUBLIC HEARINGS:

***ACTIONS**

3. **PA-15-48 & VT-17981: DESIGN REVIEW AND VESTING TENTATIVE TRACT MAP FOR A 43-UNIT, TWO-STORY, DETACHED RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2626 HARBOR BOULEVARD** Continue to the February 22, 2016 Planning Commission Meeting.
Approved, 5-0

Applicant: C&V Consulting

Site Address: 2626 Harbor Boulevard

Zone: R2-MD

Project Planner: Ryan Loomis

Environmental Determination: Addendum to previously adopted Initial Study/Mitigated Negative Declaration. The City of Costa Mesa adopted an Initial Study/Mitigated Negative Declaration for the originally approved 33-unit Project located at 2626 Harbor Boulevard. The City of Costa Mesa proposes to adopt an Addendum to the Initial Study/Mitigated Negative Declaration for the proposed 43-unit project based on the findings of California Code of Regulations Section 15162 and Section 15164. Per California Code of Regulations Section 15164, the City, as the Lead Agency, shall prepare an Addendum to an adopted Mitigated Negative Declaration if some changes or additions are necessary but none of the

Exhibit (D)

***ACTIONS**

conditions described in Section 15162 calling for preparation of a subsequent Mitigated Negative Declaration have occurred. Also, per California Code of Regulations Section 15164, an Addendum need not be circulated for public review, but can be included in or attached to the adopted Mitigated Negative Declaration. The Mitigated Negative Declaration was based on the finding that, through compliance with the Standard Conditions and Mitigation Measures, the Project's potential significant adverse impacts would be reduced to a less than significant level. The reasons to support such a finding are documented by an Initial Study prepared by the City of Costa Mesa.

Description: The proposed 43-Unit residential project amends the previously approved 33-Unit Residential Common Interest Development analyzed in the Final IS/MND, which included a General Plan Amendment, Rezone, Design Review, and Tentative Map for detached residential development located on a 3.71-acre lot at 2626 Harbor Boulevard. The proposed amended project consists of the following discretionary requests:

1) ***Adoption of an Addendum to Initial Study/Mitigated Negative Declaration (IS/MND);***

2) ***Planning Application PA-15-48:*** Design Review for the development of a 43-unit condominium project with specified deviations from the Residential Common Interest development standards, including the following:

- Variance to allow deviation from required development lot minimum open space requirements (40% required; 38% proposed).
- Administrative Adjustment to allow deviation from required distance between main buildings (10 feet required; 6 feet proposed).
- Minor Modification to allow deviation from required development lot rear setback (20 feet required; 16 feet proposed).

Exhibit (D)

***ACTIONS**

3) Vesting Tentative Tract Map 17981:

Vesting Tentative Tract Map 17981 for residential subdivision for condominium purposes.

1. **ZA-15-38: REQUEST FOR A REVIEW OF A MINOR CONDITIONAL USE PERMIT AT 3184 AIRWAY AVENUE, SUITE J** **Reverse the Zoning Administrator's Decision and deny without prejudice.**

Applicant: Salim Rahemtulla
Site Address: 3184 Airway Avenue,
Suite J

Zone: MP
Project Planner: Mel Lee

Environmental Determination:

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

Approved, 3-2

**Chair Dickson and Vice
Chair Mathews voting No**

Description: Request for a review of 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).

A total of 55 parking spaces are required for the 1,914 sq. ft. religious assembly use. The proposal involves off-set operational hours in order to utilize the parking lot when other business are closed.

The request was approved by the Zoning Administrator on December 10, 2015, and called up for review by the Planning Commission on December 11, 2015.

2. **PA-10-30 A1: AMENDMENT TO PREVIOUSLY APPROVED MASTER PLAN FOR PROPOSED VALET PARKING WHICH WILL INCREASE THE PARKING AT 1534 ADAMS AVENUE, SUITE B** **Approved, 5-0**

Exhibit (D)

***ACTIONS**

Applicant: John Hill
Site Address: 1534 Adams Avenue,
Suite B

Zone: C1

Project Planner: Mel Lee

Environmental Determination:

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

Description: First amendment to previously approved master plan for an existing retail shopping center to allow the following:

- 1) Conversion of a 2,334 square foot tenant space located at 1534 Adams Avenue, Suite B, from a retail to a restaurant space;
- 2) A deviation from shared parking requirements for the proposed restaurant space (240 spaces existing; 248 spaces required); and
- 3) Proposed valet parking plan to provide 12 valet spaces to offset increased parking demand for the new restaurant space. The original master plan required 240 parking spaces based on unique operational characteristics and adjusted shared parking. The net increase in parking for the new restaurant space is 8 spaces (248 spaces required; 252 spaces proposed by valet).

4. PA-15-49 and PM-15-165: DESIGN REVIEW AND TENTATIVE TRACT MAP TO CONSTRUCT A 2-UNIT, TWO-STORY, DETACHED RESIDENTIAL DEVELOPMENT AT 1808 POMONA AVENUE Approved, 5-0

Applicant: Ryan Walker
Site Address: 1808 Pomona Avenue
Zone: R2-HD

Project Planner: Mel Lee

Environmental Determination:

The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction).

Exhibit (D)

***ACTIONS**

Description: The proposed project involves:

- 1) Design Review to construct a 2-unit, two story, detached residential development on a 7,500 sq. ft. lot in an R2-HD zone.
- 2) Tentative Parcel Map PM-15-165 for the small lot subdivision of the property into two fee simple lots. The project complies with the City's Small Lot Ordinance standards with regard to building setbacks, open space, and on-site parking, and no code deviations are proposed.

5. **PA-15-52 & PM-15-158: DESIGN REVIEW AND TENTATIVE PARCEL MAP TO CONSTRUCT A 2-UNIT, TWO STORY, DETACHED DEVELOPMENT AT 2156 MYRAN DRIVE** **Approved, 5-0**

Applicant: Sam Khedraki
Site Address: 2156 Myran Drive
Zone: R2-MD
Project Planner: Dan Inloes

Environmental Determination:
The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction).

Description: The proposed project involves:

- 1) Design Review to construct a 2-unit, two-story, detached small lot subdivision development on a 10,300 sq. ft. lot in an R2-MD zone.
- 2) Tentative Parcel Map for the subdivision of the property into two, fee simple lots, in accordance with the small lot subdivision standards.

RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSTA MESA
BY BG

EXHIBIT E



LSA ASSOCIATES, INC.
20 EXECUTIVE PARK, SUITE 200
IRVINE, CALIFORNIA 92614

949.553.0666 TEL
949.553.8076 FAX

BERKELEY
CARLSBAD

FRESNO
PALM SPRINGS
PT. RICHMOND

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO

January 21, 2016

Salim Rahemtulla
His Highness the Aga Khan Ismaili Council for the Western United States
17965 Sky Park Circle, Suites C and D
Irvine, CA 92614

Subject: Parking Analysis for Proposed Religious Facilities at 3184 Airway Avenue, Suite J, in the City of Costa Mesa

Dear Mr. Rahemtulla:

LSA Associates, Inc. (LSA) has reviewed parking conditions within the Airway Avenue business park in relation to the proposed place of assembly and worship at 3184 Airway Avenue, Suite J, in the City of Costa Mesa (City). Currently, the church hosts assembly and worship at a smaller facility at 17965 Sky Park Circle in the City of Irvine, where they have been holding services since 1988. The proposed use will occupy a 6,000-square-foot (sf) space within a 32-building business park with three driveways off of Airway Avenue. In total, the business park at 3184–3190 Airway Avenue contains 493 marked parking spaces. Figure 1 (all figures attached) shows the project location and the parking spaces within the business park. The proposed use will divide the 6,000 sf space into an anteroom and prayer hall, seven offices, storage space, a lunch room, and two restrooms. Assembly will take place within an approximately 1,914 sf area. The purpose of this study is to identify whether sufficient parking is available within the business park during the proposed hours of operation to accommodate the new parking demand.

Hours of Operation

The hours of operation are not speculative. The current facility has been holding worship services to meet the needs of the congregation, and these service times will continue at the new facility. The list below presents the hours of operation.

- 4:00 a.m. to 6:00 a.m. daily
- 7:00 p.m. to 9:30 p.m. daily
- 10:00 a.m. to 2:00 p.m. Saturday
- 10:00 a.m. to 2:00 p.m. Sunday (up to 10 times per year)

None of these hours of operation conflict with regular weekday business hours (i.e., 8:00 a.m. to 5:00 p.m.) within the business park. However, another church (i.e., Berean Community Church) is located at 3184 Airway Avenue, Suite A, and operates under a Conditional Use Permit (CUP) for the hours of 7:00 p.m. to 9:00 p.m. Friday; 9:00 a.m. to 11:00 a.m. Saturday (once per month); 9:00 a.m. to 1:00 p.m. Sunday; and 7:00 p.m. to 10:00 p.m. Sunday (up to four times per year).

Given these pre-existing hours of operation, the potential for parking conflicts is limited to:

- 7:00 p.m. to 9:00 p.m. on Friday
- 10:00 a.m. to 1:00 p.m. on Sunday (up to 10 times per year)
- 7:00 p.m. to 9:30 p.m. on Sunday (up to four times per year)

While there is potential for parking conflicts on Sunday, these would be limited to times when either the existing or proposed church hold seldom-occurring special events. In a typical week, the potential for parking conflicts is limited to Friday evenings. The existing Berean Community Church holds college Bible study and youth Bible study starting at 7:00 p.m. every Friday. Friday evening worship services at the proposed church are expected to have the highest attendance of any of the church's services.

Existing Parking Supply and Demand

LSA confirmed the availability of parking during the proposed hours of operation and paid specific attention to the three time periods when parking conflicts are possible. LSA coordinated with an independent third-party data collection firm, National Data and Surveying Services, Inc., to collect parking data at the Airway Avenue business park. Table A shows the existing parking utilization and availability during the proposed service times. The values shown in Table A reflect the maximum parking demand during the surveyed time period. More detailed information about how parking demand varies during the surveyed time period is available in the attached parking accumulation data.

Table A: Existing Parking Demand at 3184–3190 Airway Avenue

	Total Spaces	Occupied	Vacant
Weekday 4:00 AM to 6:00 AM	493	70	423
Weekday 7:00 PM to 9:30 PM	493	87	406
Friday 7:00 PM to 9:30 PM	493	76	417
Saturday 4:00 AM to 6:00 AM	493	36	457
Saturday 10:00 AM to 2:00 PM	493	50	443
Saturday 7:00 PM to 9:30 PM	493	36	457
Sunday 4:00 AM to 6:00 AM	493	31	462
Sunday 10:00 AM to 2:00 PM	493	172	321
Sunday 7:00 PM to 9:30 PM	493	42	451

As Table A shows, the Airway Avenue business park experiences nominal parking demand during most of the proposed church operating hours. However, the existing Berean Community Church does utilize parking during its authorized hours of operation. While the existing church CUP permits services on Sunday evening from 7:00 p.m. to 10:00 p.m. up to four times per year, one of those events was not scheduled during the surveyed period and the Sunday evening data in Table A reflects typical parking conditions that would occur the majority of the year. The maximum parking associated with the existing Berean Community Church is 109 parking spaces according to their CUP. Although the existing Berean Community Church CUP does not specify hours of operation

Exhibit (E)

during weekday evenings, the church holds adult Bible study at 7:00 p.m. on Wednesdays and Thursdays. The data in Table A reflects the parking conditions when this occurs.

Required Parking

Costa Mesa Municipal Code (CMMC) Section 13-89 establishes parking standards for nonresidential uses. Churches and other places of assembly require one parking space for each three fixed seats or one parking space for every 35 sf of seating area. The 1,914 sf assembly area would require 55 parking spaces per the CMMC.

As Table A shows, at least 55 parking spaces are vacant during all of the proposed hours of operation.

Future Parking Demand

Some operational details about the facility were provided in a letter dated October 13, 2015. The letter states that of the 140 to 210 members, evening services are typically attended by approximately 50 people, Friday evening services are attended by approximately 150 people, and special events can draw up to 200 people. While average vehicle occupancy (AVO) for the home-work trip may be close to 1.0, vehicle occupancy for other trips, such as to special events, is typically closer to 2.0. From previous projects examining travel behavior to religious services, LSA has found an AVO of approximately 1.7.

As shown in Table B, applying an AVO of 1.7 to the operational data yields a potential parking demand for 29 spaces during evening services, except for Friday evening, when the expected parking demand is 88 spaces. During special events (held between 10:00 a.m. and 2:00 p.m. Sunday up to 10 times per year), parking demand could be as high as 118 spaces.

Table B: Future Parking Demand at 3184 Airway Avenue

	Existing Vacant Spaces	New Parking Demand	Remaining
Weekday 4:00 AM to 6:00 AM	423	55	368
Weekday 7:00 PM to 9:30 PM	406	29	377
Friday 7:00 PM to 9:30 PM	417	88	329
Saturday 4:00 AM to 6:00 AM	457	55	402
Saturday 10:00 AM to 2:00 PM	443	55	388
Saturday 7:00 PM to 9:30 PM	457	55	402
Sunday 4:00 AM to 6:00 AM	462	55	407
Sunday 10:00 AM to 2:00 PM	321	118	203
Sunday 7:00 PM to 9:30 PM	451	55	396

Parking Distance from Suite J

The proposed place of assembly and worship will occupy 3184 Airway Avenue, Suite J. While Table B shows that sufficient parking remains within the business park to accommodate the proposed use and hours of operation, parking spaces nearest Suites A and J will be the most

Exhibit (E)

desirable. The competition for close parking spaces may give the appearance of a parking shortfall even when plentiful parking exists a short walk away. Ten parking spaces are located immediately adjacent to Suite A. Seventeen parking spaces are located immediately adjacent to Suite J. Most drivers will have to find a parking space a short distance away and walk to the building entrances. Figure 1, attached, shows the parking spaces and their approximate distance from Suites A and J. Table C restates the vacancy data from Table B and categorizes existing vacant parking spaces based on their distance from Suite J.

Table C: Available Parking Spaces by Distance to Suite J

	New Parking Demand	Existing Vacant Spaces				Total
		0 to 250 Feet	250 Feet to 500 Feet	500 Feet to 750 Feet	750 Feet to 1,000 Feet	
Weekday 4:00 AM to 6:00 AM	55	95	129	109	90	423
Weekday 7:00 PM to 9:30 PM	29	79	137	112	78	406
Friday 7:00 PM to 9:30 PM	88	77	134	115	91	417
Saturday 4:00 AM to 6:00 AM	55	105	140	118	94	457
Saturday 10:00 AM to 2:00 PM	55	98	137	117	91	443
Saturday 7:00 PM to 9:30 PM	55	107	139	118	93	457
Sunday 4:00 AM to 6:00 AM	55	110	139	118	95	462
Sunday 10:00 AM to 2:00 PM	118	13	113	109	86	321
Sunday 7:00 PM to 9:30 PM	55	107	136	116	92	451

As Table C shows, the closest parking spaces remain available for the proposed assembly and worship services on weekday mornings, weekday evenings, Saturday mornings, Saturday midday, Saturday evenings, Sunday mornings, and Sunday evenings. While sufficient parking spaces are available throughout 3184–3190 Airway Avenue, the closest parking spaces would not be available on Friday evenings and Sunday midday due to parking demand generated by the existing church. Up to four times per year, the closest parking spaces may not be available on Sunday evenings due to special events at Berean Community Church. However, during these time periods, sufficient parking would be available within 500 feet, which would require less than 5 minutes to walk and is generally considered to be an acceptable walking distance.

Figure 2 illustrates the percentage of currently vacant spaces by distance between 10:00 a.m. and 2:00 p.m. on Sunday (i.e., when parking demand is highest). This is compared to the percentage of vacant spaces by distance with the proposed project. As Figure 2 shows, sufficient parking is available within 500 feet. All of the parking areas noted are within a 5-minute walking distance, and the closest half of them would be occupied during services for both churches. This is the worst-case scenario, and it is expected to occur up to 10 times per year. On a weekly basis, only the Friday evening hours of operation overlap for the two churches. On Fridays, the spaces within 250 feet are expected to be filled, and the spaces between 250 and 500 feet would be 85 percent vacant.

Conclusion

The proposed place of assembly and worship at 3184 Airway Avenue, Suite J, will divide the 6,000 sf space into an anteroom and prayer hall, seven offices, storage space, a lunch room, and two restrooms. Assembly will take place within an approximately 1,914 sf area.

Exhibit (E)

- The hours of operation are proposed to be:
 - 4:00 a.m. to 6:00 a.m. daily,
 - 7:00 p.m. to 9:30 p.m. daily,
 - 10:00 a.m. to 2:00 p.m. Saturday, and
 - 10:00 a.m. to 2:00 p.m. Sunday (up to 10 times per year).
- None of these hours of operation conflict with regular weekday business hours (i.e., 8:00 a.m. to 5:00 p.m.) within the business park.
- However, another church (i.e., Berean Community Church) is located at 3184 Airway Avenue, Suite A, and operates during the hours of:
 - 7:00 p.m. to 9:00 p.m. Friday,
 - 9:00 a.m. to 11:00 a.m. Saturday (once per month),
 - 9:00 a.m. to 1:00 p.m. Sunday, and
 - 7:00 p.m. to 10:00 p.m. Sunday (up to four times per year).
- The operation of the existing church presents potential for parking conflicts from:
 - 7:00 p.m. to 9:00 p.m. Friday,
 - 10:00 a.m. to 1:00 p.m. Sunday (up to 10 times per year), and
 - 7:00 p.m. to 9:30 p.m. Sunday (up to four times per year).

The existing parking utilization was collected during each of the proposed time periods for operation of the new church. All surveyed parking spaces were within a 5-minute walking distance of the proposed church. The parking surveys revealed that sufficient parking remains within 250 feet to meet the new parking demand on weekday mornings, weekday evenings, Saturday mornings, Saturday midday, Saturday evenings, Sunday mornings, and Sunday evenings. Up to 10 times per year at Sunday midday and up to 4 times per year on Sunday evenings, new parking demand may require the use of the parking spaces within 250 to 500 feet. On a weekly basis, only the Friday evening hours of operation overlap for the two churches. On Fridays, the spaces within 250 feet are expected to be filled and the spaces between 250 and 500 feet would be 85 percent vacant.

Sincerely,

LSA ASSOCIATES, INC.



Ken Wilhelm
Principal

Attachments: Figure 1: Project Location
Figure 2: Existing and Future Sunday Midday Parking
Parking Accumulation Data

Exhibit (E)

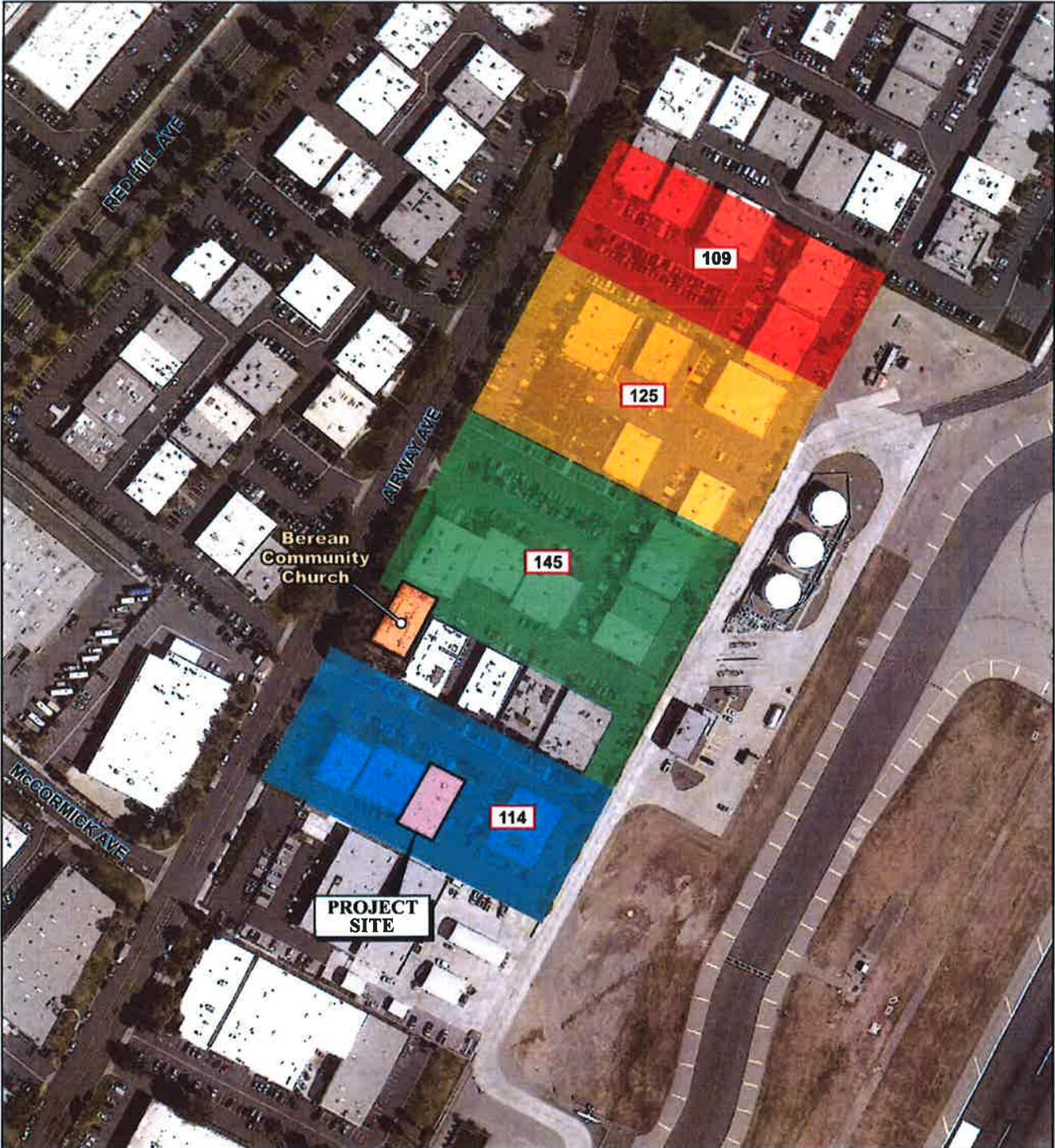
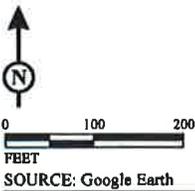


FIGURE 1

LSA



LEGEND

- Parking Space 0 - 250 Feet Away
- Parking Space 250 - 500 Feet Away
- Parking Space 500 - 750 Feet Away
- Parking Space 750 - 1,000 Feet Away
- XXX - Number of Marked Spaces (Total 493 Spaces)

3184 Airway Suite J
Project Location

-104-

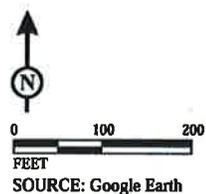


FIGURE 2

LSA

LEGEND

- Parking Space 0 - 250 Feet Away
- Parking Space 250 - 500 Feet Away
- Parking Space 500 - 750 Feet Away
- Parking Space 750 - 1,000 Feet Away
- XXX - Number of Marked Spaces (Total 493 Spaces)
- Existing Percent Full
- Future Percent Full



3184 Airway Suite J
Existing and Future
Sunday Midday Parking

I:\AZA1501G\Sunday Parking.cdr (1/20/16)

Exhibit (E)

Day: Sunday
Date: 1/6/2016

TIME	AM13.1	AM13.2	AM13.3	AM13.4	AM13.5	AM13.6	AM13.7	AM13.8	AM13.9	AM13.10	AM13.11	AM13.12	AM13.13	AM13.14	AM13.15	AM13.16	AM13.17	AM13.18	AM13.19	AM13.20	GRAND TOTAL
3:00	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	24
4:00	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	36
5:00	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	36
6:00	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	36
7:00	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	24
8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TIME	AM13.21	AM13.22	AM13.23	AM13.24	AM13.25	AM13.26	AM13.27	AM13.28	AM13.29	AM13.30	AM13.31	AM13.32	AM13.33	AM13.34	AM13.35	AM13.36	AM13.37	AM13.38	AM13.39	AM13.40	GRAND TOTAL
3:00	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	24
4:00	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	36
5:00	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	36
6:00	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	36
7:00	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	24
8:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
13:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
14:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
16:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Exhibit (E)

-107-



MEMORANDUM

DATE: February 24, 2016
TO: Salim Rahemtulla
FROM: Ken Wilhelm
SUBJECT: Follow-up to Parking Study for 3184 Airway Avenue, Suite J

On January 21, 2016, LSA Associates, Inc. (LSA) prepared a parking analysis for the proposed use of 3184 Airway Avenue, Suite J as a religious facility. The report identified that the weekly peak parking demand (during operation of the Berean church and the proposed church) would occur on Friday evenings, when all of the parking spaces within 0 to 250 feet (ft) of Suite J would be occupied; however, 85 percent of the parking spaces between 250 and 500 ft of Suite J would be vacant. The worst-case scenario would occur up to 10 times per year when Suite J hosts special religious events. During these limited times of peak demand, all vehicles could still be parked within 500 ft of Suite J.

On February 18, 2016, you communicated to LSA that questions were raised during the Planning Commission hearing related to an acceptable walking distance. Academic research within the planning profession has sought to identify an average person's acceptable walking distance variables that may affect the acceptable distance. The state of the practice considers 0.25 mile (1,320 ft), or a 5-minute walk, to be an acceptable distance (although in certain circumstances longer distances are acceptable). All parking spaces included in the January 21, 2016, Parking Study are within a 5-minute walking distance.

The parking study concluded that all vehicles parked for the proposed religious use in Suite J would be parked within 500 ft, even in the worst-case scenario. Figures 1 and 2 have been revised to illustrate distances within the business center parking lot. LSA prepared an additional figure (Figure 3, attached) to provide a reference to help visualize a 500 ft walking distance. For example, at South Coast Plaza, the parking spaces nearest the entrances fill up first, but on weekends the available parking spaces are at the ends of the aisles, which are over 500 ft from the entrances. This is a distance walked by many customers on busy days when closer parking is already filled. Of course, additional distance must be walked from the entrance of South Coast Plaza to the store being visited. Figure 3 also shows the Bridge of Gardens. This bridge connects South Coast Plaza to the Crystal Court, is over 800 ft in length, and sees regular pedestrian traffic.

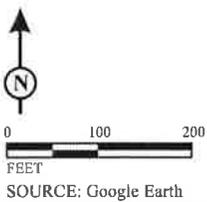
In our opinion, both planning standards and local examples indicate that a walking distance of up to 500 ft is acceptable and as such, there will be adequate on-site parking provided for all uses within the business complex during the peak periods.

Attachments: Revised Figure 1: Project Location
Revised Figure 2: Sunday Midday Parking (10 times per year)
Figure 3: Walking Distance Comparison



FIGURE 1

LSA



LEGEND

- Parking Space 0 - 250 Feet Away
- Parking Space 250 - 500 Feet Away
- Parking Space 500 - 750 Feet Away
- Parking Space 750 - 1,000 Feet Away
- XXX - Number of Marked Spaces (Total 493 Spaces)

3184 Airway Suite J
Project Location

- III -



FIGURE 2

LSA

LEGEND

- Parking Space 0 - 250 Feet Away
- Parking Space 250 - 500 Feet Away
- Parking Space 500 - 750 Feet Away
- Parking Space 750 - 1,000 Feet Away
- XXX - Number of Marked Spaces (Total 493 Spaces)

- Existing Percent Full
- Future Percent Full



SOURCE: Google Earth

3184 Airway Suite J
Existing and Future
Sunday Middy Parking

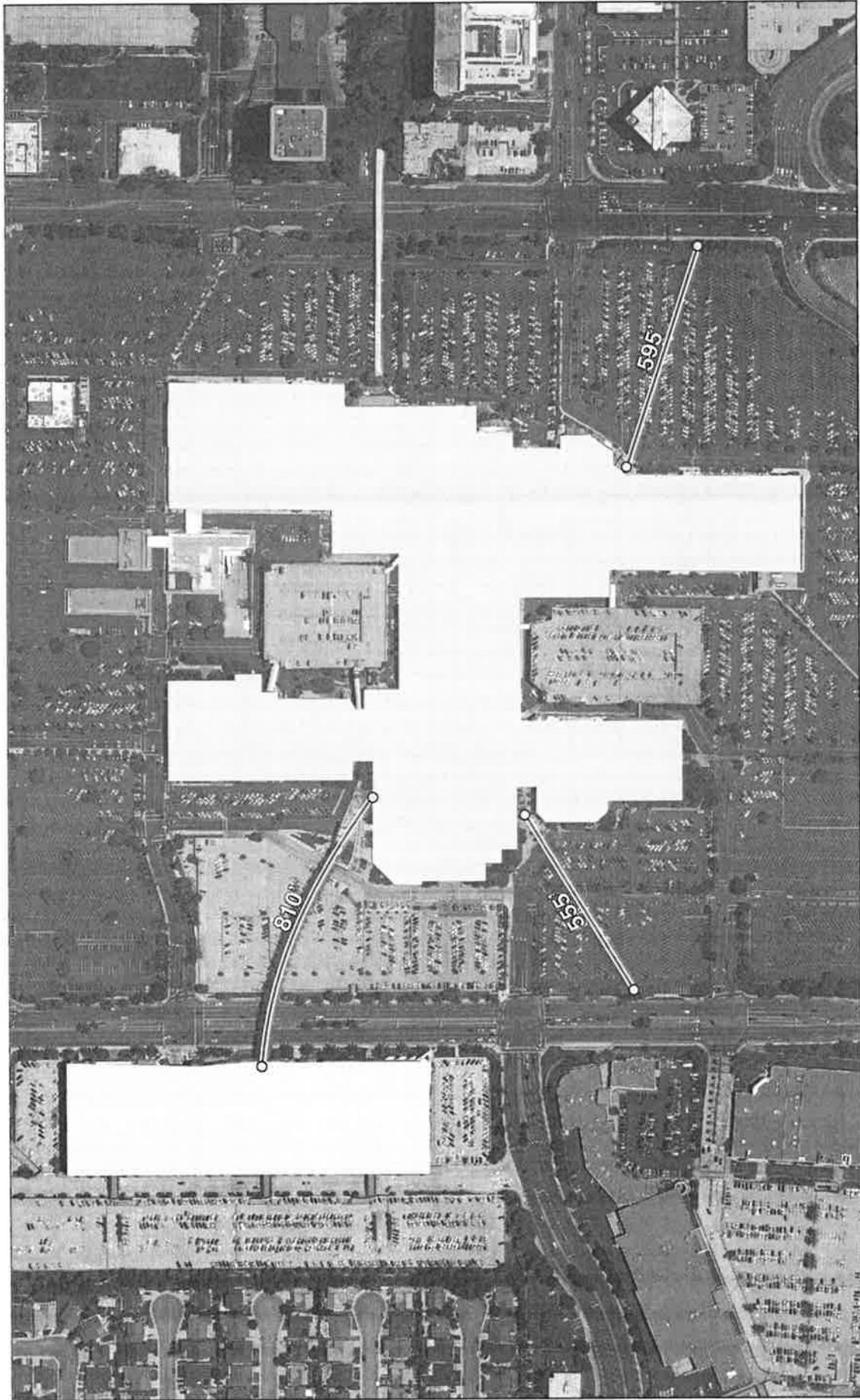


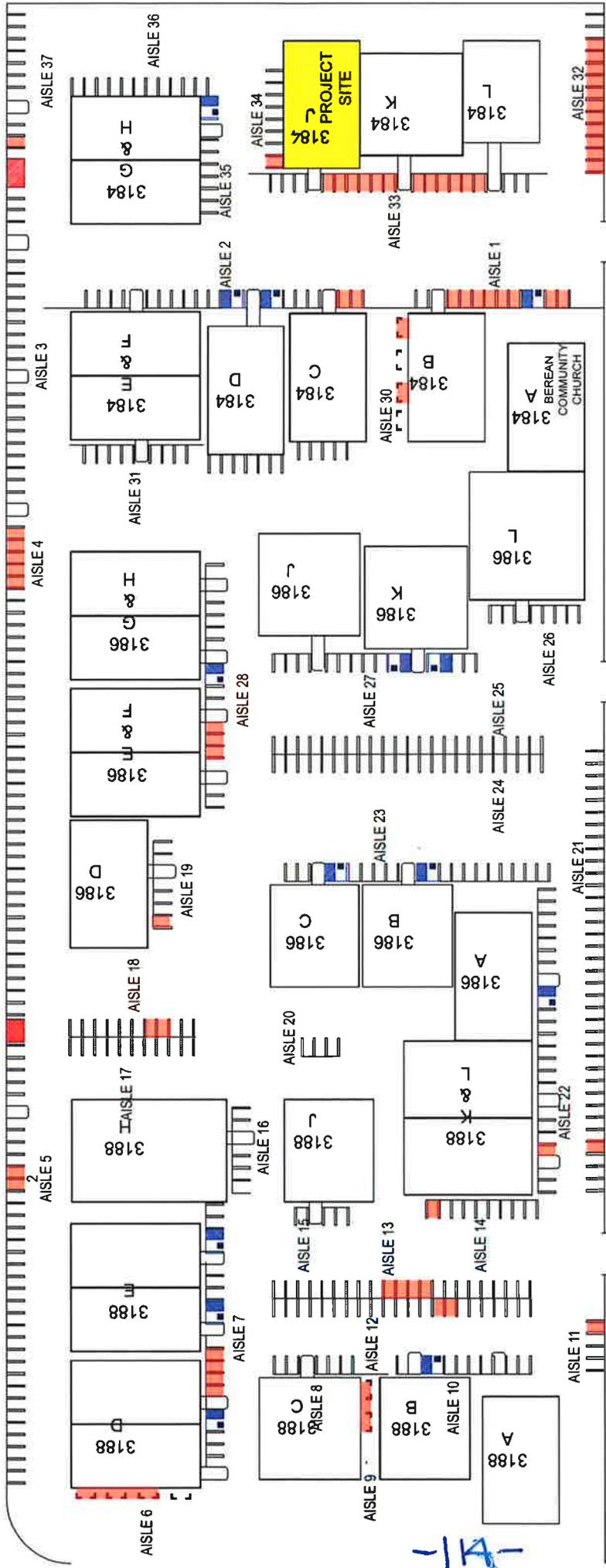
FIGURE 3

3184 Airway Suite J
Walking Distance Comparison

LSA



SOURCE: Google Earth
I:\AZA1501\G\Walking Distance Comp.cdr (2/23/16)

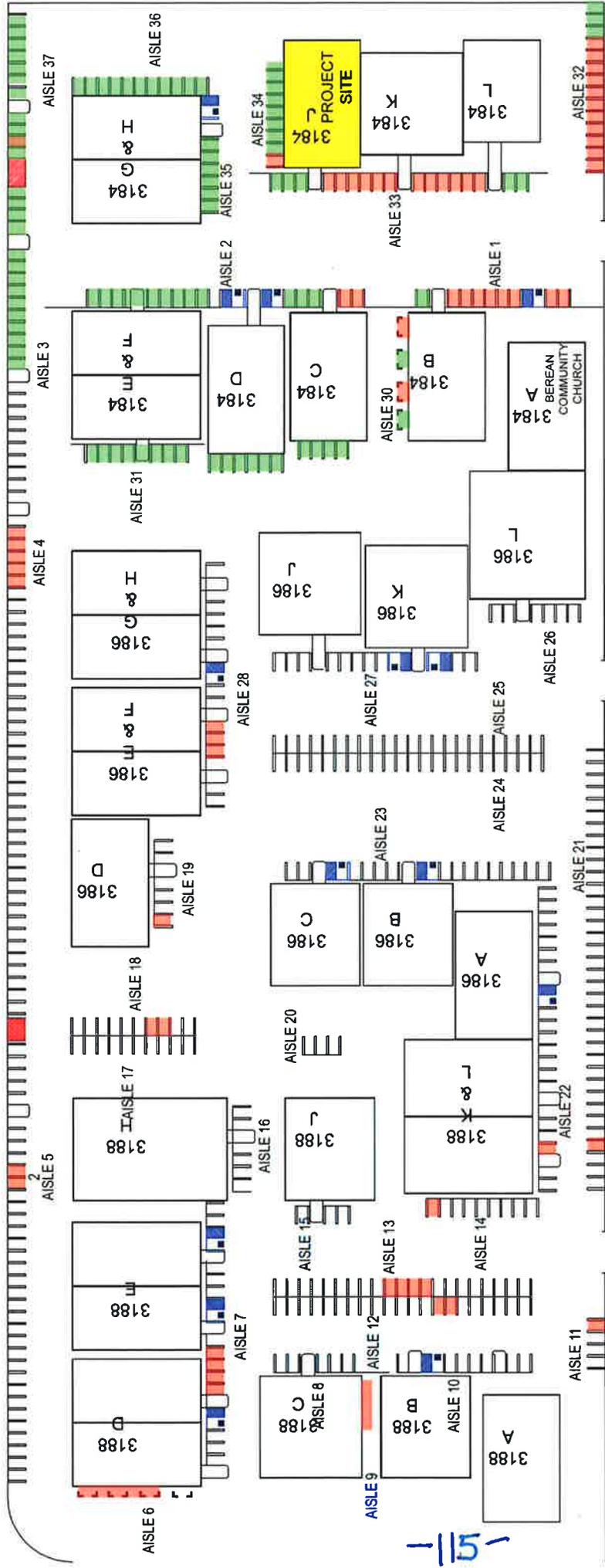


AIRWAY AVENUE

EXISTING PARKING CONDITIONS
 FRIDAY 1/8/2016 7:30-9:30 PM

- 76 PARKING SPACES OCCUPIED* (15% OF 493 SPACES)
- 417 PARKING SPACES VACANT (85% OF 493 SPACES)

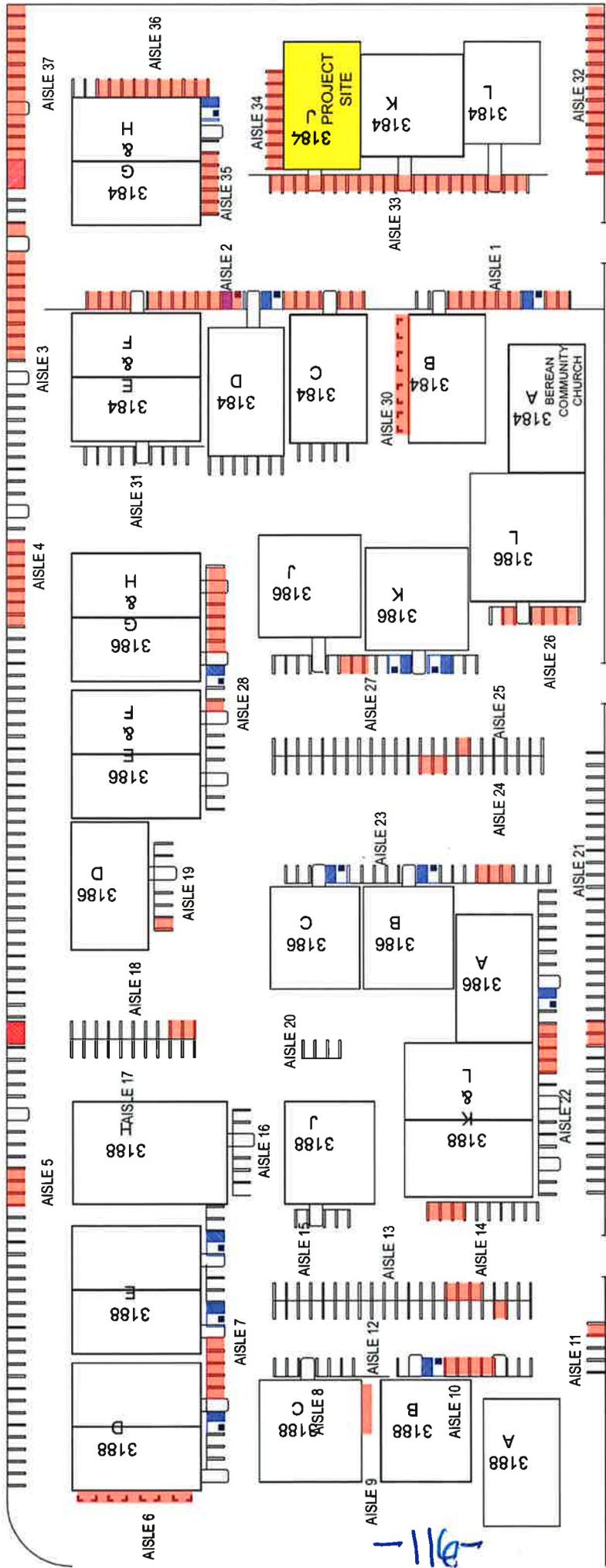
*BASED ON LSA SURVEY, JANUARY 8TH, 2016



PROPOSED PARKING CONDITIONS
FRIDAY 7:30-9:30 PM

76 SPACES OCCUPIED*
SPACES REQUIRED FOR ISMAILI CENTER. MAX 88 SHOWN
***BASED ON LSA SURVEY, JANUARY 8TH, 2016**

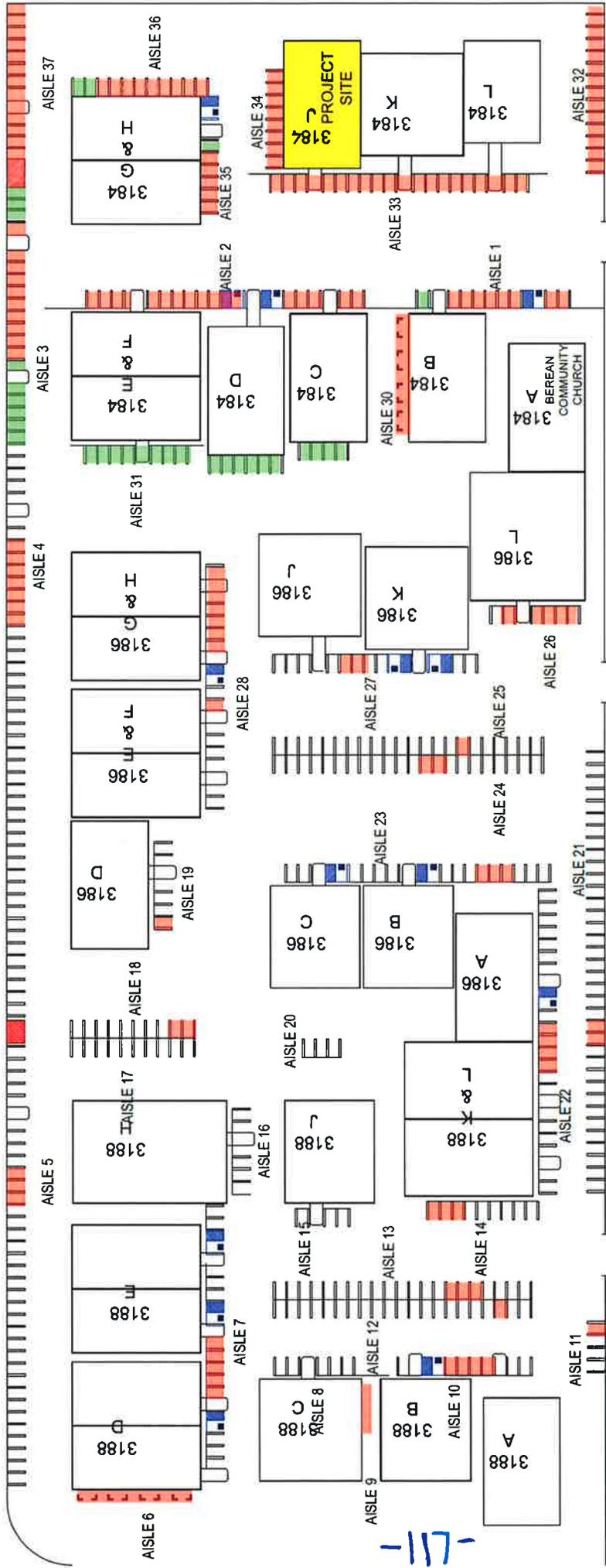
TOTAL MAXIMUM 164 PARKING SPACES REQUIRED (33% OF 493 SPACES)
329 PARKING SPACES VACANT (66% OF 493 SPACES)



AIRWAY AVENUE

EXISTING PARKING CONDITIONS
 SUNDAY 10:00 AM-2:00 PM
 172 PARKING SPACES OCCUPIED* (35% OF 493 SPACES)
 321 PARKING SPACES VACANT (65% OF 493 SPACES)

*BASED ON LSA SURVEY, JANUARY 10TH, 2016



PROPOSED PARKING CONDITIONS
SUNDAY 10:00 AM-2:00 PM

172 SPACES OCCUPIED*
SPACES REQUIRED FOR ISMAILI CENTER. MAX 30 SHOWN
10 TIMES A YEAR

TOTAL 202 PARKING SPACES REQUIRED (41% OF 493 SPACES)
291 PARKING SPACES VACANT (59% OF 493 SPACES)

***BASED ON LSA SURVEY, JANUARY 10TH, 2016**

Parking Needs Assessment

Day of the Week	Hours of Operation		Number of Attendees		Number of Cars		Total # of Cars
	Church	Applicant	Church	Applicant	Church	Applicant	
Monday	No Service	4:00 am- 6:00 am	0	10	0	6	6
	No Service	7:00 pm-9:30 pm	0	50	0	20	20
Tuesday	No Service	4:00 am- 6:00 am	0	10	0	6	6
	No Service	7:00 pm-9:30 pm	0	50	0	20	20
Wednesday	No Service	4:00 am- 6:00 am	0	10	0	6	6
	7:00 pm-9:00 pm	7:00 pm-9:30 pm	100	50	20	20	20
Thursday	No Service	4:00 am- 6:00 am	0	10	0	6	6
	7:00 pm-9:00 pm	7:00 pm-9:30 pm	100	50	20	20	20
Friday	No Service	4:00 am- 6:00 am	0	10	0	6	6
	7:00 pm- 9:00 pm	7:00 pm-9:30 pm	100	150	109	50	159
Saturday	No Service	4:00 am- 6:00 am	0	10	0	6	6
	9:00 am - 11:00 am (one time per month)	10:00 am-2:00 pm (No classes during summer & winter breaks)	?	50	109	20	129
Sunday	No Service	4:00 am- 6:00 am	0	50	0	15	15
	7:00 pm-10:00 pm (Four times per year)	7:00 pm-9:30 pm	?	50	109	15	124

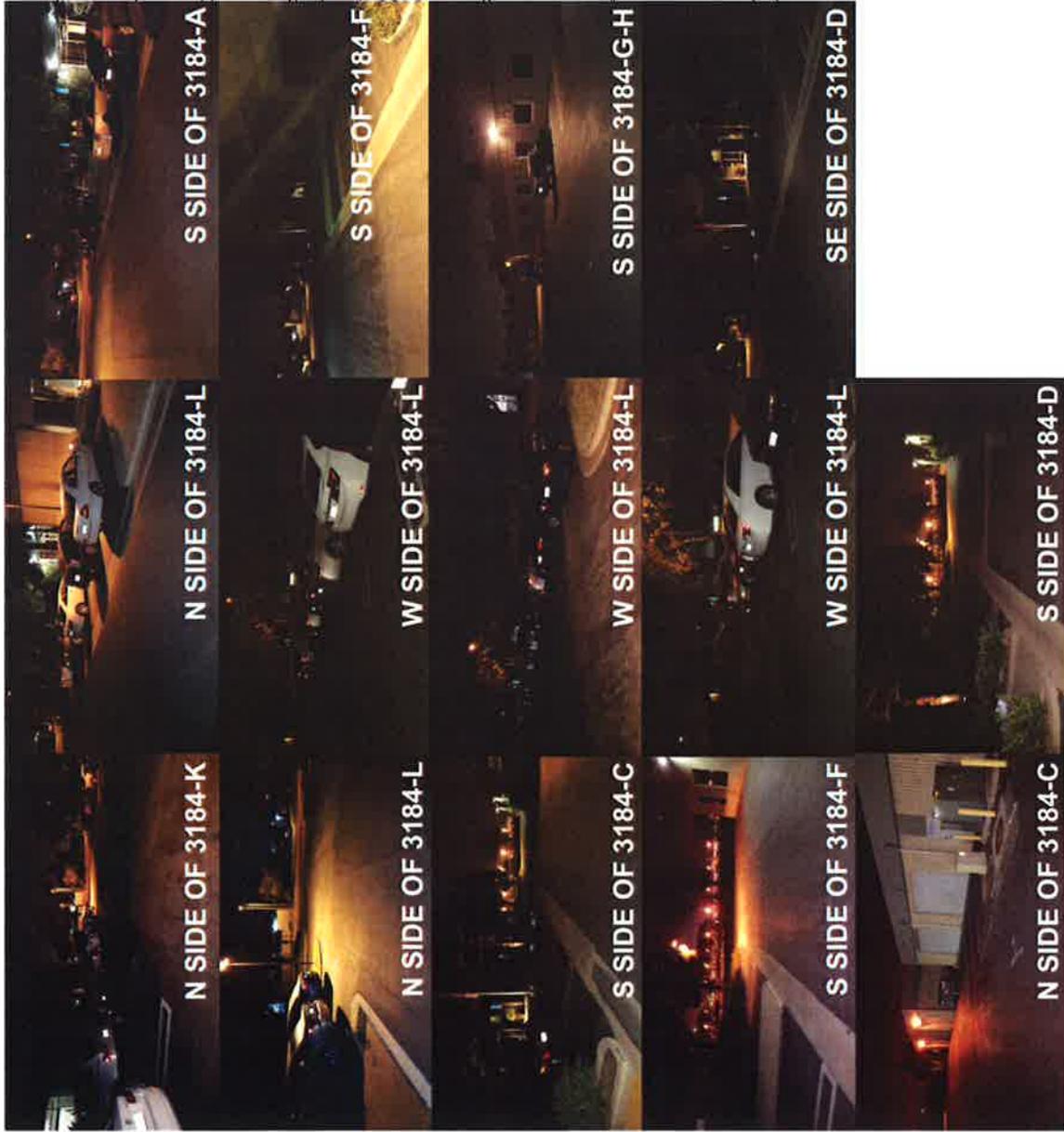
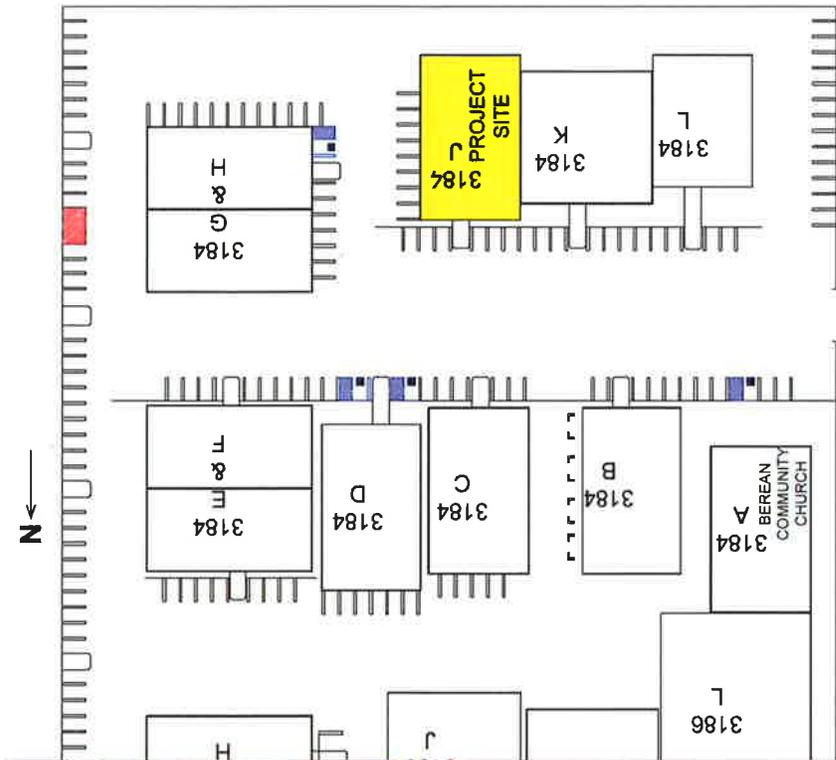
Note: Church Numbers are based on ZA-10-22

* Provided In Minor CUP Approval ZA-10-22

According to Pastor letter - Wednesday and Thursday Services are 7:00 pm- 9:30 pm

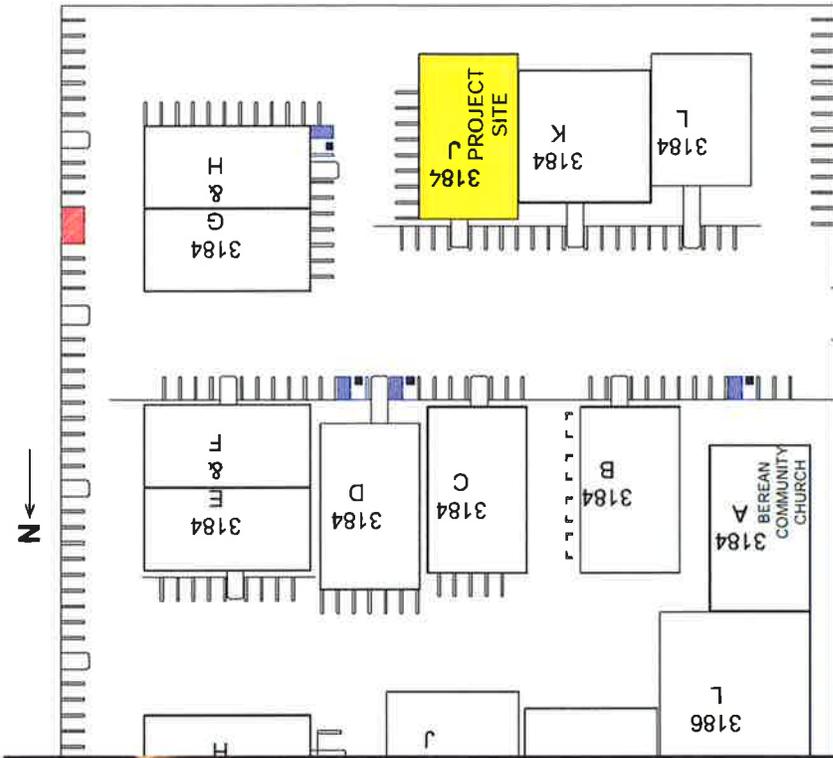
Applicant letter stated a norm of 20-50 cars and a maximum of 80 cars, 12 times per year for special evening services

118



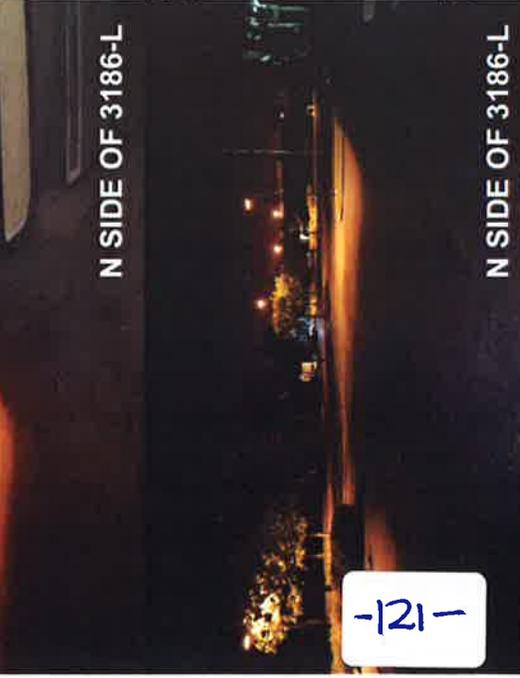
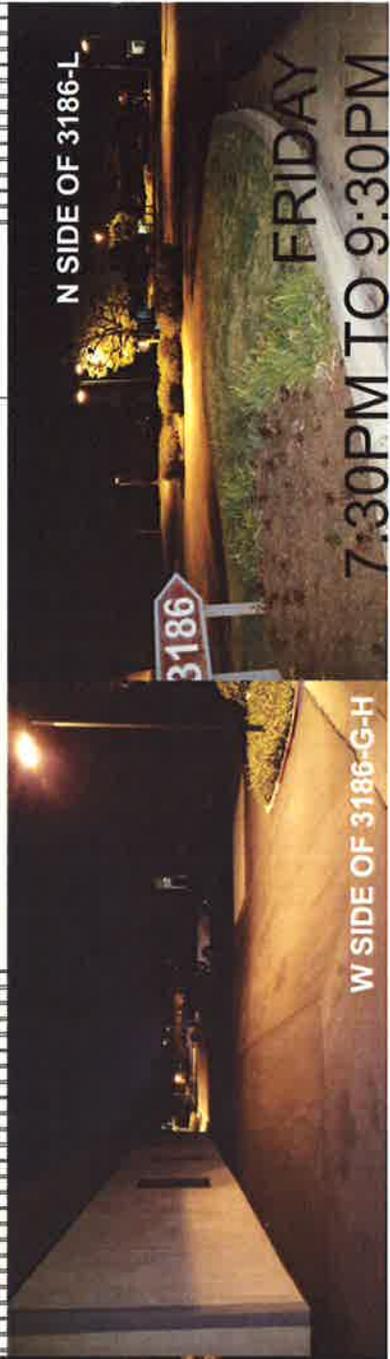
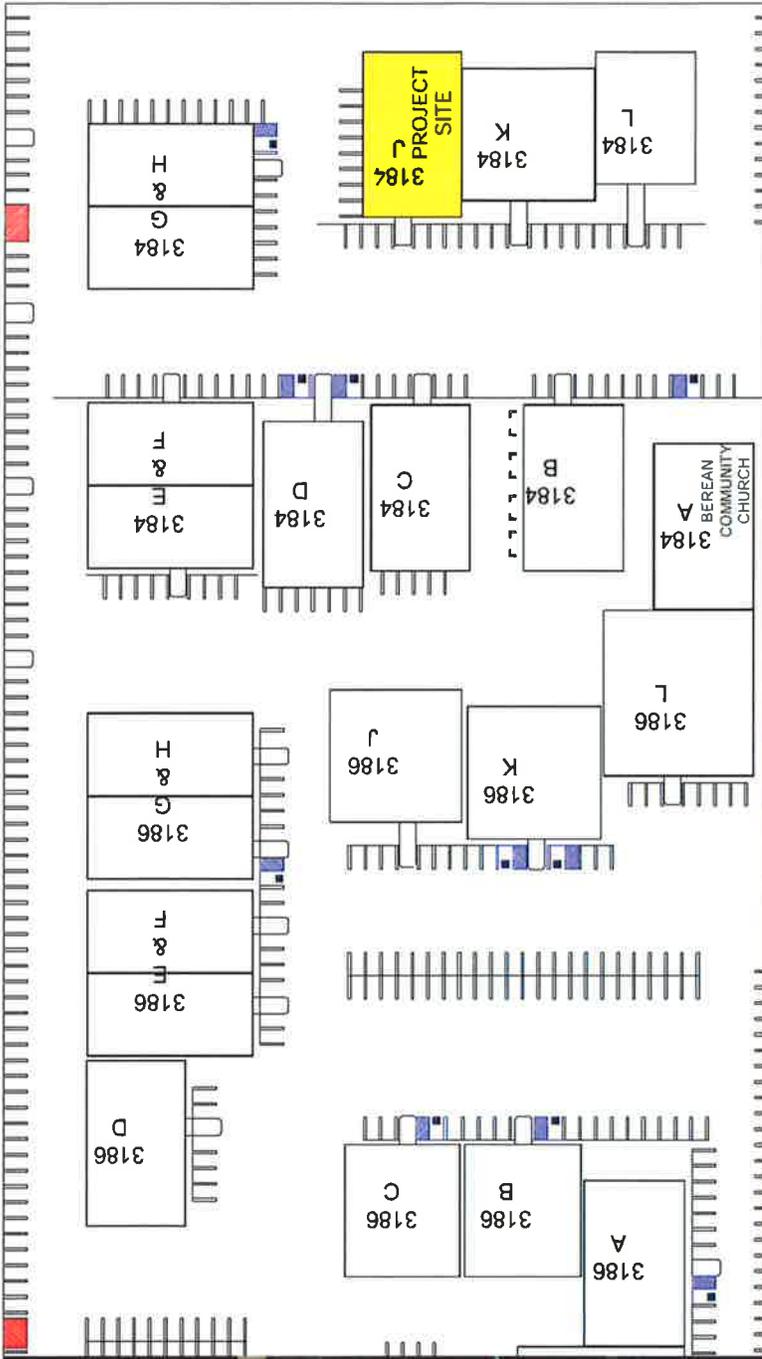
-119-

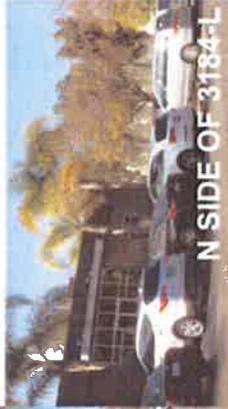
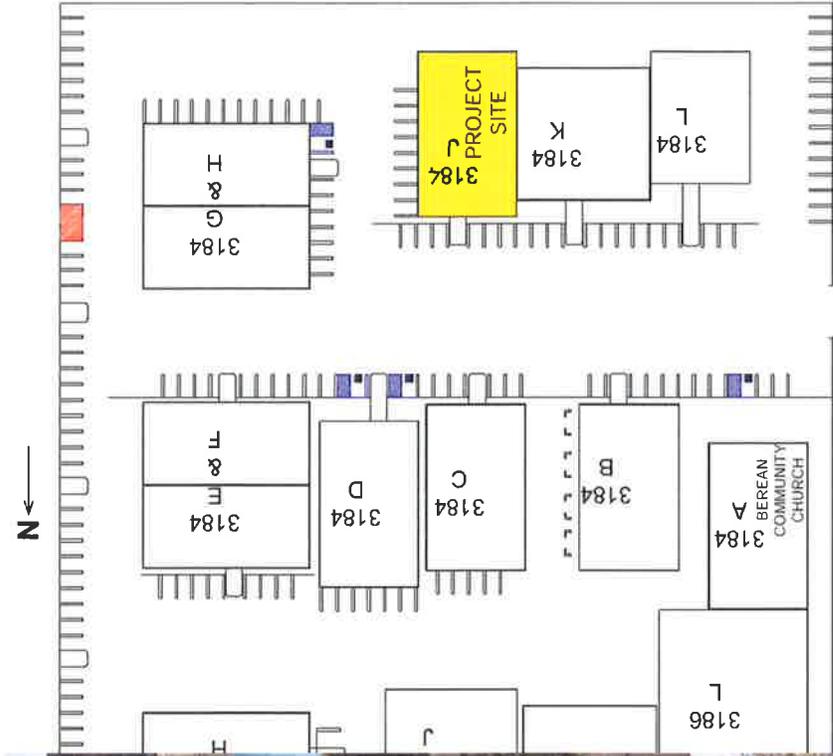
FRIDAY
7:30PM TO 9:30PM



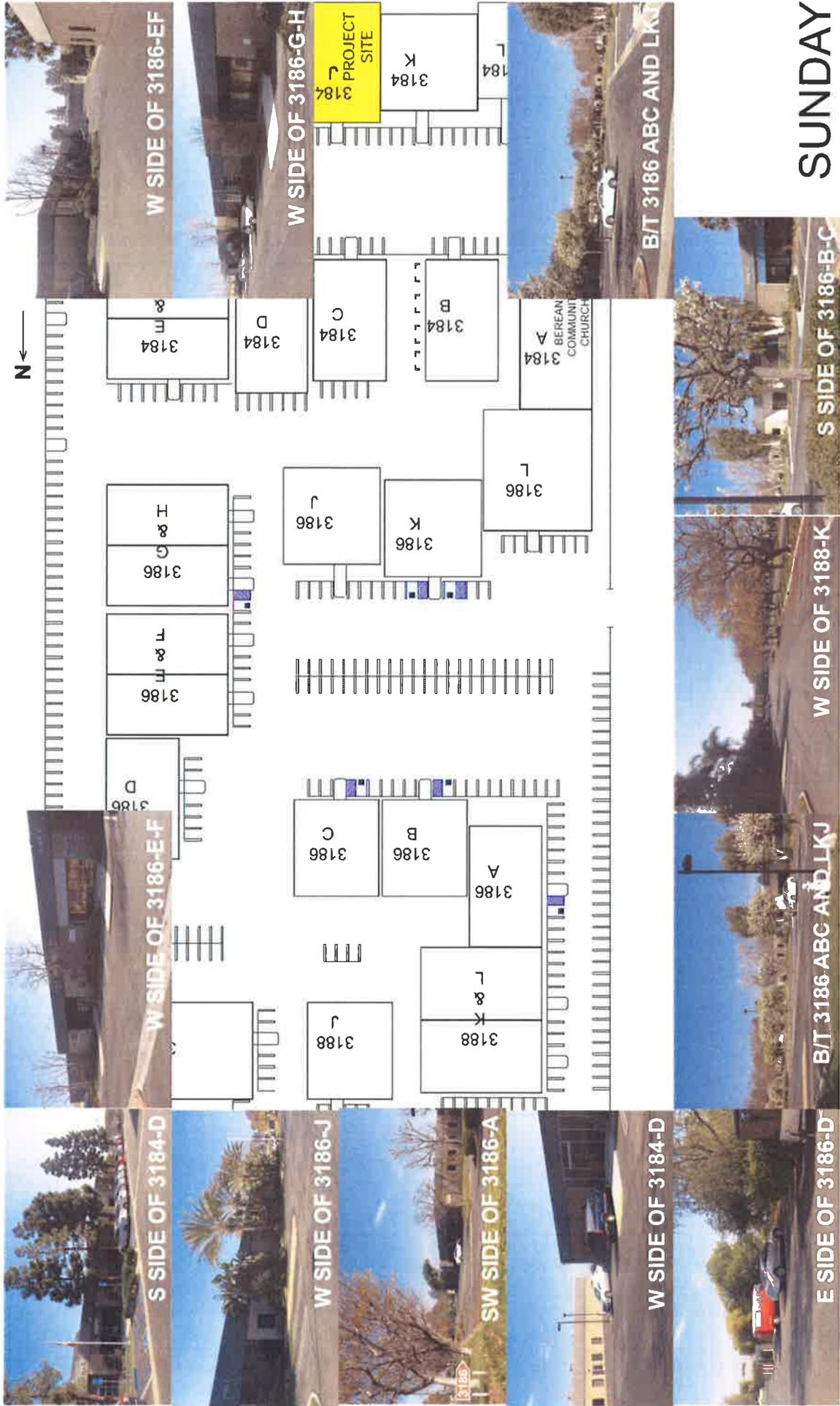
FRIDAY
7:30PM TO 9:30PM

N





SUNDAY
10:00AM TO 2:00PM



**SUNDAY
10:00AM TO 2:00PM**

**Irvine Police Department has no record of parking violations associated with 17965 Sky Park Circle #D
Irvine, CA.**

A. Broesamle #9889

**Irvine Police Department
1 Civic Center Plaza
Irvine, CA 92606
949-724-7000**

Parking Needs Assessment

Day of the Week	Hours of Operation		Number of Cars				Parking Spaces	
	Church	Applicant	Church + Others**	Applicant	Total # of Cars	# of Empty Parking Spaces	% Vacant	
Monday Early Morning Evening	No Service	4:00 am- 6:00 am	70	6	76	417	85%	
	No Service	7:00 pm-9:30 pm	87	20	107	386	78%	
Tuesday Early Morning Evening	No Service	4:00 am- 6:00 am	70	6	76	417	85%	
	No Service	7:00 pm-9:30 pm	87	20	107	386	78%	
Wednesday** Early Morning Evening	No Service	4:00 am- 6:00 am	70	6	76	417	85%	
	7:00 pm-9:00 pm	7:00 pm-9:30 pm	87	20	107	386	78%	
Thursday** Early Morning Evening	No Service	4:00 am- 6:00 am	70	6	76	417	85%	
	7:00 pm-9:00 pm	7:00 pm-9:30 pm	87	20	107	386	78%	
Friday Early Morning Evening	No Service	4:00 am- 6:00 am	70	6	76	417	85%	
	7:00 pm- 9:00 pm	7:00 pm-9:30 pm	76	50	126	367	74%	
Saturday Early Morning Morning/ Early Afternoon Evening	No Service	4:00 am- 6:00 am	36	6	42	451	91%	
	9:00 am - 11:00 am (one time per month)	10:00 am-2:00 pm (No classes during summer & winter breaks)	50	20	70	423	86%	
	No Service	7:00 pm-9:30 pm	36	15	51	442	90%	
Sunday Early Morning Morning/ Early Afternoon Evening	No Service	4:00 am- 6:00 am	31	6	37	456	92%	
	9:00 am and 11:00 am 7:00 pm-10:00 pm (Four times per year)	10:00am - 2:00 pm (10 times per year)	172	30	202	291	59%	
		7:00 pm-9:30 pm	42	15	57	436	88%	

*According to Pastor letter - Wednesday and Thursday Services are 7:00 pm- 9:30 pm

** Includes all Current Users/Tenants at Off-Set Hours - Per LSA Parking Study

Applicant letter stated a norm of 20-50 cars and a maximum of 80 cars (12 times per year for special evening services)

RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSTA MESA
BY BG

EXHIBIT F



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

May 20, 2010

Kirstin Emershaw
1609 E. McFadden, Ste. C
Santa Ana, CA 92705

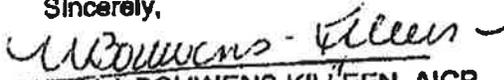
**RE: ZONING APPLICATION ZA-10-22
MINOR CONDITIONAL USE PERMIT TO DEVIATE FROM SHARED PARKING
REQUIREMENTS FOR A CHURCH USE
3184 A AIRWAY AVENUE, COSTA MESA**

Dear Ms. Emershaw:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on May 27, 2010, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Wendy Shih, at 714-754-5136, between 1 p.m. and 5 p.m. or via email at wshih@ci.costa-mesa.ca.us

Sincerely,


WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project description
Findings
Conditions of approval and Code Requirements
Approved conceptual plans

cc: Engineering
Fire Protection Analyst
Building Division

Kerry Rutkin
5811 Grimsby Dr.
Huntington Beach, CA 92649

Peter Kim
14331 Raintree Road
Tustin, CA 92780

David Hasan
Pacific West Asset Mgmt Corp.
P.O. Box 19068
Irvine, CA 92623

PROJECT DESCRIPTION

- The project site is located in a 5,936 square-foot industrial condominium building within the Koll Irvine Center. It is zoned MP (Industrial Park) and has a General Plan designation of Industrial Park.
- The applicant requests approval of a minor conditional use permit (MCUP) to deviate from shared parking requirements for a church use (Berean Community Church).
- The Code requires 119 parking spaces for the church based on 4,168 square feet of seating area; 18 parking spaces are allocated for this suite based on industrial parking rate.
- Parking impacts are not anticipated due to offset hours of operation since the applicant proposes to use the building for Sunday worship services, evening bible studies, and monthly Saturday meetings only when the majority of the other businesses in the development are closed.
- The church anticipates that they will use, at most, approximately 109 parking spaces during offset hours (weekends and after 7 p.m. on weekdays); approximately 475 parking spaces exist on-site in the immediate common area.
- The proposed use is compatible with existing office uses on-site since it will not affect existing on-site parking demand during the day and use of the building for church assembly will occur during offset hours.
- The General Plan permits a church use in the Industrial Park land use designation provided that land use compatibility and traffic issues are addressed. Therefore, approval of the MCUP is consistent with the General Plan.

FINDINGS

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
 - a. The proposed use is compatible and harmonious with uses on-site as well as those on the surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The General Plan permits church uses within the property's Industrial Park land use designation provided that land use compatibility and traffic issues are addressed. Since the proposed use will not impact on-site parking due to the offset hours of operation, approval of a MCUP is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.

2. The minor conditional use permit to allow a deviation from the shared parking requirement complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, parking impacts are not anticipated due to offset hours of operation. Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
3. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Ping. 1. If parking shortage or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reduction of assembly sizes or modification of assembly hours.
2. Operation of the church shall be limited as described in the project description and applicant's letter dated April 1, 2010 (assembly on weekends and after 7 p.m. on weekdays only). Any expansion or modification of the number of attendees or assembly hours may require approval of a minor conditional use permit.
 3. All services and/or activities shall occur inside the building only.
 4. The applicant/operator shall be responsible for cleanup and removal of any trash from the parking area and common area after each service.
 5. A copy of the conditions of approval for the conditional use permits must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

CODE REQUIREMENTS

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

- Ping. 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 legality

establishes the use. 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. The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his/her designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
3. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
- Bus. Lic. 5. 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.
- Bldg. 6. If construction is required, comply with the requirements of the 2007 California Building Code, California Electrical Code, California Mechanical Code and California Plumbing Code (or the applicable adopted California Building Code, California Electrical Code, California Mechanical Code and California Plumbing Code at the time of plan submittal) and California Code of Regulations, Title 24 energy, also known as the California Building Standards Code, as amended by the City of Costa Mesa.



Received
City of Costa Mesa
Development Services Department

APR 08 2010

April 1, 2010

Planning Division
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: *Conditional Use Permit Application – Project Description*
Project Address: *3184-A Airway*

Dear Planning Staff,

I am the authorized agent for the Berean Community Church (the "Applicant"), a 230-member Christian church that was formed in 1997 and is currently located in the City of Tustin. The Applicant is in escrow to purchase 3184-A Airway in the Koll/Irvine Center. Their intention is to use this approximate 5,936 square foot building for their Sunday worship services and evening bible studies. The Applicant is requesting the approval of a Conditional Use Permit.

Per the City of Costa Mesa's zoning code, a church use is conditionally permitted in industrial zones. Further, Church uses have been approved in the past in the Koll/Irvine Center. There is no significant impact to parking as all church hours take place outside of normal business hours on evenings and weekends; therefore, this use is compatible with the surrounding area.

The required number of on-site parking spaces, per the zoning code, is approximately 127. The applicant's share of the common parking is 18 spaces. The Applicant has requested that the Koll/Irvine Center Association grant them the right to use the additional required on-site parking spaces during the times outlined below:

- *Sunday Worship – 9:00 a.m. – 1:00 p.m. – 109 Association spaces needed*
- *Friday Bible Study – 7:00 p.m. – 9:00 p.m. – 15 – 20 Association spaces needed*
- *Saturday Morning – Once per month 9:00 a.m. – 11:00 a.m. – 5 – 10 Association spaces needed*
- *Sunday Community Events – 4 times per year from approximately 7:00 p.m. – 10:00 p.m. – 109 Association spaces needed*

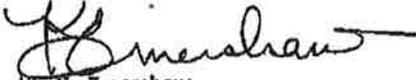
As the Applicant's administrative offices are at another location, this building is going to be used strictly as the church's sanctuary during non-business hours. The Applicant's use in the park will therefore be a benefit as their share of the parking will always be available to the neighboring owners during business hours.

1609 E. McFadden Avenue, Suite C • Santa Ana, California 92705
Tel 949-274-2015 • Fax 949-209-1988 • www.revapacific.com

The Applicant is requesting to use the parking spaces that are shared by addresses 3184, 3186 and 3188. There are a total of 475 parking spaces that serve this area of the development. The Applicant is only in need of 109 spaces so there is more than enough parking spaces to meet the parking requirement. Further, the churches that are currently occupying buildings in the Koll / Irvine Center are not located near to building 3184-A.

We hope that you approve our application. We are very much looking forward to being part of the Costa Mesa community.

Sincerely,



Kirstin Emershaw
Authorized Agent

RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSFA MESA
BY BG

EXHIBIT G

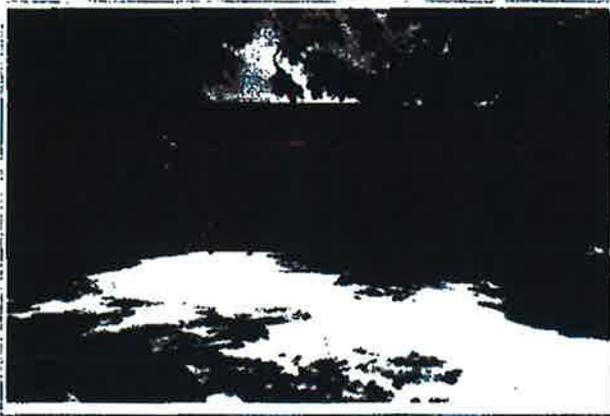
Team Spirit Realty

Daniel and Hatty Hong -- (714) 900-1312

Special Purpose Property For Sale

Church, Religious

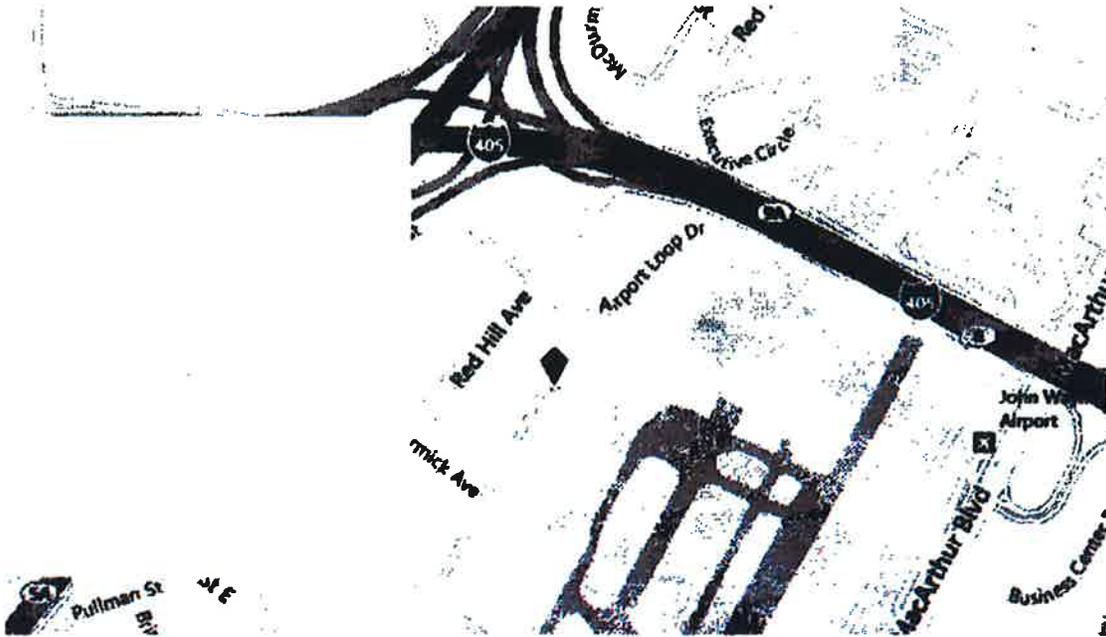
3184 Airway Ave, Costa Mesa, CA 92626



Price:	\$2,450,000
Building Size:	6,000 SF
Price/SF:	\$408.33
Property Type:	Special Purpose
Property Sub-type:	Religious Facility
Property Use Type:	Vacant/Owner-User
Commission Split:	2%
Listing ID	19448847
Last Updated	1 day ago

Find Out More...

Map of 3184 Airway Ave, Costa Mesa, CA 92626 (Orange County)



RECEIVED
CITY CLERK

16 FEB 16 PM 2:31

CITY OF COSTA MESA
BY EG

EXHIBIT H



REQUEST FOR ZONING ADMINISTRATOR ACTION

MEETING DATE: February 10, 2016

TITLE: CONDITIONAL USE PERMIT WITH ADMINISTRATIVE RELIEF FOR SHARED PARKING AT AN OFF-SITE LOCATION FOR BEREAN COMMUNITY CHURCH; LOCATED AT 17911 MITCHELL SOUTH IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)

A handwritten signature in black ink, appearing to read "Zoning Coordinator", written over a horizontal line.

Zoning Coordinator

RECOMMENDED ACTION

1. Open public hearing; receive public input.
2. Close public hearing.
3. Adopt RESOLUTION NO. 16-1321, A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF IRVINE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 00650904-PCPM WITH ADMINISTRATIVE RELIEF FOR SHARED PARKING AT AN OFF-SITE LOCATION FOR BEREAN COMMUNITY CHURCH; LOCATED AT 17911 MITCHELL SOUTH IN PLANNING AREA 36 (IRVINE BUSINESS COMPLEX)

EXECUTIVE SUMMARY

Berean Community Church has filed an application for a conditional use permit (CUP) to operate a church facility at 17911 Mitchell South. The project site is located in Planning Area 36 (Irvine Business Complex) within the 5.1 Multi-Use zoning district (ZA Attachment 1). The applicant proposes minor interior alterations to convert the existing two-story, 21,370 square foot office and warehouse building to a church use (ZA Attachment 2). The application includes a request for administrative relief for shared parking at an off-site location less than 0.25 mile south of the project site, and the applicant has provided a shuttle operations plan to ensure that guests are able to safely and efficiently travel between sites.

The proposed CUP is consistent with the City's General Plan and Zoning Ordinance. With the exception to the administrative relief request for parking, the proposed church facility is designed to meet all current development standards. Therefore, staff recommends the Zoning Administrator adopt Resolution No. 16-1321 approving Conditional Use Permit 00650904-PCPM with Administrative Relief, subject to the conditions contained therein (ZA Attachment 7).

COMMISSION / BOARD / COMMITTEE RECOMMENDATION

Not applicable.

ANALYSIS

Berean Community Church is proposing to operate a church facility at 17911 Mitchell South. The project is located in the westernmost portion of Planning Area 36, to the north of Fitch and east of Cowan. The CUP will convert the existing two-story, 21,370 square foot office and warehouse building to a church facility through several interior alterations, including the creation of a large sanctuary area and several office and study rooms.

The first floor of the building will contain the main sanctuary and offices and group rooms for Sunday school and Bible study. The second floor of the building will contain additional offices and storage rooms (ZA Attachment 3).

The church will be staffed by two pastors during regular weekday business hours. All church service, however, are proposed outside of weekday peak hours. Regular hours of operation for Berean Community Church are Sundays between 8:30 a.m. and 2 p.m., during which two separate services are offered. Additionally, weeknight services are offered on Wednesday, Thursday and Friday evenings from 7 p.m. to 9 p.m., with approximately 50-90 attendees at each service. Based on the proposed hours of operation, there is no traffic impact associated with the proposed use. Standard Condition 6.16 has been included in the resolution to ensure that service times remain outside of peak hours.

Additionally, during the review of the proposed project several requirements for site improvements were discovered. These requirements include upgrading the project driveway to be in conformance with City Standard Plans, installation of a new pedestrian walkway providing direct connection from the public sidewalk to the project site, and restriping of certain parking spaces to ensure that adequate back-up distance is provided at all locations throughout the site. These improvements, which have been agreed to by the applicant, are included in the project resolution of approval as Conditions 4.12, 4.13 and 4.14.

Administrative Relief for Parking

Zoning Ordinance Section 4-3-4(49), *Automobile Parking Matrix*, specifies that places of worship are required to provide parking at a ratio of one space per every three fixed seats, and one space for every 35 square feet of adult assembles used simultaneous with main assembly. With a total of 400 fixed seats, Berean Community Church is required to provide a total of 134 parking spaces. As proposed, the site accommodates 49 parking spaces, resulting in a deficiency of 85 parking spaces. Since parking requirements cannot be met utilizing the space available on the subject property,

Administrative Relief is being requested, in accordance with Zoning Ordinance Section 4-6-3, for shared parking at an off-site location.

The applicant has provided a shared parking agreement with VQ OrthoCare at 18011 Mitchell South to utilize up to 136 parking spaces for off-site parking (ZA Attachment 4). VQ OrthoCare operates on weekdays within the hours of 7 a.m. and 7 p.m. The business is closed during the weekend and during the evening hours when services are proposed at Berean Community Church. As such, there is no conflict in parking demand.

With the availability of parking spaces at the off-site location, Berean Community Church is able to meet their parking requirements as follows:

Required:	134 spaces
Provided:	<i>On-Site:</i> 49 spaces
	<i>Off-Site:</i> <u>136 spaces</u>
	185 spaces

The off-site parking location is situated less than 0.25 mile south of the project site. However, there is no contiguous stretch of sidewalk joining the two locations to one another. As such, the applicant has provided a shuttle operations plan to ensure that parishioners and visitors are able to travel safely and efficiently between the off-site parking location and the church (ZA Attachment 5). Staff is supportive of the request for shared parking at the off-site location, as the church use creates parking demand outside of the typical business hours for VQ OrthoCare, the off-site location is within proximity to the church and a shuttle plan has been developed to ensure that access between the two locations is as efficient as possible.

Public Input

A notice for this proposed project was mailed to all property owners and tenants within 500 feet of the project site and also posted at the site and the City's public notice boards on January 25, 2016. As of the writing of this report, staff has received no calls, emails or other communication requesting information or commenting on the proposal.

ENVIRONMENTAL REVIEW

Pursuant to Section 4 of the City of Irvine CEQA procedures and Article 19 of the State California Environmental Quality Act (CEQA) Guidelines, it has been determined that the proposed project has been found to be categorically exempt from the requirements of CEQA under Section 15301, Class 1, Existing Facilities. A Notice of Exemption has been prepared for the project and is attached for reference (ZA Attachment 6).

ALTERNATIVES CONSIDERED

Not applicable.

FINANCIAL IMPACT

Not applicable.

REPORT PREPARED BY Calvin Mingione, Associate Planner

ZA ATTACHMENTS

- ZA Attachment 1: Vicinity Map
- ZA Attachment 2: Information Sheet
- ZA Attachment 3: Project Plans
- ZA Attachment 4: Parking Permission and Agreement
- ZA Attachment 5: Shuttle and Parking Operations Plan
- ZA Attachment 6: Environmental - Notice of Exemption
- ZA Attachment 7: Resolution No. 16-1321, approving Conditional Use Permit 00650904-PCPM with Administrative Relief

cc: Pastor Peter Kim, Berean Community Church (bereanpk@gmail.com)
David Lee (davidslee@gmail.com)
Joel Belding, Principal Planner
Eric Rubery, Senior Planner

Files: 00650904-PCPM