



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JANUARY 12, 2004

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-03-44
3303 HARBOR BOULEVARD, F5

DATE: DECEMBER 31, 2003

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION

The applicant is requesting a conditional use permit for a chiropractic office and a minor conditional use permit to deviate from shared parking within Commerce Park.

APPLICANT

The applicant is Dr. Louis Rice, representing the property owner, SDCO Commerce Park.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.



WENDY SHIH
Associate Planner



PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

The 11-acre lot is developed with 10 buildings totaling 172,000 sq. ft. It is zoned PDI (Planned Development Industrial) with a general plan designation of Industrial Park. The lot contains an industrial/commercial business park complex (Commerce Park). A variety of industrial and office uses occupy the buildings on the property.

The applicant would like to open a 2,080 sq. ft. chiropractic office (Atlas Wellness Center) which requires a conditional use permit in the PDI zone. The center also offers nutritional therapy and exercise rehabilitation. The suite consists of a reception area, two treatment areas, a rehabilitation room, a storage room, and three rooms that can be used as exam rooms.

DISCUSSION

According to the 2000 General Plan, the Industrial Park designation is intended to apply to large districts that contain a variety of industrial and compatible office and support commercial uses. Commercial uses complementary to industrial areas, or commercial uses that do not generate high and frequent customer traffic, are permitted on the property. Under ZE-84-54, a list of office/commercial uses was approved for buildings that face South Coast Drive and Harbor Boulevard. The list consists of low-key, low traffic generating uses such as insurance companies, legal services, accounting and bookkeeping, which would be complementary to the industrial area. Atlas Wellness Center is located within one of those buildings. However, it is staff's opinion that a chiropractic office is not compatible with other, low-key uses within the industrial/commercial business park complex. Existing industrial and commercial uses within the complex generate little or no customer traffic, whereas a chiropractic office would likely generate a higher volume of traffic than other uses within the complex.

A minor conditional use permit is required to deviate from shared parking requirements since a chiropractic office requires more parking than provided on site (518 spaces required based on 4/1,000 sq. ft. for buildings that allow commercial uses, plus the proposed chiropractic office at 6/1,000 sq. ft.; 514 spaces provided). Staff cannot support the minor conditional use permit because special operational characteristics do not exist to justify the parking deviation. According to the applicant's description letter, they treat patients from 8:30 a.m. to 10:30 a.m. and 3 to 7 p.m., and their patient volume is extremely low. The proposed hours are within normal business hours, which would conflict with other uses on site. In addition, patient volume may be low at this point, but it cannot be regulated once the use is permitted.

ALTERNATIVES

If the applicant's request were approved, a chiropractic office would be allowed to occupy suite F-5 within Commerce Park, an industrially zoned property.

If the proposed use were denied, a chiropractic office would not be allowed within Commerce Park. It can locate within a commercially zoned and developed property with adequate parking to support the use.

CONCLUSION

In Planning staff's opinion, the proposed chiropractic use is not compatible with other, low-key uses within Commerce Park, an industrially zoned property. It is not consistent with the general plan designation of industrial park. The use would be too intense and would generate traffic volume that is not consistent with other uses in the vicinity. It is staff's opinion that the proposed use is not suitable within the industrial park setting.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Applicant's Project Description and Justification
 Location Map
 Plans/Photos

File Name: 011204PA0344

Date: 12/31/03

Time: 8:30 a.m.

c: Deputy City Manager - Dev. Svcs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Della Gobelsberg
SDCO Commerce Park
3303 Harbor Blvd., Ste. F-8
Costa Mesa, CA 92626

Dr. Louis Rice
3303 Harbor Blvd., Ste. F-5
Costa Mesa, CA 92626

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-03-44**

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

WHEREAS, an application was filed by Dr. Louis Rice, representing SDCO Commerce Park, owner of real property located at 3303 Harbor Boulevard, Ste. F-5, requesting approval of a conditional use permit for a chiropractic office and a minor conditional use permit to deviate from shared parking within the PDI (Planned Development Industrial) zone; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 12, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Planning Application PA-03-44 with respect to the property described above.

PASSED AND ADOPTED this 12th day of January, 2004.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Perry L. Valantine 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 January 12, 2004, by the following votes:

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

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit for the chiropractic office and minor conditional use permit to deviate from shared parking will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, a chiropractic office would generate higher traffic than other, low-key uses within the industrially zoned property. Additionally, special operational characteristics do not exist to justify granting a deviation from parking requirements. Granting the conditional/minor use permit will allow a use, density or intensity which is not in accordance with the Industrial Park general plan designation for the property because the proposed use is not complementary to the industrial area.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use is not compatible and harmonious with uses both on-site as well as those on 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 proposed use is not consistent with the General Plan.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project, as conditioned, is consistent with Article 221/2, Transportation System Management of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated at all affected intersections.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- P1ng. 1. The conditional/minor use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional/minor 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 being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. A copy of the conditions of approval for the conditional/minor use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever operational measures are necessary to comply with this requirement.
4. If parking complaints are received by the City, the applicant and/or business owner shall submit a parking management plan to the Planning Division addressing parking needs, use of spaces on-site, and parking availability. Inability to resolve parking conflicts attributed to this use may result in amendment to, or revocation of, the conditional use permit.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: PA-03-44
Address: 3303 Harbor #F5

Environmental Determination:

1. Fully describe your request: Approval of business license for ATLAS WELLNESS CENTER, a brand-new, chiropractic wellness center offering nutritional therapy, exercise rehabilitation, and community health education. Free workshops, serving not only Costa Mesa, but also the surrounding communities, including but not limited to: Santa Ana, Newport Beach, Huntington Beach, and Fountain Valley.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

Commerce Park already has existing businesses that include pharmaceuticals, computer software development, concierge physical therapy, and a number of small businesses, with a very low number of employees. We would be the sole medical-type facility in this park; however, there are other medical/chiropractic offices less than 50yds. away, across the street, at 15035 Coast Dr.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code. (continued)

This proposed use would in absolutely no way be detrimental to other properties in the same area.

3. This project is: (check where appropriate) N/A

- In a flood zone. In the Redevelopment Area.
- Subject to future street widening. In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

Is not included in the publication indicated above.

Is included in the publication indicated above.

Signature: [Signature]

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Date: 10/6/03

November 7, 2003

City of Costa Mesa
Attn: Development Department
77 Fair Drive
Costa Mesa, CA 92628-1200

Re: Parking at Costa Mesa Commerce Park – 3303 Harbor Blvd.

To Whom It May Concern:

Atlas Wellness Center has been operating within Commerce Park located at 3303 Harbor Boulevard since April 2003. During such time we have had no problems with the parking being compromised or overburdened. In addition, Atlas Wellness Center's hours of operation, 8:30-10:30 a.m. and 3:00-7:00 p.m., have only small periods of overlap with the normal business hours of other tenants in the complex. Their unit, located in Building F, has parking in front of and behind the building and has not had a problem accommodating the needs of tenants and/or their clients.

Should you have any questions, please call our office at (714) 979-9997.

Thank you,



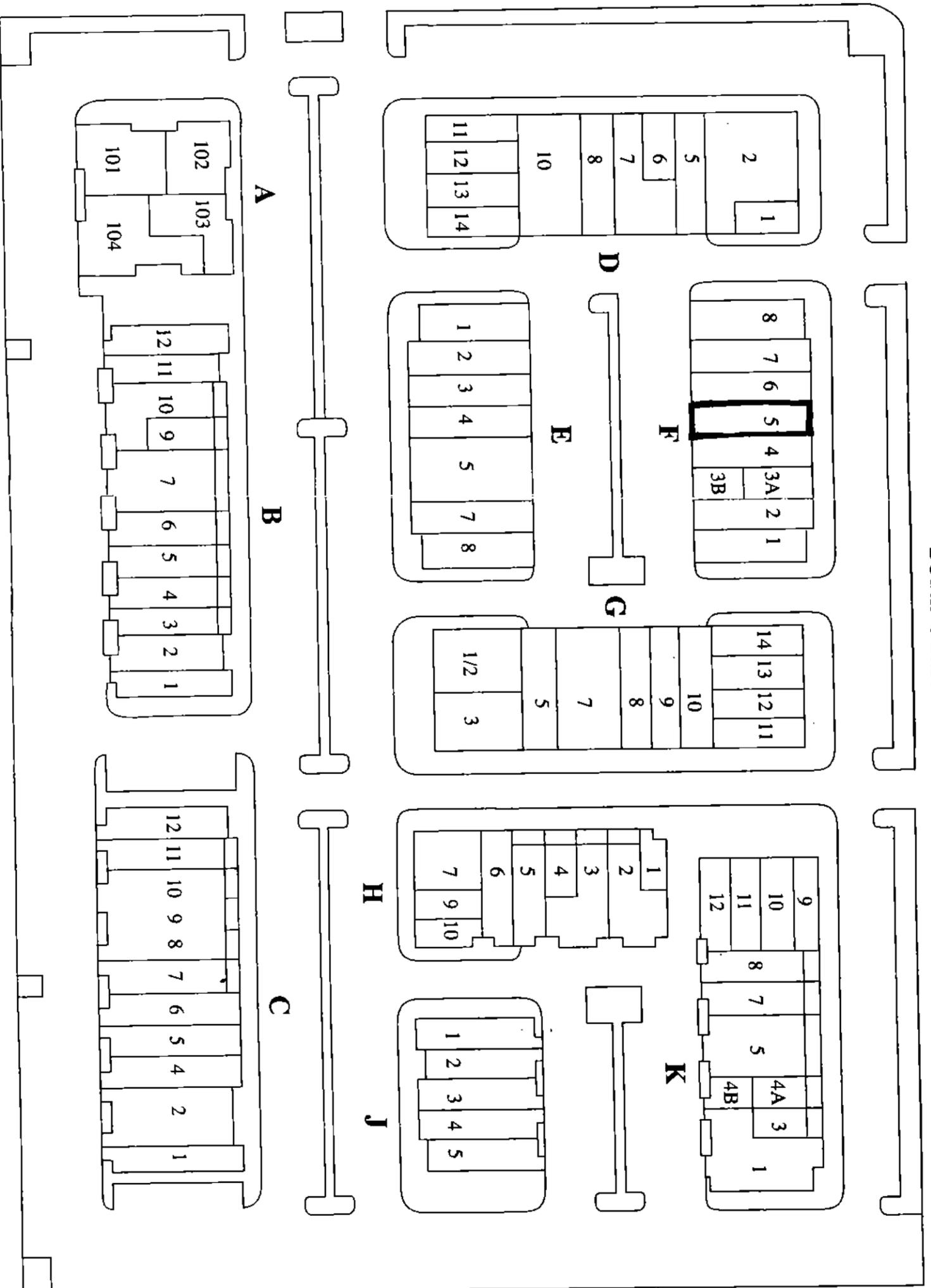
Della Gablesberg
Property Manager

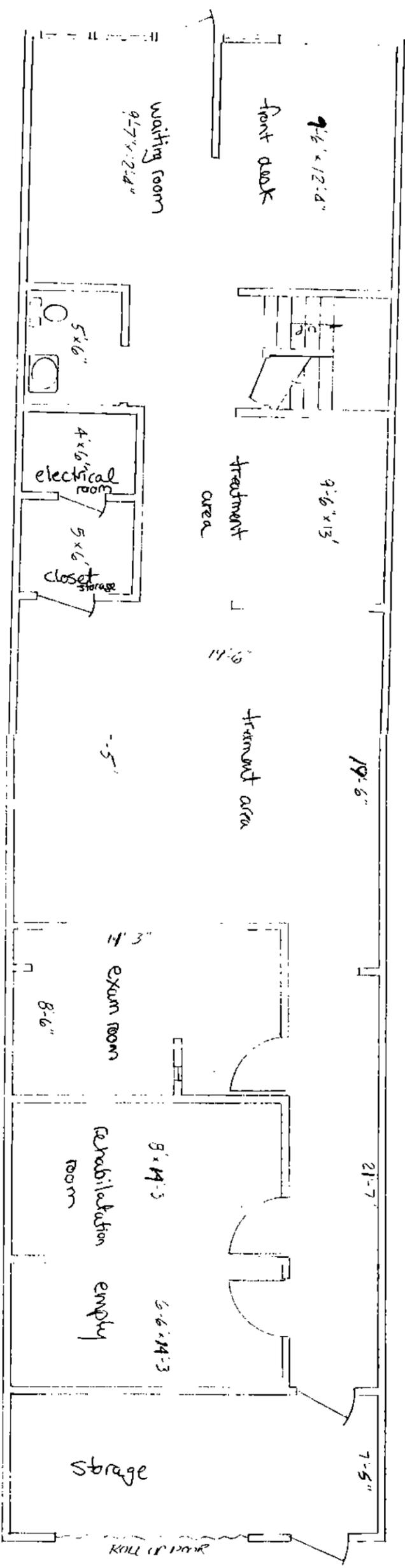
COMMERCE PARK -- COSTA MESA

South Coast Drive



Harbor Blvd.



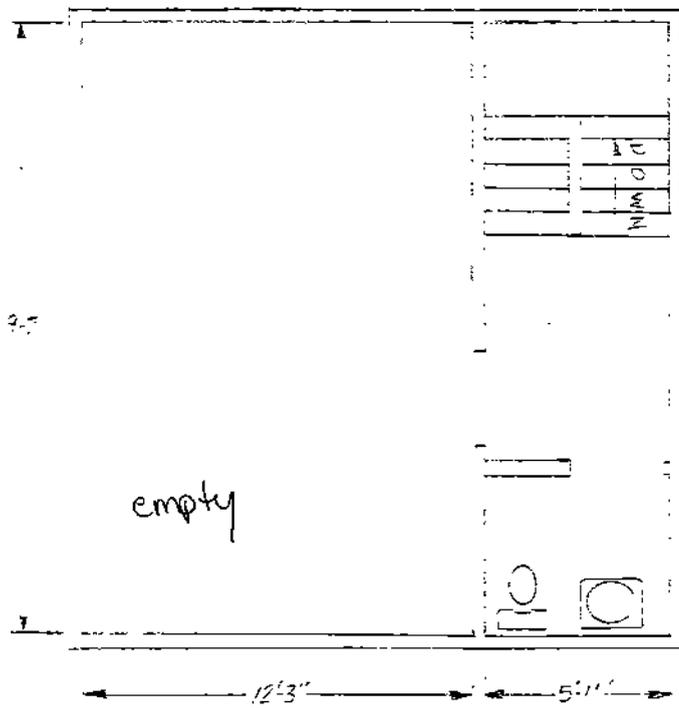


FIRST FLOOR

3303 HARBOUR BLVD
 COSTA MESA, CA
 UNIT F-53 BUILT
 ATLAS WELLNESS CENTER
 (714) 540-6792 ADARSH KOSTANTINI

1/4" = 1'-0"

2080 sqft



2ND FLOOR

1/4" = 1'-0"