



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JANUARY 26, 2004

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-03-55
3303 HARBOR BOULEVARD, K-11**

DATE: JANUARY 15, 2004

FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER (714) 754-5611

PROJECT DESCRIPTION

The applicant is requesting a conditional use permit to legalize a canine physical therapy business (Canine Therapeutics) within an industrial park complex (Commerce Park).

APPLICANT

The applicant is Lillian Metteer, representing the property owner, SDCO Commerce Park.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.

MEL LEE
Associate Planner

PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

The 11-acre property is developed with 10 buildings totaling 172,000 square feet. 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). Under Master Plan 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 book keeping, which would be complementary to the industrial area.

The applicant operates a canine physical therapy use in an 864 square foot suite within the "K" building, which fronts on South Coast Drive (Suite K-11). The use has been in operation at this location since May 2003, however, there is no record of a business license issued by the City for this use. Code Section 13-30 (Land Use Matrix) requires a conditional use permit for veterinary and related services.

On January 12, 2004, Planning Commission considered conditional use permit PA-03-44, to allow a chiropractic office within Suite F-5 of this complex, which was denied by Planning Commission on the basis that the use was not compatible with the other uses in the complex.

DISCUSSION

The applicant provides therapeutic exercise, soft tissue massage, and hydrotherapy for canines. The applicant provides one-on-one therapy sessions, which lasts approximately 60 minutes each. No more than two patients are treated per hour. No kenneling is provided. The services are provided via referrals from veterinarians and no "walk-in" customers are allowed.

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, i.e., commercial uses that do not generate high and frequent customer traffic, may be permitted. Medical uses are considered to be incompatible because they generate higher customer traffic and parking than other support type office uses. An exception to this would be an urgent care center, which has been permitted in the industrial area in the past. An additional consideration is that allowing commercial uses in industrial zones undermines the viability of commercially-zoned properties in the City. Where a use might be disruptive to adjacent commercial uses (for example, noise from outdoor play areas for dogs) it might be appropriate to locate such a use in an industrial zone. The proposed use, however, contains no such elements and should not be any more disruptive to neighbors than a pet store, dog groomer or veterinarian – all of which are typically found in commercial zones.

It is staff's opinion that the use is not consistent with an "office support" type use within this complex and, like the chiropractic office proposed under PA-03-44, the proposed use is not compatible with the existing industrial and commercial uses within the complex. However, if the Commission were to allow the use, the impacts on the surrounding industrial uses would probably not be as negative as a chiropractic office because of the relatively small size of the facility (864 square feet versus the 2,080 square feet for the chiropractic office), the limited number of customers/patients, and available on-site parking (the site provides adequate parking based on the 4 spaces per 1,000 square feet required for this use). Additionally, because the building is a concrete block construction and the use will be conducted entirely indoors, no noise impacts to the surrounding industrial uses would be anticipated.

ALTERNATIVES

If the conditional use permit were denied, it would prevent the legalization of the use at this location. As with the chiropractic office, the Commission may give the applicant a reasonable time to relocate from the property. If the Commission wishes to approve the application, modification to the findings will need to be made.

CONCLUSION

It is staff's opinion that the proposed is not compatible with the other uses on the property. Therefore, staff recommends denial of the request.

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

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., Suite F-8
Costa Mesa, CA 92626

Lillian Metteer
Canine Therapeutics
3303 Harbor Boulevard, Suite K-11
Costa Mesa, CA 92626

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-03-55**

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

WHEREAS, an application was filed by Lillian Metteer, representing SDCO Commerce Park, owner of real property located at 3303 Harbor Boulevard, Suite K-11, requesting approval of a conditional use permit to legalize a canine physical therapy business (Canine Therapeutics) within the PDI (Planned Development Industrial) zone; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 26, 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-03-55 with respect to the property described above.

PASSED AND ADOPTED this 26th day of January, 2004.

Chair, Costa Mesa
Planning Commission

f

EXHIBIT "A"**FINDINGS**

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the use is not compatible with developments in the same general area. Specifically, 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, i.e., commercial uses that do not generate high and frequent customer traffic, may be permitted. Medical uses are considered to be incompatible because they generate higher customer traffic and parking than other support type office uses. The use is not consistent with an "office support" type use within this complex and, like the chiropractic office proposed under PA-03-44, the proposed use is not compatible with the existing industrial and commercial uses within the complex. Granting the minor conditional use permit would allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- 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.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- 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.

EXHIBIT "B"**CONDITIONS OF APPROVAL (If Project Is Approved)**

- Plng.
1. The conditional 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 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. The use shall be operated in the manner described in this report and in the letter submitted by the applicant dated October 27, 2003.
 5. 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.

DESCRIPTION/JUSTIFICATION PA-03-55

Application #: 3303 Harbor Blvd. #K11 Environmental Determination: Exempt
Address: Costa Mesa Ca. 92626 conditional use permit

1. Fully describe your request:
Please see attached letter.

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.
Please see attached letter.

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.
This facility will not deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification.

3. This project is: (check where appropriate) n/c
 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: [Handwritten Signature] Date: 10-27-03
March '96 7

Canine Therapeutics

Physical Rehabilitation and
Sports Medicine for Canines



PA-03-55

10/27/03

Attention: City of Costa Mesa
Planning Division

Canine Therapeutics is physical therapy service for canines only. Services provided are as follows: therapeutic exercise, soft tissue massage, myofascial release, hydrotherapy, utilizing underwater treadmill system, and client education. The facility treats 2 patients per hour only, therefore, parking lot will not be impacted to any significant degree. All patients (canines) are to be accompanied by their owners, and the owners are required to stay with the patient for the entire duration of their treatment. Treatments are generally 60 minutes each. Patients are treated by veterinary referral only.

Canine Therapeutics **does not** provide overnight kennel facilities or daytime kennel facilities. It is strictly for the provision of physical therapy services on an out patient basis only. Our current office hours are Monday, Wednesday, and Friday, from 10:00 am to 8:00 pm. In the event that the practice grows, we will certainly alert your office of any changes regarding hours and days available for services.

Canine Therapeutics employs 3 persons currently. The Authorized Agent (owner of the practice) is myself, Lillian Metteer. I am a licensed physical therapist in the State of California. My staff also includes 2 aides, one who is available in the morning shift (10:00 am to 3:00 pm), and one who is available in the evening shift (4:00 pm to 8:00 pm.)

There are only 2 proposed changes to the facility as follows:

1. Moving the 15 ft. wall of Treatment Room # 3 inward 2 ½ feet to accommodate the underwater treadmill system.
2. Installation of a 6 inch floor drain for the underwater treadmill system.

Both changes are illustrated and highlighted on the floor plan.

Note: The underwater treadmill system will fit through a regular doorway. It can therefore be transported to another facility in the event that I need to relocate. It is in no way a part of the permanent structure of the facility. The floor drain can also be covered in the event that I relocate. All changes have been submitted to the city for approval, and permits have been issued to Alymar Property Services.

8

Canine Therapeutics

Physical Rehabilitation and
Sports Medicine for Canines



Please feel free to call if you have any questions.

I am looking forward to being part of your community, and providing physical therapy services to canines on an out patient basis.

Thank you,

A handwritten signature in black ink that reads "Lillian Metteer PT, MTC". The signature is written in a cursive, flowing style. Below the signature, the name and credentials are printed in a clean, sans-serif font.

Lillian Metteer, PT, MTC

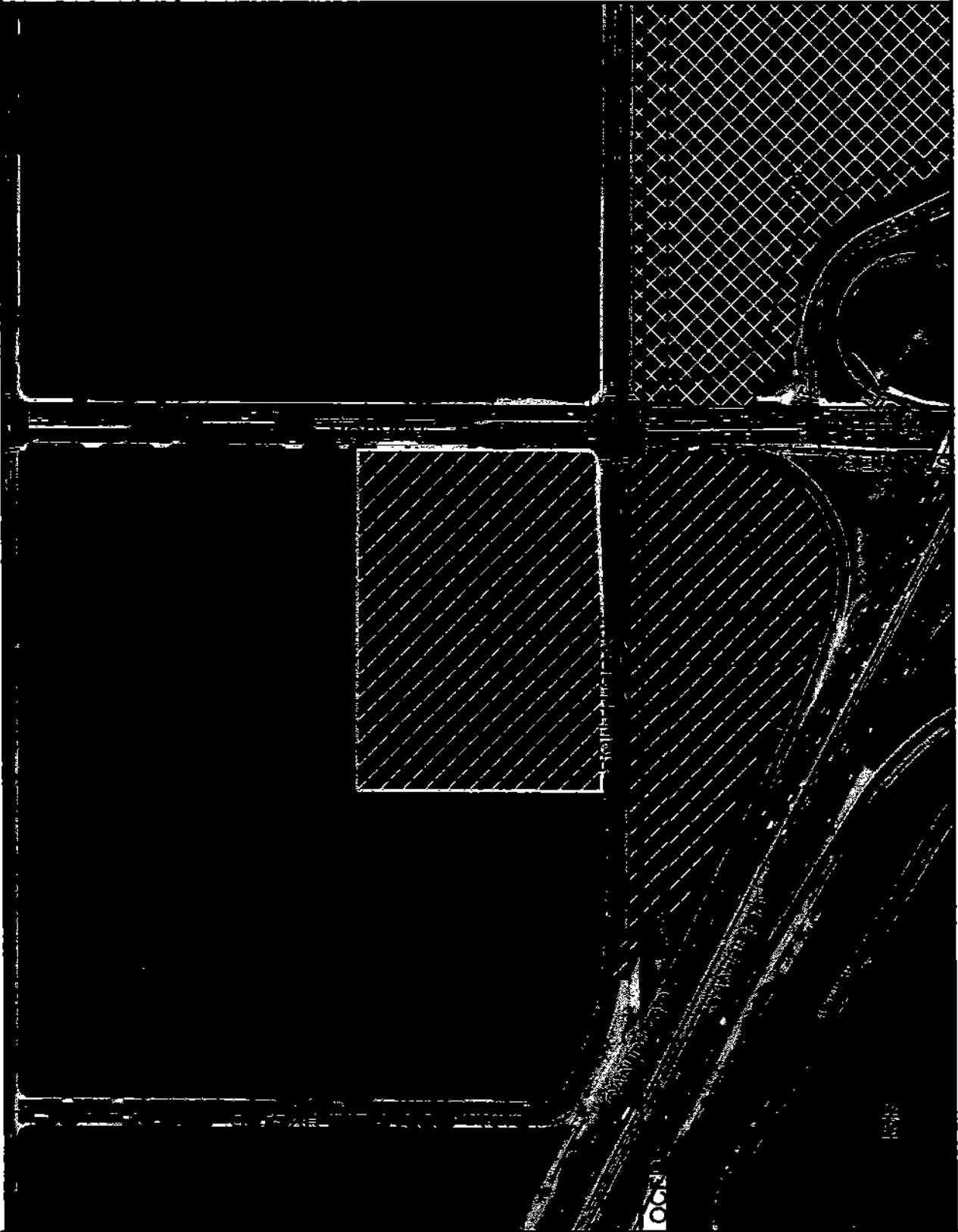
ZONING/LOCATION MAP

3303 HARBOR BOULEVARD

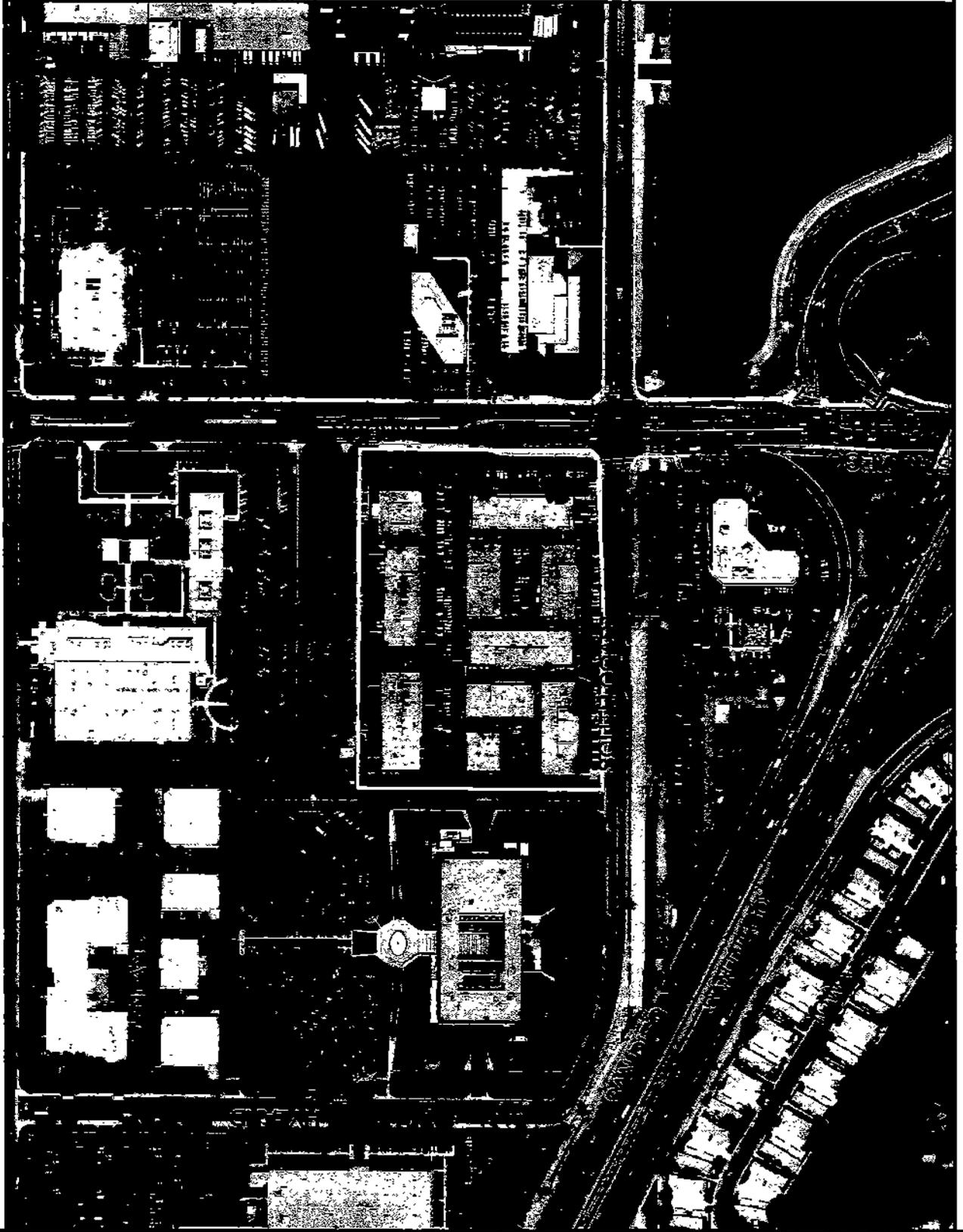


Legend

- Selected Features
- Hydrology Channels
- Street Names
- Street Centerlines
- Parcel Lines
- City Boundary
- Water Ways
- Zoning
- Other
- Administrative & Professional
- Local Business
- Local Business & School
- General Business
- Commercial Limited
- Institutional & Recreational
- Institutional & Recreational - School
- General Industrial
- Industrial Park



3303 HARBOR BOULEVARD

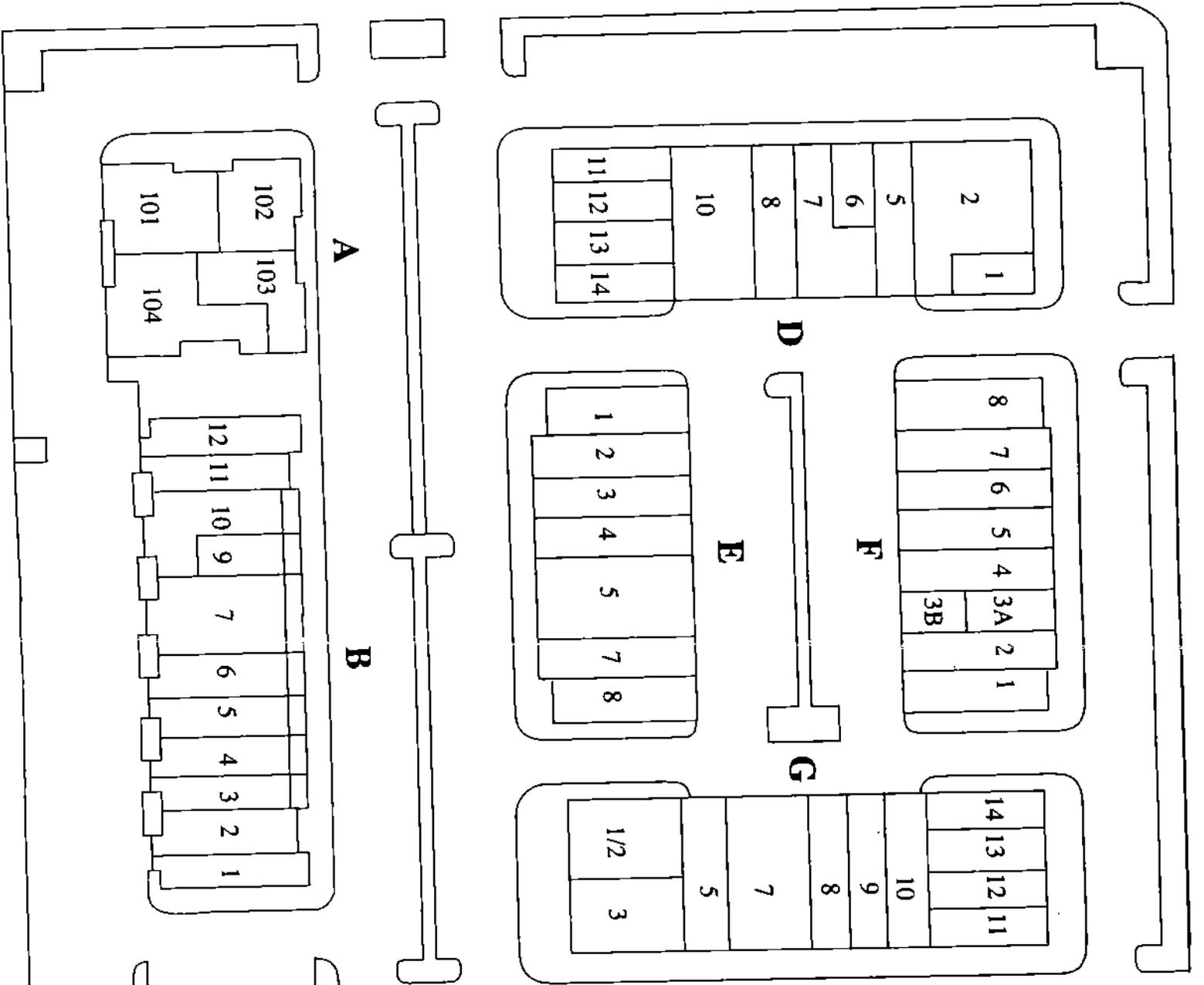


Legend

- Selected Features
- Street Names
- Ortho Photography
- Parcels



Harbor Blvd.



CANINE THERAPEUTICS

3303 HARBOR BLVD. SUITE K-11

COSTA MESA, CA. 92626

Tel: 714-434-9367 Fax: 714-434-9399

APPLICANT: LILLIAN METTEER, PT, MTC

FLOOR PLAN: 864 SQ. FT.

