



# PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 14, 2004

*JL.3.*  
ITEM NUMBER:

SUBJECT: APPEAL OF MINOR CONDITIONAL USE PERMIT ZA-04-18  
3033 BRISTOL STREET, SUITE F

DATE: JUNE 7, 2004

FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER  
714-754-5640

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## DESCRIPTION

The applicant is appealing one of the Zoning Administrator's conditions of approval for ZA-04-18, a minor conditional use permit to deviate from shared parking requirements to allow a personal training studio.

## APPLICANT

The property managers, Donald Bailey and Linda Whitaker represent the property owner, John Heffernan.

## RECOMMENDATION

Approve the application, subject to modified conditions.

Handwritten signature of Hanh Tran in cursive script.

HANH TRAN  
Assistant Planner

Handwritten signature of Perry L. Valentine in cursive script.

PERRY L. VALANTINE  
Asst. Development Services Director

## BACKGROUND

On May 6, 2004, the Zoning Administrator approved Minor Conditional Use Permit ZA-04-18 for a personal training studio to deviate from shared parking requirements. Parking requirements for the proposed fitness studio were calculated at 10 spaces per 1,000 sq. ft. of leasable area. With a 1,800 sq. ft. suite, the use required 18 parking spaces. The site presently has a total of 172 parking spaces – 144 spaces in the main parking lot and 28 spaces in the rear parking area. Based on the shared parking standards, the actual anticipated parking demand requires 325 parking spaces to accommodate the fitness studio. Without the fitness studio, the site requires 314 parking spaces.

Over the years, the City has granted the property various planning applications including conditional use permits for certain uses and minor conditional use permits to deviate from shared parking requirements. The uses were approved because their operating characteristics would not significantly impact parking demands.

The applicant proposes to operate at staggered times to minimize parking demand. The proposed hours of operation are 7 a.m. to 7:30 p.m., Monday through Friday and 8 a.m. to 12 noon, Saturday. The business will close between 1:30 p.m. and 3:30 p.m. for lunch during the weekday. The applicant states that the peak hours for the use occur between 7 a.m. and 10:30 a.m., and between 5:30 p.m. and 7 p.m.

An analysis of the site reveals that there are presently 18 businesses at the center, most of which open before 11 a.m., Monday through Friday; however, the site has sufficient parking spaces to accommodate all the different uses (including the proposed fitness studio) until 11 a.m. Closing hours vary, but eight businesses close by 7 p.m. and the other ten businesses close after 7 p.m., Monday through Friday. With the proposed fitness studio, the center would have 19 tenants with eleven businesses closing after 7 p.m. Staff has prepared a parking demand study assuming that only ten businesses (without the proposed fitness studio) would be open after 7 p.m. The result indicates that the site would still be deficient in parking spaces because five of those ten businesses are restaurant uses generating higher parking demand than retail/office uses. Additionally, one of the tenants has reported parking problems at the center.

To allow the personal training studio to operate at the site without further impacting the parking demand, the Zoning Administrator included condition of approval #1 to limit the use to a maximum of 7 persons (including staff, clients, instructors, etc.) from 11 a.m. until closing, Monday through Friday, and after 12 noon on Saturday. Without the 7-person restriction, the proposed use could substantially impact the existing parking demand of the site.

The applicant appealed the decision on May 13, 2004, requesting that the 7-person restriction applies only between the hours of 11 a.m. and 3:30 p.m.

**ANALYSIS**

The applicant claims that ample parking spaces are available to accommodate the use after 3:30 p.m. Particularly, the unique location of the fitness studio provides direct access to under-utilized parking spaces behind the building. Clients of the fitness studio would be directed to park in the back parking area to free up the main parking lot. The applicant is also concerned the approved restriction would be detrimental to the proposed business because clients who are turned away (because of the 7-person restriction) would most likely not return. As a result, the applicant requests the conditions of approval to read as follows:

1. The 7-person restriction shall be limited to the hours of 11 a.m. to 3:30 p.m., Monday through Friday, and after 12 noon on Saturday.
2. The restriction shall be removed when the center experiences a vacancy in other suites and reinstated when the vacant suites are occupied.

Staff has visited the property on various occasions to verify the applicant's claim. Based on re-analysis of the parking conditions, staff agrees that the applicant's proposal should not result in unacceptable parking impacts. Staff noticed that parking demand fluctuates at different hours during the afternoon and evening and on different days during the week. Staff has observed approximately 7-9 available spaces in the rear parking area while up to 20 available spaces exist in the front parking lot after 3:30 p.m. Since the fitness studio requires 18 parking spaces, it appears that parking would be available to allow the fitness studio to operate without limitation after 3:30 p.m.

The applicant also requests that the 7-person restriction be lifted altogether when a tenant space is vacant and be reinstated when the space is re-leased. This request would be very difficult to enforce; therefore, staff recommends against such an arrangement.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act.

**ALTERNATIVES**

The Planning Commission has the following alternatives:

1. Approve the request, subject to the Zoning Administrator's original conditions;
2. Approve the application, subject to modified conditions; or
3. Deny the application. If the application is denied, the applicant would be unable to file a request for the same use for a period of six months.

**CONCLUSION**

Based on field visits to the property, it is staff's opinion that it will be sufficient to impose the 7-person restriction from 11 a.m. until 3:30 p.m., Monday through Friday, and after 12 noon on Saturday, to minimize parking demand during peak hours. Condition #1 has been modified accordingly and a new condition (#4) is recommended to require employees to park in the rear parking area to free up the main parking lot for customers.

- Attachments:
1. Draft Planning Commission Resolution
  2. Exhibit "A" - Draft Findings of Approval
  3. Exhibit "B" - Draft Conditions of Approval
  4. Appeal application
  5. Zoning Administrator's letter for ZA-04-18
  6. Applicant's Description/Justification
  7. Location/Zoning Map
  8. Air Photo
  9. Plans

File Name: 061404ZA0418

Date: 06/03/04

Time:

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

Donald Bailey and Linda Whitaker  
17853 Santiago Blvd., #107-315  
Costa Mesa, CA 92861

Victoria Kowalesky  
15 Millstone  
Irvine, CA 92606

**RESOLUTION NO. PC-04-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING MINOR CONDITIONAL  
USE PERMIT ZA-04-18**

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

WHEREAS, an application was filed by Victoria Kowalewsky, authorized agent for Donald Bailey and Linda Whitaker/D.B. Investments, with respect to the real property located at 3033 Bristol Street, Suite F, requesting approval of a minor conditional use permit to allow a personal training studio to deviate from shared parking requirements due to offset hours of operation in a C-1 zone; and

WHEREAS, the Zoning Administrator approved the request, subject to conditions, on May 6, 2004; and

WHEREAS, the property owner filed an appeal of the Zoning Administrator's decision on May 13, 2004; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 14, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Minor Conditional Use Permit ZA-04-18 with respect to the property described above.

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 Minor Conditional Use Permit ZA-04-18 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of June, 2004.

\_\_\_\_\_  
Chair, Costa Mesa  
Planning Commission



## EXHIBIT "A"

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed fitness studio is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, a condition has also been included that limits the use's occupancy to a maximum of 7 persons from 11 a.m. to 3:30 p.m., Monday thru Friday, and after noon on the weekend, to minimize parking demand during peaking parking hours for the center. Another condition has been included requiring employees to park in the rear parking area to free up the main parking lot for customers. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.
- 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 from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Ping.
1. No more than 7 persons (including all staff, trainers, clients, etc.) shall be permitted in the fitness studio from 11 a.m. to 3:30 p.m., Monday through Friday, and after 12 noon on the weekend.
  2. The minor 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 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 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.
  3. A copy of the conditions of approval for the minor conditional use permit must be kept on the 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 the land.
  4. The applicant shall direct employees to park in the rear parking area behind the buildings.

CITY OF COSTA MESA  
P.O. BOX 1200  
COSTA MESA, CALIFORNIA 92626  
APPLICATION FOR APPEAL OR REHEARING

FEE: \$ 470.00

Applicant Name Victoria Kowalewsky  
Address c/o D.B. Investments 17853 Santiago Blvd. #107, PMB 315 Villa  
Phone (714) 693-7990 Representing Park, CA 92861

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) Permit ZA-04-18, minor conditional use permit issued May 6, 2004 for 3033 Bristol Street, Suite F, Costa Mesa

Decision by: \_\_\_\_\_

Reason(s) for requesting appeal or rehearing:

Applicant is requesting that the 7-person restriction from 11:00 am to closing be modified so that the restriction only applies from 11:00 am to 3:30 pm. Applicant is also requesting that the minor conditional use permit be granted for longer than one year since the franchise agreement she is required to sign and the lease for Suite F both last substantially longer than one year. In support of this appeal Applicant has attached a fax expressing the concerns related to the minor conditional use permit.

Date: 5/13/04

Signature: \_\_\_\_\_

Linda Whitaker, Property Manager for

For Office Use Only — Do Not Write Below This Line  
SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

D.B. Investments as  
Agent for V. Kowalewsky

**D.B. INVESTMENTS  
COSTA MESA VILLAGE**

Mailing Address:  
17853 Santiago Boulevard #107  
PMB 315  
Villa Park, CA 92861-4113  
(714) 693-7990 Fax: (714) 693-7887

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

MAY 13 2004

**FAX TRANSMITTAL**

**TO:** Willa Bouwens-Killeen, Senior Planner  
Costa Mesa Planning Department  
**FAX NO:** (714) 754-4856  
**FROM:** Linda Whitaker, Property Manager  
D.B. Investments  
**DATE:** 5/12/04  
**RE:** Costa Mesa Village

We received minor conditional use permit ZA-04-18 for Suite F in Costa Mesa Village. I am somewhat troubled by the conditions imposed and the effect they may have on the new tenant's ability to conduct business. As we discussed in the application, Suite F is in a unique position in that the parking spaces on the alley side are never used by anyone else. The new tenant for Suite F will instruct her clients to use those spaces. We think that the demand created by Suite F on the parking spaces currently used by other tenants and their customers, therefore, will be minimal.

Ms. Kowalewsky is concerned that the restriction on the number of persons in the space after 3:30 pm could be a problem. Clients may have to be turned away even if there is plenty of parking available and space available in the studio. If the client has her workout gear on and drives to Suite F only to be turned away, I think the client would probably never return. The flow of clients is such that people arrive at variable times in any given hour and, after a thirty minute workout, leave at variable times. Having an extra person in the studio for 10 or 15 minutes on occasion should not create undue demands on our parking lot.

Our suggested change to the restriction would be to impose the 7-person restriction from 11:00 am. to 3:30 pm, when we have the most parking demand in the Center and then remove it from 3:30 pm to closing at 7:00 pm. I think that these hours would respect our parking load without unduly restricting the tenant's clients who want to work out after work. In addition, should the Center experience a vacancy in any other tenant's space, the restriction should no longer be applicable since the vacancy would reduce the overall load on the Center's parking. Should the vacant space be re-leased, the restriction as we described could be reinstated.

This modification of the restriction is reasonable especially since the tenant will be encouraging the clients to utilize the spaces in the alley that are always available even during the Center's peak parking loads. Similarly, Ms. Kowalewsky would like to have the restriction amended if our tenant mix changes so that we have less parking demand. For example, if one of the restaurants were replaced by a retail use she would like to request that the restriction be lifted.

Ms. Kowalewsky is also concerned about the minor conditional use permit being of only one year's duration. She is required to sign a ten-year franchise agreement and her lease will be five years with a right to renew for five years. If this minor conditional use permit were to be cancelled after only one year she would be subject to substantial financial hardship. I told her that it has not been my experience that the City of Costa Mesa often refuses to renew a minor conditional use permit but it would help if the minor conditional use permit was granted for a longer period of time subject to a right to revoke it under specific circumstances.

Thank you for your assistance with the conditional use permit. We are certainly not ungrateful for the planning department's efforts. We are just trying to balance the needs of our tenants to maximize the profitability of everyone involved and to address Ms. Kowalewsky's concerns.



# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

May 6, 2004

Ms. Victoria Kowalewsky  
D.B. Investments  
17853 Santiago Boulevard #107 PMB 315  
Villa Park, CA 92861

**RE: MINOR CONDITIONAL USE PERMIT ZA-04-18**  
**3033 BRISTOL STREET, SUITE F, COSTA MESA**

Dear Ms. Kowalewsky:

Review of the minor conditional use permit for the above-referenced property has been completed. The application has been approved, based on the following background, project description, and findings, subject to the conditions set forth below:

## **BACKGROUND**

The subject property is zoned C-1 (Local Business District) and is surrounded by commercial uses to the north, east, and south. Multi-family residential uses are located to the west.

The City has granted the property various planning applications including conditional use permits for certain uses and minor conditional use permits to deviate from parking requirements. In 1979, the City denied Zoning Exception ZE-79-190 for a conditional use permit to allow a 3,960 sq. ft. fitness center with a variance to deviate from parking requirements.

At the time of the site's original development, 136 parking spaces were provided for the commercial center. Although the site presently provides 172 parking spaces, Code requires 314 parking spaces to accommodate the current uses on the property.

## **PROJECT DESCRIPTION**

The applicant proposes to operate a 1,800 sq. ft. personal fitness studio. A minor conditional use permit is required because the use proposes to operate at offset

12

hours to minimize the parking impacts during the site's peak parking demand times. The applicant proposes to operate at staggered times to minimize the parking demand. The proposed hours of operation are 7 a.m. to 7:30 p.m., Monday thru Friday and 8 a.m. to noon, Saturday. The business will close between 1:30 p.m. to 3:30 p.m. for lunch during the weekday. The applicant states that the peak hours for the use occur between 7 a.m. to 10:30 a.m. and 5:30 p.m. to 7 p.m.

Parking requirements for the proposed fitness studio are calculated at 10 spaces per 1,000 sq. ft. of leasable area. With a 1,800 sq. ft. suite, the use requires 18 parking spaces. Based on the shared parking standards of Exhibit "A" (attached), the actual anticipated parking demand requires a total of 325 parking spaces to accommodate the fitness studio, compared to 314 spaces required without the fitness studio; 172 spaces are provided. An analysis of the site reveals that there are presently 18 businesses at the center, most of which open before 11 a.m., Monday thru Friday; however, the site has sufficient parking spaces to accommodate all the different uses (including the proposed fitness studio) until 11 a.m. Closing hours vary, but 8 businesses close by 7 p.m. and the other 10 businesses close after 7 p.m., Monday thru Friday. With the proposed fitness studio, the center would have a total of 19 tenants with 11 businesses closing after 7 p.m. Staff has prepared a parking demand study assuming that only 10 businesses (without the proposed fitness studio) would be open after 7 p.m. and the result indicates that the site would still be deficient in parking spaces because 5 of those 10 businesses are restaurant uses generating higher parking demand than retail/office uses.

The table below summarizes the closing hours for the center:

Closing Hours <u>without</u> Proposed Fitness Studio	Number of Businesses
By 5:30 p.m.	4
By 7 p.m.	4
After 7 p.m.	10
Total	18

Closing Hours <u>with</u> Proposed Fitness Studio	Number of Businesses
By 5:30 p.m.	4
By 7 p.m.	4
After 7 p.m.	11
Total	19

Staff determined that parking would be minimally impacted if the use is restricted to a maximum of 7 persons (including staff, clients, trainers, etc.) from 11 a.m. until closing, Monday thru Friday. Staff limited the occupancy to 7 persons because 7 parking spaces are allocated to the suite at the retail parking ratio of 4

spaces per 1,000 sq. ft. of building area. On the weekend, the use proposes to close by noon and the parking demand study indicates that sufficient parking spaces are provided until 1 p.m. In conjunction with staff's recommended occupancy limit after 11 a.m., Monday thru Friday, and after noon on the weekend, parking impacts should be minimized.

## FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed fitness studio 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, a condition has also been included that limits the use's occupancy to a maximum of 7 persons from 11 a.m. until closing, Monday thru Friday, and after noon on the weekend, to minimize parking demand during peaking parking hours for the center. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.
- 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 from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## CONDITIONS OF APPROVAL

- Plng.
1. No more than 7 persons (including all staff, trainers, clients, etc.) shall be permitted in the fitness studio from 11 a.m. until closing, Monday thru Friday, and after noon on the weekend.
  2. The minor 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 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 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.
  3. A copy of the conditions of approval for the minor conditional use permit must be kept on the 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 the 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.

- Plng. 1. Approval of the Zoning Action is valid for one (1) year and will expire at the end of that period unless building permits are obtained and business commences or the applicant applies for and is granted an extension of time.
2. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained.
3. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
- Bldg. 4. Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

Upon receipt of this letter, your project has been approved, subject to the above-listed conditions. The decision will become final at 5 p.m. on May 13, 2004, 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, Hanh Tran at (714) 754-5640, between 8 a.m. and noon.

Sincerely,



PERRY L. VALANTINE  
Zoning Administrator

Attachment: Exhibit A

cc: Engineering  
Fire Protection Analyst  
Water District  
Building Division

Donald A. Bailey  
Linda Whitaker  
D.B. Investments  
17853 Santiago Blvd. #107 PMB 315  
Villa Park, CA 92861







COSTA MESA VILLAGE  
3033 S. BRISTOL STREET  
COSTA MESA, CALIFORNIA  
TENANTS AND HOURS OF OPERATION

UNIT	TENANT	APPROX. SQ. FT.	BUSINESS CATEGORY	HOURS	TENANT BUSINESS
A	WATCH CONNECTION	2,700	RETAIL	11:00 am - 7:30 pm Tues - Sat	Retail watch sales
AA	BAKER DENTAL	2,033	MEDICAL	8:00 am - 5:00 pm Tues & Wed 10:00 am - 7:00 pm Monday & Thurs. 8:00 am - 3:00 pm Friday	Dental office
B, C & D	ORCHID REST.	6,840	RESTAURANT	11:30 am - 2:30 pm Mon - Fri 3:30 pm - 11:00 pm Sun - Thurs 3:30 pm - 1:00 am Fri & Sat	Middle Eastern Restaurant
E	SEE 20/20	1,840	MEDICAL	Mon, Wed, Thurs 9:00 am - 12:00 pm; 2:30 pm - 5:00 pm	Optician & retail eyeglasses
F	VACANT	1,800			
G	ALVAND MARKET	1,440	RETAIL	9:00 am - 8:00 pm Mon-Sat; 10:00 am - 6:00 pm Sunday	Middle Eastern market
H	CALIFORNIA WOK	1,440	REST. (12 OR UNDER)	11:00 am - 10:00 pm Sun - 1 hrs 11:00 am - 10:30 pm Fri & Sat.	Chinese fast food
I	CREATIVE NAILS	1,440	RETAIL	9:00 am - 7:00 pm Mon - Sat; 10:00 am - 5:00 pm Sun.	Nail & Skin care
II	V & M CLEANERS	1,800	RETAIL	7:00 am - 7:00 pm Mon - Fri 9:00 am - 5:00 pm Sat	Drycleaners
J	SCOPE CITY	1,800	RETAIL	10:00 am - 7:00 pm Mon - Fri 10:00 am - 5:00 pm Sat	Retail telescopes & related products
K	DETOUR SALON	1,440	SALON	10:00 am - 5:00 pm Mon - Fri 10:00 am - 3:00 pm Sat	Hair and nail care
L	SIGNMASTER	1,440	RETAIL	8:30 am - 5:30 pm Mon - Fri	Retail signs
M	JOEY'S ITALIAN	1,404	REST. (12 OR UNDER)	11:00 am - 9:00 pm Mon - Sat	Italian fast food restaurant
N	ANJIN	1,440	RESTAURANT	5:00 pm - 1:00 am Mon - Fri	Japanese restaurant
O	OKI DOKI	1,440	RESTAURANT	10:30 am - 12 am 7 Days	Chinese and Vietnamese restaurant
P	EASTWOOD INSURANCE	1,440	OFFICE	8:00 am - 8:00 pm Mon - Thurs 8:00 am - 7:00 pm Fri; 8:00 am - 5:00 pm Sat	Auto insurance
Q	ORANGE COUNTY LIBRARY	2,376	OFFICE	1:00 pm - 9:00 pm Tues - Thurs 10:00 am - 5:00 pm Fri, Sat	Branch library with computer access
R	CYBER CITY	1,800	RETAIL	11:00 am - 3:00 am 7 days	Internet & computer time rental
S	VIDEO TOKYO	3,240	RETAIL	10:00 am - 2:00 am 7 days	Japanese retail video store
<b>TOTAL</b>		<b>39,153</b>			

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: ZA-04-18

Environmental Determination: Exempt, Class 1

Address: 3033

3033 Bristol Street, Suite F, Costa Mesa, CA 92626

1. Fully describe your request:

Minor conditional use permit allowing use of 1,800 sq. ft. space as a personal fitness training studio

2. Justification

A. See attached Statement.  
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.

See attached Statement.

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.

3. This project is: (check where appropriate)

In a flood zone.

Subject to future street widening.

In the Redevelopment Area.

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.

Victoria Kuvalevsky  
Signature

3/8/04  
Date

**STATEMENT ATTACHED  
TO APPLICATION FOR MINOR CONDITIONAL USE PERMIT  
SUITE F, 3033 BRISOL STREET**

1. Fully describe your request.

Applicant requests a minor conditional use permit allowing Suite F which is approximately 1800 sq. ft to be used as a personal fitness training studio with the name Contours Express to be owned by Victoria Kowalewsky (Applicant).

2. Justification.

A. Granting a modification of use for Suite F is compatible with uses permitted in the same general area and would not be materially detrimental to other properties in the same area for the following reasons:

1. The proposed hours of operation will not adversely impact surrounding properties due to increased demand for parking. Applicant plans to be open from 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 12:00 pm on Saturday and closed on Sunday. Applicant will be closed for lunch from 1:30 pm to 3:30 pm Monday through Friday.

(a) Applicant anticipates that the hours of greatest demand for the personal fitness training studio will be from 7:00 am to 10:30 am each day. There is no short-fall of parking spaces during early morning hours. The schedule of the businesses in the Costa Mesa Village Center and their hours attached as Exhibit A shows that most of the businesses in the Center are not open until 10:00 am or later. Even the businesses open during early morning hours, such as V & M Cleaners, have very light parking demand. Attached as Exhibits B, C, and D are photos of the Center parking lot on Monday, March 8, 2004 at 7:30 a.m. showing the available parking spaces.

(b). Applicant expects the next highest use of the training facility by clients to take place after work hours from 5:30 pm to 7:00 pm. Again, these are not hours of high density parking on the side of the Center where Suite F is located.

(c) Applicant expects to also draw a large portion of the training studio's clientele on Saturday mornings, a time in which the Center has a very low parking demand.

2. In addition to the anticipated hours of operation not creating an undue burden on the parking areas of the Costa Mesa Village Center, Suite F is located in a unique location in that it is close to parking spaces that are rarely used by customers of the other businesses in the Center. As shown on the site plan attached as Exhibit E, there are parking spaces near the side door of Suite F that are not typically convenient parking for the other businesses in the Center. Applicant will encourage the

training studio's clients to use these spaces when available rather than spaces in the main parking area of the Center. Since these spaces are underutilized currently the training studio is not anticipated to burden the parking currently available to other tenants and their customers.

3. Even though Suite F has 1,800 square feet, only a portion of that space, approximately 1000 sq. ft., will be used by the training studio's clients. As shown on the attached Exhibit F, a large portion of the suite will be used as office space, bathrooms and storage. The studio will not hold classes such as aerobics classes so there will not be a large group of clients arriving at any one time. The usage of the studio will be limited to the clients who can be accommodated by the training space and the studio's staff.
4. The Center has also adopted rules restricting employee and tenant parking to the periphery of the Center leaving all spaces immediately adjacent to store fronts open for customer use. A map showing the restricted parking for tenants and employees is attached as Exhibit G. The rules for the Center which explain the parking restrictions to new tenants are attached as Exhibit H.
5. The proposed personal training studio will not adversely impact surrounding properties due to increased noise. Applicant will caution her clients to use discretion in entering and leaving the training studio in early morning hours to avoid disturbance to neighbors. The only residences close to the Costa Mesa Village Center are separated from it by a high wall. All of the other uses near the Costa Mesa Village Center are businesses.

B. Applicant's request is based on a desire to operate a commercially viable business which will benefit the community.

1. A fitness training studio will provide the neighbors of Costa Mesa Village, its tenants and office workers nearby with a valuable resource which can only add to the community's health and well being. This use will be an asset to the surrounding area and to the City.
2. Suite F is located in a unique position in the Costa Mesa Village Center which makes it less suitable for a retail business but highly suitable for a private training studio due to the privacy of its side entrance and the close-in parking. Allowing this use will benefit the Center by keeping the real property useful and productive.

In conclusion, the proposal to allow Suite F in the Costa Mesa Village Center to be used as a private training facility will not create an undue burden on the parking resources of the Costa Mesa Village Center, will not disturb its neighbors and will provide a valuable resource for the community.

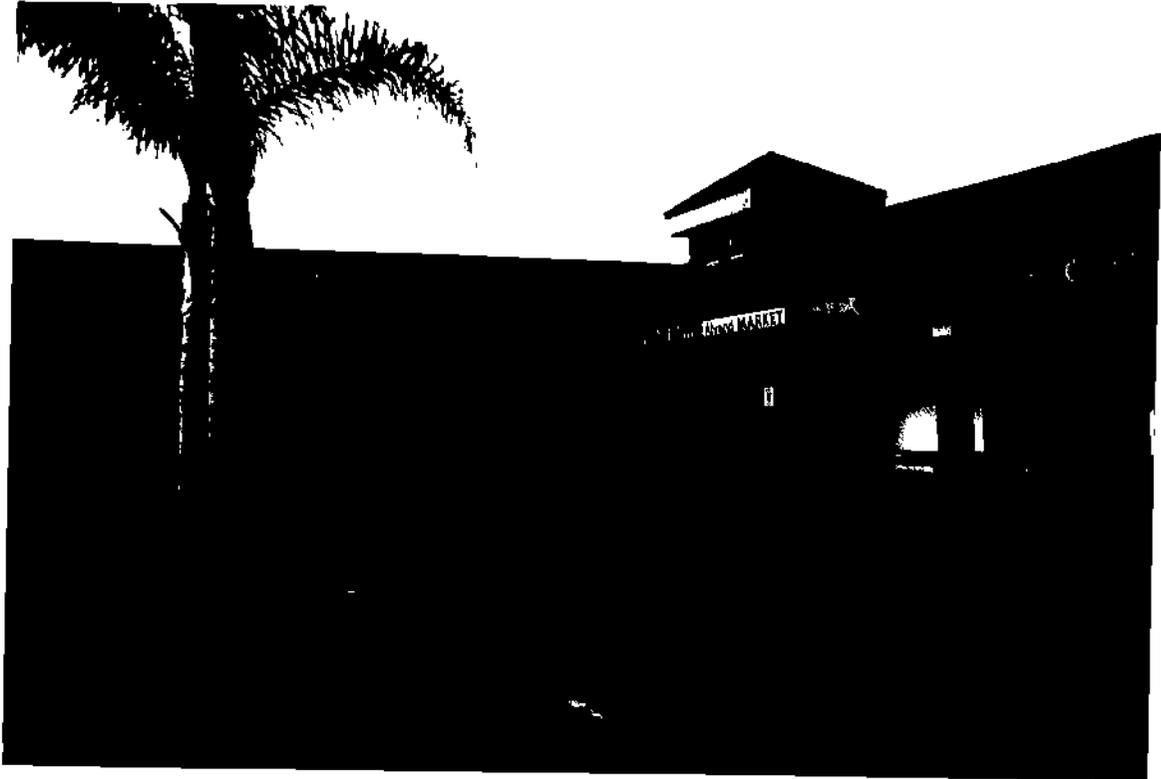
COSTA MESA VILLAGE  
 3033 S. BRISTOL STREET  
 COSTA MESA, CALIFORNIA  
 TENANTS AND HOURS OF OPERATION

EXHIBIT A

UNIT	TENANT	APPROX. SQ. FT.	BUSINESS CATEGORY	HOURS	TENANT BUSINESS
A	WATCH CONNECTION	2,700	RETAIL	11:00 am - 5:30 pm Tues - Sat	Retail watch sales
AA	BAKER DENTAL	2,033	MEDICAL	8:00 am - 5:00 pm Tues & Wed 10:00 am - 7:00 pm Monday & Thurs. 8:00 am - 3:00 pm Friday	Dental office
B, C & D	ORCHID REST.	6,840	RESTAURANT	11:30 am - 2:30 pm Mon - Fri 3:30 pm - 11:00 pm Sun - Thurs 3:30 pm - 1:00 am Fri & Sat	Middle Eastern Restaurant
E	SEE 20/20	1,840	MEDICAL	Mon, Wed, Thurs 9:00 am - 12:00 pm; 2:30 pm - 5:00 pm	Optician & retail eyeglasses
F	VACANT	1,800			
G	ALVAND MARKET	1,440	RETAIL	9:00 am - 8:00 pm Mon-Sat; 10:00 am - 6:00 pm Sunday	Middle Eastern market
H	CALIFORNIA WOK	1,440	REST. (12 OR UNDER)	11:00 am - 10:00 pm Sun- Thurs 11:00 am - 10:30 pm Fri & Sat	Chinese fast food
I	CREATIVE NAILS	1,440	RETAIL	9:00 am - 7:00 pm Mon - Sat; 10:00 am - 5:00 pm Sun.	Nail & Skin care
II	V & M CLEANERS	1,800	RETAIL	7:00 am - 7:00 pm Mon - Fri 9:00 am - 5:00 pm Sat	Drycleaners
J	SCOPE CITY	1,800	RETAIL	10:00 am - 7:00 pm Mon - Fri 10:00 am - 5:00 pm Sat	Retail telescopes & related products
K	DETOUR SALON	1,440	SALON	10:00 am - 5:00pm Mon - Fri 10:00 am - 3:00 pm Sat	Hair and nail care
L	SIGNMASTER	1,440	RETAIL	8:30 am - 5:30 pm Mon-Fri	Retail signs
M	JOEY'S ITALIAN	1,404	REST. (12 OR UNDER)	11:00 am - 9:00 pm Mon - Sat	Italian fast food restaurant
N	ANJIN	1,440	RESTAURANT	5:00 pm - 1:00 am Mon - Fri	Japanese restaurant
O	OKI DOKI	1,440	RESTAURANT	10:30 am - 7:00 pm 7 Days	Chinese and Vietnamese restaurant
P	EASTWOOD INSURANCE	1,440	OFFICE	8:00 am - 8:00 pm Mon - Thurs 8:00 am - 7:00 pm Fri; 8:00 am - 5:00 pm Sat	Auto insurance
Q	ORANGE COUNTY LIBRARY	2,376	OFFICE	1:00 pm - 9:00 pm Tues - Thurs 10:00 am - 5:00 pm Fri, Sat	Branch library with computer access
R	CYBER CITY	1,800	RETAIL	11:00 am - 3:00 am 7 days	Internet & computer time rental
S	VIDEO TOKYO	3,240	RETAIL	10:00 am - 2:00 am 7 days	Japanese retail video store
<b>TOTAL</b>					<b>39,153</b>

Handwritten mark: 22

**Exhibit B**  
**To Application for Minor Conditional Use Permit**  
**Suite F, 3033 Bristol Street, Costa Mesa, CA 92626**



**Available parking at 7:30 am on Monday, March 8, 2004**

**Suite F is located in the corner near the yellow sign that says "Zen Care"**

**Exhibit C**  
**To Application for Minor Conditional Use Permit**  
**Suite F, 3033 Bristol Street, Costa Mesa, CA 92626**



**Available parking at 7:30 am on Monday, March 8, 2004**

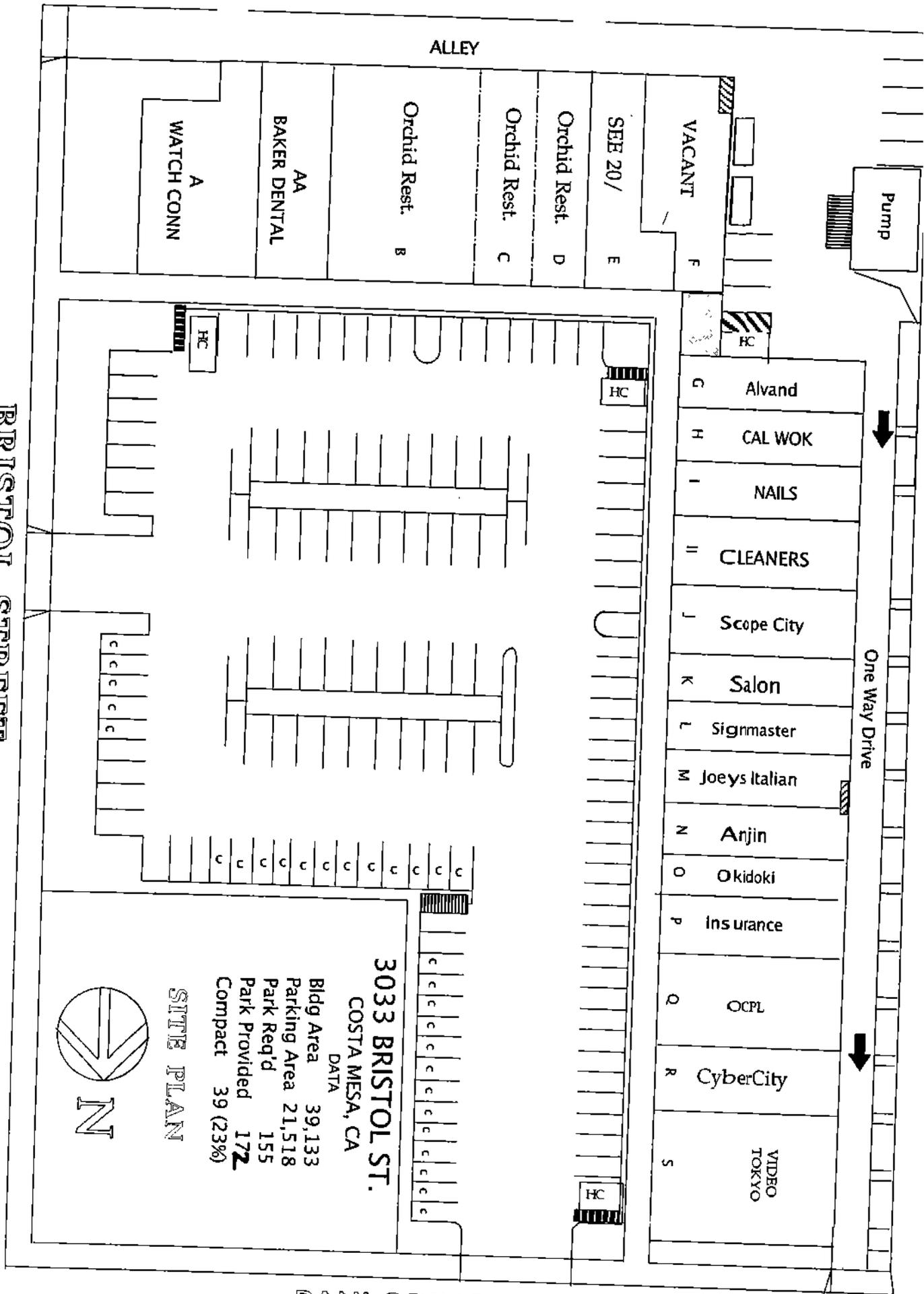
**View of available parking spaces in the parking lot closest to Bristol Street**

**Exhibit D**  
**To Application for Minor Conditional Use Permit**  
**Suite F, 3033 Bristol Street, Costa Mesa, CA 92626**



**Available parking at 7:30 am on Monday, March 8, 2004**

**Parking spaces immediately adjacent to side door of Suite F**



Pump

One Way Drive

VACANT

SEE 20/

Orchid Rest. D

Orchid Rest. C

Orchid Rest. B

AA  
BAKER DENTAL

A  
WATCH CONN

G Alvand

H CAL WOK

I NAILS

II CLEANERS

J Scope City

K Salon

L Signmaster

M Joeys Italian

N Anjin

O Okidoki

P Insurance

Q OCPL

R CyberCity

S VIDEO TOKYO

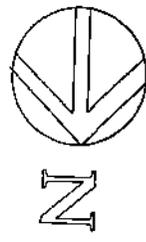
3033 BRISTOL ST.

COSTA MESA, CA

DATA

Bldg Area 39,133  
 Parking Area 21,518  
 Park Req'd 155  
 Park Provided 172  
 Compact 39 (23%)

SITE PLAN

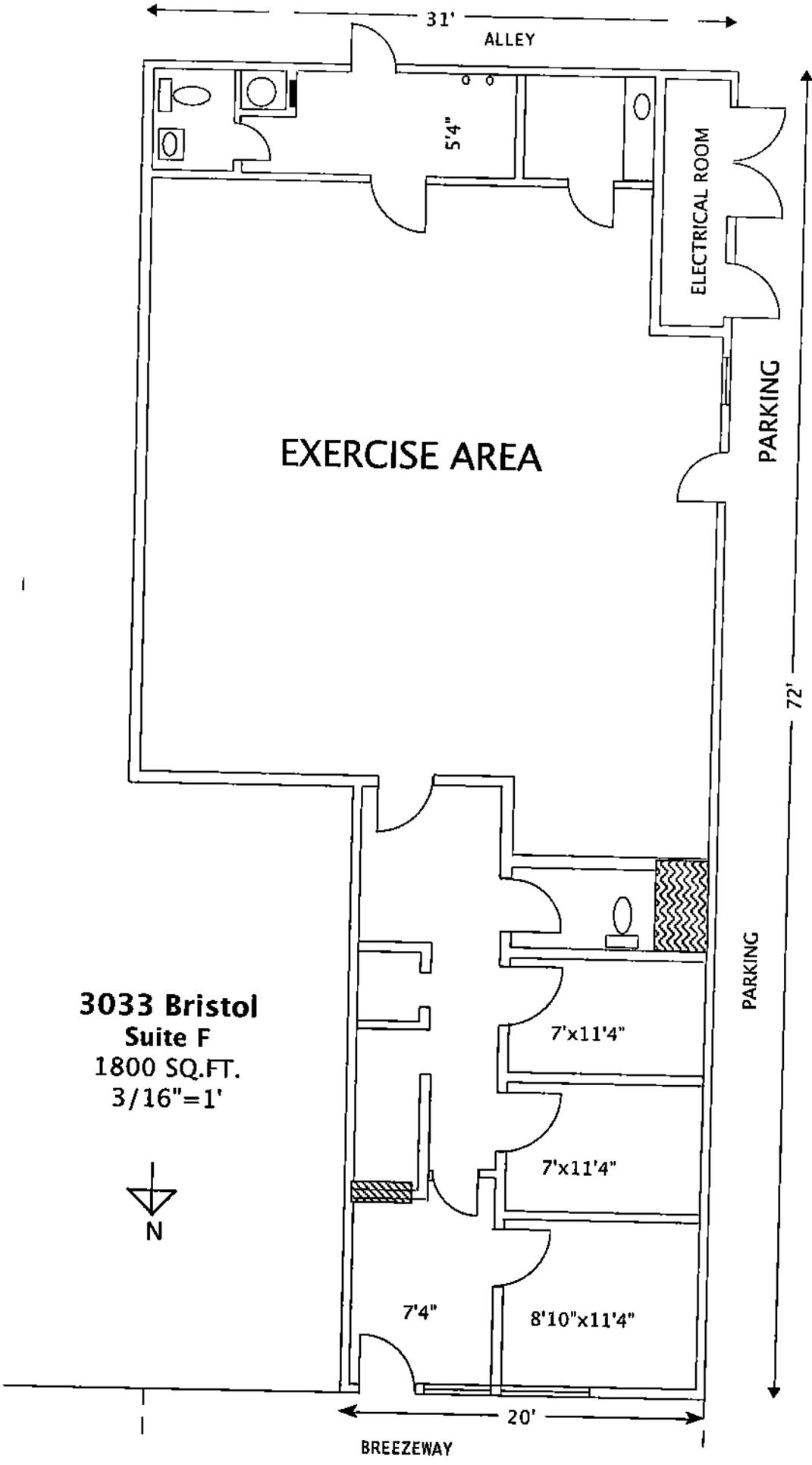


BRISTOL STREET

PAULORINO AVENUE

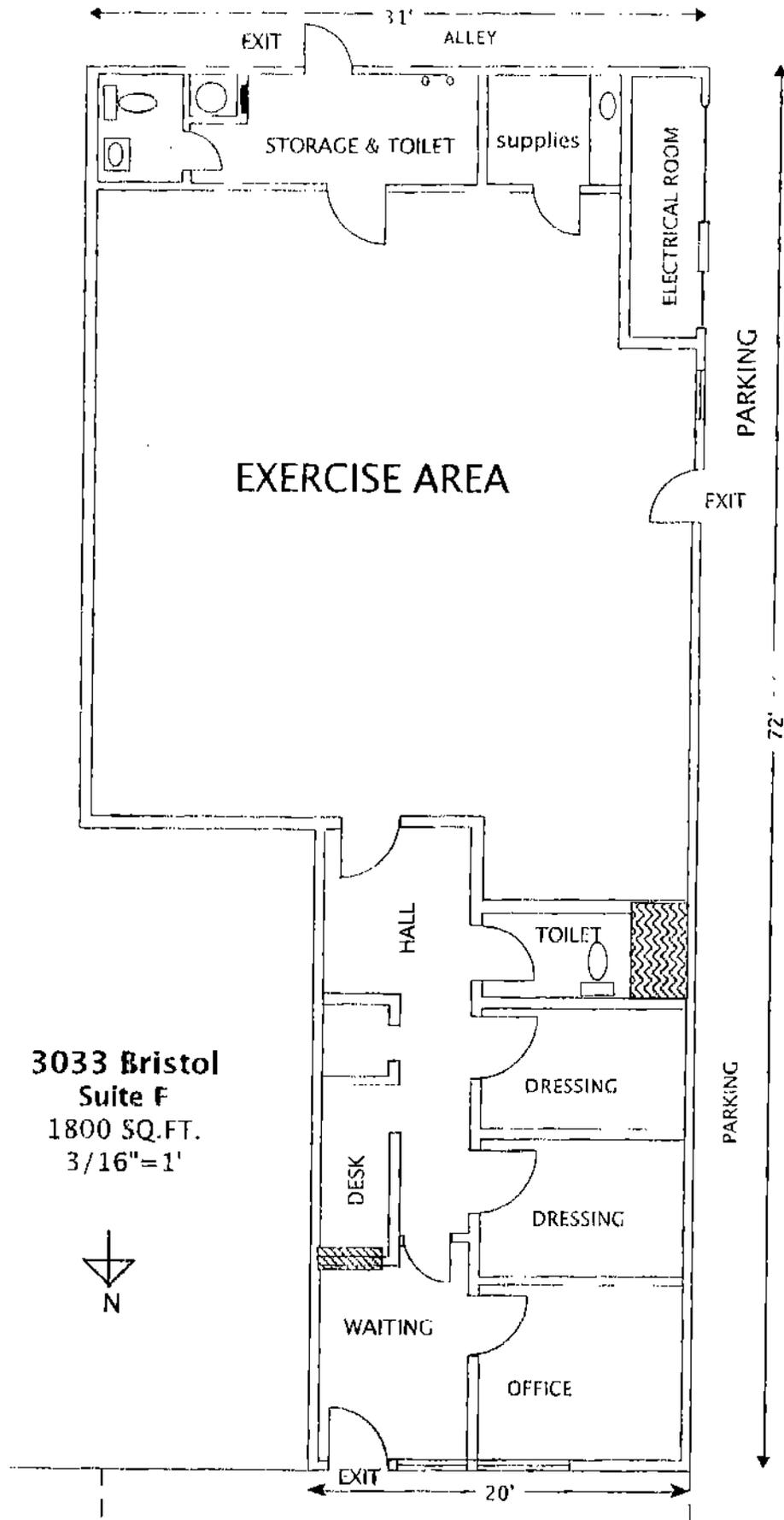
28

EXHIBIT F



**3033 Bristol**  
**Suite F**  
 1800 SQ.FT.  
 3/16"=1'





**3033 Bristol**  
**Suite F**  
 1800 SQ.FT.  
 3/16"=1'



EXIT

30

BRISTOL STREET

PAULORINO AVENUE

ALLEY

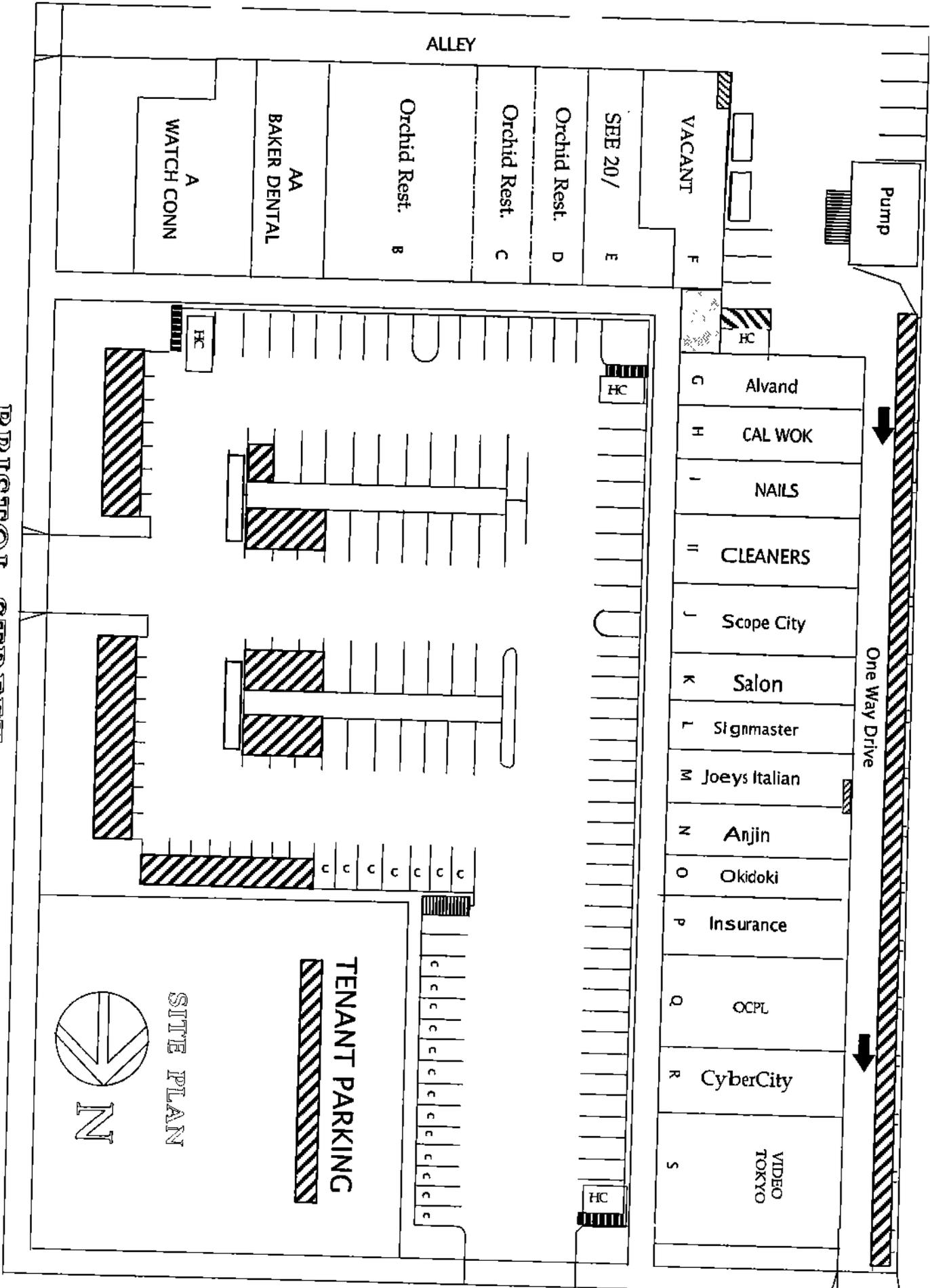


EXHIBIT G

**D.B. INVESTMENTS  
COSTA MESA VILLAGE**

Mailing Address:  
17853 Santiago Boulevard #107  
PMB 315  
Villa Park, CA 92861-4113  
(714) 693-7990 Fax: (714) 693-7887  
Email: lw@fea.net

**NEW TENANT PACKAGE**

We would like to welcome you as a new tenant of Costa Mesa Village. The following information is being provided to help you get acquainted with the property.

1. Utilities: You should arrange to have electrical service changed to your name immediately. The telephone number for Southern California Edison is (800) 990-7788. The location of the rooms which contain the circuit breakers and telephone connections is shown on the attached map. Enclosed in this packet is a key marked "elec/ph" which will open these rooms. There is a \$10 charge to replace this key if lost or stolen.

2. Tenant Improvements. Please be sure that you receive authorization from our office for any structural or permanent changes you propose to make to the leased premises. It is imperative that licensed general contractors, electricians and other workmen be used and that the work conform to the building codes and restrictions imposed by state and local authorities. A copy of any permits issued by the City of Costa Mesa pertaining to your space must be provided to our office.

3. Billing and payment procedures. Statements are mailed to tenants each month before the 1st and payment is due on or before the 5th. The mortgage and other expenses of the Center must be paid on a timely basis. We must, therefore, enforce a strict policy regarding late rent payments. All payments that are not received in our offices on or before the due date will be subject to a late charge as provided in the lease. If for any reason you are having a problem with payments, contact our office before the 5th so that arrangements can be made. The address at the top of this letter is our mailing address. Payments may be hand-delivered to our office at 18512 Yorba Linda Boulevard, Yorba Linda, California which is at the corner of Lakeview and Yorba Linda Boulevard in the Firestone Village Center.

4. Parking & Deliveries. We have painted yellow circles on the parking spaces in the Costa Mesa Village parking lot that may be used by tenants and their employees. All other parking is reserved for customers. It is imperative that tenants and employees do not park in the areas reserved for customers so customers have the advantage of the best parking spaces. We will place notices on vehicles that are improperly parked and tow vehicles that are consistently parked improperly. Should you have a problem with someone parked improperly or believe that someone has left an abandoned vehicle in the parking lot please call us with the location, description and license plate number so that we can handle the problem.

Parking at Costa Mesa Village can be tight, particularly during the lunch hours. In order to help relieve congestion we request that you receive all deliveries through the rear door to your unit and have delivery trucks park in the alley, if possible. If a delivery must be received through the front door, it should be scheduled before 11:30 a.m. and after 2:30 p.m. There is a gate beside Suite G (Alvand Market) which allows access from the alley to the sidewalk in front of the stores. We have been keeping this

gate locked for security reasons. A key labeled "Gate" is enclosed for your use. There is a \$10 charge to replace this key if lost or stolen.

5. Keys. All keys to the Center must be keyed to our Master key so that we can enter your suite in an emergency. If you have a security system you may give us the access code but it is not necessary since any entry would be in an emergency. If you ever need to change your locks you must use Community Lock & Safe at (714) 970-6770 so that the new lock will be keyed to the master key system. If you are going to do substantial tenant improvements to your space you may want to give workmen keys to the unit then change the locks after the work is completed.

6. Signs. All overhead signs must conform to the sign restrictions contained in your lease. Please read this language carefully and give a copy to the company that will be making your signs to be sure that the specifications are followed. Drawings of the sign including with the colors clearly indicated should be sent to our office for approval prior to beginning work on the sign. In order to preserve the aesthetics of the Center we prohibit tenants from placing hand-written or amateurish signs in the windows of the units. You should also be aware that a cluttered store front detracts from the appearance of your business and the Center.

There are a limited number of spaces available on the two monument signs facing Bristol Street. The spaces are allocated based on square footage and length of tenancy. Please contact us to rent sign space before placing anything on one of the monument signs to be sure that you there is space available and the location that has been assigned to your suite. Also, the lettering and color must conform to the signs already in place.

If you wish to put up a "Grand Opening" or other type of banner please contact us first. You will also need permission from the City of Costa Mesa which limits on the length of time that a banner can be displayed.

7. Trash removal. The location of the dumpsters is indicated on the enclosed map. Trash from your unit should be placed in the dumpsters, not in the trash cans on the sidewalk which are for customer use only. The dumpsters are emptied six days per week. Please place all trash in securely fastened plastic bags before placing them in the dumpsters to avoid problems with insects. All cooking oil and grease must be picked up by a recycling company. Further, no hazardous wastes or chemicals are to be placed in the trash bins. The trash company will not pick up construction refuse. You must rent a bin to hold any lumber, drywall, etc. being removed during the remodeling of your suite.

It is not our maintenance person's responsibility to place trash in the dumpsters. We will charge a minimum of \$50.00 to any tenant whose trash is left outside the dumpsters requiring us to clean up the area. Should you observe anyone other than a tenant placing trash in the dumpsters please contact us so that we can have the Police ticket them.

8. Maintenance. We have a maintenance person who cleans the sidewalks and parking lot and empties the trash cans on Monday and Wednesday mornings. Landscaping is done on Friday mornings. The landscaping crew will also clean the sidewalks and parking lot. An air-conditioning company changes the filters on the air conditioners and performs routine maintenance on a quarterly basis. A plumbing contractor performs a quarterly hydro-jet of the main sewer line. Although we take care of the parking lot and common areas, maintenance in your unit is your responsibility. If there appears to be a problem with the building, such as a backed up sewer line effecting several tenants please call us so that we can arrange for the repairs.

After hours and on weekends our office voice mail can be used to page us in an emergency. If the sewer line is backed up (water will not drain in more than one unit in the Center) and you are not able to reach our office you may contact A B & R Plumbing,, the company that hydro-jets the main sewer line, at 714-641-3200.

If there is a roof leak or leak in the irrigation system we ask that you call us as soon as possible so that maintenance can repair the leak before it damages tenant property. It is also important that we be informed of any problems with the parking lot or common areas such as graffiti, broken parking lot lights and so forth so that we can arrange for maintenance.

Although we are not responsible for maintenance in individual units we recommend the following companies:

David Waldrop Air Conditioning - (714) 409-9118  
Stephen Sulzer Plumbing - (714) 570-4063

Under no circumstances is our maintenance man, Benjamin Velazquez, to do any maintenance in a tenant's unit without first obtaining our permission. He is also restricted from doing any outside jobs for tenants so please do not ask him to do so.

9. Roof. We are in the process of installing a new roof. At no time is any tenant allowed to place any equipment on the roof or to cut any holes in the roof without first obtaining our authorization. Any tampering with the roof may void our warranty. A tenant who damages the roof in any way will be charged the cost of having the roofing company reseal the roof surface. The cost of this type of repair will be no less than \$1,000.00. In an extreme emergency related to a roof leak if you are unable to reach our office you may call Stout Roof Company - (562) 923-6775.

Any equipment placed on the roof must also be permitted by the City of Costa Mesa and be installed by licensed electricians, plumbers and air conditioning repairmen after receiving our approval of the diagrams and plans.

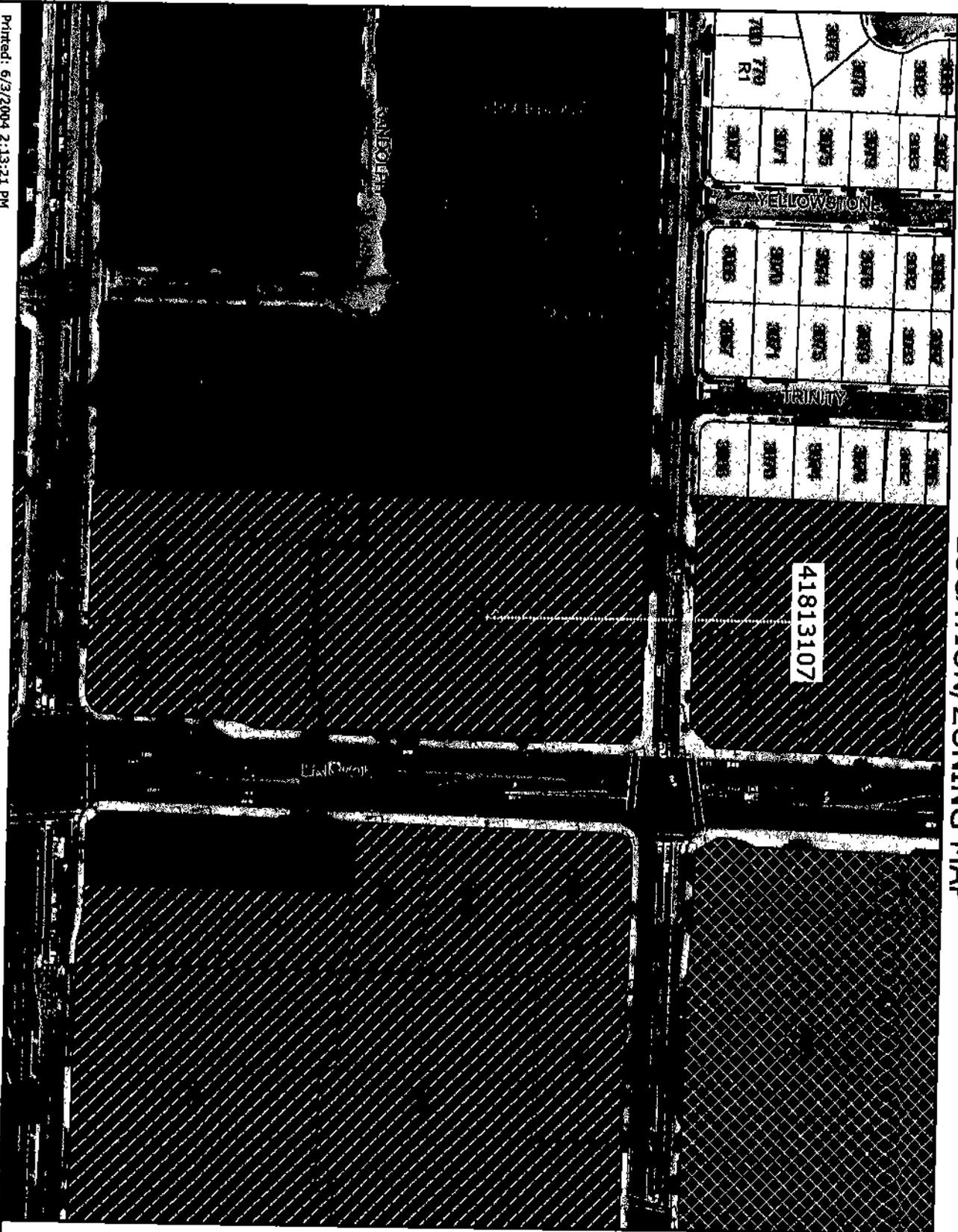
10. Insurance. Your lease requires that liability insurance be maintained on your suite. Your insurance company should send proof of insurance to our office with **D.B. Management** and **D. B. Investments** listed as additional insureds. The minimum policy requirements are stated in your lease. Failure to provide insurance is a default under the terms of your lease and would lead to lease termination and eviction.

11. Tenant Information List. Attached is a form to fill out and return to us once you have a telephone and fax number for your suite. We also request emergency numbers so that we can contact you after hours. Please be sure that you inform us of any changes to this information.

If you have any questions about your tenancy please feel free to call our office at any time.

# 3033 BRISTOL STREET

LOCATION/ZONING MAP



41813107



### Legend

- Selected Features
- Parcel Addresses
- Street Names
- Parcel Lines
- Zoning
- Other
- Administrative & Professional
- Local Business
- Local Business & School
- General Business Commercial Limited
- Institutional & Recreational
- Institutional & Recreational - School
- General Industrial
- Industrial Park
- OCFD
- Off Street Parking
- Planned Development
- Commercial

# 3033 BRISTOL STREET

ZA-04-18

41813107

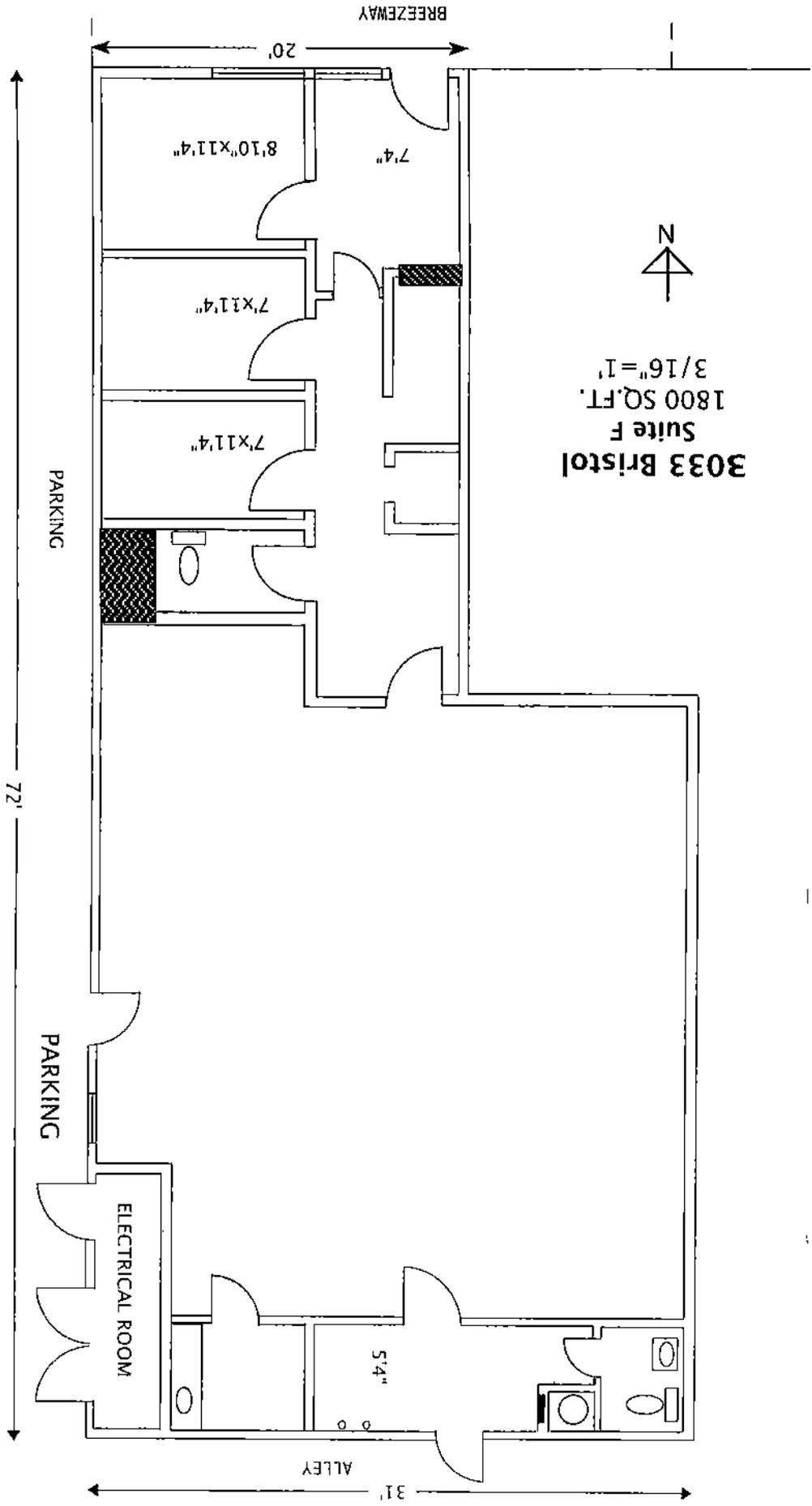


## Legend

- Identified Features
- Selected Features
- Street Names
- Parcel Lines
- Ortho Photography
- Parcels

310





85