



PLANNING COMMISSION AGENDA REPORT

VII.2

MEETING DATE: JANUARY 22, 2007

ITEM NUMBER:

**SUBJECT: APPEAL OF MINOR CONDITIONAL USE PERMIT ZA-06-64
103 EAST 17TH STREET, SUITE 1**

DATE: JANUARY 11, 2007

**FOR FURTHER INFORMATION CONTACT: HANH NGUYEN, ASSISTANT PLANNER
(714)754-5640**

DESCRIPTION

The applicant is appealing the conditions of approval included as part of the Zoning Administrator's approval of ZA-06-64, a minor conditional use permit to deviate from shared parking requirements due to offset hours of operation for a boxing studio.

APPLICANT/APPELLANT

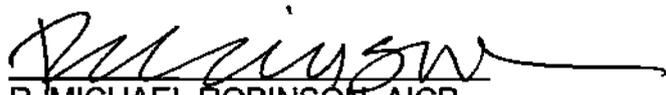
The appellant is Anthony Geisler, representing Peter Desforges, authorized agent for Wohl Investments Company, property owner.

RECOMMENDATION

Modify the Zoning Administrator's decision by adoption of Planning Commission resolution, subject to revised conditions.



HANH NGUYEN
Assistant Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

On December 7, 2006, the Zoning Administrator approved a minor conditional use permit to deviate from shared parking requirements due to offset hours of operation for a boxing studio (LA Boxing). The proposed boxing studio, which is relocating from 2380 Newport Boulevard, conducts adult group classes, children group classes, as well as one-on-one personal training. Conditions included prohibiting adult (16 years of age or older) group classes between 10 a.m. and 8 p.m., Monday through Saturday, and exhibition bouts based on parking concerns (conditions number 1 and 5, respectively).

The applicant appealed the Zoning Administrator's decision on December 14, 2006, contesting these two conditions of approval so that adult group classes could be held during the day and to allow exhibition bouts.

ANALYSIS

To justify modifying these conditions, the applicant conducted a parking survey of the site and provided pictures showing that parking is available (attached). The parking survey and pictures were not available at the time the Zoning Administrator rendered his decision.

The applicant would like to conduct adult group classes at 12 noon, 5:15 p.m., 6:30 p.m., and at 7:45 p.m., Monday through Saturday. The Zoning Administrator limited the adult group classes because the shared parking analysis conducted by staff required a total of 200 parking spaces for the entire site (including 35 spaces for the boxing studio); 142 spaces exist. The applicant is not contesting condition of approval number 2, limiting the boxing studio to a maximum of 14 adult occupants (the 3,477 square-foot suite is credited with 14 parking spaces based on the standard commercial parking ratio of four parking spaces per 1,000 square feet of gross floor area).

The applicant also requests approval to conduct exhibition bouts twice a year. The events are for current studio members only to compete with one another. Family and friends of the members are also invited to attend; these bouts are not open to the general public. The events typically take place between 6:30 p.m. and 8:30 p.m. The Zoning Administrator prohibited the exhibition bouts because of parking concerns.

Based on the applicant's parking survey and staff's site inspection, it appears that adequate parking would be available to allow adult group classes, as proposed by the applicant, with a condition that a maximum of 14 adult occupants (including staff, instructors, employees, visitors, students, etc.) be allowed at the premises at any one time. Also based on the applicant's survey, adequate parking appears to be available for the exhibition bouts after 6:30 p.m.

ENVIRONMENTAL DETERMINATION

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

GENERAL PLAN CONFORMITY

Allowing the parking deviation is not in conflict with the General Plan, especially the Land Use Objective LU-2, because conditions have been included limiting the hours of operation and number of people at the studio, minimizing impacts to other businesses in the center.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Modify the Zoning Administrator's decision, eliminating condition of approval numbers 1 and 3 and modifying condition of approval numbers 2 and 5, to allow adult group of classes (up to a maximum of 14 adult occupants at the premises) and exhibition bouts after 6:30 p.m.
2. Approve the application, with no modifications to the conditions; or
3. Deny the application. If the application is denied, the applicant would not be able to file a request for substantially the same application for six months.

CONCLUSION

Based on new information submitted by the applicant, staff recommends upholding the Zoning Administrator's approval but modifying the conditions to allow the boxing studio to conduct adult group classes with a condition that a maximum of 14 adult occupants (including staff, instructors, employees, visitors, students, etc.) be allowed at the premises at any one time and permitting exhibition bouts after 6:30 p.m.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Appeal Application
 Zoning Administrator's letter for ZA-06-64
 Applicant's Description/Justification
 Zoning Map
 Air Photo
 Plan

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

Anthony Geisler
3195-H Redhill Avenue
Costa Mesa, CA 92626

Peter Desforges
Wohl Investment Company
14 Corporate Plaza #110
Newport Beach, CA 92660

File Name: 012207ZA0664Appeal	Date: 011007	Time: 4:00 p.m.
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RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING MINOR CONDITIONAL
USE PERMIT ZA-06-64**

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

WHEREAS, an application was filed by Peter Desforges, authorized agent for Wohl Investments Company, with respect to the real property located at 103 East 17th Street, requesting approval of a minor conditional use permit for a boxing studio to deviate from shared parking requirements due to offset hours of operation, located in a C1 zone; and

WHEREAS, on December 7, 2006, the Zoning Administrator approved the application with conditions limiting the use; and

WHEREAS, the applicant filed an appeal of the Zoning Administrator's decision on December 14, 2006; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 22, 2007.

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-06-64 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-06-64 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 22nd day of January, 2007.

Bill Perkins Chair, Costa Mesa
Planning Commission

RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING MINOR CONDITIONAL
USE PERMIT ZA-06-64**

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

WHEREAS, an application was filed by Peter Desforges, authorized agent for Wohl Investments Company, with respect to the real property located at 103 East 17th Street, requesting approval of a minor conditional use permit for a boxing studio to deviate from shared parking requirements due to offset hours of operation, located in a C1 zone; and

WHEREAS, on December 7, 2006, the Zoning Administrator approved the application with conditions limiting the use; and

WHEREAS, the applicant filed an appeal of the Zoning Administrator's decision on December 14, 2006; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 22, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Minor Conditional Use Permit ZA-06-64 with respect to the property described above.

PASSED AND ADOPTED this 22nd day of January, 2007.

Bill Perkins, 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 allowing a parking deviation is compatible with developments in the same general area. Granting the minor conditional use permit, subject to conditions and limitations, will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the number of people at the studio has been limited through conditions to minimize parking impacts to the surrounding businesses. 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 under Section 15301, Existing Facilities, of 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 (if approved)

- Plng.
1. Except for children (15 years of age or younger), a maximum of 14 occupants (including staff, employees, instructors, adult students, guests, etc.) shall be allowed at the studio at any one time before 8 p.m., Monday through Saturday.
 2. There shall be a minimum 15-minute lapse time between each class.
 3. Exhibition bouts are limited to only current members of the subject boxing studio. The events shall not occur before 6:30 p.m. and shall not be open to the general public.
 4. If parking shortages or other parking-related problems arise, the applicant or business owner shall institute whatever operational measure necessary to minimize or eliminate the problem, including, but not limited to, reducing class size or/and limiting the hours of operation.
 5. Any change in the operational characteristics shall require prior approval by the Planning Division and may require processing of an amendment to the minor conditional use permit.
 6. The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be referred to the Zoning Administrator 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 Zoning Administrator or his designee, any of the findings upon which the approval was based are no longer applicable.
 7. A copy of the conditions of approval for the minor 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.



City of Costa Mesa

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

DEC 14 2006

Appeal of Planning Commission Decision - \$1070.00
 Appeal of Zoning Administrator/Staff Decision - \$670.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* LA Boxing Franchise Corporation

Address 103.1 E 17th Street Costa Mesa, CA 92627

Phone 714 668 0911 Representing _____

REQUEST FOR: REHEARING APPEAL REVIEW**

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

ZA-06-64
DECISION DATE: 12-7-06

Decision by: Anthony Geisler

Reasons for requesting appeal, rehearing, or review:

For almost two weeks, our employees have been taking pictures and counting the parking spots available each day and evening at 12:00 noon, 5:15 p.m., and 6:30 p.m.
The open spots considerably exceed the amount of parking spots we would be given to use.
We do not see the reason why we cannot conduct business by holding classes at these times above. It is clearly not an issue of available parking spaces.
*Please see attached DATA to REFLECT our Findings

Date: December 13, 2006

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



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**