



PLANNING COMMISSION AGENDA REPORT

VI.7

MEETING DATE: FEBRUARY 11, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-49
2777 BRISTOL STREET

DATE: JANUARY 31, 2008

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

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow a dance studio with one-on-one instruction only. Retail sales of related products and incidental costume fabrication (tailoring) are also proposed in conjunction with the studio.

APPLICANT

Jonathan Zane is the authorized agent for the property owner, Parkway Ventures LTD.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

Handwritten signature of Hanh Nguyen in black ink.

HANH NGUYEN
Assistant Planner

Handwritten signature of Kimberly Brandt in black ink.

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The subject property is zoned Commercial Limited (CL) and is bounded by commercial uses to the north and south, single-family residences to the west, and Bristol Street to the east. The site contains a 26,600 square-foot, two-story retail/office building. Several businesses, including sale of home furnishing/accessories, an artist's studio, and a design studio/gallery, presently occupy the building.

The applicant proposes to occupy approximately 4,200 square feet of building area to conduct retail sales, operate a dance studio, and provide tailoring services. A conditional use permit (CUP) is required because dance studios are not permitted in the CL zone.

ANALYSIS

The proposed business caters to professional and amateur ballroom dancers who are interested in perfecting their skills. Unlike traditional dance studios that rely on large group classes, the proposed dance studio provides private instruction, on a one-to-one/couple basis, for dancers interested in perfecting their skills. There will be a maximum of three instructors at any one time and each instructor will have a maximum of two students. There will not be any competition or group gathering events at the site. The applicant states that the busiest hours occur between 6 p.m. and 9 p.m. when most other businesses are closed; therefore, parking problem is not anticipated.

The CL zone is applied to properties appropriate for commercial uses but, because of their location next to sensitive uses, limits the type of uses to those that normally operate quietly and without impact on the sensitive uses. Although the CL zone of the property does not permit dance studios, it is staff's opinion that the business's unique operating characteristics target a limited, specific group of customers, minimizing impacts a traditional dance studio could have on surrounding properties, especially the residents to the west. The low number of students and teachers, in conjunction with the busiest times occurring in the evening when the other businesses are closed, will limit parking demand; consequently, the 84 existing parking spaces should be adequate to support the use. Staff has included conditions to ensure the dance studio operates as described in this application.

GENERAL PLAN CONSISTENCY

The General Plan designation for the property is General Commercial. The building was constructed at a .40 floor area ratio (FAR), which permits low traffic generating uses. Although the dance studio, retail, and tailoring uses are normally associated with a higher traffic generating rate, the very specialized and focused nature of this business will to generate traffic within the low traffic generating range.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve Planning Application PA-07-49, which would allow the proposed business to establish at the site, subject to conditions; or
2. Deny the application. The applicant could not submit substantially the same request for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that the proposed use, as conditioned, is extremely specialized and will not generate a great deal of customer traffic or generate impacts on surrounding properties, especially the residences to the west.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description Letter
 Photographs of the dancers
 Zoning/Location Map
 Photographs of the site
 Plans

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

Jonathan Zane
 19321 Jerrilyn Lane
 Huntington Beach, CA 92646

Parkway Ventures LTD
 PO Box 2061
 Gardena, CA 90247

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-49**

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

WHEREAS, an application was filed by Jonathan Zane, authorized agent Parkway Ventures LTD, property owner of real property located at 2777 Bristol Street, requesting approval of a conditional use permit to allow a dance studio with private instruction only (no group classes), in a CL zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 11, 2008;

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** Planning Application PA-07-49 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-07-49 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 11th day of February 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed uses comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. As conditioned, the proposed uses are compatible and harmonious with uses on surrounding properties.
 - 2. As conditioned, the proposed uses will be low traffic generators and are consistent with the low traffic FAR of 0.40 for the General Plan designation of General Commercial.
 - 3. The planning application is for a project-specific case and does not establish a precedent for future development.

- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed uses, as conditioned, are substantially compatible with developments in the same general area. Granting the 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, the business will be limited to one-to-one/couple dance instruction for a highly specialized type of dance (ballroom). Furthermore, parking should not be impacted because of the one-to-one/couple instruction and since the majority of the instruction will occur in the evenings, when the other businesses are closed. Granting the conditional use permit will not allow a use, density, or intensity, which is not consistent with the General Plan designation for the property.

- 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 under Section 15301 for Existing Facilities.

- D. 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

- Plng.
1. The retail establishment shall be a specialized retail store selling ballroom gowns, dance shoes, high-end costumes, and accessories.
 2. Dance lessons shall be limited to private instruction, with a maximum of 3 instructors teaching a maximum of 2 students per instructor at any one time. Group lessons/instruction and any type of competition or gathering events shall be prohibited.
 3. Tailoring shall be limited to custom costume and ballroom gown production to supply the specialty retail operation and dance instruction proposed as a part of this application. Large scale manufacturing of ballroom gowns and/or costumes is prohibited.
 4. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures necessary to minimize or eliminate the problem.
 5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or property owner shall institute whatever security and operational measures necessary to comply with this requirement.
 6. The conditional use permit herein approved shall be valid until revoked. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
 7. 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.
 8. The conditions of approval and Code provisions of Planning Application PA-07-49 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 9. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.

Dance Asylum

Ballroom Apparel and Accessories

2777 Bristol Street, Studio D, Costa Mesa, CA

(714) 594-8551

December 28, 2007

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN - 7 2008

Hanh Nguyen
Assistant Planner
City of Costa Mesa
Planning Division
77 Fair Drive
Costa Mesa, CA 92628-1200

RE: Planning Application PA-07-49, 2777 Bristol Street, Costa Mesa

Dear Ms. Nguyen;

In response to your letter dated December 27, 2007, I am providing the following information. The "manufacturing operation" of ballroom gowns and costumes will be limited to designing and making "one-of-a-kind" creations in a limited number (approximately 10 per month). Each costume will be designed for an individual and made on the premises by one of two seamstress' and designers. The rest of our merchandise will be "off the rack" items ordered from suppliers from around the country including dance shoes. There will be very limited items stored in the warehouse portion of the suite, mostly shoes in various sizes as only one pair of each style will be displayed.

The 2nd. Floor plan previously submitted has now been corrected as you requested. I have provided the additional plans that you asked for. Please see attached.

I understand that the planning staff must follow the letter of the law and that is why you can not support our use, however I also understand that the planning commission has the authority to examine the facts of each case and make a judgement on the "intent" of the law and not just the letter of what it

says. Our “use” will be more in line with the neighboring furniture store and art gallery because of the quality of our goods and services.

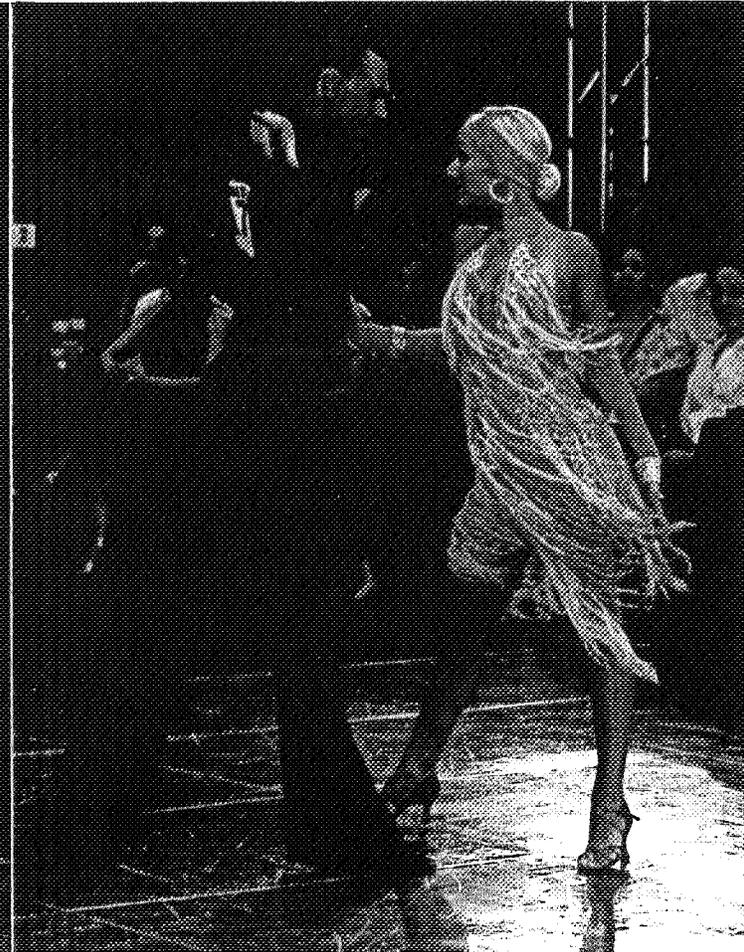
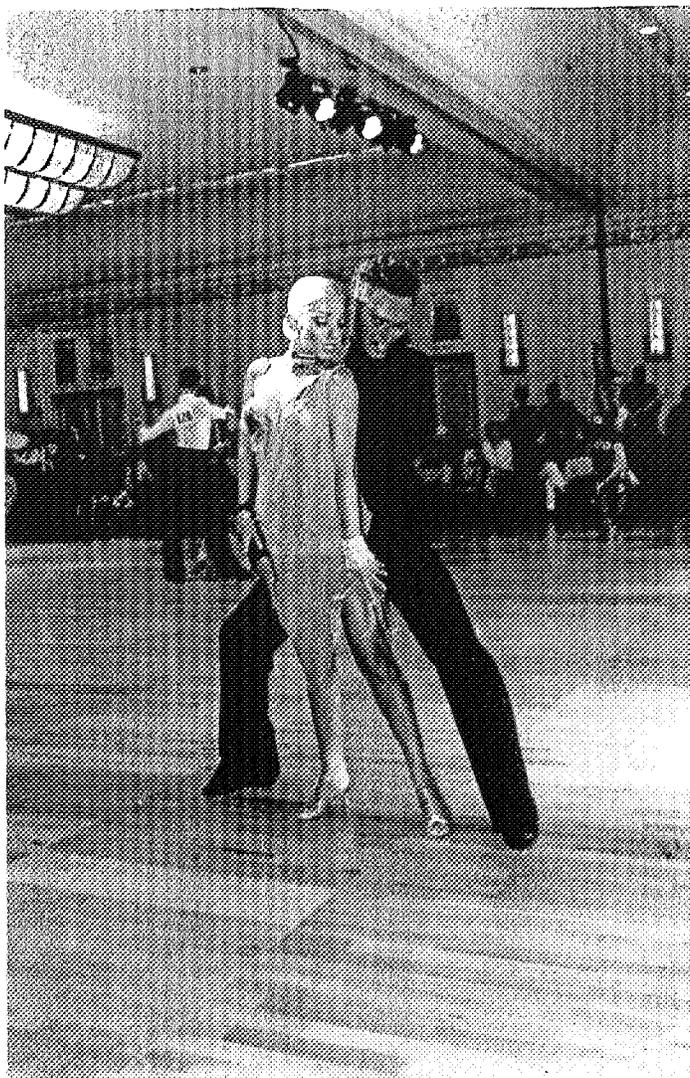
As I explained in my original application, we are being unfairly lumped together with traditional dance studios and Karate studios that rely on large group classes to stay in business. We want to offer individual dance instruction as a secondary use. I assure you and the planning commission that we will not be a high traffic manufacturing or warehousing operation nor will we be a high traffic general retail business or dance school. We will be a highly specialized retail business catering to professional and amateur ballroom dancers who are interested in perfecting their art and advancing their skills. Many of our clients will compete in ballroom dancing competitions and are looking for help with dance technique and costume creation. Our clients will be able to afford private instruction (around \$85 for a 45 minute lesson) and custom gowns (\$1,500 to \$5,000 each) so we will not have to rely on high volume sales to survive.

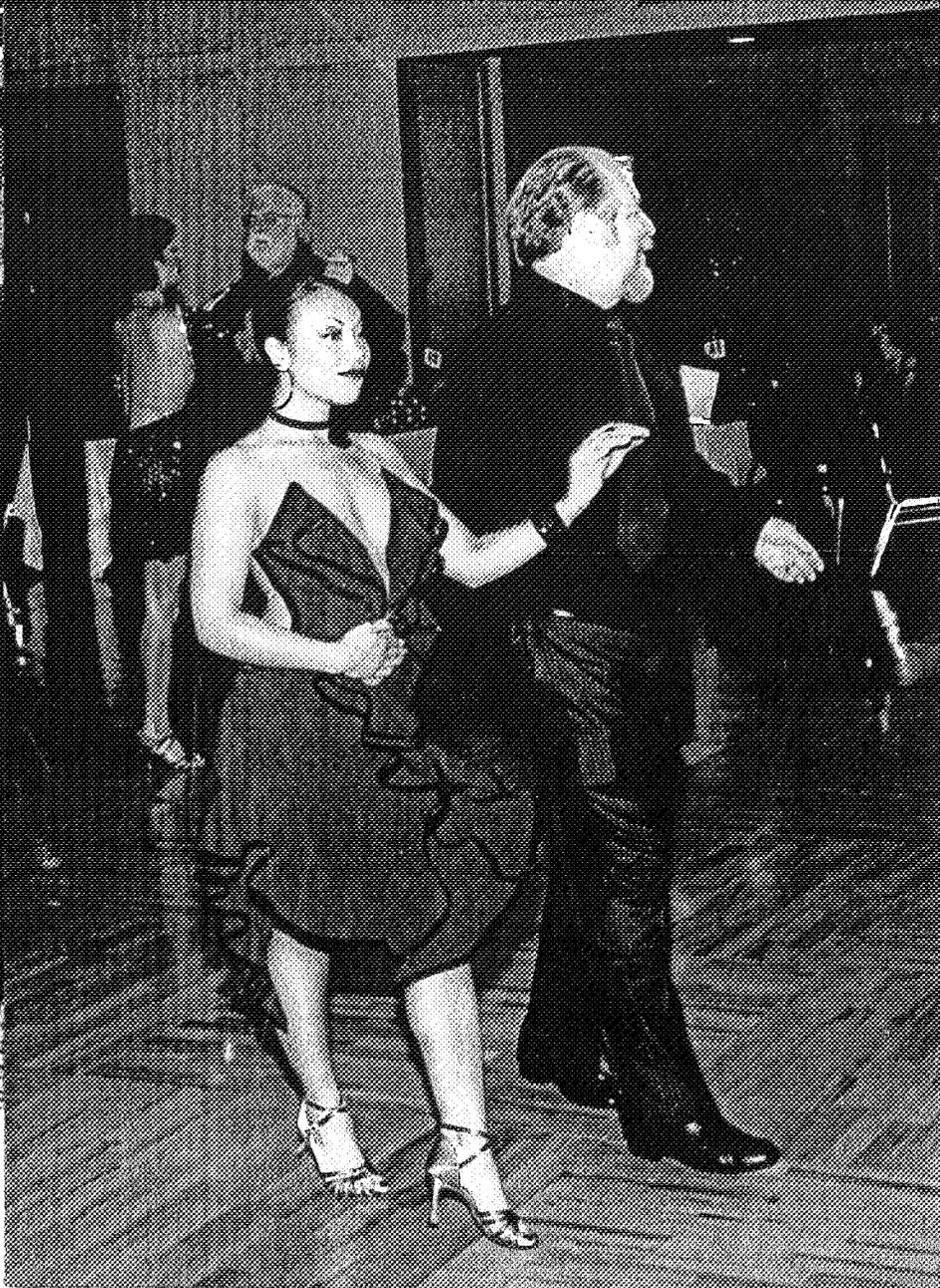
We have spoken to the other tenants in the Bristol Design Center and they are all O.K. with us moving in. We even have letters from some of them expressing support for our business to be allowed in their center. They don't worry about us being a problem because we have assured them of the low traffic nature of our business. In addition, we have informed them that our busiest times will be after their normal business hours (6 to 9 p.m.). They also are not worried about the traffic because there are 84 parking spaces available at our center, most of which are located at the rear of the property near our location, and are currently un-used the majority of the time.

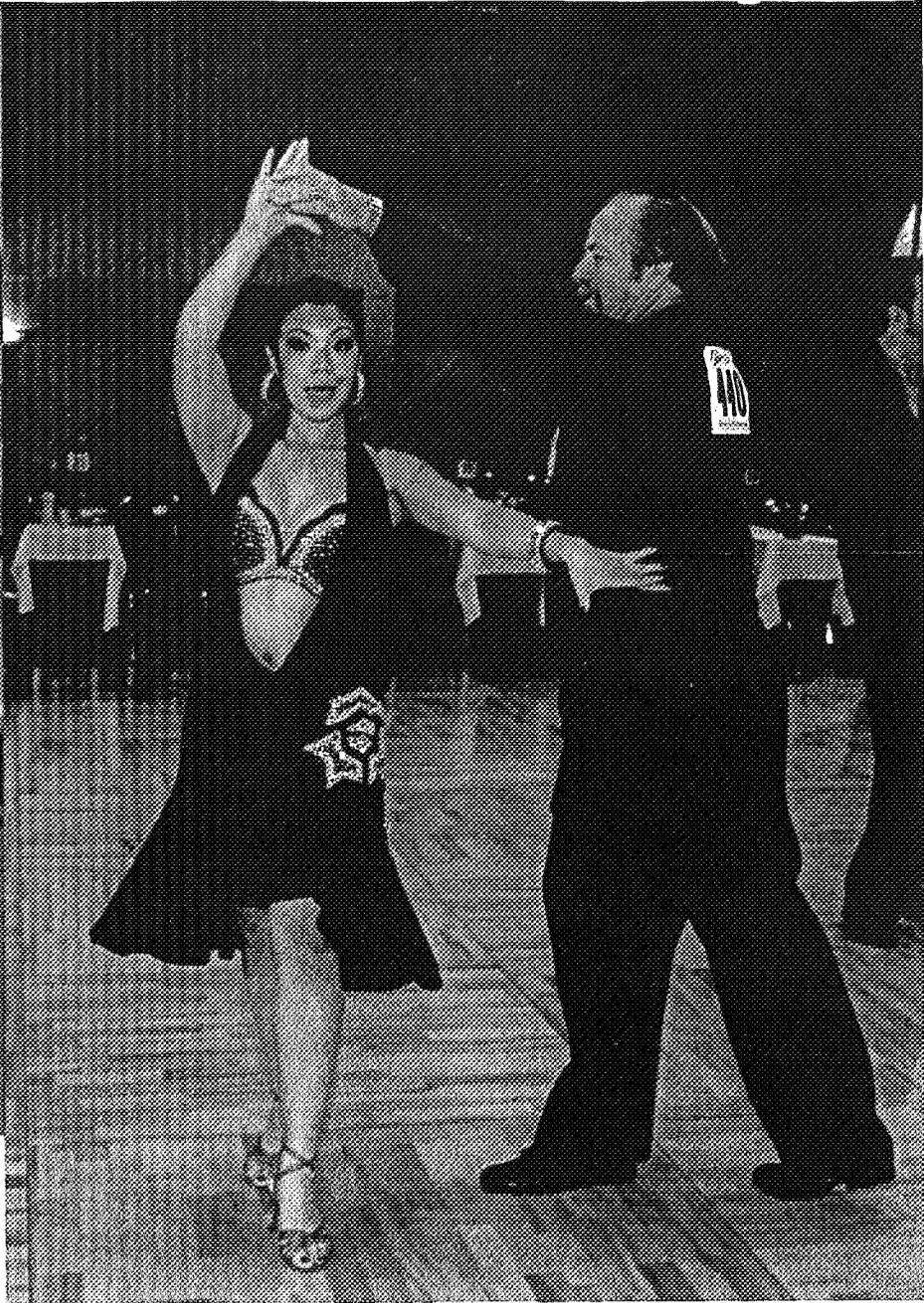
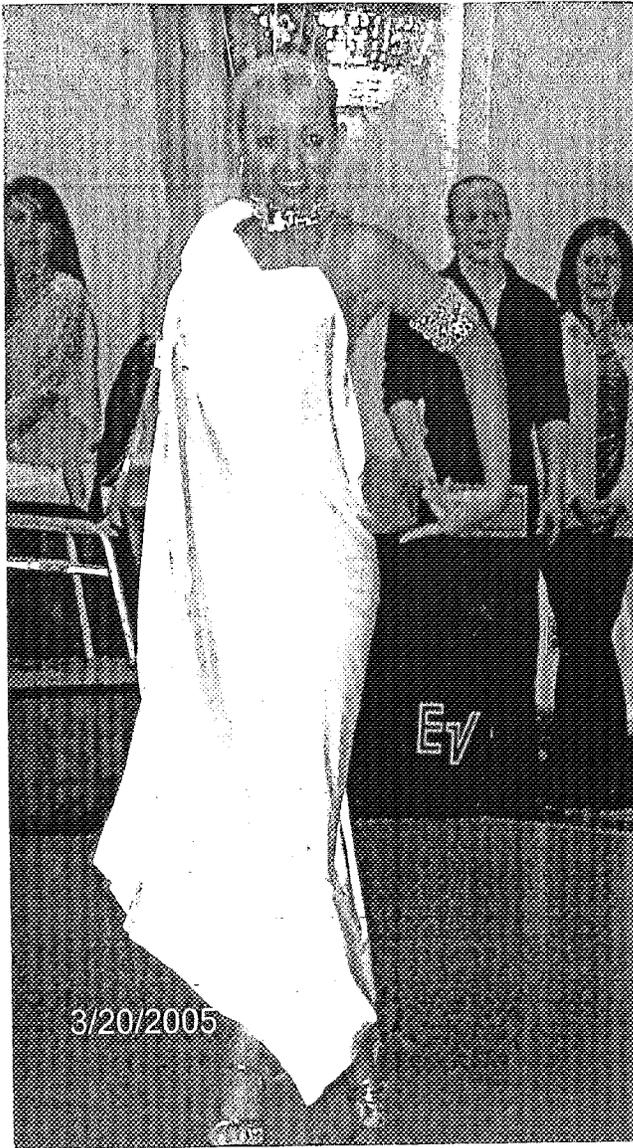
Thank you for your help in processing this application. We are very anxious to go before the planning commission as soon as possible because of our lease agreement with the landlord. If you have questions, please call me on my cell phone at (909) 376-7138.

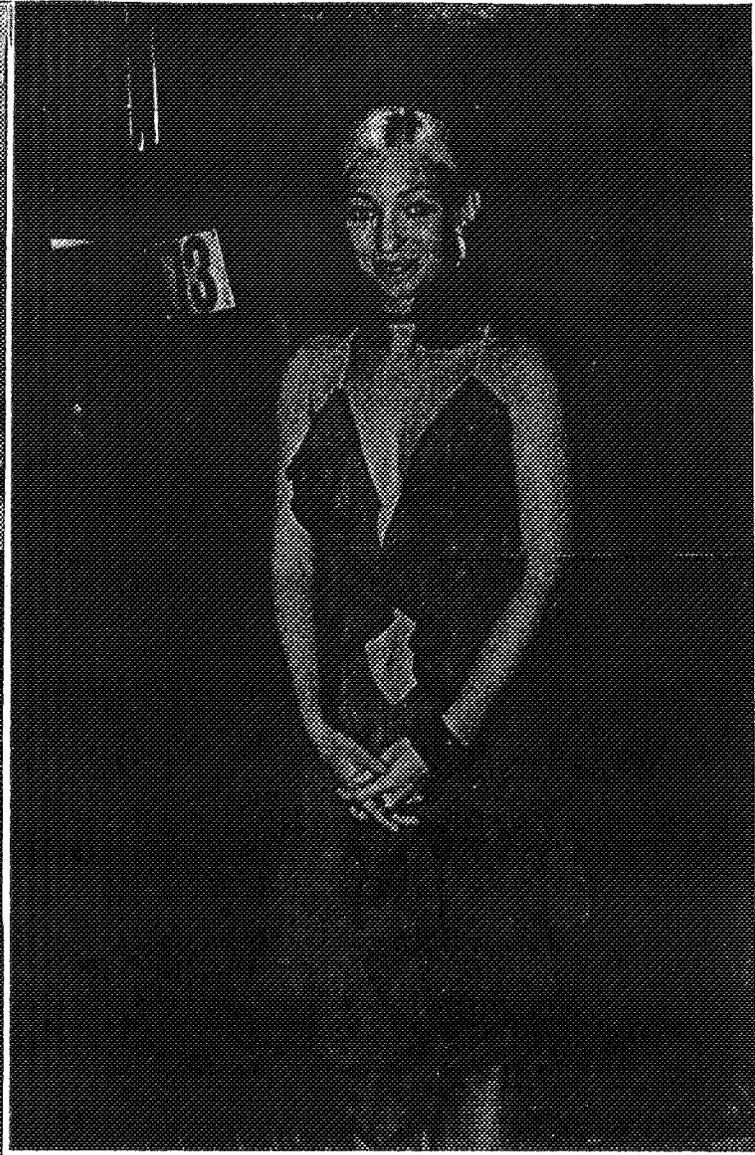
Sincerely;

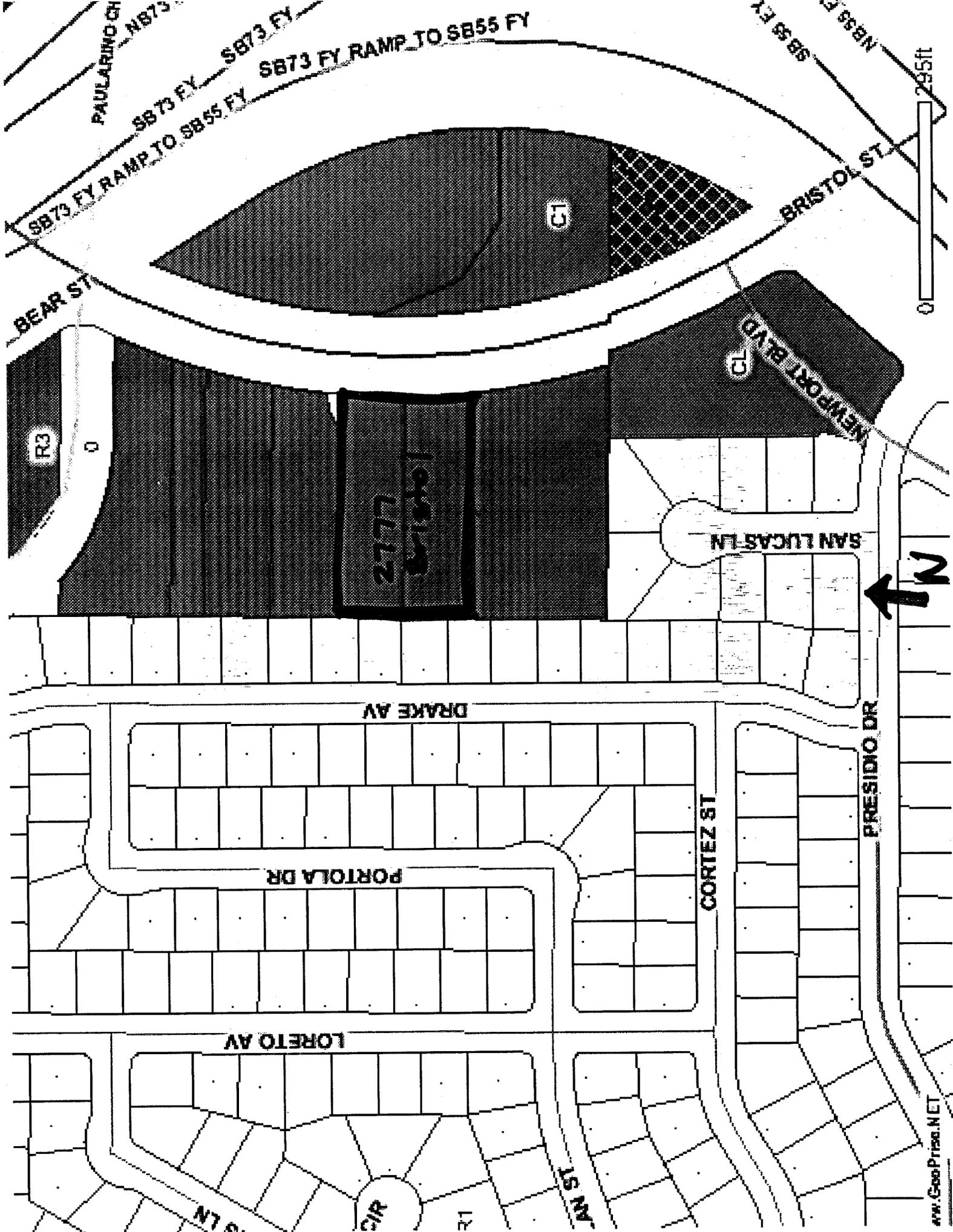
Jonathan Zane
Dance Asylum









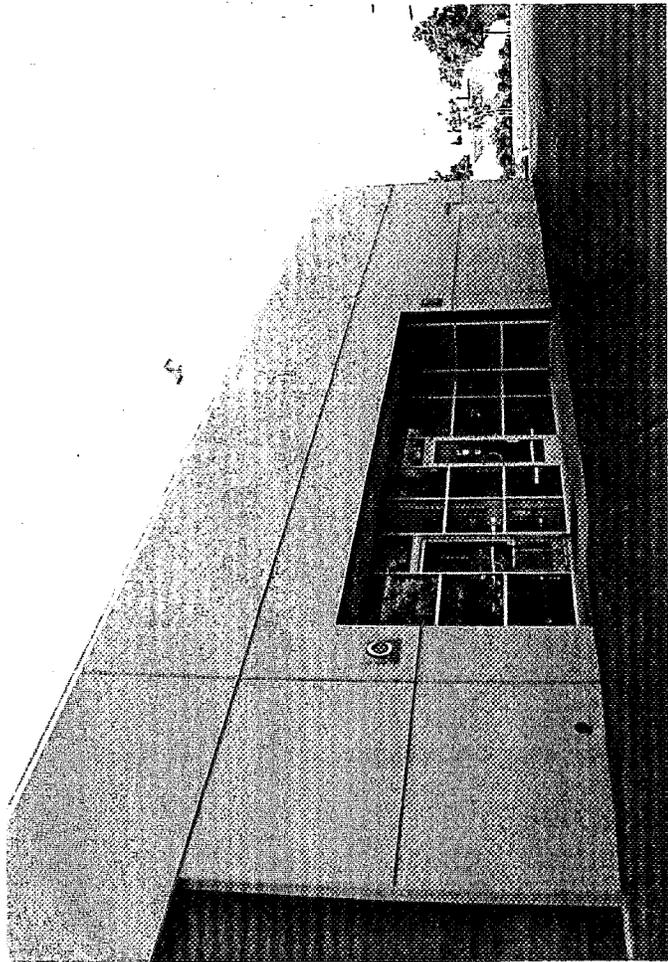


295ft



2777
Bristol





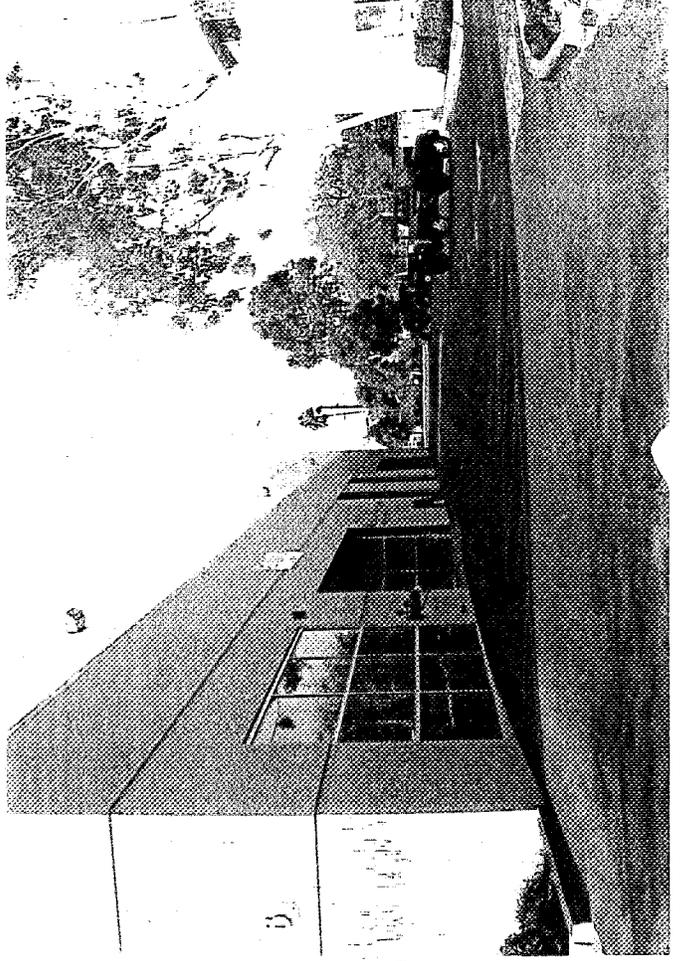
→ Suite D



→ in BACK



site sign



View From BACK

Rear Suite "D" (File)

REVISIONS	DATE	BY	DESCRIPTION

JONATHAN L. ZANE ARCHITECTURE
 450 NORTH LA CAYENA DRIVE
 COSTA MESA, CA 92626
 (714) 440-1040

DANCE ASTYUM
 Project Designer
 2777 BERTHO STREET
 COSTA MESA, CA 92626
 (949) 712-9138

JONATHAN L. ZANE
 450 NORTH LA CAYENA DRIVE
 COSTA MESA, CA 92626
 (714) 440-1040

DATE: 11-25-07
 SCALE: 1/4" = 1'-0"
 DRAWN: R. LEE
 JOB: 1402
 SHEET: A-1

