



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MAY 26, 2009

VII.2

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-09-10
CONDITIONAL USE PERMIT FOR OVERNIGHT STAYS FOR MEDICAL RESEARCH
1675 SCENIC AVENUE**

DATE: MAY 14, 2009

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714-754-5136
EMAIL: WSHIH@CI.COSTA-MESA.CA.US**

PROJECT DESCRIPTION

The applicant requests approval of a conditional use permit to allow a portion of an industrial office building to be used for research and development, including overnight stays by trial volunteers participating in medical research.

APPLICANT

Tina La Monica/Arden Realty Partnership is the property owner and applicant.

PROJECT CONSULTANT

Ty K. Otjen of Plan Tech is the project architect.

RECOMMENDATION

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


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Dev. Svs. Director

BACKGROUND

Project Location

The property is located at 1675 Scenic Way, to the west of the Harbor Gateway Business Park on the southwest corner of Scenic Avenue and Howard Way. The property is in the MP (Industrial Park) zone and is also surrounded by industrially zoned and developed properties.

The property contains a two-story, approximately 27,700 square-foot industrial office building. The proposed lease space is the first floor of this building. Technovare Systems, Inc., an engineering firm, occupies the second floor of the industrial office complex.

Planning Application PA-05-04

There is a valid conditional use permit for Clinical Innovations, Inc., on the adjacent property to the south at 3545 Howard Way. On May 9, 2005, the Planning Commission approved a conditional use permit (CUP) to allow for overnight stays for research and development purposes. There are 29 beds in this facility with subjects staying overnight for up to two nights. The City has not received any complaints regarding parking or noise issues associated with this use, either during the day or afterhours.

ANALYSIS

Project Description

The applicant proposes to relocate the existing medical research facility with overnight stays by clinical trial volunteers from the adjacent property at 3545 Howard Way (approved under Planning Application PA-05-04) to the first floor of the building at 1675 Scenic Way. According to the applicant, the proposed location is approximately 13,000 square feet, which is approximately 1,000 square feet larger than the current location. While the increased square footage is nominal, this new location features a better layout for outpatient operations and administrative offices.

Research and development is a permitted use in the MP (Industrial Park) zone. However, the overnight stays by trial volunteers require approval of a CUP per Code Section 13-30(d).

The facility conducts clinical trials which are research studies designed to answer specific questions about medicines, devices, vaccines, or new ways of using existing or new treatments. Approximately 10 percent of the studies require short-term overnight stays by trial volunteers for the observation and care of medical staff. The overnight facility will have one staff member for every five trial volunteers with the capacity to house up to 30 volunteers. Approximately 10 trial volunteers will visit the site daily by appointment only.

Justifications for Approval of the CUP

Staff believes that the proposed use is compatible with the surrounding area and recommends approval of the conditional use permit, subject to conditions, for the following reasons:

- *Proposed overnight stays would not result in a shortage of parking.* The underlying use – research and development – is permitted in the MP zone. Therefore, the facility's operation during normal business hours would not create any parking issues. The overnight stays involve a short-term duration of a few days with 30 trial subjects at a maximum. There is adequate on-site parking to accommodate the use (80 parking spaces are required by Code for the existing building; 96 parking spaces are provided).

Not only does the site include excess parking above the minimum Code requirements, the other tenant on the property closes before 6 p.m. Furthermore, staff verified that there is adequate parking supply at 3545 Howard Way, where the facility is currently located.

- *Proposed business operations would not create land use compatibility issues.* In its normal business operations, this research facility does not generate noise that would violate the City's Noise Ordinance nor involve emergency medical response. There are no residential uses in the area that would be affected by the overnight stays. Additionally, neighboring industrial uses in the area are generally closed in the evenings.
- *Traffic impacts are consistent with the industrial land use.* The preliminary trip generation analysis completed by the Transportation Division indicates that the proposed activity, including overnight stays, would be consistent with the industrial land use designation for the property. The proposed project is considered a moderate traffic generator involving 81 average daily trips (11 trips per 1,000 square feet).
- *Existing facility on adjacent property has been operating in compliance with Code.* The existing facility at 3545 Howard Way has been in operation for about four years and has not generated any Code Enforcement, Police, or noise complaints.

GENERAL PLAN CONSISTENCY

The General Plan permits a variety of industrial and compatible office and support commercial uses within the Industrial Park land use designation. Therefore, approval of the conditional use permit to allow overnight stays for the medical research facility would be consistent with the General Plan.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the CUP. This would allow overnight stays by trial volunteers for a medical research facility on this property.
2. Deny the CUP. If Commission denies the application, overnight stays may not be conducted on the property and a similar request may not be submitted for six months. A research and development office with no overnight stays or other uses permitted in the MP zone may be established.

ENVIRONMENTAL DETERMINATION

The conditional use permit is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. If the use is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

Staff believes that the use will not negatively impact on- and off-site uses. The overnight stays are short-term with a maximum of 30 trial volunteers, and adequate parking is provided on-site to accommodate the facility. Additionally, the property is not located near any residential properties. Therefore, staff recommends approval of the application.

- Attachments: 1 Planning Commission Approval and Denial Resolutions
 2 Applicant's Project Description Letter
 3 Location/Aerial Map
 4 Plans

cc: Acting Development Services Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Tina La Monica
 3100 Bristol Street
 Costa Mesa, CA 92626

Arden Realty Partnership
 P.O. Box A3879
 Chicago, IL 60690

File: 052609PA0910	Date: 051409	Time: 8:15 a.m.
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ATTACHMENT 1

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-09-10

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

WHEREAS, an application was filed by Tina La Monica/Arden Realty Partnership, requesting approval of a conditional use permit to allow a portion of the building to be used for research and development with overnight stays by trial volunteers participating in medical research, located at 1675 Scenic Avenue, in an MP zone;

WHEREAS, the proposed business activity involves a maximum of 30 beds for study subjects, a ratio of one staff member for every five subjects, and short-term overnight stays for no more than a few consecutive nights for research and development purposes;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 26, 2009.

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-09-10 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 Planning Application PA-09-10 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 26th day of May 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Khanh Nguyen, Acting Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on May 26, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Khanh Nguyen, Acting Secretary
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on-site and on surrounding properties. Specifically, the overnight stays of clinical trial subjects would not have an adverse impact on businesses in the surrounding area.
 2. The project is consistent with the General Plan with the approval of a conditional use permit.
 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 use is 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, no parking impacts are anticipated because the property contains more parking spaces than required by Code (80 spaces required; 96 spaces provided), and the other existing business on the property is closed in the evenings. The property is also not located near any residential properties that could be affected by the overnight stays. Furthermore, the proposed activity, including overnight stays, is consistent with the industrial land use designation for the property in terms of traffic generation. The proposed project is considered a moderate traffic generator involving 81 average daily trips (11 trips per 1,000 square feet).
- 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, 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

- PIng. 1. The use shall be limited to the type of operation described in the staff report (i.e. research and development facility including short-term overnight stays by a maximum of 30 trial volunteers and support staff). There shall be no more than one support staff for every five trial volunteers. The overnight stays shall be no more than a few consecutive nights. Any change in the operational characteristics including, but not limited to, the number of trial volunteers and length of overnight stays, shall require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
2. The business shall be conducted at all times in a manner that will allow the quiet enjoyment of the surrounding uses. The business owner shall institute whatever security and operational measure are necessary to comply with this requirement.
3. The applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas over which the applicant has control, to prevent trash, graffiti, and loitering. The applicant shall further provide adequate lighting above the entrances to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.
4. 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.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-09-10**

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

WHEREAS, an application was filed by Tina La Monica/Arden Realty Partnership, requesting approval of a conditional use permit to allow a portion of the building to be used for research and development with overnight stays by trial volunteers participating in medical research, located at 1675 Scenic Avenue, in an MP zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 26, 2009.

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-09-10 with respect to the property described above.

PASSED AND ADOPTED this 26th day of May 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The proposed use is not compatible and harmonious with uses on-site and on surrounding properties.
 - 2. The project is not consistent with the General Plan.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.

- C. The Costa Mesa Planning Commission has denied PA-09-10. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

ATTACHMENT 2

Description of Clinical Innovations, Inc.

Clinical Innovations, Inc. is a privately owned research site that conducts clinical trials which are research studies designed to answer specific questions about medicines, devices, vaccines, or new ways of using existing or new treatments.

Clinical Innovations conducts clinical trials ranging from Phase I through Phase IV. Each phase represents a level in the development of the new medication and each stage of development is carefully reviewed by regulatory agencies such as the FDA. Clinical Innovations involvement as a research center is primarily to recruit volunteers to become research subjects and to conduct study related visits at regular intervals according to the specific guidelines written in the study protocol.

Clinical Innovations conducts both outpatient and inpatient clinical trials currently at 3545 Howard Way (next door). We have occupied our current building on Howard Way for 2 years. We would like to move our operation next door in order to obtain more space and a better layout for our outpatient operations and administrative offices. The inpatient area will be configured in the same fashion as the current building (3545 Howard Way) in order to accommodate the short term overnight stays of the subjects.

For all studies, phase I through phase IV, no direct clinical treatment is provided and there are no costs incurred by the subjects. Upon completion of a clinical trial, the subjects are exited from the study and their involvement with Clinical Innovations is concluded.

Description of Operations for Clinical Innovations, Inc.

Clinical Innovations, Inc. operates clinical research facilities throughout Southern California. We test new medications for effectiveness compared to existing treatments

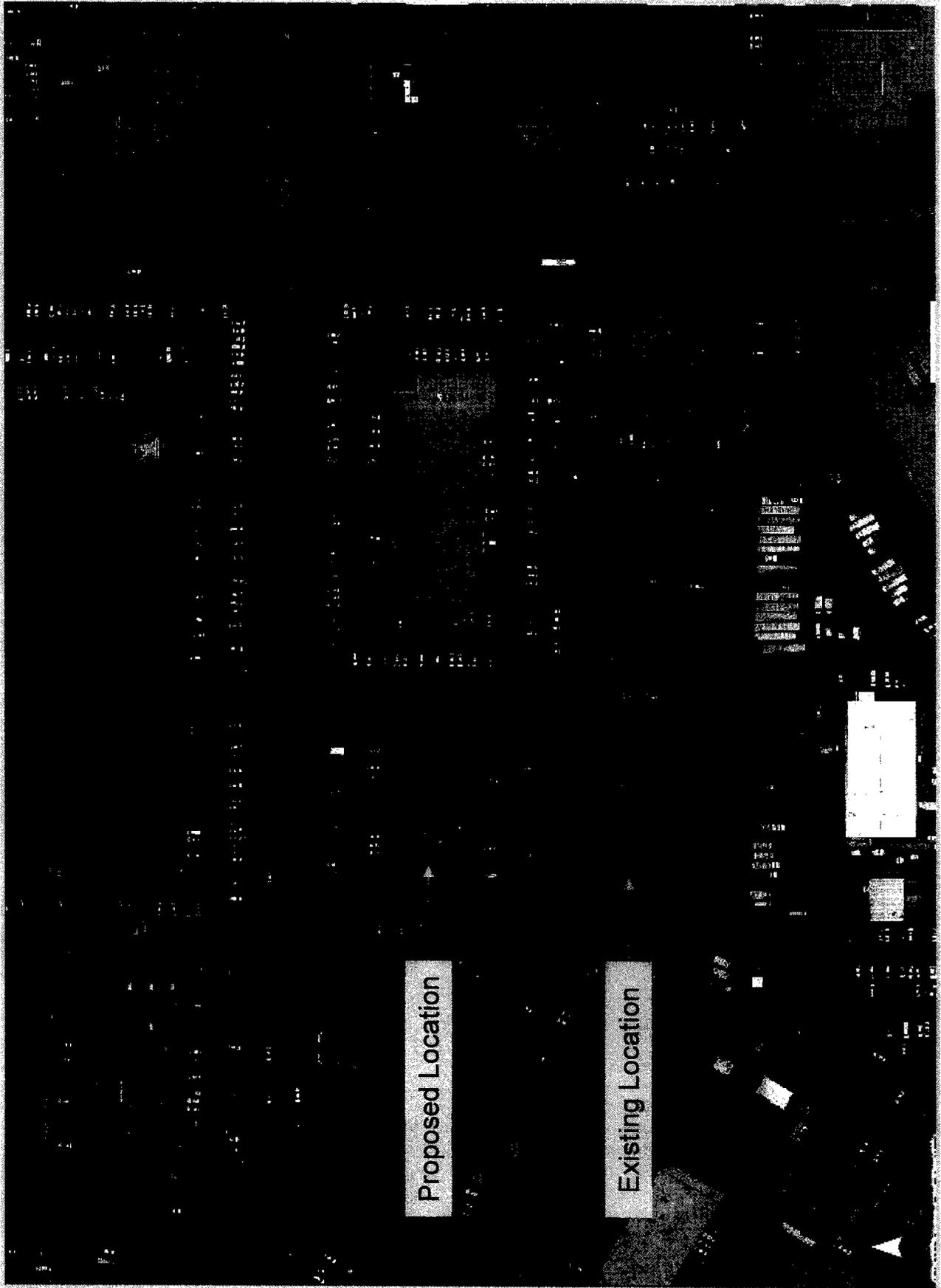
Types of medical research at this facility – Clinical trials Phase I-IV in a variety of therapeutic areas testing the effectiveness of new medications. These trials are managed by physicians in order to further development of treatment options. Clinical Trials are research studies designed to provide specific questions about medicines and vaccines. Approx 10% of our studies require overnight stays where the patients stay for an observation period under the care of medical staff. The length of stay is short term in nature and may vary based on the specifics of the protocol. In our overnight facility we have one staff member for every 5 patients. Our overnight facility will have the capacity to house up to 30 subjects based on our proposed floor plan.

Received
City of Costa Mesa
Development Services Department

APR - 8 2009

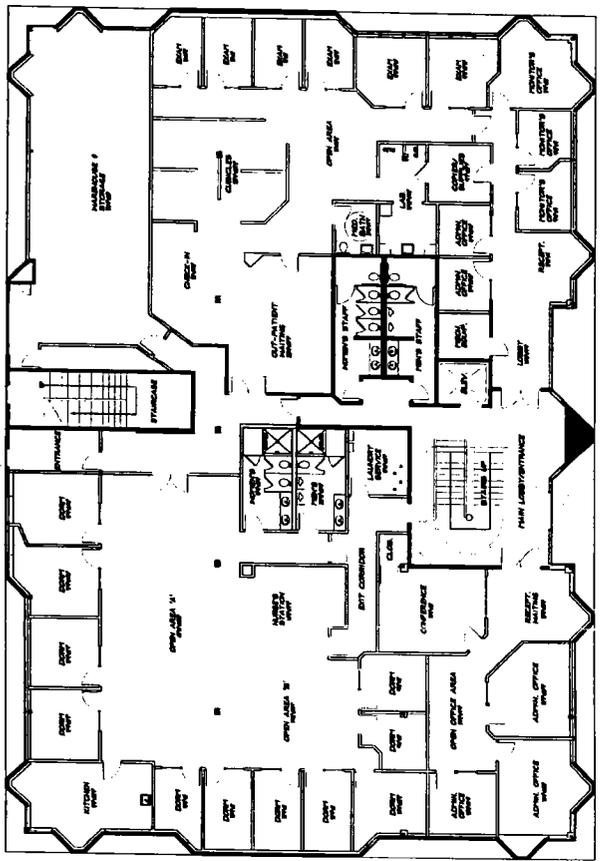
ATTACHMENT 3

LOCATION/AERIAL MAP



ADMINISTRATION	1350 SF
IN-PATIENT	4231 SF
OUT-PATIENT	1277 SF
LABORATORY/STORAGE	1277 SF
CORTRON AREA	1470 SF

104-4



TENANT IMPROVEMENT FLOOR PLAN

CLINICAL INNOVATION
1875 BERING AVE. COSTA MESA, CA 92626

PLAN TECH
BLANDING R DESIGN

11 N. CLARK, ANIMATED
115 TEMPERANCE STREET, SUITE 7
REDLAND, CA 92373

(909) 788-9951



DATE	DESCRIPTION