



# **PLANNING COMMISSION AGENDA REPORT**

VI.3

MEETING DATE: JULY 12, 2010

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-10-12  
CONDITIONAL USE PERMIT FOR A SPORTS ENTERTAINMENT CENTER (SKY HIGH  
SPORTS) IN AN EXISTING INDUSTRIAL BUILDING  
2970 AIRWAY AVENUE**

**DATE: JULY 1, 2010**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER  
(714) 754-5136 (wshih@ci.costa-mesa.ca.us)**

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## **PROJECT DESCRIPTION**

Conditional use permit (CUP) for a sports entertainment center (Sky High Sports) in an existing industrial building.

## **APPLICANT**

The applicant is Jerry Raymond, representing the property owner Lakeshore Enterprises.

## **RECOMMENDATION**

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

  
\_\_\_\_\_  
WENDY SHIH  
Associate Planner

  
\_\_\_\_\_  
KHANH NGUYEN  
Acting Asst. Development Services Director

**BACKGROUND*****Project Site***

The property is located at 2970 Airway Avenue, adjacent to John Wayne Airport to the east, an aircraft maintenance site to the north, and industrial buildings to the south and across Airway Avenue to the west. The property is zoned MP (Industrial Park) and has a General Plan designation of Industrial Park.

The property contains a 40,392 square-foot industrial building constructed in 1978. The building contains a two-story lobby/office area at the front and an open floor area with high ceilings (no second floor) to the rear. The original approval required 106 off-street parking spaces on the lot, which comply with the off-street parking requirement for the existing industrial building at 3 spaces per 1,000 square feet of gross floor area. However, the parking lot area was modified by previous tenants and now provides 83 parking spaces (see parking discussion below).

[On a separate note and as a historical point of reference, this property was previously considered (in concept only) in March 2010 by the City Council and Planning Commission for a proposed Legacy Air Aviation aircraft hangar facility with access to/from John Wayne Airport. The subject application is entirely unrelated to this previous proposal. ]

***Project Description***

Sky High Sports is a sports entertainment center including large trampolines for dodge ball games or general bouncing/jumping exercises, children's play court areas, snack bar, and party room. The center currently has three locations in northern California and one in Washington. The applicant proposes to open a center on this property with the following operating characteristics:

- Hours of operation as follows:
  - Monday through Thursday      2 p.m. to 10 p.m.
  - Friday and Saturday            11 a.m. to midnight
  - Sunday                                11 a.m. to 10 p.m.
- Maximum 12 employees in the building at one time (approximately four to six during weekdays).
- The center caters primarily to group activities with bookings through the internet. The bookings are for "jumpers" on an hourly basis and ticket sales stop at 112 per hour to avoid overcrowding on the trampolines.
- The party room/snack bar area is for the exclusive use of customers who have reserved jump time.

A conditional use permit (CUP) approval is required for the sports entertainment center.

## ANALYSIS

### ***Justification for Approval of Planning Application PA-10-12***

Staff supports approval of the application for the following reasons:

- *The proposed use would not negatively impact surrounding properties and uses.* Sky High Sports will have exclusive use of the property and all activities will occur inside the existing building. The front lobby area will facilitate group check-ins and the open floor area with 22-foot high ceilings accommodates trampoline activities. The property is not located near any residential uses and the peak times are in the evenings and on the weekends when the majority of the businesses in the area are closed. According to the applicant, the property also has more than adequate parking to support the use (see parking discussion below). If the Commission approves the use, conditions of approval (numbers 1 through 11) are included to regulate the operational characteristics to ensure minimal impact on surrounding uses.

**Condition of approval #3** requires that the operation of the site comply with the City's Noise Ordinance. Amplified sound in the form of outdoor speakers (i.e. employee speaker system or streaming music) is expressly prohibited. To the fullest extent possible, the roll-up doors located along the south side of the building shall remain closed during normal business operations when the kids' court areas, game areas, and trampoline areas are actively in use.

**Condition of approval #4** requires that the parking lot is strictly used for vehicle circulation, parking, and loading/unloading of customers. There shall be no loitering of customers or consumption of food and beverages outside of the building.

**Condition of approval #5** requires that the developer control / pick-up litter originating from the site (i.e. food and drink items from the snack bar, paper/plastic goods, tickets/tokens, toys, business brochures, party flyers) on a daily basis.

- *Proposed group entertainment use would be compatible with John Wayne Airport and existing corporate office uses.* The site is located in an industrial park zoning district characterized by light industrial and executive/corporate office uses. More importantly, this property directly abuts John Wayne Airport and is adjacent to land owned by the County of Orange and leased to Jay's Aircraft. This company provides service and repair to small aircraft, and these planes fly-in or taxi directly from the runway.

To address flight safety for these small aircrafts, **Condition of approval #11** requires that there be no flashing lights, party lights, strobe lights or any other lighting effects outside of the building. This does not include standard accent lighting or approved illuminated signage as allowed by Code.

A copy of this report is being forwarded to John Wayne Airport staff.

- Appropriate parking rate is applied based on survey of existing locations. The summary table below shows the results of Planning staff's survey. Other cities apply a parking rate of about 3 spaces per 1,000 square feet for this type of group entertainment facility. Two of the cities have confirmed that this use has been operating without any complaints related to parking. The Costa Mesa Zoning Code does not specify the parking rate for this type of use. Approximately 75% of the 40,392 square-foot building is devoted to play court and trampoline areas for group users. Staff believes that the application of a parking rate of 3 spaces per 1,000 square feet would be appropriate.

#### Summary of Existing Sky High Sports Facilities in other Cities

Year Established	Location	Building Size	Total Parking Spaces	Any Code Enforcement Complaints?
2006	Santa Clara	27,000 SF	61 (additional shared w/ center)	No
2007	Sacramento	42,000 SF	64 (additional shared w/ center)	No
2009	Concord	24,000 SF	69	Waiting for response
2010	Bellevue, WA	42,000 SF	65	Waiting for response

As mentioned in the background section of the report, the parking lot area was modified by previous tenants and now provides 83 off-street parking spaces, or 23 spaces short of the required parking for industrial uses. The applicant proposes to stripe 12 additional parking spaces for a total of 95 off-street parking spaces. However, the site would still be 11 parking spaces short of the industrial parking requirement. In order to ensure adequate on-site parking for the use and to comply with the industrial parking ratio for the property, **Condition of approval #9** is included requiring the parking to be restored to 106 spaces as originally approved.

- Applicant describes unique operating characteristics to justify parking demand. Staff believes that a parking rate of 3 spaces per 1,000 square feet can be justified due to the unique operating characteristics of the proposed use.

First, the applicant is able to limit the maximum number of ticket sales per hour to control parking demand and facility usage. The maximum ticket sale is proposed at 112 tickets per hour.

Second, the applicant indicates that the four existing locations provide approximately 62 to 75 parking spaces each for buildings that range from 24,000 square feet to 42,000 square feet and these locations have never maxed out on the available number of parking spaces. As mentioned in the background section,

the site originally provided 106 parking spaces for a 40,392 square-foot building. The applicant also states that based on past experience at the other locations, the actual parking demand is approximately one vehicle per four customers; many come in groups, children are dropped off by parents, or by bus for larger group events. The busiest (peak) times are also typically on Fridays after 6 p.m., all day Saturdays, and until 5 p.m. on Sundays.

Based on the above description and proposed operating characteristics for the site, including maximum ticket sales of 112 per hour, staff believes that 106 off-street parking spaces are adequate to support the use.

**Condition of approval #9** requires that on-site parking supply be restored to 106 total parking spaces prior to issuance of permits for any tenant improvements and/or establishment of the business.

**Condition of approval #10** requires that all parking for patrons and employees of the business shall occur on-site. Employee parking on the public streets shall be considered a violation of the terms of approval of the conditional use permit. Staff will monitor the on-site parking on a quarterly basis during the first year of operation, and reports will be provided to the Planning Commission upon anytime the Commission may call up the permit for review.

### **GENERAL PLAN CONFORMITY**

Approval of the application for a sports entertainment center would be consistent with the General Plan, which permits commercial recreational uses in the Industrial Park designation provided that they are complementary to the industrial area. Based on the operational characteristics described in the staff report, the facility will not generate significantly more vehicle trips to the site than industrial uses; traffic impact fees will be applied to mitigate a calculated increase of 158 trip ends (to and from the site) for the use which will primarily occur during evening and weekend peak times when the majority of the other businesses in the area are closed.

### **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow the use to be established as proposed, subject to conditions and Code requirements.
2. Deny the application. If Commission denies the application, the use would be prohibited on the property. Another use permitted in the MP zone may be established. A similar request may not be submitted for six months.

### **ENVIRONMENTAL DETERMINATION**

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. If the

project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

### CONCLUSION

Staff supports approval of the application based on validation of code compliance with existing businesses in other cities. Additionally, the proposed business will be subject to conditions of approval to minimize impacts to surrounding uses. Based on the project description, no parking impacts are anticipated because adequate parking will be provided on-site to accommodate the use.

- Attachments:
1. Draft Planning Commission Resolutions
  2. Applicant's Project Description and Justification
  3. Location/Aerial Photo Map
  4. Site/Floor Plan
  5. Site Photos

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

Lakeshore Enterprises  
22391 Harwich Lane  
Huntington Beach, CA 92645

Jerry Raymond  
490 Hotsprings Rd.  
Carson City, NV 89706

Kari Rigoni  
John Wayne Airport  
3160 Airway Avenue  
Costa Mesa, CA 92626

File: 071210PA1012	Date: 070110	Time: 9:00 a.m.
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ATTACHMENT 1

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-10-12**

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

WHEREAS, an application was filed by Jerry Raymond, authorized agent for property owner Lakeshore Enterprises, with respect to the real property located at 2970 Airway Avenue, requesting approval of a conditional use permit for a sports entertainment center (Sky High Sports) in the MP (Industrial Park) zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 12, 2010, with all persons provided an opportunity to speak for and against the proposed project.

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-10-12 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-10-12 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 12<sup>th</sup> day of July 2010.**

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James Righeimer, Chair  
Costa Mesa Planning Commission



## EXHIBIT "A"

**FINDINGS (for approval)**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
  2. Approval of the application for a sports entertainment center would be consistent with the General Plan, which permits commercial recreational uses in the Industrial Park designation provided that they are complementary to the industrial area. Based on the operational characteristics described in the staff report, the facility will not generate significantly more vehicle trips to the site than industrial uses; traffic impact fees will be applied to mitigate a calculated increase of 158 trip ends (to and from the site) for the use which will primarily occur during evening and weekend peak times when the majority of the other businesses in the area are closed.
  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, the site is not located near any residential uses and due to the nature of the business, the peak hours will be evenings and weekends when most other businesses in the area are closed. The business will also be subject to conditions of approval to minimize impacts to surrounding uses. Based on the project description, a parking rate of 3 spaces per 1,000 square feet is considered appropriate for the group entertainment use. The property shall provide 106 on-site parking spaces to comply with this requirement, and the actual parking demand for the use is not expected to exceed the parking supply. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance 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, as conditioned, is consistent with Article 3, Transportation System Management, of Chapter XII, Title 13, of the Costa Mesa Municipal Code in that the project's traffic impacts will be mitigated at all affected intersections.

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

- PIng.
1. The sports entertainment center shall be limited to the type of operation as described in the staff report and applicant's letters, subject to conditions. Any change in the operational characteristics including, but not limited to, the hours of operation, sale of alcoholic beverages, provision of live musical or dance entertainment, and the cap on ticket sales, shall require review by the Planning Division and may 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 properties. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
  3. The operation of the site shall comply with the City's Noise Ordinance. Amplified sound in the form of outdoor speakers (i.e. employee speaker system or streaming music) is expressly prohibited. To the fullest extent possible, the roll-up doors located along the south side of the building shall remain closed during normal business operations when the kids' court areas, game areas, and trampoline areas are actively in use.
  4. Applicant and/or business owner shall ensure that the parking lot is strictly used for vehicle circulation, parking, and loading/unloading of customers. There shall be no loitering of customers or consumption of food and beverages outside of the building.
  5. Applicant and/or business owner shall control / pick-up litter originating from the site (i.e. food and drink items from the snack bar, paper/plastic goods, tickets/tokens, toys, business brochures, party flyers) on a daily basis. Specifically, litter shall be controlled on Airway Avenue as follows: along the street frontage immediately abutting the front of the property and within 100 feet north and south of the property, as measured from the outermost corners of the property.
  6. Applicant shall not enter into any private agreement with another property owner(s) to allow shared parking or overflow parking for patrons or employees of the business, unless the appropriate zoning approval is obtained for this parking arrangement subject to the requirements of the Zoning Code.
  7. At a minimum, applicant shall contract with a 24-hour/7-days a week security company to provide private security to the premises. Documentation of an active 24-hour/7-days a week security service contract shall be provided prior to issuance of any city permit for tenant improvements, establishment of the use, and upon request by City staff during the subsequent operations of the business.
  8. The applicant shall upgrade landscaping in the Airway Avenue setback by providing new groundcover and shrubs; turf incorporated into the

landscape design shall not exceed 50 percent of the total landscaped area. A landscape and irrigation plan shall be approved by Planning staff and landscaping/irrigation shall be installed prior to issuance of a building or trade (plumbing/mechanical/electrical) permit for any tenant improvements and/or establishment of the business. This condition shall be completed under the direction of the Planning staff.

9. On-site parking supply shall be restored to 106 total parking spaces prior to issuance of permits for any tenant improvements and/or establishment of the business, under the direction of the Planning Division.
10. All parking for patrons and employees of the business shall occur on-site. Employee parking on the public streets shall be considered a violation of the terms of approval of the conditional use permit. Staff will monitor the on-site parking on a quarterly basis during the first year of operation.

If a parking shortage or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing the number of ticket sales/occupants in the building at any one time.

A quarterly report will be forwarded to the Planning Commission upon anytime the Commission may call up for review the conditional use permit.

11. There shall be no flashing lights, party lights, strobe lights or any other lighting effects outside of the building.
12. 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-10-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-10-12**

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

WHEREAS, an application was filed by Jerry Raymond, authorized agent for property owner Lakeshore Enterprises, with respect to the real property located at 2970 Airway Avenue, requesting approval of a conditional use permit for a sports entertainment center (Sky High Sports) and a minor conditional use permit for reduced parking requirement, in the MP zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 12, 2010, with all persons provided an opportunity to speak for and against the proposed project.

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-10-12 with respect to the property described above.

**PASSED AND ADOPTED this 12<sup>th</sup> day of July 2010.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (for denial)**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed use is not compatible and harmonious with uses both on site and those on surrounding properties.
  - b. 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-10-12. 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.



Dear City Of Costa Mesa Planning Department,

We at Sky High Sports are very excited to bring our unique trampoline fun center and over 40 new jobs to the Costa Mesa area. Although we have enjoyed success in Northern California, we are looking toward this store as our flagship.

Because of the uniqueness of our concept, the cities of our other locations have worked with us on our occupancy per square foot. Our normal Trampoline Occupancy is one person per trampoline.

Our Party Table area is only for the use of our booked parties. Therefore, occupancy does not increase in the building since the guests are going back and forth from the party table to the trampoline.

Having been selling out our other locations for over 2 years, our experience has taught us that we set our maximum capacity well below that of our maximum occupancy. For instance, our Sacramento facility is just over 42,000 sq ft and we stop selling tickets at 110 guests per hour.

I would like to walk through the process of our business model.

We have three distinct groups of people in our building.

**Group 1: Checking In.** Customers arrive at the building and check in one of two ways. Parties check in at the Party Check-In Counter and Individuals check in at the Lobby Counter. Both check-ins happen the same way. Their reservation is located in the computer system (96% of our bookings are done ahead of time, with most booking through the Internet), and they are then given a wristband identifying them as Jumpers for the specific hour(s). Based on our experience at our other locations, we have 1 driver per 3.8 customers. No one comes to Sky High alone, whether it's a parent bringing multiple children, a parent dropping of a child, young adults getting together or a Corporate Group on a bus, ours is a group activity.

**Group 2: Jumpers/Party Table.** Once the customers' jump/party time begins, they move to their party table and then begin jumping. Their table is reserved for them during the entire jump time, so the party areas are only available to the reserved jumpers. They use it for quick rest times or snacks/cake during their assigned party/jump time. Individuals may use the Snack Bar for the same purpose.

**Group 3: Exiting/Snack Bar.** After their jump time is up (wristband color is expired), customers can grab something to eat at the Snack Bar, or make their way out of the building.

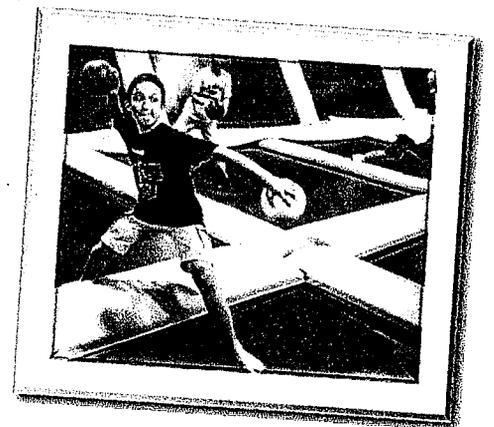
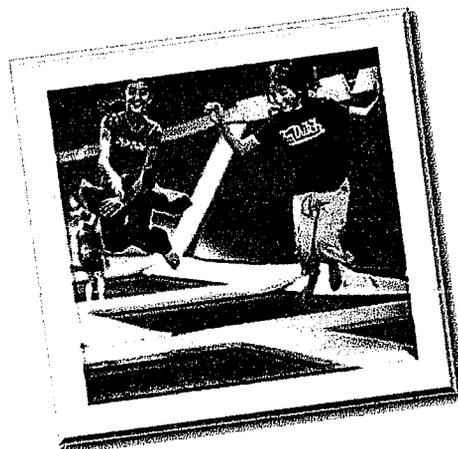
Overcrowding our trampolines is a safety issue; and safety is such a priority for us, we have implemented a computer system that does not allow the front desk to sell more trampoline tickets than our maximum has been set. Since no one wants to pay us to "hang out" (Although I would love that), our other areas are only used to serve the jumping customers.

Other cities have used business models that, while not sharing our concept, still use our methods. For instance a school has a large square footage of buildings, but limits its' capacity for the entire area based on certain rooms. Like an office relates to a conference room, our trampolines relate to the party area; the people are not in both places at once. Therefore, once we hit our capacity for trampolines, we stop selling entry tickets.

Thank you for your consideration in these matters and we look forward to being a positive force in the community for many years to come.

Sincerely,

Jerry Raymond  
Sky High Sports





**THE TRAMPOLINE PLACE**

[www.JumpSkyHigh.com](http://www.JumpSkyHigh.com)

May 18, 2010

Mel Lee  
City of Costa Mesa

Dear Mel,

Here is the information you requested regarding Sky High Sports.

Employees:

Each of our buildings employ approximately 40-50 people, with many of them part time. Daily staffing varies from 4 to 6 people at a time during the weekdays ballooning up to 10-12 people on busy weekends.

Hours:

Most school days we open at 2pm and close at 10pm. Friday and Saturday we open at 11am and close at midnight. Our busy times are normally Friday night after 6pm, Saturday all day and Sunday until about 5pm. Our weekdays and weeknights are normally slow but steady.

Occupancy and Parking:

Other cities have worked with us on our occupancy because our business type does not fit in a normal occupancy category. Our trampoline occupancy ratio has previously been counted at 1 per 120, and our building occupancies have been totaled between 249 to 296.

Our 4 other sites have between 62 and 75 parking spaces each. I have attached a parking lot count we undertook last year which shows we never maxed out our available parking spaces. This current site has more spaces than any of our other buildings and will be more than enough for our use.

Sincerely,

Jerry Raymond  
Sky High Sports

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2880 Mead Avenue, Santa Clara, California 95051

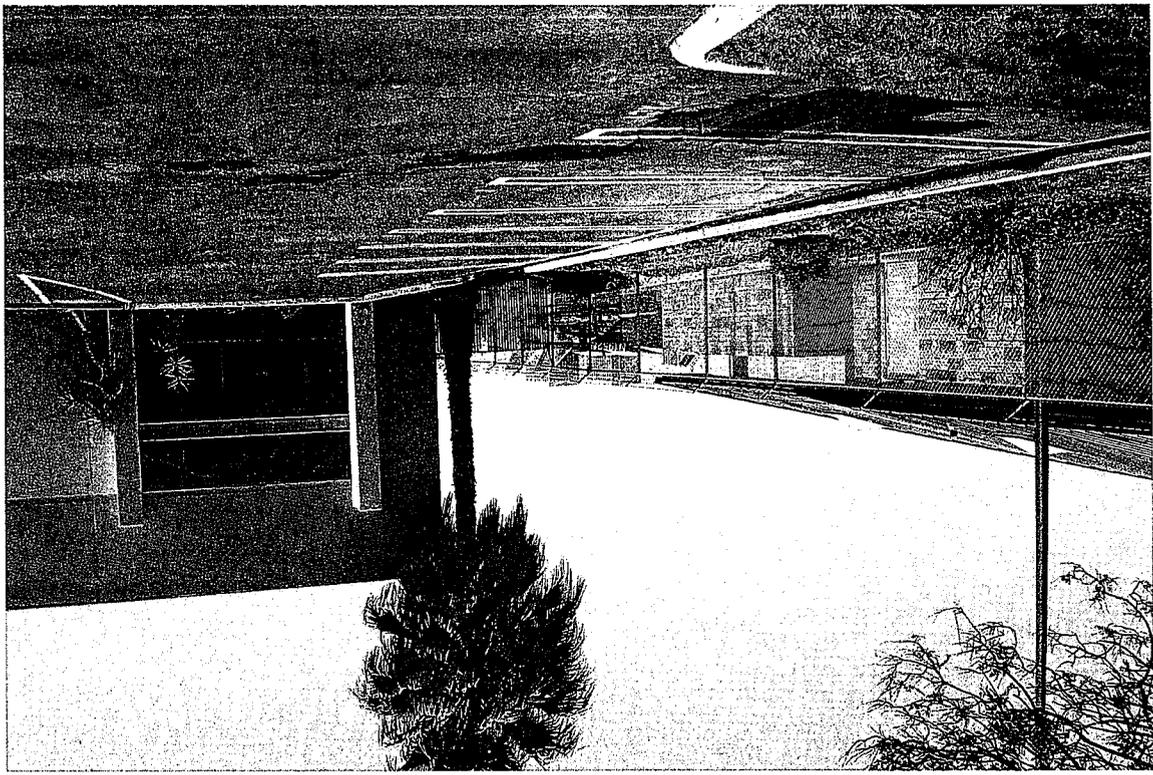
Main 408-492-1139 Fax 408-492-1052

LOCATION/AERIAL PHOTO MAP



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ATTACHMENT 5

