



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: SEPTEMBER 12, 2016

ITEM NUMBER: PH-1

**SUBJECT:** PLANNING APPLICATION PA-16-52 FOR A CONDITIONAL USE PERMIT TO ALLOW A PHYSICAL FITNESS FACILITY (UFC GYM) LOCATED AT 2860 HARBOR BOULEVARD

**DATE:** SEPTEMBER 2, 2016

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** RYAN LOOMIS, ASSOCIATE PLANNER

**FOR FURTHER INFORMATION CONTACT:** RYAN LOOMIS, AICP (714) 754-5608  
ryan.loomis@costamesaca.gov

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## **DESCRIPTION**

Planning Application PA-16-52 requests a conditional use permit for a physical fitness facility (UFC Gym) at the former Mitsubishi automotive dealership. Proposed hours of operation are 24 hours a day, seven days a week. The application also includes a request for minor conditional use permits to deviate from parking requirements, based on 920 SF of building area not used as part of the gym (157 parking spaces required; 148 parking spaces proposed), as well as to allow compact parking spaces (15 spaces permitted and proposed).

## **APPLICANT OR AUTHORIZED AGENT**

William Fancher is the authorized agent for the property owner, Borchard Harbor.

## **ENVIRONMENTAL DETERMINATION**

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

## **RECOMMENDATION**

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

**PLANNING APPLICATION DEVELOPMENT SUMMARY**

Location: 2860 Harbor Blvd. Application: PA-16-52

Request: Proposal for a new physical fitness facility, UFC Gym, operating 24 hours a day, daily.

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: <u>C1</u>	North: <u>C1, Honda dealership</u>
General Plan: <u>GC (General Commercial)</u>	South: <u>C1, Costa Mesa Nissan</u>
Lot Dimensions: <u>221 FT X 365 FT</u>	East: <u>C1, Honda dealership overflow parking</u>
Lot Area: <u>81,022 SF (1.86 AC)</u>	West: <u>(Across Harbor Blvd.) C1, commercial</u>
Existing Development: <u>15,675 SF car dealership (vacant)</u>	

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
<b>Lot Size:</b>		
Lot Width	120 FT	221 FT
Lot Area	12,000 SF	81,022 SF (1.86 AC)
<b>Floor Area Ratio:</b>		
Moderate Traffic FAR	.30 (24,307 SF)	.19 (15,675 SF)
<b>Building Height:</b>		
	2 Stories/30 FT	1 Stories/22 FT
Interior landscaping	25 SF per parking space (3,700 SF)	4,452 SF
<b>Setbacks (Buildings):</b>		
Front (Harbor Blvd.)	20 FT	44 FT
Side (left/right)	15 FT/0 FT	26 FT/43 FT
Rear	44 FT	107 FT
<b>Setbacks (Landscaping):</b>		
Front (Harbor Blvd.)	20 FT	20 FT
<b>Parking</b>		
TOTAL	148 Spaces	148 Spaces
CEQA Status	Exempt, Class 01 (Existing Facilities)	
Final Action	Planning Commission	

## **BACKGROUND**

### ***Project Site/Environs***

The site is located on the east side of Harbor Boulevard, between Adams Avenue (to the south) and Village Way (to the north). The site has a zoning designation of C1 (Local Business District) and a General Plan land use designation of General Commercial (GC). Properties abutting the project site include C1 zone and General Commercial (GC) General Plan land use designation to the north, south, east, and west. Although not abutting the property, PDR-HD zoned property lies approximately 60 feet (to the northeast) beyond the rear property line.

The site currently contains a one-story, 15,675 square-foot building and surface level parking. The site was originally constructed as a Honda dealership in the 1970's, but was remodeled and became a Mitsubishi automobile dealership in the mid-1990's. The site is bounded by an automobile dealership (Honda) to the north; an automobile dealership to the south (Costa Mesa Nissan); overflow parking owned by the Honda dealership to the east; and a former automobile repair shop to the west across Harbor Boulevard (Carsmetics). As mentioned above, the property does not abut residentially zoned property; however, the Camden Martinique Apartments (PDR-HD zone) property is located approximately 60 feet to the northeast of the project site rear property line; the UFC building is located 107 feet from the rear property line. Recent measurements by the applicant indicate the total distance between the proposed gym building and the nearest residential building to be approximately 228 feet apart.

### ***Prior Land Use Approvals***

Planning Application PA-95-48

On September 25, 1995 Planning Commission approved Conditional Use Permit PA-95-48 to establish an automobile dealership (Mitsubishi), with a Variance from front landscape setback requirements (20 feet required, 10 feet proposed).

## **ANALYSIS**

The applicant is requesting a conditional use permit to allow a physical fitness facility, UFC Gym, to locate on the old Mitsubishi dealership property at 2860 Harbor Boulevard. The gym offers classes and weight training. The proposed hours of operation are 24 hours a day, seven days a week, to accommodate all customers.

### ***Building Summary, Site Area and Landscaping***

The proposed UFC Gym will utilize the existing building once used for the Mitsubishi dealership. The existing building includes a fully enclosed area (previously used for the dealership showroom and offices), as well as a partially enclosed (partial roof) area at the rear portion of the building, which was previously used as the automobile service area. The new UFC Gym proposes to use 14,755 square feet of the existing building area for a main gym area, kid's gym, partially enclosed outdoor workout area, bathroom/showers, and mezzanine area. A building summary is provided below:

**Table 1. Building Summary**

<b>Building Area</b>	<b>SF</b>
Building Area (Includes outdoor covered area)	15,180 SF
Mezzanine	495 SF
<b>Total Building Area w/Mezzanine</b>	<b>15,675 SF</b>
Indoor Area Not Used by UFC	160 SF
Partially Enclosed Area Not Used by UFC	760 SF
<b>Total Building Area Used by UFC Gym</b>	<b>14,755 SF</b>

The property currently has two 25-foot driveways off Harbor Boulevard that will be retained. A parking lot surrounds the existing building along the north, east, and south portions of the building. New parking spaces are proposed adjacent to the north and south entrances to the building. New landscaping will be provided within the 20-foot front setback and throughout the parking lot.

*Floor Area Ratio*

The proposed UFC Gym does not propose any new additions to the existing building. The physical fitness facility use is considered a moderate traffic generating use; this would allow for a maximum 0.30 FAR. The total site area is 81,022 square feet, and the existing building area is 15,675 square feet. The existing building creates a 0.19 FAR, which is below the maximum allowable FAR. As such, the proposed use meets the FAR requirements.

*Parking*

As discussed above, the site includes a parking lot that surrounds the existing building with new parking spaces along the north and south entrances to the building. A total of 148 parking spaces are proposed, including 127 standard stalls, 15 compact stalls (requires approval of a Minor Conditional Permit), and 6 handicap spaces. The project site requires 157 parking spaces based on the required parking ratio for a physical fitness facility within a 15,675 square-foot building; however, the project requests a minor conditional use permit for reduction in parking requirements. The UFC Gym intends to utilize only 14,755 square feet of building area, which would reduce parking demand to 148 spaces. The project also requests a minor conditional use permit to allow a maximum 10% of parking for small car parking (i.e. 15 compact spaces). A condition of approval is included that requires the business operator to institute appropriate operational measures necessary to eliminate a parking problem, including, but not limited to, providing valet service or shared parking agreement with adjacent property (subject to prior approval of a conditional use permit) when parking shortages or other parking-related problems arise. Also, a condition of approval requires the existing access gates near the rear parking lot to be closed during the less busy late night hours to prohibit parking along the rear portion of the site.

*Noise*

The proposed UFC Gym site is a commercially zoned property. (C1 zone). The existing building is oriented toward Harbor Boulevard; however, the partially enclosed workout area

is located along the rear portion of the building. The property does not abut residentially zoned property; however, residentially zoned property (Camden Martinique Apartments) is located approximately 60 feet to the northeast. The applicant measured the total distance between the commercial building and the nearest residential structure; they are approximately 228 feet apart. During the daytime hours, noise impacts as a result of the UFC Gym are not anticipated due to normal business operations of nearby commercial properties and traffic along Harbor Boulevard; however, noise impacts associated with the UFC Gym, such as dropping weights, exercise equipment, yelling, and loud music, could potentially occur during late night hours and affect nearby residential properties. Conditions of approval require the UFC Gym to install thick rubber type flooring for the weight room, and that the weights be rubber coated to reduce any clanging noise. Further, any amplified music sound system will be required to be reduced within the enclosed gym, and completely turned off within partially enclosed area. In addition, late night patrons will be required to park within the parking spaces closest to Harbor Boulevard, and the existing gate along rear parking lot is to remain locked between 11PM and 6AM.

### ***Staff Justifications for Approval***

Staff supports the above requests based on the following:

- *The proposed use, as conditioned, is compatible with the uses in the surrounding area.* The proposed physical fitness facility will be located along Harbor Boulevard near other commercial uses, including automobile dealerships and various retail uses. The General Plan designation for the project site is General Commercial and the zone is C1 (Local Business District), which allows for physical fitness facilities through approval of a conditional use permit. As such, the proposed gym is not considered a use that will increase density or intensity allowed per the General Plan designation and zoning. The project site does not abut residentially zoned property, however properties within the Planned Development Residential-High Density (PDR-HD) zone are located approximately 60 feet beyond the rear property line. The proposed use will be within a building that is set back 107 feet from rear property line, and approximately 228 to the nearest residential structure. Conditions of approval require the use to be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood (Condition #4). In addition, this conditional use permit does not authorize live entertainment or special events, such as exhibitions and tournaments, to be conducted on the premises unless approval of proper permits (Condition #5, #6).

**CONDITION #4:** The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement. Operational measures to reduce noise impacts shall include the following:

- a. The business shall utilize thick rubber type flooring mats in the weight room, and rubber coated weights to reduce any clanging noise.
- b. The rear parking area shall be locked and not used between the hours of 11PM to 6AM.

- c. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
- d. All amplified music and sound systems shall be completely turned off within partially enclosed weight room, and reduced to low decibel levels within enclosed building between the hours of 11PM to 6AM.

**CONDITION #5:** This Conditional Use Permit does not include the allowance for live entertainment. Live entertainment may only be permitted subject to approval of a Conditional Use Permit City and issuance of a “public entertainment permit”. Contact Planning and Code Enforcement for application information.

**CONDITION #6:** This Conditional Use Permit does not include the allowance for special events including, but not limited to, boxing matches, tournaments, or exhibitions that are open to off-premise visitors and/or non-members. All special events shall be reviewed by Planning Division for approval prior to the event, and may require a “Special Event Permit” from the Finance Department prior to the event.

- The Police Department does not have any objection to the use. The Police Department has reviewed the proposed use and has no objections to the approval of the application. As of the date of this report, the City has not received any complaints from the public regarding the proposed use.
- No adverse parking impacts are anticipated. City Code requires that physical fitness facilities be parked at a rate of 10 spaces per 1,000 square feet. The existing building is 15,675 square feet, which would normally require 157 parking spaces for a physical fitness facility. The UFC Gym, however, proposes to utilize only 14,755 square feet of floor area, which includes approximately 12,000 square feet of main gym area and remaining areas for ancillary uses, such as offices, bathrooms, storage, and electrical room; approximately 920 SF of building area will not be used by the gym. The 148 parking spaces proposed for the gym has been determined to be an adequate amount of parking. The property is surrounded by commercial uses, and there are no easily accessible streets into residential neighborhoods within walking distance of the gym; therefore, overflow parking into residential neighborhoods should not be an issue.

The 148 parking spaces proposed includes 127 standard stalls, 6 handicapped stalls, and 15 compact stalls. The 15 compact stalls provided on the property equates to 10% of total parking spaces provided on site. These compact parking spaces will help provide additional parking supply. The compact stalls will be marked “Compact” and be located only within the rear portion of the parking lot; the high demand and more widely used spaces near the gym’s entrances will be of standard size. It is anticipated that the request for reduction in parking requirements, and the allowance for compact parking spaces will have no effect on neighboring properties in the same general area, or be detrimental to the health, safety, and welfare of surrounding neighborhood. Conditions of approval require

UFC Gym to institute whatever operational measures are necessary to minimize or eliminate any future parking problem.

**CONDITION #9:** If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, providing free on-site valet service, and/or acquisition of off-site parking area through a shared parking agreement.

### **GENERAL PLAN CONFORMANCE**

The proposed physical fitness facility is permitted in the C1 zone, subject to approval of a conditional use permit. Subject to conditions, the proposed use is in conformance with the 2015-2035 General Plan. Specifically, the project complies with the following Land Use Objectives:

LU-1.1 Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.

The proposed use will provide for a new business in Costa Mesa, providing new employment opportunities in the community.

### **ENVIRONMENTAL DETERMINATION**

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

### **LEGAL REVIEW**

The draft resolutions have been reviewed and approved as to form by the City Attorney's Office.

### **PUBLIC NOTICE**

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. Mailed notice. A public notice was mailed to all property owners within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map.)
2. On-site posting. A public notice was posted on each street frontage of the project site.
3. Newspaper publication. A public notice was published once in the Daily Pilot newspaper.

As of September 2, 2016, no communications have been received regarding this proposal. Any public comments received prior to the September 12, 2016 Planning Commission will be provided in a supplemental memo.

## ALTERNATIVES

Resolution of approval or denial are attached. The denial of the request to operate a 24-hour physical fitness facility (UFC Gym) includes denial findings by the Planning Commission, as expressed at the public hearing.

## CONCLUSION

The proposed project requests a conditional use permit for a physical fitness facility as well as a minor conditional use permit to allow for a reduction in parking requirements, as well as to allow compact parking spaces (15 spaces permitted and proposed). The use as proposed, with the recommended conditions of approval, will be consistent with City's Zoning Code and General Plan, and has been determined will minimize any adverse impacts to the surrounding properties.



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RYAN LOOMIS, AICP  
Associate Planner



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GARY ARMSTRONG, AICP  
Economic Development & Development  
Services Director/ Deputy CEO

Attachments:

1. Vicinity Map, Zoning Map, 500' Radius Map
2. Existing Color Site Photos
3. Applicant's Project Description
4. Draft Planning Commission Resolution
5. Plans

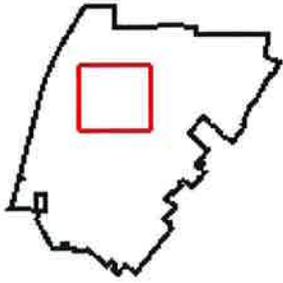
Distribution:

- Director of Economic & Development / Deputy CEO
- Sr. Deputy City Attorney
- Public Services Director
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- File (2)

Authorized Agent: William Fancher  
3195 Haiti Circle  
Costa Mesa, CA 92626

Property Owner: Borchard Harbor LP  
21916 Japutal Lane  
Alpine, CA 91901

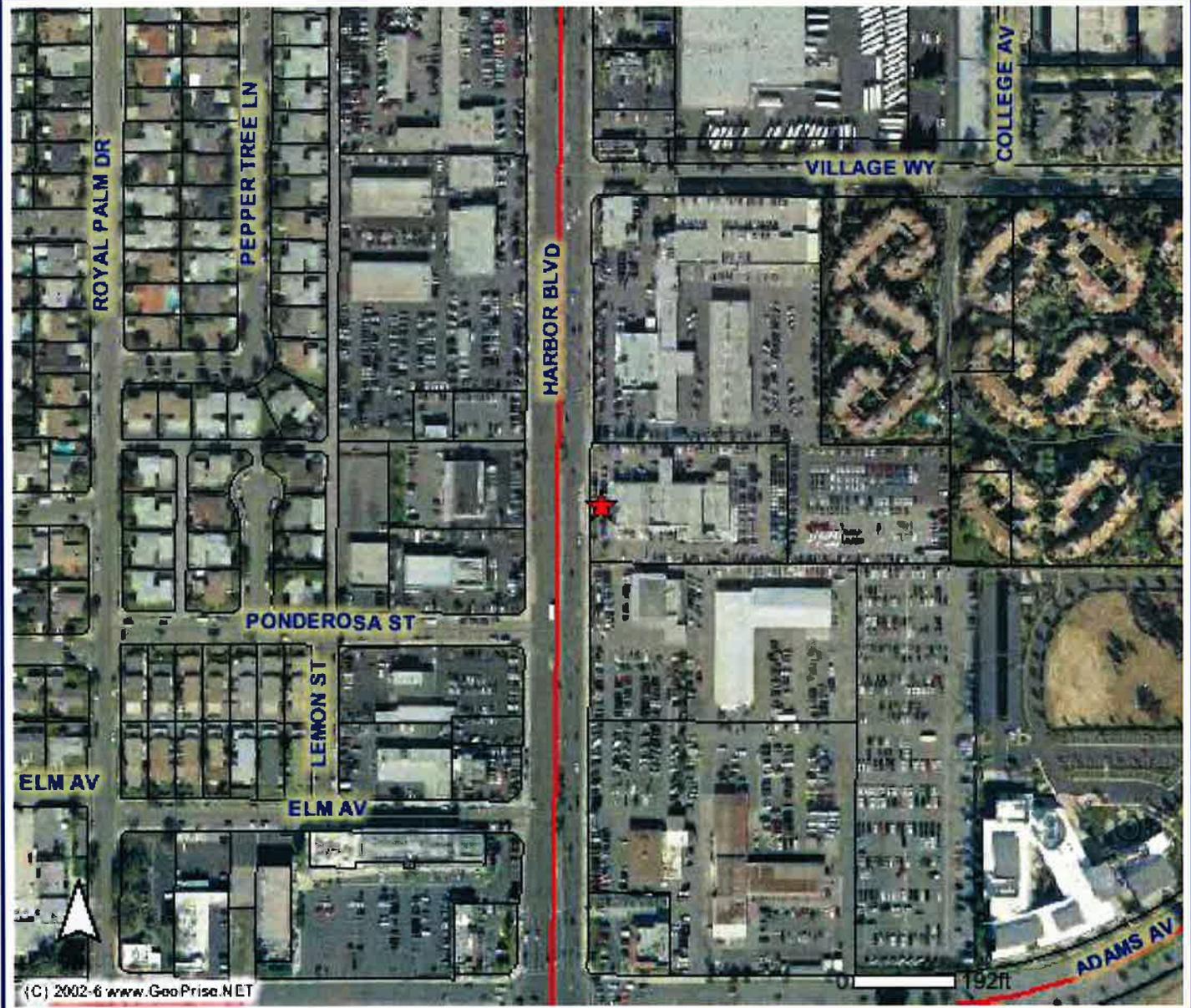
**Overview Map**



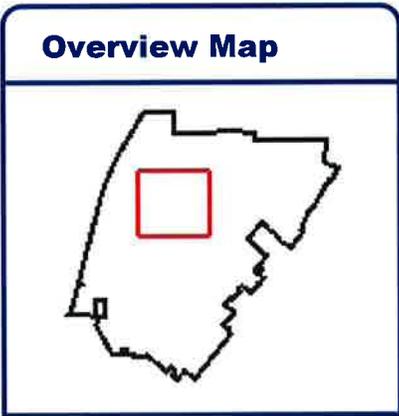
**Legend**

- |                |                          |                    |                              |
|----------------|--------------------------|--------------------|------------------------------|
| Address Points | Roads                    | Major Newport BLVD | SECONDARY Hydrology Channels |
| Freeway        | Collector Freeway (cont) | Primary (cont)     |                              |

**Map Display**



(C) 2002-6 www.GeoPrise.NET

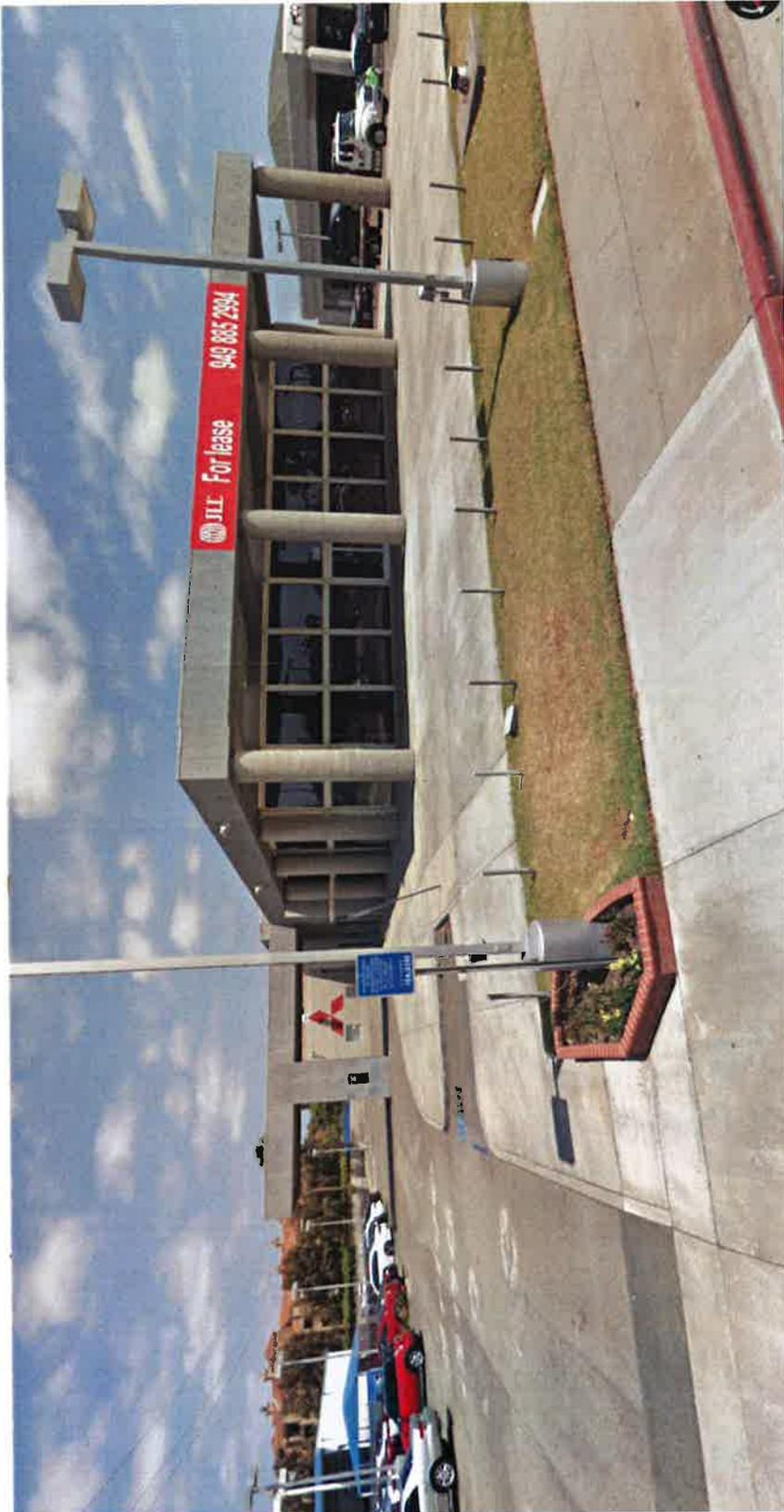


### Legend

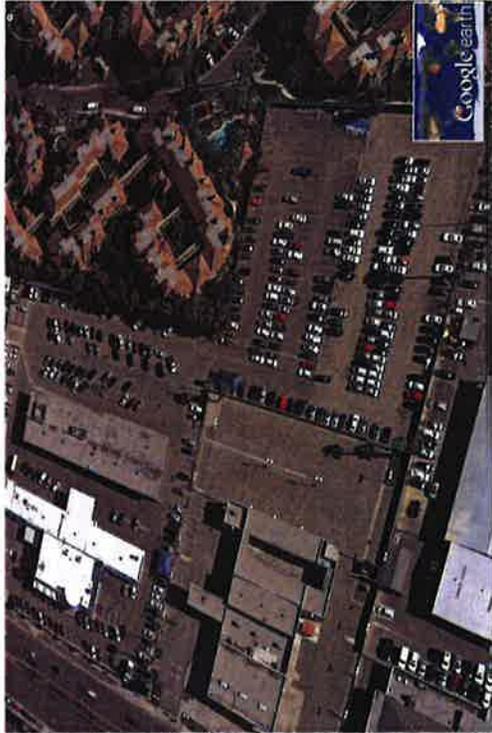
Address Points	Newport BLVD	Parcel Lines	C1-S
Freeway	Primary	City Boundary	C2
Roads	SECONDARY	Water Ways	CL
Collector Freeway	Channels	Zoning	I&R
Major (cont)	Street Names	AP	I&R-S
	Street Centerlines	C1 (cont)	MG
			MP
			P
			PDC (cont)











## **Statement of Operation**

Our proposal is to convert the Mitsubishi Car Dealership located at 2860 Harbor Blvd. to a UFC Gym health club. This gym is going to be a high end club that offers classes, weight training, and all the best machines the industry has to offer. We plan to remodel the building and make it an attractive top tier health club that will be a benefit to Harbor Blvd and also benefit the surrounding businesses. Currently this part of Harbor is dominated by car dealerships and we believe that our proposal will bring additional diversified foot traffic that will add exposure to the car dealerships that they aren't getting currently. I know from experience, because I live in the area, that when driving down this part of Harbor there is little to catch ones eye or delay someone long enough to see the new cars. Unless you're actually looking for a car one tends to just move through this area. The health club will cause additional foot traffic that will have the chance to see the cars and possibly create more of a shopping opportunity. As a resident of this area I know a really nice health club is not available unless we drive to Fountain Valley or Huntington Beach.

Our proposal will have access from two drives to our building off Harbor and adequate parking. The gym is also buffered on all four sides by commercially zoned parcels and does not directly abut residential zoned property. We are proposing 24 hour operation to accommodate customers that work a shift schedules and those who come in early and workout then get ready and commute to their jobs. We have commuters that come in as early as four AM to work out and then start their morning drive. We also have a large number of law enforcement officers that also work shifts and are a big part of our customer base. Our proposal will be completely enclosed inside the perimeter of our building. We have an abundance of parking so there will have no delay with traffic exiting Harbor Blvd. and should not have any backup on to the main thoroughfare.

A health club is a permitted use via a Conditional Use Permit and in this case we meet all the requirements to approve such a use. We do not abut R-zoned property. Our operations are completely enclosed inside our building. We have more than enough parking and we meet all the development standards set by the city of Costa Mesa.

## LOOMIS, RYAN

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**From:** William Fancher <bill@fancherdevelopment.com>  
**Sent:** Monday, August 22, 2016 5:47 PM  
**To:** LOOMIS, RYAN  
**Subject:** RE: 2890 Harbor Blvd - UFC Gym \ Mitsubishi Dealership - COMPLETE LETTER  
**Attachments:** DSC02330.jpg; DSC02331.jpg; DSC02336.jpg; GoogleEarth\_Image.jpg

Ryan

Just for a little clarification I went by the site with my laser range finder. I held it on the corner of our building and shot the closest portion of the nearest residential structure to our proposed project. It is 76 yards or 228 feet. In addition, for the sound to get out it will have to clear our exterior wall which is a 12' high concrete block wall. There are two parking lots and a zone wall as well as a significant amount of thick and tall landscape between us and them. We still intend to address the potential for noise with all of the items that I mentioned before as well as other things we can do. The most significant being that our sound system will be tied to our energy management system and will automatically be turned down at the appropriate hour. As mentioned before we will install thick rubber type floor mats where the weights will be and we will use rubber coated weights to reduce the clanging noise. We will also install signage that reminds our members that they can be heard at a distance and to be a good neighbor. And of course we will instruct our staff to be aware of the potential for noise and to take action to avoid any activity that can cause an inconvenience to our neighbors. We will also make available to anyone who would like the phone numbers of our management staff to address any issues.

As far as cars parking near the residential area we have an easy solution to solve any potential problem. The back portion of our parking area is gated and can be closed off after hours. This still leaves close to 100 parks that are available while restricting the parking places that have potential for conflict. It should also be mentioned that during our late and early morning hours we only have between 4 -10 members in the club at any one time. Even if we have a maximum of 10 members at a certain hour not all of them would be using free weights at the same time. So the number of people in the free weight area at these hours may be at most 4 members. Please review the attached photos and see that potential for conflict with the nearest neighbors is minimal due to the distance alone. The landscape and other hardscape elements also reduce potential conflict. I've been doing CUP's since the mid 1980's and I have never had one that had a buffer of this magnitude between the use and residential property. Our parcel does not abut residential property and has a buffer of not one but 2 parking lots before a significant landscape buffer and the structure that is closest is actually a wall for an enclosed patio.

So what I'm saying is I disagree that a condition that requires us to close the weight area after hours is necessary. I would agree if it were 60' but 228' to the unused portion of the building or 258' from the hole in the roof to the apartment building structure and the fact it's built with concrete block and is more than 12' high is a fairly significant buffer. Look this over and let's discuss at your convenience. I do appreciate you giving me a heads up with regard to this condition.

Bill F  
(714) 323-3311

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Fax (714) 258-2401  
Office (714) 258-1808  
[bill@fancherdevelopment.com](mailto:bill@fancherdevelopment.com)

# ATTACHMENT 4

## RESOLUTION NO. PC-16-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-16-52 LOCATED AT 2860 HARBOR BOULEVARD

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

WHEREAS, an application was filed by William Fancher, authorized agent on behalf of the property owner, Borchard Harbor LP, requesting approval of a conditional use for a physical fitness facility (UFC Gym) to operate 24 hours a day, seven days a week; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 12, 2016 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-16-52 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-16-52 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and 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 12th day of September, 2016.**

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Robert L. Dickson Jr., Chair  
Costa Mesa Planning Commission



## EXHIBIT "A"

### FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

**Finding:** The proposed use is compatible and harmonious with uses on surrounding properties.

**Facts in Support of Finding:** The proposed physical fitness facility will be located along Harbor Boulevard near other commercial uses, including automobile dealerships and various retail uses. The project site does not abut residentially zoned property, however properties within the PDR-HD zone are located approximately 60 feet beyond the rear property line. The proposed use will be within a building that is set back 107 feet from rear property line. The closest residential building is approximately 228 feet away from the proposed gym building. Conditions of approval require the use to be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

**Finding:** Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.

**Facts in Support of Finding:** The UFC Gym requires 148 parking spaces. The project site proposes 148 parking spaces, including 127 standard stalls, 6 handicapped stalls, and 15 compact stalls. The 15 compact stalls provided on the property equates to the maximum 10% allowed on site. These compact parking spaces will help provide required parking supply. The compact stalls will be marked "Compact" and be located only within the rear portion of the parking lot; the high demand and more widely used spaces near the gym's entrances will be of standard size. It is anticipated that the allowance for compact parking spaces will have no effect on neighboring properties in the same general area, or be detrimental to the health, safety, and welfare of surrounding neighborhood. Also, the allowance for compact parking spaces helps provided required parking supply, and thus meets the parking requirements of the Zoning Code. Landscaping will be provided along the front setback area of the site and throughout the parking lot. In regards to safety lighting, the parking lot provides lighting, and code requires all exterior lighting to be shielded and/or directed away from residential areas.

**Finding:** The project, as conditioned, is consistent with the General Plan.

**Facts in Support of Finding:** The proposed use is consistent with Land Use Objective LU-1.1, which states "provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community." The proposed use will provide new business opportunity to the neighborhood that is compatible with the C1

zone of the property.

**Finding:** The planning application is for a project-specific case and does not establish a precedent for future development.

**Facts in Support of Finding:** Approval will apply to this project-specific location. Conditions have been included that are specific to the proposed project.

- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

**Finding:** The proposed use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

**Facts in Support of Finding:** The proposed physical fitness facility will be located along Harbor Boulevard near other commercial uses, including automobile dealerships and various retail uses. The General Plan designation for the project site is General Commercial and the zone is C1 (Local Business District), which allows for physical fitness facilities through approval of a conditional use permit. The proposed gym is not considered a use that will increase density or intensity allowed per the General Plan designation and zoning. The project site does not abut residentially zoned property, however properties within the PDR-HD zone are located approximately 60 feet beyond the rear property line. The proposed use will be within a building that is set back 107 feet from rear property line. Measurements provided by the applicant show the closest residential building is approximately 228 feet from the proposed gym building. Conditions of approval require the use to be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

The request for 10% of total parking spaces (15 spaces) for small car parking (compact spaces) will not be detrimental to other properties within the area. These compact parking spaces are entirely within the project's property and will help provide required parking. The compact stalls will be marked "Compact" and be located only within the rear portion of the parking lot; the high demand and more widely used spaces near the gym's entrances will be of standard size.

The request for reduction in parking requirements will not be detrimental to other properties within the area. The UFC Gym proposes to utilize only 14,755 square feet of floor area, including approximately 12,000 square feet of main gym area and remaining areas for ancillary uses, such as offices, bathrooms, storage, and electrical room; approximately 920 SF of building area will not be used by the gym. The 148 parking spaces proposed for the gym has been determined to be an adequate amount of parking. Conditions of approval require operator to institute whatever operational measures are necessary to minimize or eliminate a parking problem if one were to arise onsite.

**Finding:** Granting the conditional use permit and minor conditional use permits will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

**Facts in Support of Finding:** Potential noise and parking impacts have been considered. Conditions of approval will require rubberized floors and weights, as well as closed off rear parking during late night hours. Therefore, the project will not have a negative impact on the surrounding neighborhood.

The request for 10% of total parking spaces (15 spaces) for small car parking (compact spaces), will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. These compact parking spaces are entirely within the project's property and will help provide required parking. The compact stalls will be marked "Compact" and be located only within the rear portion of the parking lot; the high demand and more widely used spaces near the gym's entrances will be of standard size.

The request for reduction in parking requirements will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. The 148 parking spaces proposed for the gym has been determined to be an adequate amount of parking. The property is surrounded by commercial uses, and there are no easily accessible streets into residential neighborhoods within walking distance of the gym; therefore, overflow parking into residential neighborhoods should not be an issue. Conditions of approval require operator to institute whatever operational measures are necessary to minimize or eliminate a parking problem if one were to arise onsite.

**Finding:** Granting the conditional use permit and minor conditional use permits will not allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

**Facts in Support of Finding:** The proposed project does not include any change in density or intensity at the subject property. The proposed physical fitness facility use is not considered a use that will increase density or intensity allowed per the General Plan designation. The General Plan designation for retail is General Commercial, which allows for retail uses. The gym is located near other commercial uses including automobile dealerships and other retail uses located along Harbor Boulevard.

Granting the request for 10% of total parking spaces (15 spaces) for small car parking (compact spaces), will not allow a use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The compact parking spaces are entirely within the project's property and will help provide required parking.

Granting the request for reduction in parking requirements will not allow a

use, density, or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The 148 parking spaces proposed for the gym has been determined to be an adequate amount of parking. The UFC Gym proposes to utilize only 14,755 square feet of floor area, including approximately 12,000 square feet of main gym area and remaining areas for ancillary uses, such as offices, bathrooms, storage, and electrical room; approximately 920 SF of building area will not be used by the gym. Conditions of approval require operator to institute whatever operational measures are necessary to minimize or eliminate a parking problem if one were to arise onsite.

- C. The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 12, Transportation Demand Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL

- P1ng.
1. The use shall be limited to the type of operation described in this staff report, which includes a physical fitness facility (UFC Gym) with hours of 24 hour/7 days a week operating hours. Any change in the operational characteristics including, but not limited to, outdoor training, live entertainment, shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
  2. The conditions of approval and ordinance or code provisions of planning application PA-16-52 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  3. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
  4. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement. Operational measures to reduce noise impacts shall include the following:
    - a. The business shall utilize thick rubber type flooring for the weight room, and rubber coated weights to reduce the clanging noise.
    - b. Access to the rear parking area shall be locked and not accessible between the hours of 11PM to 6AM.
    - c. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
    - d. All amplified music and sound systems shall be completely turned off within partially enclosed weight room, and reduced to low decibel levels within enclosed building between the hours of 11PM to 6AM.
  5. This Conditional Use Permit does not include the allowance for live entertainment. Live entertainment may only be permitted subject to approval of an amendment to the conditional use permit, subject to Planning Commission approval, as well as issuance of a "public entertainment permit". Contact Planning and Code Enforcement for application information.
  6. This Conditional Use Permit does not include the allowance for special events including, but not limited to, boxing matches, tournaments or exhibitions that are open to off-premise visitors and/or non-members. All special events shall be reviewed by Planning Division for approval prior to the event, and may require a "Special Event Permit" from the Finance Department prior to the event.
  7. The parking area shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot.

8. Enhanced landscaping is required within the front setback and within parking lot under the direction of Planning Staff.
9. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, providing free on-site valet service, and/or acquisition of off-site parking area through a shared parking agreement.
10. Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
11. 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.

### **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.

- PIng.
1. All exterior lighting shall be shielded and/or directed away from residential areas.
  2. Any outdoor public communication systems shall not be audible in adjacent residential areas.
  3. Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.
  4. Truck deliveries shall not occur anytime between 8:00 p.m. and 7:00 a.m.
  5. All work shall be conducted under-roof. Outdoor work or display is prohibited.
  6. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
  7. Outdoor storage, if permitted, shall comply with the provisions of Costa Mesa Municipal Code Section 13-44/13-53.
  8. Parking stalls shall be double-striped in accordance with City standards. Driveway ramp slope shall comply with the standards contained in the City's parking ordinance.

9. All compact parking spaces shall be clearly marked "compact" or "small car only".
10. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
11. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
12. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
13. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing. Installation of a 6' high solid opaque wall or fence shall be required under the direction of the Planning Division.
- Bldg. 14. Comply with the requirements of the following adopted codes Code, 2013 California Building Code, 2013 California Electrical code, 2013 California Mechanical code , 2013 California Plumbing code , 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Residential Code, California Building code California Electrical code, California Mechanical code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
15. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2013 California Building Code.
  - 1-Accessibility shall be to and through the front door and to the commercial space from the public sidewalk.
  - 2-Accessible restrooms/bathrooms in the commercial space.
  - 3-Accessible parking.
  - 4-Accessible entry door, ramps, landings, sidewalks, hallways, strike edge clearances and elevation changes.
16. Prior to issuing the Building permit the conditions of approval shall be required to be incorporated on the approved Architectural plans.
17. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately.

## SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- |        |    |  |
|--------|----|--|
| Sani   | 1. | It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements.  |
| AQMD   | 2. | Prior to demolition contact South Coast Air Quality Management District located at:<br>21865 Copley Dr.<br>Diamond Bar, CA 91765-4178<br>Tel: 909- 396-2000  |
| County | 3. | Provide a plan to the County of Orange Health Dept. for review and approval.   |
| Water  | 4. | Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District. |

**RESOLUTION NO. PC-16-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING CONDITIONAL USE PERMIT PA-16-52 LOCATED AT 2860 HARBOR BOULEVARD**

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

WHEREAS, an application was filed by William Fancher, authorized agent on behalf of the property owner, Borchard Harbor LP, requesting approval of a conditional use for a physical fitness facility (UFC Gym) to operate 24 hours a day, seven days a week; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 12, 2016 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** PA-16-52 with respect to the property described above.

**PASSED AND ADOPTED this 12th day of September, 2016.**

---

Robert L. Dickson Jr., Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS (DENIAL)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
  - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
  - 2. The proposed use is not consistent with the General Plan or Redevelopment Plan.
  
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit amendment in that the proposed use is not compatible with developments in the same general area. Granting the request will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.
  
- C. The Costa Mesa Planning Commission has denied Planning Application PA-16-52. 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.
  
- D. The project is denied, therefore Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code does not apply.

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**UFC GYM**  
2860 HARBOR BLVD.  
COSTA MESA, CA

SUBMITTAL DATES:

DESCRIPTION	DATE
CUP SUBMITTAL	6.25.16
CLP SUBMITTAL	8.03.16

REVISION DATES:

NO.	DESCRIPTION	DATE

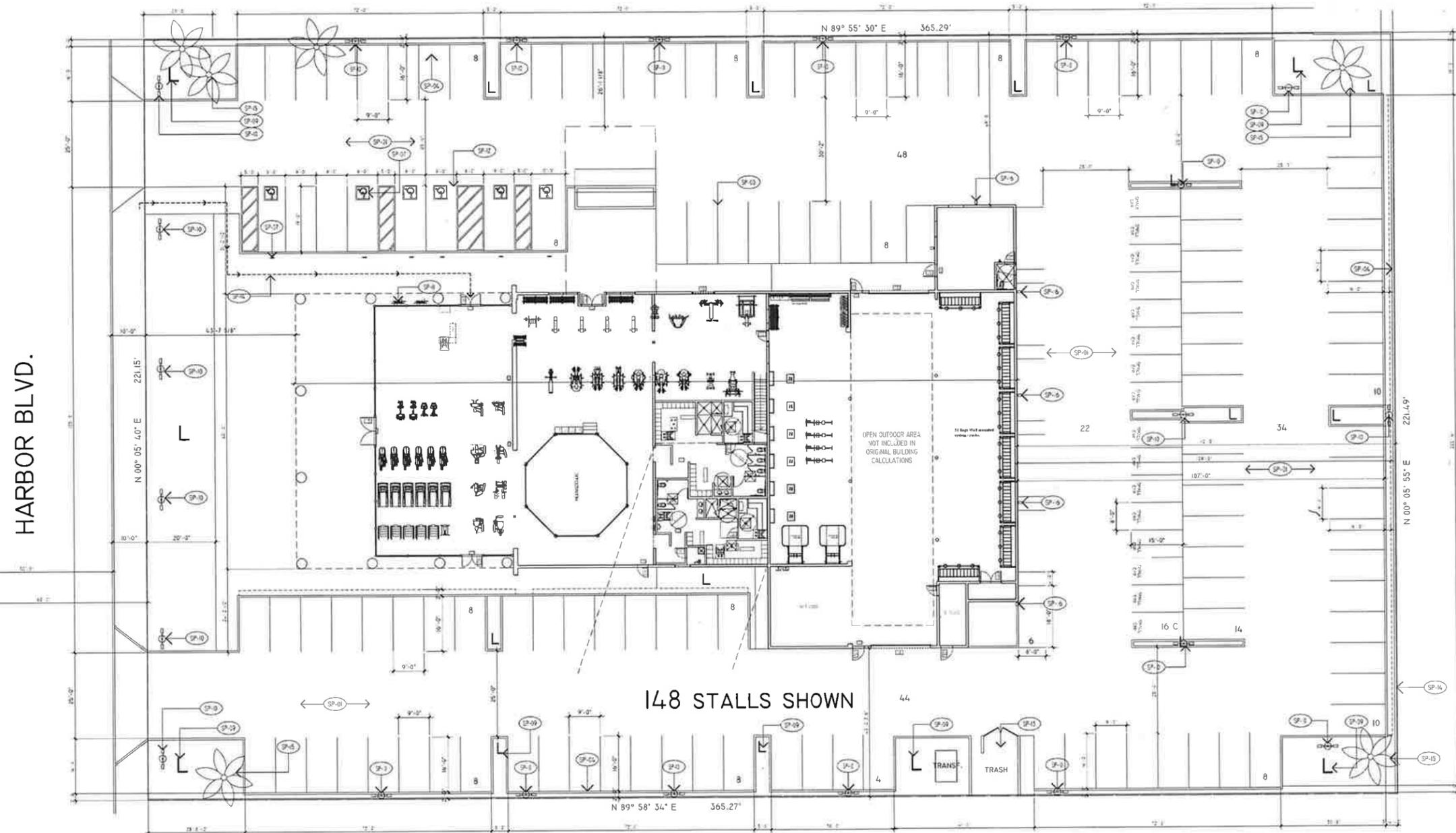


PROJECT NUMBER:  
TRA JOB NO. 16068

TITLE:  
PROPOSED SITE PLAN  
AND GENERAL SITE NOTES

SHEET NUMBER:

CUP-1



**SITE**

SITE AREA	81,022 SF
-----------	-----------

**BUILDING SUMMARY**

TOTAL EXISTING BUILDING AREA (INCLUDES OUTDOOR COVERED AREA)	15,180 SF
MEZZANINE	495 SF
TOTAL EXISTING BUILDING AREA WITH MEZZANINE	15,675 SF
INDOOR AREA NOT USED BY UFC	160 SF
OUTDOOR AREA NOT USED BY UFC	760 SF
TOTAL BUILDING AREA BEING USED	14,755 SF

**FAR**

MAXIMUM FAR ALLOWED	= 0.30 FAR (81,022 SF X 0.30 = 24,307 SF MAX BUILDING)
PROPOSED FAR	= 0.18 FAR (14,755 SF / 81,022 SF)
EXISTING FAR	= 0.19 FAR (15,675 SF / 81,022 SF)

**TOTAL PARKING PROVIDED**

126 STANDARD STALLS
6 ADA STALLS
16 COMPACT STALLS
148 TOTAL SPACES PROVIDED

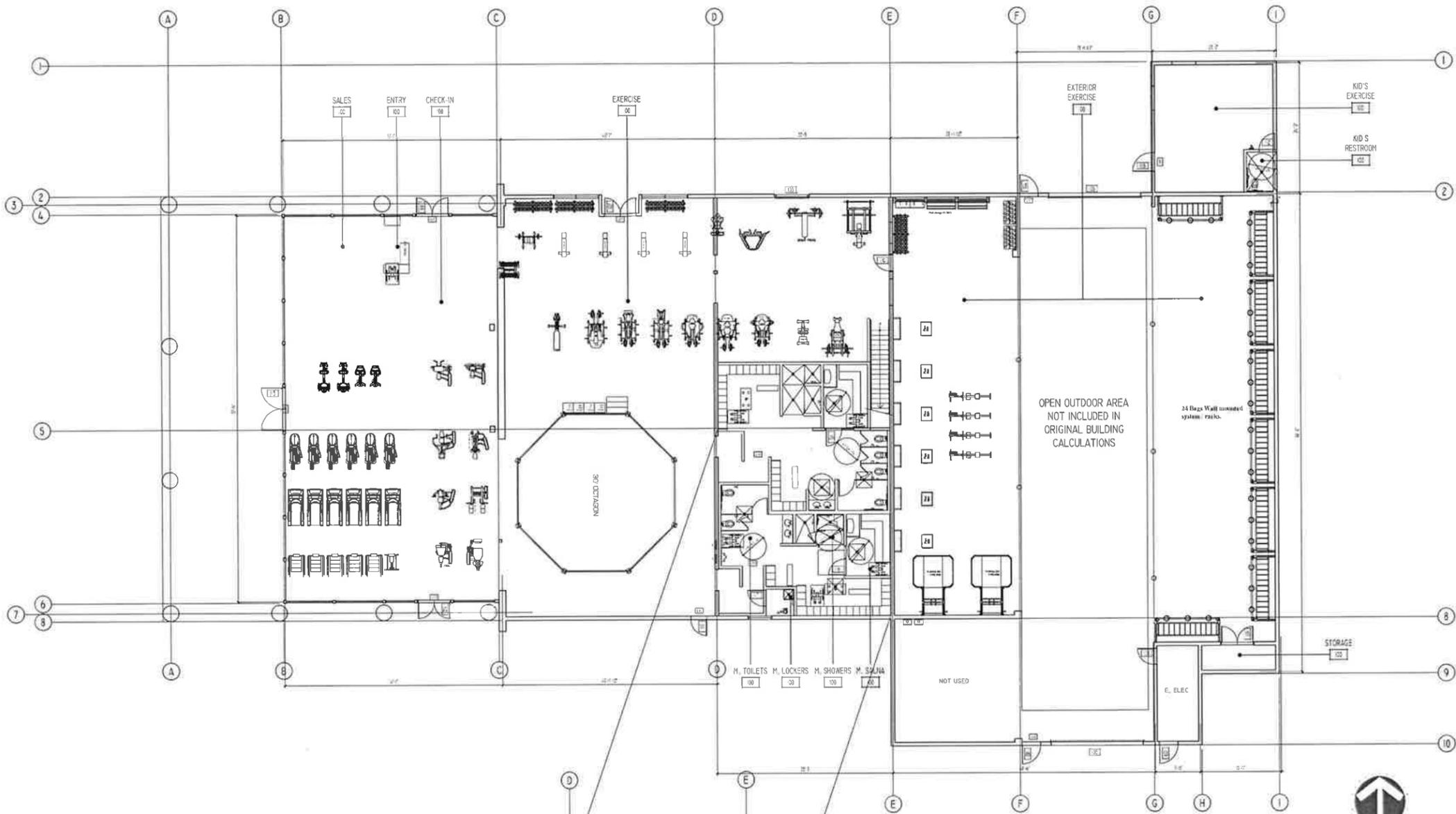
**LANDSCAPING REQUIREMENTS**

LANDSCAPING REQUIREMENTS = 25 SF / PARKING SPACE
TOTAL PARKING PROVIDED = 148 SPACES
TOTAL LANDSCAPE REQUIRED = 3,700 SF
TOTAL EXISTING LANDSCAPE = 4,452 SF
SURPLUS DEFICIT LANDSCAPING = +752

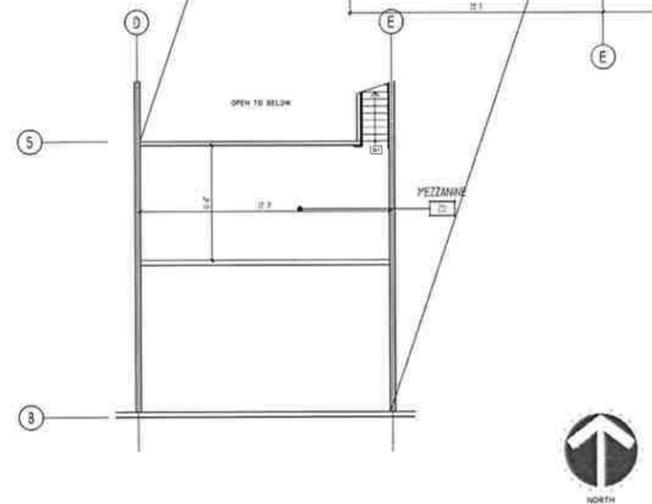
**PARKING CALCULATIONS**  
PARKING REQUIRED:  
14,755 S.F. @ 10 STALLS/1,000 S.F. = 148 PARKING STALLS REQUIRED  
PARKING PROVIDED: 148 PARKING STALLS PROVIDED

**PROPOSED SITE PLAN**  
SCALE: 1/16" = 1'-0"

- SITE KEY NOTES**
- SP-01 EXISTING ASPHALTIC CONCRETE PAVING OVER SUB-BASE
  - SP-02 METAL CONCRETE SIDEWALK RAMP
  - SP-03 3" HIGH AIDE PAINTED STRIPES TO DESIGNATE PARKING SPACES
  - SP-04 EXISTING CONCRETE CURB TO REMAIN - PROTECT IN PLACE
  - SP-05 ACCESSIBLE PARKING SPACE SIGNAGE
  - SP-06 48" HIGH FLUSH CURB FACE AND TRUNCATED CONES DETECTABLE WARNING DEVICE
  - SP-07 PAINTED 3" HIGH CURB ACCESS 5' MIN.
  - SP-08 EXISTING 42" PARKING TO REMAIN
  - SP-09 LANDSCAPING AND IRRIGATION SYSTEM TO BE REINSTATED AS REQUIRED
  - SP-10 POLE MOUNTED PARKING LOT LIGHT FIXTURE TO REMAIN - PROTECT IN PLACE
  - SP-11 BICYCLE RACK
  - SP-12 VAN ACCESSIBLE PARKING STALL - CONFIRM COMPLIANCE WITH DETAIL 149.3
  - SP-13 EXISTING 2" HIGH TRASH ENCLOSURE WITH METAL GATES
  - SP-14 ACCESSIBLE PATH OF TRAVEL
  - SP-15 EXISTING 42" PARKING TO REMAIN
  - SP-16 EXISTING 42" PARKING TO REMAIN



DIMENSIONED FIRST FLOOR PLAN  
SCALE: 3/32" = 1'-0"



DIMENSIONED MEZZANINE FLOOR PLAN  
SCALE: 3/32" = 1'-0"

BUILDING SUMMARY

MAIN GYM	7,332 SF
KID'S GYM	540 SF
COVERED OUTDOOR WORKOUT AREA	4,183 SF
AREA TOTAL NOT USED	920 SF
BATHROOMS/SHOWERS	1,500 SF
ELECTRICAL/STORAGE	210 SF
MEZZANINE AREA	495 SF
TOTAL AREA	15,180 SF

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**UFC GYM**  
2860 HARBOR BLVD.  
COSTA MESA, CA

SUBMITTAL DATES:

DESCRIPTION	DATE
CLP SUBMITTAL	6.28.16
CUP SUBMITTAL	8.03.16

REVISION DATES:

NO.	DESCRIPTION	DATE
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PROJECT NUMBER:  
TRA JOB NO. 16068

TITLE:  
CONCEPT FLOOR PLAN

SHEET NUMBER:

CUP-2

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**UFC GYM**  
2860 HARBOR BLVD.  
COSTA MESA, CA

SUBMITTAL DATES:

DESCRIPTION	DATE
CLP SUBMITTAL	6.28.16
CUP SUBMITTAL	8.03.16

REVISION DATES:

NO.	DESCRIPTION	DATE



PROJECT NUMBER:  
TRA JOB NO. 16068

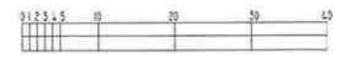
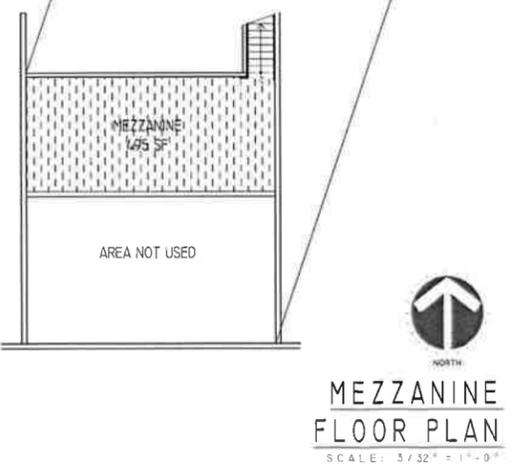
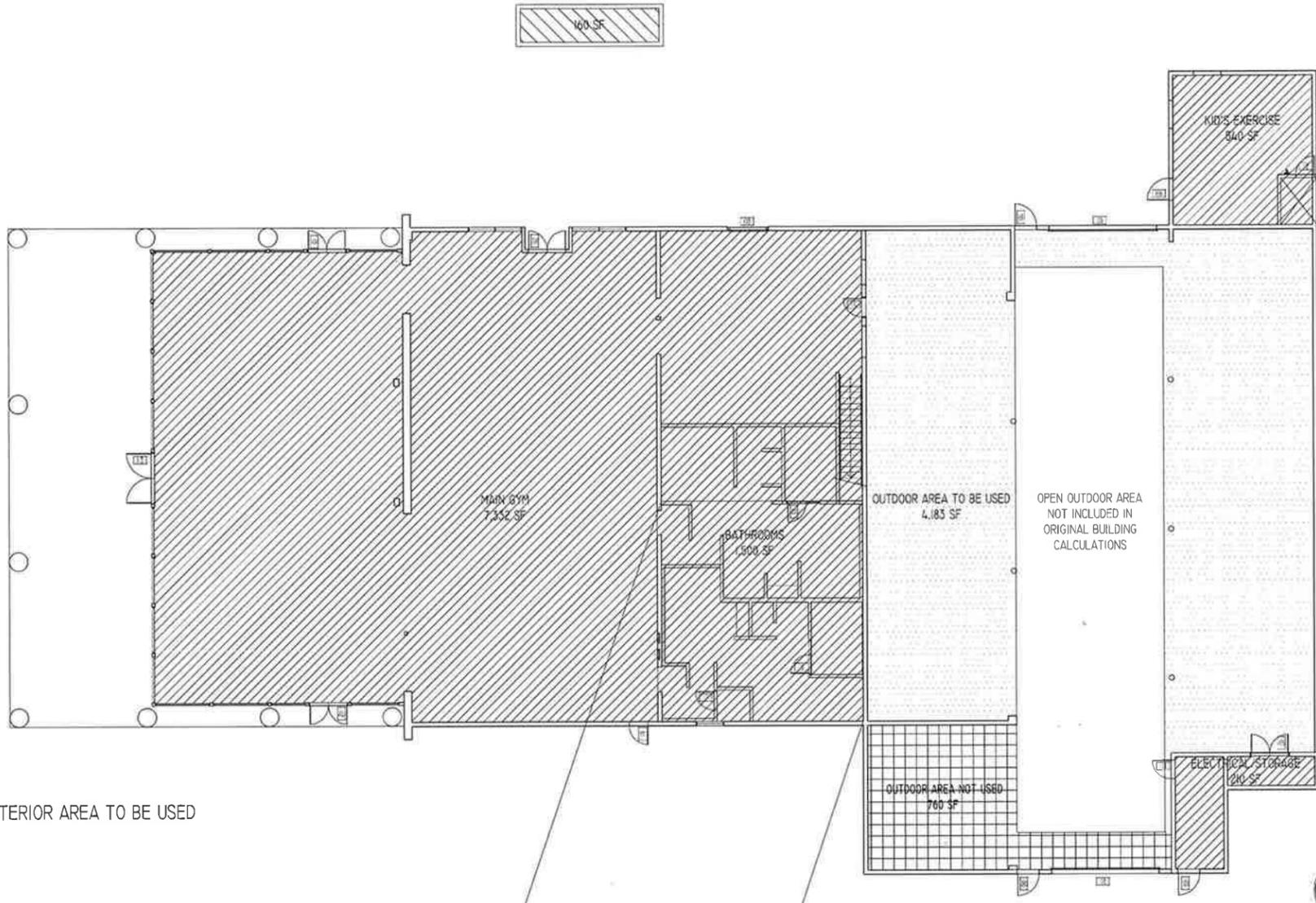
TITLE:

CONCEPT FLOOR PLAN

SHEET NUMBER:

**CUP-3**

- HATCHED INTERIOR AREA TO BE USED BY UFC GYM (9,582 SF)
- HATCHED INTERIOR AREA NOT TO BE USED BY UFC GYM (160 SF)
- HATCHED OUTDOOR AREA TO BE USED BY UFC GYM (4,183 SF)
- HATCHED OUTDOOR AREA NOT TO BE USED BY UFC GYM (760 SF)
- MEZZANINE AREA (495 SF)



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**UFC GYM**  
2680 HARBOR BLVD.  
COSTA MESA, CA

SUBMITTAL DATES:

DESCRIPTION	DATE
CUP SUBMITTAL	6.28.16

REVISION DATES:

NO.	DESCRIPTION	DATE
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PROJECT NUMBER:  
TRA JOB NO. 16068

TITLE:

EXTERIOR ELEVATIONS

SHEET NUMBER:

**CUP-4**



HARBOR BLVD. ELEVATION (WEST)



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



PT-1 GRAY TO MATCH EXISTING  
BUILDING



PT-2 RED TO MATCH PANTONE  
COLOR 186C - SEMI-GLOSS



PT-3 BLACK GLIDDEN DEEP ONYX

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