



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

November 10, 2011

Clifford S. Lee
9872 Chapman Avenue, Suite 201
Garden Grove, CA 92841

**RE: ZONING APPLICATION AMENDMENT ZA-11-33
MINOR CONDITIONAL USE PERMIT FOR DEVIATION
FROM SHARED PARKING REQUIREMENTS FOR A MEDICAL OFFICE
1500 ADAMS AVENUE, SUITE 206, COSTA MESA**

Dear Mr. Lee:

Staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved; based on the findings and subject to the conditions of approval, code requirements, and special district requirements (attached). The decision will become final at 5 p.m. on November 17, 2011, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at (714) 754-5609 or rebecca.robbins@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
 Findings
 Conditions of Approval
 Applicant's Letter
 Approved Conceptual Plans

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

Linda Kenski
Kenski Properties, Inc.
201 Covina Avenue, #7
Long Beach, CA 90803

PROJECT DESCRIPTION

Project Site

- The property is zoned C1 and has a General Plan designation of General Commercial.
- The property contains two multi-tenant commercial buildings totaling approximately 45,356 square feet.
- The property is surrounded by residentially zoned properties across Elm Avenue to the north, and commercially zoned properties to the west, across Harbor Boulevard to the east, and across Adams Avenue to the south.

Property History

- The Paul Mitchell School had previously occupied one of the two buildings on the property and had a conditional use permit to utilize off-site student parking at 2880 Mesa Verde Drive East (First Church of Christ Scientist). When the Paul Mitchell School vacated the property in 2010, the conditional use permit was revoked by the Planning Commission.
- Although the parking for the property is still nonconforming, since the school vacated the site, the parking has been brought closer to conformity (assuming Paul Mitchell as office/retail -199 parking spaces required; 195 parking spaces existing).

Proposed Use

- The applicant is proposing to operate an acupuncture and traditional Asian medical clinic within a 2,200 square-foot suite in one of the commercial buildings.
- Based on shared parking requirements, 203 parking spaces are required for the property with the medical office use; therefore, a four space deficiency parking deviation is requested.
- The applicant proposes the following operational characteristics:
 - Tuesday through Sunday, 8:00 a.m. to 8:00 p.m.; closed on Monday.
 - One to two patients per hour with a maximum of three patients in the suite at any given time (including the overlap of leaving and arriving patients).
 - Maximum three employees on-site at any one time.

Analysis

- Staff surveyed the parking area at 12:00 p.m. and 1:00 p.m. -- peak parking times -- and found a surplus of over 40 parking spaces available throughout the center, which should be more than adequate to compensate for the four space deficiency.
- Conditions of approval are included requiring installation of bike racks to encourage alternative transportation to the site and to regulate the operational characteristics to minimize potential parking impacts on surrounding uses.
- The use is consistent with the Zoning Code and the City's General Plan because, with the proposed operating characteristics (three patients and three employees in the suite at any one time), it should not adversely impact surrounding uses.

FINDINGS

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
 - a. The proposed medical office is compatible and harmonious with uses on site as well as those on the surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed medical office is consistent with the General Plan since with the operating characteristics (3 patients and 3 employees in the suite at any one time), it should not adversely impact surrounding uses.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
2. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) because:
 1. The proposed use, as conditioned, is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. The site is located in a commercial area characterized by a variety of uses that provide a wide range of goods and services to the local community. Specifically, a medical office with a maximum of three patients and three employees in the suite at any one time and conditions of approval requiring the installation of bike racks to encourage alternative mode of transportation, no parking impacts, either on- or off-site, are anticipated to be generated by the medical office.
 2. Granting the minor conditional use permit 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. Specifically, due to the low-key nature of the proposed use, the use will have low traffic and parking demands.
 3. Granting the minor conditional use permit 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.
3. 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.

4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation described in the staff report and applicant's letter (attached), subject to conditions. Any change in the operational characteristics including, but not limited to, total number of patients and employees, hours of operation, and additional services provided, shall require review by the Planning Division and may require an amendment to the minor conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows Planning Commission to 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 use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 3. There shall be a maximum of six people (including patients and employees) in the suite at any one time.
 4. Install bike racks near the stairwell to the second floor. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
 5. Applicant shall not enter into any private agreement with another property owner(s) to allow shared parking or overflow parking for patients or employees of the use, unless the appropriate zoning approval is obtained for this parking arrangement subject to the requirements of the Zoning Code.
 6. A copy of the conditions of approval shall 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.
 7. 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 patients per hour.
 8. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
 9. The conditions of approval and ordinance or code provisions of planning application ZA-11-33 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 10. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

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.

- Plng. 1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
2. Once the use is legally established, the zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
3. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
4. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
5. All work shall be conducted under-roof. Outdoor work or display is prohibited.
- Bus. 6. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and Lic. utility releases will not be granted until all such licenses have been obtained.
- Bldg. 7. Comply with the requirements of the 2010 California Building Code, 2010 California Electrical Code, 2010 California Mechanical Code , 2010 California Plumbing Code , 2010 California Green Building Standards Code, and 2010 California Energy Code (or the applicable adopted 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) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
- Eng. 8. A Construction Access Permit and deposit of \$580 will be required by City

ZA-11-33 (1500 Adams Avenue, #206)
November 10, 2011

of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.

1500 Adams Avenue, Costa Mesa, CA 92626
Suite 206
Minor Conditional Use Permit application

Acupuncture & Traditional Asian Medicine Clinic

We are proposing for the retail space located at 1500 Adams Avenue, Costa Mesa, CA 92626, Suite 206, to be used as an Acupuncture & Traditional Asian Medicine clinic.

Proposed hours of operation are 8 a.m. to 8 p.m., Tuesday to Sunday (six days) with 1 acupuncturist/herbalist and tui-na bodywork therapist. Expected number of patients per day is 10-15, approximately 1 patient per hour. Owner Clifford S. Lee (CA State Acupuncturist License # AC1744) currently owns a clinic in Garden Grove, which he would like to move to Costa Mesa at this location, and a clinic in Stanton.

This Acupuncture and Traditional Asian Medicine Clinic exists to serve the alternative healthcare needs of as much of the surrounding community and beyond as possible, through affordable but high-quality acupuncture, natural herbal, and bodywork treatment, health education, lifestyle care, and the achievement of maximum harmony of health.

The clinic's two main objectives are to:

- Establish an acupuncture, herbal, and natural therapeutic/alternative healing tradition in the local community.
- Provide high-quality natural/alternative healthcare to its patients.

The therapeutic modalities that will be used to treat the clinic's patients are:

- Acupuncture: Single-use, [properly] disposable needles are used to treat patients with pain and various other diseased conditions or symptoms, and to help promote general health and well-being.
- Bodywork/Tui-Na: Coordinated sequences of therapeutic bodywork and manipulations based in Traditional Asian Medicine are used to treat patients with pain and to help promote disease prevention and well-being.
- Natural herbal supplements: Formulas containing natural herbal ingredients are dispensed to patients to facilitate their treatment by acupuncture and/or bodywork.

Some of the treatments that this clinic specializes in are:

- Pain relief or management, orthopedics
- Weight loss and management
- Women's health, gynecology
- Anti-aging and geriatrics
- Stress reduction or management
- Family and pediatric healthcare
- Dermatology

This clinic also features quarterly free health seminars to groups of eight people, to educate the clinic's patients and others about a specific health topic and the treatments and lifestyle behaviors to address that health issue.

1500 Adams Avenue, Costa Mesa, CA 92626
Suite 206
Minor Conditional Use Permit application

Justification for Approval of Acupuncture & Traditional Asian Medicine Clinic

Having the Acupuncture and Traditional Asian Medicine Clinic at 1500 Adams Avenue, Costa Mesa, CA 92626, would benefit the retail center and its surrounding community and not be detrimental to other properties in the same area.

The owner, Clifford S. Lee, L.Ac. (CA State License # AC1744), has been in practice for 4-1/2 years, with clinic and business experience in Los Angeles/L.A. county, Garden Grove, Stanton, Tustin, and Santa Ana. He currently owns one clinic in Garden Grove and one clinic in Stanton, and he would like to move his Garden Grove clinic to Costa Mesa. He also teaches part-time at his alma mater, South Baylo University in Anaheim, and is involved in the community in Los Angeles and Orange County around community health issues and access.

The mission of the clinic is to contribute to the alternative healthcare needs and elevate the health and well-being of the surrounding community and beyond, through high-quality treatment and education. By achieving this goal, the Acupuncture and Traditional Asian Medicine Clinic would actually serve to benefit the other properties in the same area and positively adding to the image (healthcare, well-being) of the community.

The treatments and activities of this clinic would not be in conflict with other businesses in the same area and would positively add to the general and alternative healthcare community in the area and in Costa Mesa in general. The businesses in the same center (1500 Adams Avenue) would benefit from having an "in-house" alternative healthcare provider to help serve their general and alternative healthcare needs and even complement some of their activities, especially the dentist (Nu Smile Dental Center) and the wellness coach/health juice bar (Wellness Works).

Patient traffic of approximately 10-15 patients a day, 6 days a week, at this Acupuncture and Traditional Asian Medicine clinic would not negatively impact on the car and foot traffic and parking of 1500 Adams Avenue and the surrounding area, as the existing parking lot for the building is more than sufficient for the clinic's patient traffic. In fact, the clinic's traffic could even positively impact on the customer traffic of the building and the surrounding area, bringing in potential new customers to the building from within and outside the same area and Costa Mesa in general.

The Acupuncture and Traditional Asian Medicine Clinic would therefore be compatible with uses in the same area and not be materially detrimental to other properties in the same area.

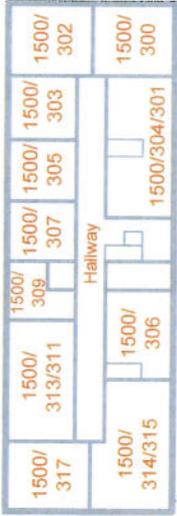
The Sparks Building

MINOR CONDITIONAL USE PERMIT/
ADMINISTRATIVE ADJUSTMENT NO. 2A-11-33

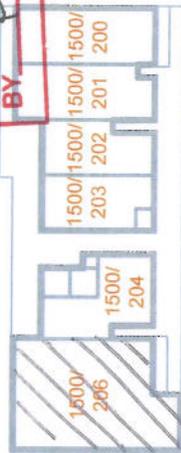
Approval in Concept

SUBJECT TO CONDITIONS
CITY OF COSTA MESA
PLANNING DEPT.

BY PR/WBK DATE 11/10/11



Third Level



Second Level



Parking	
Number of Handicapped Parking Spaces	#
Number of Regular Parking Spaces	#
Ramp	
Speed Bump	
Total Number of Handicapped Parking Spaces	6
Total Number of Regular Parking Spaces	188
Total Number of Parking Spaces	195

Plans produced by:
ID Plans Corp
7/16/2009
(813) 657-2545



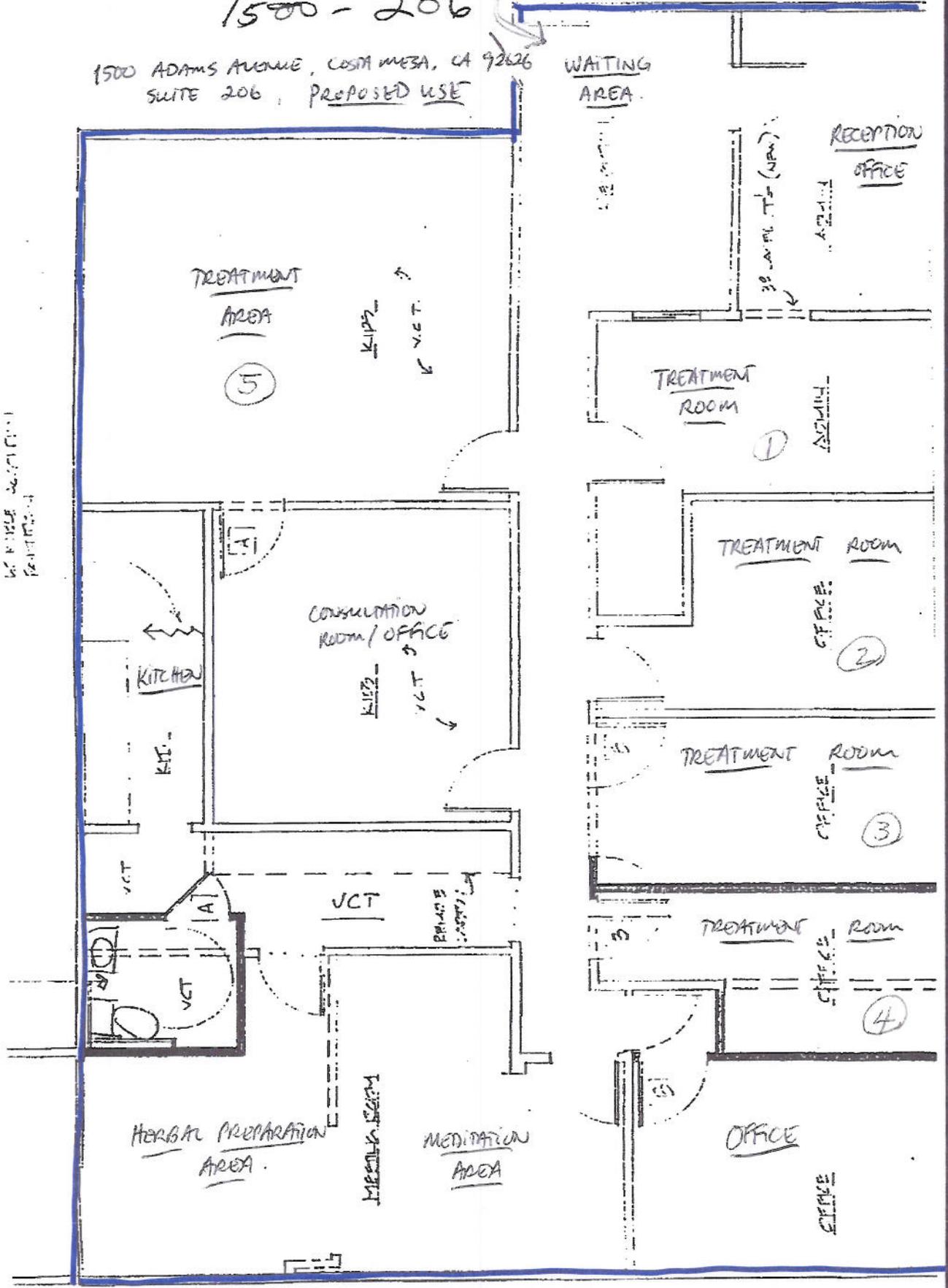
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2A-11-33

EXHIBIT - "A" ENTRANCE

1500 - 206

1500 ADAMS AVENUE, COSTA MESA, CA 92626
SUITE 206, PROPOSED USE



FLOOR PLAN - 2,200 SF