



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

January 5, 2012

Carson Faris
Red Mountain Retail Group
1234 E. 17th Street
Santa Ana, CA 92701

**RE: ZONING APPLICATION ZA-11-43
MINOR CONDITIONAL USE PERMIT TO ALLOW SHARED PARKING FOR A
PROPOSED WELLNESS SPA
801 BAKER STREET, SUITE E, COSTA MESA**

Dear Mr. Faris:

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 and code requirements (attached). The decision will become final at 5 p.m. on January 12, 2012, 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, Mel Lee, at (714) 754-5611, or at mel.lee@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: Project Description
Findings
Conditions of Approval, Code Requirements, and Special District
Requirements
Approved Conceptual Plans

cc: Engineering
Fire Protection Analyst
Building Safety Division

Jon Hanour
Shark Club
841 Baker Street
Costa Mesa, CA 92626

RMAFI, LLC
1234 E. 17th Street
Santa Ana, CA 92701

PROJECT DESCRIPTION

- The property is located on the southwest corner of Baker Street and Century Place and contains a one-story, 14,487 square-foot multi-tenant commercial building and 52 on-site parking spaces; 24 spaces at the front of the building (along the Baker street frontage) and 28 spaces at the rear of the building. Existing uses in the building include a print shop (Paulist Press) and a restaurant (California Shabu Shabu). A beauty salon (Donna Mee) previously occupied the subject tenant space within the building. The property is also located within the South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan Area; however, this request does not activate the provisions of the Urban Plan.
- Minor Conditional Use Permit ZA-08-31 was approved by the Zoning Administrator on November 6, 2008 to deviate from shared parking requirements for the restaurant. Additionally, there is a Conditional Use Permit (Planning Application PA-98-18) allowing the 52 on-site parking spaces on this property to be shared with the abutting property (841 Baker Street), which contains a nightclub (Shark Club). PA-98-18 allows Shark Club to use the subject property's parking spaces for complementary valet parking for their customers during the evening hours.
- The applicant is proposing to operate a 2,900 square-foot wellness spa in Suite E of the building. The spa will consist of the following uses:
 - An approximately 525 square-foot reception and retail area with a maximum of one employee;
 - Two rooms totaling approximately 600 square feet for Pilates instruction with a maximum of four persons (including students and instructors) total between both rooms at any one time;
 - Three laser/facial treatment rooms totaling approximately 400 square feet with a maximum of five persons (including customers and employees); and
 - A storage room and restrooms.
- Code requires 29 on-site parking spaces for the proposed use; 12 on-site parking spaces are provided for this use. As a result, the applicant is requesting approval of a minor conditional use permit to deviate from shared parking requirements.
- Hours of operation for the wellness spa are proposed to be 6:00 am to 8:00 pm, seven days a week. Hours for Pilates instruction are proposed to be from 6:00 am to 11:50 am; 12:30 pm to 1:20 pm; and 4:00 pm to 7:50 pm.
- Staff does not anticipate any parking impacts because a maximum of 10 people, other than the retail customers, should be in the suite at any one time (12 spaces provided); the parking lot at the front of the building will be required to be posted with signs directing customers to the parking lot at the rear of the building; to facilitate use of the rear lot, a condition is also included requiring the parking lot be repaired and restriped. Additionally, if parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number of Pilates instruction or eliminating scheduled Pilates instruction. Finally, a condition is included requiring employees to park at the rear of the building.
- The use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the proposed conditions, the proposed use should not adversely impact surrounding uses.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the minor 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. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property. Specifically, the number of people in the suite should not exceed the amount of parking allocated for the suite; the parking lot at the front of the building will be required to be posted with signs directing customers to the parking lot at the rear of the building; to facilitate use of the rear lot, a condition is also included requiring the parking lot be repaired and restriped. Additionally, if parking shortages or other parking-related problems arise, the business operator shall be required to institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to, reducing the number of Pilates instruction or eliminating scheduled Pilates instruction. Finally, a condition is included requiring employees to park at the rear of the building.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. Safety and compatibility of the design of the buildings, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The use is consistent with the General Plan designation because the project will not exceed the allowable General Plan intensity for the site.
- 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 under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.
- D. 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 as described in the staff report and the attached applicant's description letter. The business operation shall be limited to the following: (1) a maximum of four persons (including students and instructors) total between both Pilates rooms at any one time; (2) a maximum of five persons in the laser and facial

treatments rooms (including customers and employees); and (3) a maximum of one employee in the retail sales area. Any change in the operational characteristics including, but not limited to, the 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 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. Hours of operation shall be limited to 6:00 am to 8:00 pm, seven days a week.
3. Hours of Pilates instruction shall be limited to 6:00 am to 11:50 am; 12:30 pm to 1:20 pm; and 4:00 pm to 7:50 pm. If parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem, including, but not limited to reducing the number or eliminating scheduled Pilates instruction.
4. The use 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.
5. The parking lot at the front of the building shall be posted with signs directing customers to the parking lot at the rear of the building.
6. Employees shall be required to park in the parking lot at the rear of the building.
7. Prior to the commencement of the business, the property owner shall repair, resurface, and restripe the rear parking area.
8. Prior to the commencement of the business, the property owner shall repair the trash enclosure at the rear of the property.
9. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to commencement of the business. 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.

- PIng. 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. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
3. Use shall comply with all requirements of Code Sections 13-43 Article 3, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
4. Parking stalls shall be double-striped in accordance with City standards.
- Bldg. 5. 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.
- 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 utility releases will not be granted until all such licenses have been obtained.
- Lic. 7. Business license(s) shall be obtained prior to the initiation the business.
8. Tenant space shall meet all requirements of the California Fire and Building Codes. This shall include but not be limited to exiting, lighting, and decorative materials.

SPECIAL DISTRICT REQUIREMENTS

The requirement 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.
- AQMD 4. Applicant shall contact the Air Quality Management District 800.288.7664 for potential additional conditions of development or for additional permits required by the district.

THIS DRAWING, INCLUDING ALL NOTES AND REVISIONS, IS THE PROPERTY OF UCHIZONO DESIGN & DEVELOPMENT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE, REPRODUCTION, OR ALTERATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF UCHIZONO DESIGN & DEVELOPMENT IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS DRAWING.

Issuance / Revisions		
No.	Date	Description
	2011.10.13	Landlord Review
	2011.10.21	Building Department Submit

**MINOR CONDITIONAL USE PERMIT/
 ADMINISTRATIVE ADJUSTMENT NO. ZA-11-43**
Approval in Concept
 SUBJECT TO CONDITIONS
 CITY OF COSTA MESA
 PLANNING DEPT.
 BY ML/WBK DATE 1/5/12

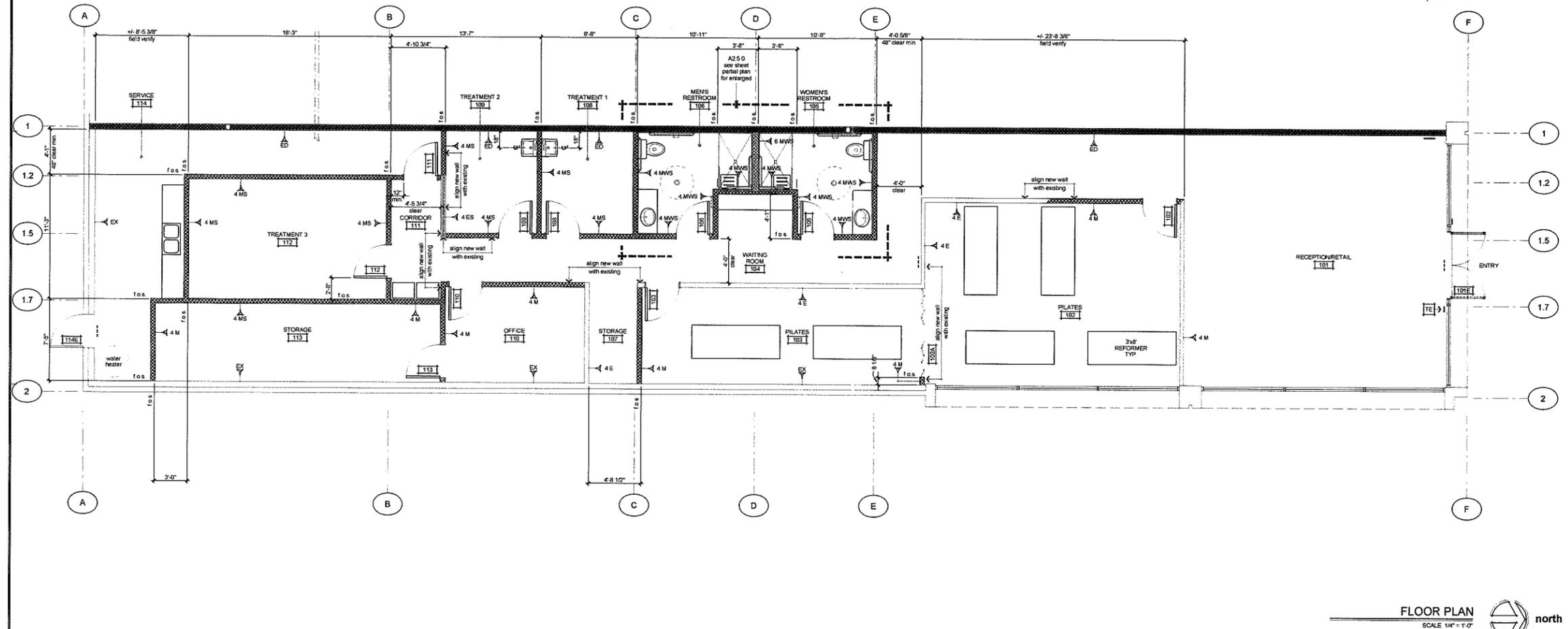
Water-Resistant gypsum board shall be installed at RESTROOM areas. Refer to Finish Schedule - Sheet A2.4.0

GENERAL CONTRACTOR shall obtain, read, and implement all requirements as set forth by the design and construction criteria. Should any criteria be in conflict with these plans, contact the ARCHITECT as soon as the discrepancy is detected.

All dimensions are to centerline of columns or face of stud (F.O.S.) Unless Noted Otherwise.

Field verify all dimensions prior to starting work.

Refer to Sheet A2.5.0 for TOILET ROOM FLOOR PLAN



Wellness Center

801 Baker Street
 Costa Mesa, California
 92626

Architect / Designer

uchizono
 DESIGN & DEVELOPMENT

3199 C Airport Loop Drive
 Costa Mesa, California 92626
 phone 714.549.8880
 email
 info@uchizonodesign.com

Consultant

FLOOR PLAN
 SCALE 1/4" = 1'-0"
 north

FLOOR PLAN LEGEND		WALL LEGEND	
	DOOR REFERENCE		INTERIOR WALLS
	TACTILE "EXIT" SIGN LOCATION - SEE SHEET A2.0		Existing Exterior / Demising Wall - To Remain. Replace existing Gypsum Board with new 5/8" Type "X" (Water-Resistant at Restrooms) Gypsum Board as needed. I.C.C. - ES - ER - 4943-P
	WALL TYPE		Existing Gypsum Board / Metal Stud Walls - Non-Bearing Walls. Replace with New Sound Insulation. New 5/8" Type "X" Water-Resistant Gypsum Board as needed. I.C.C. - ES - ER - 4943-P
	REVISION / DELTA NUMBER		3/8" Metal Stud Walls at 16" On Center - Non-Bearing Walls. 5/8" Type "X" Gypsum Board at each side (Unless Otherwise Noted). 'S' Indicates with Sound Insulation. I.C.C. - ES - ER - 4943-P
	ROOM NAME		3/56" Metal Stud Walls at 16" On Center - Non-Bearing Walls. 5/8" Type "X" Water-Resistant Gypsum Board at each side. 'S' Indicates with Sound Insulation. I.C.C. - ES - ER - 4943-P
	ROOM NO		5/12" Metal Stud Walls at 16" On Center - Non-Bearing Walls. 5/8" Type "X" Water-Resistant Gypsum Board at each side. 'S' Indicates with Sound Insulation. I.C.C. - ES - ER - 4943-P
	FLOOR DRAIN REFER TO PLUMBING DRAWINGS FOR SPECIFICATIONS		
	FLOOR DRAIN REFER TO PLUMBING DRAWINGS FOR SPECIFICATIONS		

Drawing Description

FLOOR PLAN

Project Number 11040

Date 2011.09.07

Sheet No.

A2.1.0

2011.10.21



CSA ARCHITECTS
1041 West 18th Street, Suite A-208
Costa Mesa, California 92627
(949) 754-0010

ARCHITECTURE
PLANNING
INTERIORS

STAMP:



CONSULTANT:

TITLE:

801 Baker Street
COSTA MESA, CALIFORNIA 92626

TENANT DEMISING WALL

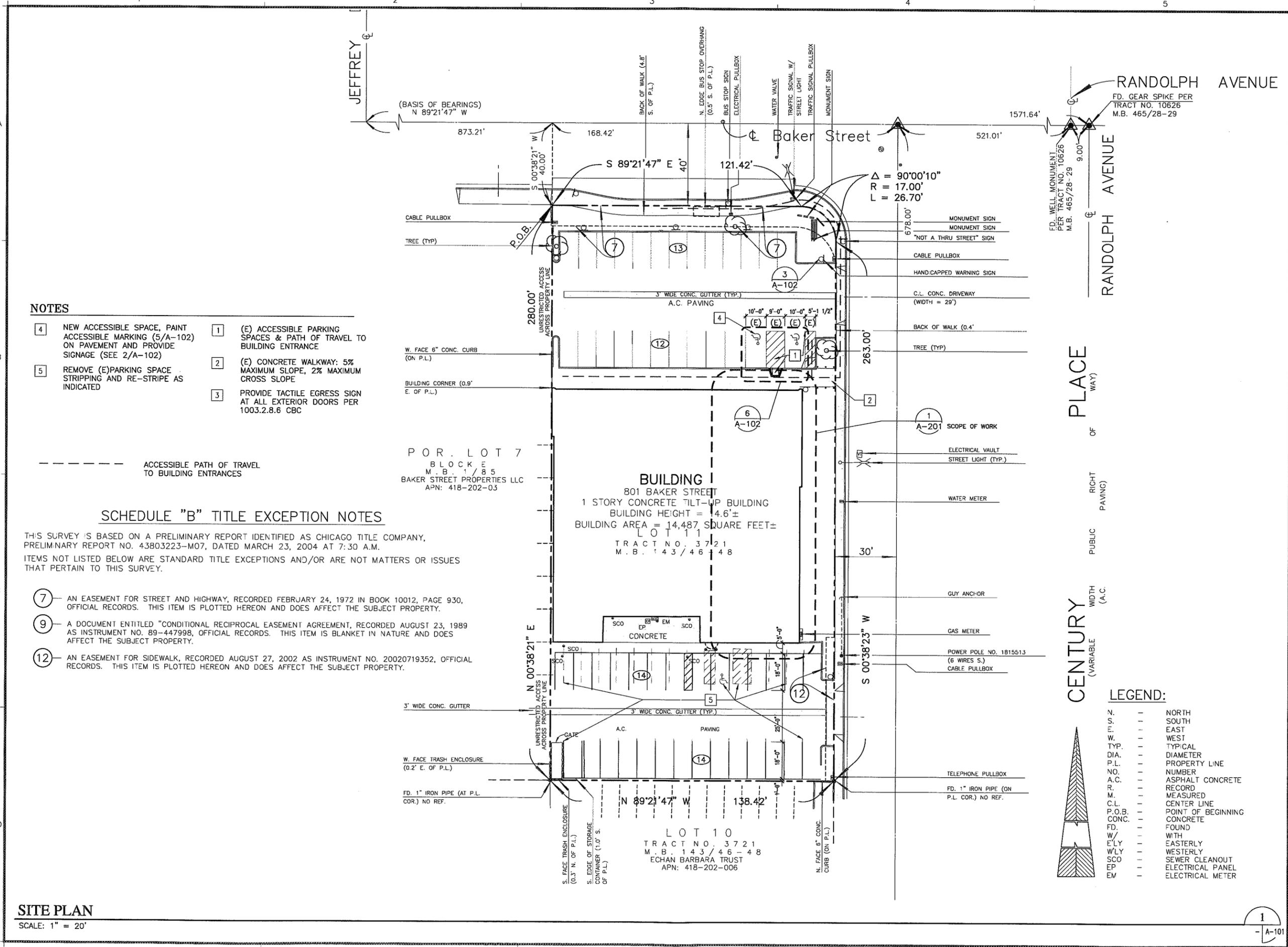
ISSUES & REVISIONS:

NO.	DATE	DESCRIPTION

EXISTING
SITE PLAN

CITY SUBMITAL:
July 25, 2011
ISSUED FOR CONSTRUCTION:
XXX
SHEET #:

A-101



NOTES

- | | | | |
|---|--|---|--|
| 4 | NEW ACCESSIBLE SPACE, PAINT ACCESSIBLE MARKING (5/A-102) ON PAVEMENT AND PROVIDE SIGNAGE (SEE 2/A-102) | 1 | (E) ACCESSIBLE PARKING SPACES & PATH OF TRAVEL TO BUILDING ENTRANCE |
| 5 | REMOVE (E) PARKING SPACE STRIPPING AND RE-STRIPE AS INDICATED | 2 | (E) CONCRETE WALKWAY: 5% MAXIMUM SLOPE, 2% MAXIMUM CROSS SLOPE |
| | | 3 | PROVIDE TACTILE EGRESS SIGN AT ALL EXTERIOR DOORS PER 1003.2.8.6 CBC |

SCHEDULE "B" TITLE EXCEPTION NOTES

THIS SURVEY IS BASED ON A PRELIMINARY REPORT IDENTIFIED AS CHICAGO TITLE COMPANY, PRELIMINARY REPORT NO. 43803223-M07, DATED MARCH 23, 2004 AT 7:30 A.M. ITEMS NOT LISTED BELOW ARE STANDARD TITLE EXCEPTIONS AND/OR ARE NOT MATTERS OR ISSUES THAT PERTAIN TO THIS SURVEY.

- 7 AN EASEMENT FOR STREET AND HIGHWAY, RECORDED FEBRUARY 24, 1972 IN BOOK 10012, PAGE 930, OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON AND DOES AFFECT THE SUBJECT PROPERTY.
- 9 A DOCUMENT ENTITLED "CONDITIONAL RECIPROCAL EASEMENT AGREEMENT, RECORDED AUGUST 23, 1989 AS INSTRUMENT NO. 89-447998, OFFICIAL RECORDS. THIS ITEM IS BLANKET IN NATURE AND DOES AFFECT THE SUBJECT PROPERTY.
- 12 AN EASEMENT FOR SIDEWALK, RECORDED AUGUST 27, 2002 AS INSTRUMENT NO. 20020719352, OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON AND DOES AFFECT THE SUBJECT PROPERTY.

SITE PLAN
SCALE: 1" = 20'

1
- A-101



RED MOUNTAIN GROUP

Received

**City of Costa Mesa
Development Services Department**

DEC 12 2011

Mel Lee
Senior Planner
City of Costa Mesa
77 Fair Drive, 2nd Floor
Costa Mesa, CA 92628

Dear Mr. Lee:

Thank you for meeting with me last week to address the parking needs of the new tenant at 801 Baker Street. As we discussed Friday the tenant has established that they will have the need for 11 parking spaces when operating at peak capacity. As requested; please find a list of tenant uses as well as the tenant's plan for each area which support their parking needs.

Tenant uses will include:

1. Performing laser treatments & facials (5 person maximum)
 - a. The suite will have 3 treatment rooms. Treatment rooms #1 & #2 will be for laser and facial treatments. These rooms will have a maximum of 1 client and 1 staff member. Treatment room #3 will be a room used to create a peaceful waiting atmosphere for a client. This area will have a 1 client capacity with no staff.
2. Retail Sales-- beauty supplies & beverages (1 person flex employee)
 - a. This area will be manned by 1 multi-purpose employee, either the health consultant between classes or a member of the treatment staff between clients. Tenant does not anticipate the need for additional personnel for this area of the business.
3. Palates (4 person maximum)
 - a. There will be 2 reformer machines for one on one instruction (one for the instructor and one for the client). For clients who would prefer to work in small groups the Tenant has 4 palates machines in an adjacent room so that 3 students can be educated by 1 instructor.

As you may have noticed the total number of persons outlined above only totals 9. We have added 2 additional spaces to compensate for any possible client carryover. Thank you once again for your time and attention to this matter, please call if you have any further questions.

Sincerely,

Carson Faris
Director of Development
Care of Red Mountain Asset Fund I, LLC

Description of Justification Form – Minor Conditional Use Permit

Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would be materially detrimental to other properties in the same area.

In November of 2008, the City of Costa Mesa approved Minor Use Permit (MUP) ZA-08-31 to allow for shared parking of a restaurant known as Shabu Shabu. The approval was conditioned with a number of requirements including shared parking with the adjacent property (Shark Club).

While this request is located within the same center, no material changes are being requested to the previously approved MUP. After reviewing both MUP and the tenants operation we are certain that the city will find that the proposed use is consistent with the previously approved MUP and will not be detrimental to other properties in the same area.

Operational Characteristics

1. Performing laser treatments & facials (5 person maximum)
 - a. The suite will have 3 treatment rooms. Treatment rooms #1 & #2 will be for laser and facial treatments. These rooms will have a maximum of 1 client and 1 staff member. Treatment room #3 will be a room used to create a peaceful waiting atmosphere for a client. This area will have a 1 client capacity with no staff.
2. Retail Sales-- beauty supplies & beverages (1 person flex employee)
 - a. This area will be manned by 1 multi-purpose employee, either the health consultant between classes or a member of the treatment staff between clients. Tenant does not anticipate the need for additional personnel for this area of the business.
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