City of Costa Mesa
Inter Office Memorandum

TO: CITY COUNCIL

CC: TOM HATCH, JAY TREVINO, AND PEGGY SCHNEBLE

FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR

DATE: JANUARY 19, 2017

SUBJECT: ZONING ADMINISTRATOR DECISION(S)

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. Project descriptions have been kept brief for this notice. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-16-03 **3151 AIRWAY AVENUE, SUITES D-1 AND D-2**

Minor Conditional Permit for a deviation from shared parking requirements for group counseling (BreakAway Health Corporation) for both adolescents and adults. Proposed hours of operation are Monday through Friday, 8:30 AM to 5:00 PM and Monday through Thursday, 6:30 PM to 10:00 PM. Adolescent individual and group counseling sessions occur during normal business hours (8:30 AM to 5:00 PM), with transportation provided via 15 passenger vans. Adult counseling occurs during evening hours (6:30 PM to 10:00 PM).

Approved, subject to conditions of approval.

Comments received: None.

CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

January 19, 2017

Linda Tesoro
3151 Airway Ave, Suite D-1
Costa Mesa, CA 92626

RE: ZONING APPLICATION ZA-16-03
MINOR CONDITIONAL USE PERMIT TO DEVIATE FROM SHARED PARKING REQUIREMENTS FOR A COUNSELING FACILITY
3151 AIRWAY AVENUE, SUITE D-1 & D-2, COSTA MESA

Dear Ms. Tesoro:

City 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 5:00 p.m. on January 26, 2017, 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, Justin Arios, at (714) 754-5667, or at justin.arios@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

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

cc:
- Engineering
- Fire Protection Analyst
- Building Safety Division
- Richard Plaskett, 3151 Airway Ave, Suite D-1, Costa Mesa, CA 92626

PROJECT DESCRIPTION

The subject property is located in the John Wayne Executive Guild adjacent to John Wayne Airport, south of the 405 Freeway, east of the 55 Freeway, and north of the 73 Freeway. The site zoned CL (Commercial Limited), and has a General Plan land use designation of Industrial Park. It is surrounded by CL zones to the west and east and MP (Industrial Park) zones to the north, south and east. Physical on-site improvements include 21 multi-tenant buildings with a total of 591 parking spaces, including five total points of ingress/egress for the subject property and adjacent properties (two from East Baker Street, two from Paularino Avenue, and one from Airway Avenue).

The use will occupy a 4,053 square foot tenant space, located in two suites, of one of the existing multi-tenant buildings. The floor plan consists of a waiting room, six offices, two group counseling rooms, two individual and group counseling rooms, a multi-purpose/group room, two storage rooms, two kitchens, and three restrooms. The total square footage defined for group counseling totals 1,591 sq. ft. (or 39% of the total suite). Proposed hours of operation are Monday through Friday, 8:30 AM to 5 PM and Monday through Thursday, 6:30 PM to 10 PM. Below are the scheduled times for group counseling, provided by the applicant. Session 1 consists of adolescent counseling, while Session 2 consists of adult counseling. No overnight stays are proposed.

Start Time	End Time
Session 1 (Monday - Friday)	
8:30 AM	11:30 AM
11:30 AM	1:00 PM
Lunch (1:00 PM – 2:00 PM)	
2:00 PM	5:00 PM
Session 2* (Monday - Thursday)	
6:30 PM	10:00 PM
* Adult counseling	

The applicant requests approval of a minor conditional use permit (MCUP) to deviate from the shared parking requirements due to unusual operating characteristics for a counseling facility – both group and individual – for adolescents and adults.

ANALYSIS

Individual Counseling

The operation includes two businesses, BreakAway Health Corporation and LifeLine Health Solutions. LifeLine is an extension of BreakAway and provides individual counseling for clients of BreakAway; LifeLine clients are BreakAway clients. LifeLine also provides administration and billing services for BreakAway. Since no group counseling is proposed for LifeLine, a minor conditional use permit is not needed since it is in a permitted zone for individual and family counseling, based on the classification set forth in Zoning Administrator Determination No. 16-1.

Group Counseling

The proposed use also includes group counseling sessions, which requires a minor conditional use permit since the proposed use does not meet all the parameters for group counseling to be permitted by right, as set forth in Zoning Administrator Determination No. 16-1. Specifically, the proposed use does not meet the following parameters:

- *"Counseling services shall be limited between the hours of 7 AM and 8 PM."* The proposed evening hours of operation (Monday through Thursday, 6:30 PM to 10 PM) do not satisfy the parameters. The day time hours (Monday through Friday, 8:30 AM to 5 PM) are in compliance.
- *"Group counseling is contained within a clearly defined area that does not exceed 17% of the total gross floor area of the space occupied by the business."* The total square footage defined for group counseling, as shown on the proposed site plan, totals 1,591 sq. ft. (or 39% of the total suite). As stated in the applicant letter, the multi-purpose room (493 sq. ft.) is only utilized for group counseling during evening hours (6:30 PM to 10 PM). In addition, during adolescent counseling hours (8:30 AM to 5 PM), when a group needs to split, clients utilize the two individual and group counseling rooms (320 sq. ft. total). These divided groups contain no more than 8 clients and a staff member each.
- *"All participants in group counseling shall be brought to and from the site in shuttle vans with a minimum 8-person capacity."* Transportation is provided for adolescent clients by a 15 passenger van, in the morning. However, adolescents are picked up by their parents/guardians and adults drive themselves to and from the site for evening sessions.

Parking and Circulation

Zoning Administrator Determination No. 16-1 lists certain parameters that need to be met in order for a group counseling use to be permitted. If those parameters cannot be met, a minor conditional use permit may be processed when unusual operational characteristics indicate that a lower parking requirement is sufficient. Adolescent clients are transported to the site by 15-passenger vans during normal business hours, but they are picked up at the end of the day by parents and/or guardians (5 PM). Additionally, adult clients will be driving to and from the site for counseling; however, adult counseling occurs outside normal business hours, when the majority of businesses in the center are closed. Therefore, it is determined that the use will not yield a higher parking demand than that of a general office use.

In addition, to ensure that on-site congestion does not occur, a pick-up plan will be required to be provided within one week of the approval of this application for adolescent group counseling sessions (Condition of Approval number 14). If parking shortages or other parking-related problems develop, the business operator will be required to institute appropriate operational measures necessary to minimize or

eliminate the problem including, but not limited to, reducing the operating hours of the business.

Additional Discussion

Medication, for adolescent clients only, will be stored on-site in a locked safe, as described in the applicant letter. Upon request from the adolescent client, a licensed staff member will obtain their medication from the locked safe. Clients are required to give their name, date of birth, and medication name. The storing and distributing of medication is based on requests from the parent. Dispensing of medications to adults is prohibited (Condition of Approval number 7).

As stated in the letter dated November 3, 2016, outdoor smoking is not allowed within 50 feet of the building and has a designated spot for smoking. Zoning Administrator Determination No. 16-1 states that outdoor smoking areas shall be located away from any residential properties abutting the site and minimum of 20 feet from any openable doors and/or windows of all adjoining businesses (Condition of Approval number 15).

Since this business will be operated inside an existing building, and no unusual equipment is needed, it should not generate noise that would impact surrounding businesses.

General Plan Consistency

The Industrial Park General Plan land use designation is intended to apply to large districts that contain a variety of industrial and compatible office and support commercial uses. The business is quiet in nature and will not generate noise. The proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the included conditions of approval, the counseling use should not adversely impact the surrounding uses.

FINDINGS

A. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:

1. There will be a compatible and harmonious relationship between the building and site developments, and uses that exists or have been approved for the general neighborhood. Adolescent clients are transported to the site during normal business hours; since they are picked up at the end of the day by parents and/or guardians (5 PM), a pick-up plan will be required to manage potential on-site congestion. Additionally, adult clients will be driving to and from the site for counseling; however, adult counseling occurs outside of normal business hours, when the majority of businesses in the center are closed. To further reduce potential impacts on parking, Condition of Approval number 10 prohibits client parking on-site during normal business hours.

2. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation have been considered.

3. The project complies with any performance standards as described elsewhere in the Zoning Code, and as conditioned to operate as described in this staff report.

4. The use is consistent with the General Plan in that the counseling use is a permitted use per the Zoning Code and is a compatible use in the Industrial Park land use designation.

5. The zoning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

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

1. The proposed use, as conditioned, is compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area. The proposed use is quiet in nature, and is conditioned to have no client parking on-site, during normal business hours (8 AM to 5 PM).

2. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. The proposed use, as conditioned, shall be more similar to a general office use in how the occupancy and parking will operate; clients will not be housed overnight.

3. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the General Plan land use designation and any applicable specific plan for the property. Zoning Administrator Determination 16-1 classifies individual and family counseling services as a *general office* use, which is permitted in the CL zone. The use should not impact parking based on the conditions of approval included within this report.

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, Existing Facilities, of the CEQA Guidelines.

D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

CONDITIONS OF APPROVAL

Plng.

1. The use shall be limited to the type of operation described in the staff report and applicant's letter, subject to conditions. Any change in the operational characteristics including, shall be subject to Planning Division review 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. Applicant shall defend, indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval. City shall have the right to select the attorney defending it, if it elects to do so.
3. If any section, division, sentence, clause, phrase or portion of this letter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
4. A copy of the conditions of approval for the minor conditional use permit 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.
5. The conditions of approval of Zoning Application ZA-16-03 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
6. There shall be no overnight stays.
7. Prescriptive medication is only permitted to be stored on-site for adolescent clients, in a locked safe, upon the request of the parent and/or guardian of the adolescent client. Dispensing of medication to adolescent clients shall be fulfilled by a licensed staff member only. No prescriptive medications shall be stored and/or dispensed for adult clients.
8. All clients shall require an appointment to be seen.
9. No employee or client or person picking up a client may park on any public street or any adjacent public or private property.
10. For day counseling (8:30 AM to 5 PM), parking on-site shall be limited to staff and employees only. Clients of day counseling shall be shuttled by a BreakAway van. No client parking is permitted on-site during normal business hours (8 AM to 5 PM).
11. Day counseling (8:30 AM to 5 PM) shall be limited to suite D-1, including Group Room 2.
12. The Group Room/Multi-Purpose Room shall only be used for group counseling during evening hours (6:30 PM – 10 PM).
13. All uses shall be conducted within the tenant space (underroof).
14. Applicant shall provide a pick-up plan for adolescent group counseling

sessions within one week of the approval of this application, for review by the City's Transportation Division and Planning Division.

15. Outdoor smoking is prohibited within 20 feet of any openable doors and/or windows of all adjoining businesses.
16. Applicant shall provide the City with proof of general liability insurance including endorsements concerning "additional named insured", "advance notice", and "primary coverage" as approved by the City attorney's office.
17. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, reducing group counseling sizes, number of group counseling groups and/or hours of the operation.

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 year from the effective date of this approval (January 26, 2017) and will expire at the end of that period (January 26, 2018) unless applicant establishes the use by obtaining a business license reflecting the group counseling. If the applicant is unable to obtain the business license 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. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

Bldg. 4. Comply with the requirements of the following adopted codes: 2016 California Building Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code and 2016 California Energy Code (or the applicable adopted, California Building Code California Electrical Code, California Mechanical Code California Plumbing Code 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. Requirements for accessibility to sites, facilities, buildings and

elements by individuals with disability shall comply with chapter 11B of the 2016 California Building Code.

Bus. Lic.

5. 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.

6. Business license shall be obtained prior to the initiation the business.

Trans.

7. The applicant may be subject to a Traffic Impact Fee to the Transportation Division prior to the effective date of the minor conditional use permit. The applicant shall contact the Transportation Division to determine if a Traffic Impact Fee is applicable. The traffic impact fee is based upon the average daily trip generation rate for the proposed use. The fee is required to fulfill mitigation of off-site traffic impacts pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated and includes credits for existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the minor conditional use permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

Description of Justification Form

Minor Conditional Use Permit:

Location: BreakAway Health Corporation
3151 Airway Ave., Suite D-1 & D-2, Costa Mesa 92626

Description: Outpatient Behavioral Health Counseling Services

Hours: Monday-Friday 8:30am-5:00pm
Monday-Thursday 6:30-10:00pm

BreakAway Health Corporation is requesting a new Minor Conditional Use Permit (MCUP) from the city of Costa Mesa.

Overview: BreakAway Health Corporation

BreakAway Health Corporation is doing business as an Outpatient Counseling Service at 3151 Airway Ave. Suite D-1 and D-2, Costa Mesa, CA 92626. BreakAway was previously owned by William Murray. In August 1999, Richard Plaskett became the owner of BreakAway Health Corporation. BreakAway provides outpatient counseling services for adolescents and adults in the format of individual and group counseling. BreakAway has been in compliance with all the property management regulations of the John Wayne Executive Guild, at 3151 Airway Ave. Upon obtaining BreakAway, there was no MCUP documentation given to Mr. Plaskett, by Mr. Murray. The business license for BreakAway, at present, states "Outpatient Drug Rehab Counseling", with no specification of hours of operation.

OPERATING HOURS

Start Time	End Time
Session 1	
Mon-Friday Pick up and Drop off	
8:30 AM	11:30 AM
11:30 AM	1:00 PM
Lunch (1:00 PM - 2:00 PM)	
2:00 PM	5:00 PM
Session 2	
6:30 PM**	10:00 PM
**Adults Monday-Thursday	

The day hours, for adolescent groups and individual sessions are from 8:30 am to 5:00pm Monday through Friday. Transportation is provided, by a 15 passenger van, for adolescents in the morning and parents pick up their child at 5:00 pm each day. No parking is needed except for staff members. If there is an assessment or individual therapy scheduled during the day, for an outside client, it is by appointment only, and one of the smaller counseling rooms will be used. The evening program, for adults, is after hours, which does not affect the parking limitations. The multi-purpose room is used for the evening hours since it allows a patron capacity of 20 plus.

Parking and Area Usage

We have been informed that parking spaces are 4 per 1,000 sq.ft. Suites D-1 and D-2 are combined for BreakAway's use, providing 4053 sq.ft, allowing for sixteen (16) parking spaces. BreakAway utilizes both suites D-1 & D-2 which includes a reception/waiting area, 7 offices, 1 front office, 3 restrooms, 2 kitchenettes, 2 storage rooms, and a multi-purpose room (used for night groups only). During hours of 8:30am-5pm, 10-16 adolescents and 4-6 staff members will be occupying the building. Group 2 room is used for day groups, whereas Group 1 room is used for activities such as art therapy, yoga, and lunch. When a group needs to be split, clients use both Group Room 2 and the Counseling Room, with one staff member per room. Divided groups contain no more than 8 clients each and 1 staff member. Evening hours 6:30-10pm have 2 staff members and a limit of 20-30 adults, using the Multi Purpose room. BreakAway's 12 staff members consist of MFTs, LSWs, psychiatrist, forensic counselor, nurse, interns, certified drug counselors, and peer counselor. Medications for adolescent clients are stored on site in a locked safe. Upon request of the client, they will be assisted by a licensed staff member to obtain their medication. Client will give their name, date of birth, and medication name. The storing and distribution of medication is based upon the request of the parent. The nurse uses thermometer, blood pressure cuff, scale, breathalyzer, and over the counter urine testing cups.

Each potential patient is required to go through and evaluation. The process requires each patient to complete an application , and be interviewed for appropriateness by a licensed staff. All potential clients require an appointment to be seen for an evaluation.

Cordially,

Richard Plaskett, Owner, CEO
(714)957-8229

Linda Tesoro, MFT, Administrator
(714) 847-7585

November 3, 2016

City of Costa Mesa
Zoning Department
RE: ZA 16-03 ZA16-04

Justin Arios:

The following is the parameters of BreakAway Health Corporation and LifeLine Health Solutions:

1. The use of defined areas for Day Counseling is limited to D1.
   Typically only Group 1 and Group 2 rooms are used in the day hours.
   The use of defined areas for Evening are D1 (Group room 2) and D2 Multipurpose areas only

2. The use of other areas in D1 are not used all day for counseling. Staff rooms vary with occupancy during the day. Many rooms are not daily occupied in D1 and D2.
   The use of other areas in D2 are not used in Day hours.

3. All clients in the Day counseling are shuttled by a BreakAway van or parents drop the client off. There is no parking for clients only staff which is typically no more than 2-4 at a time.

4. Counseling services are between hours of 7am to 8pm except for Tuesday and Thursday where hours are 7am-10pm.

5. Outdoor smoking is not allowed within 50 feet of the building and has a designated spot.

6. Clients daily are supervised and taken off the premises, for outings, in respect of surrounding business for noise control.

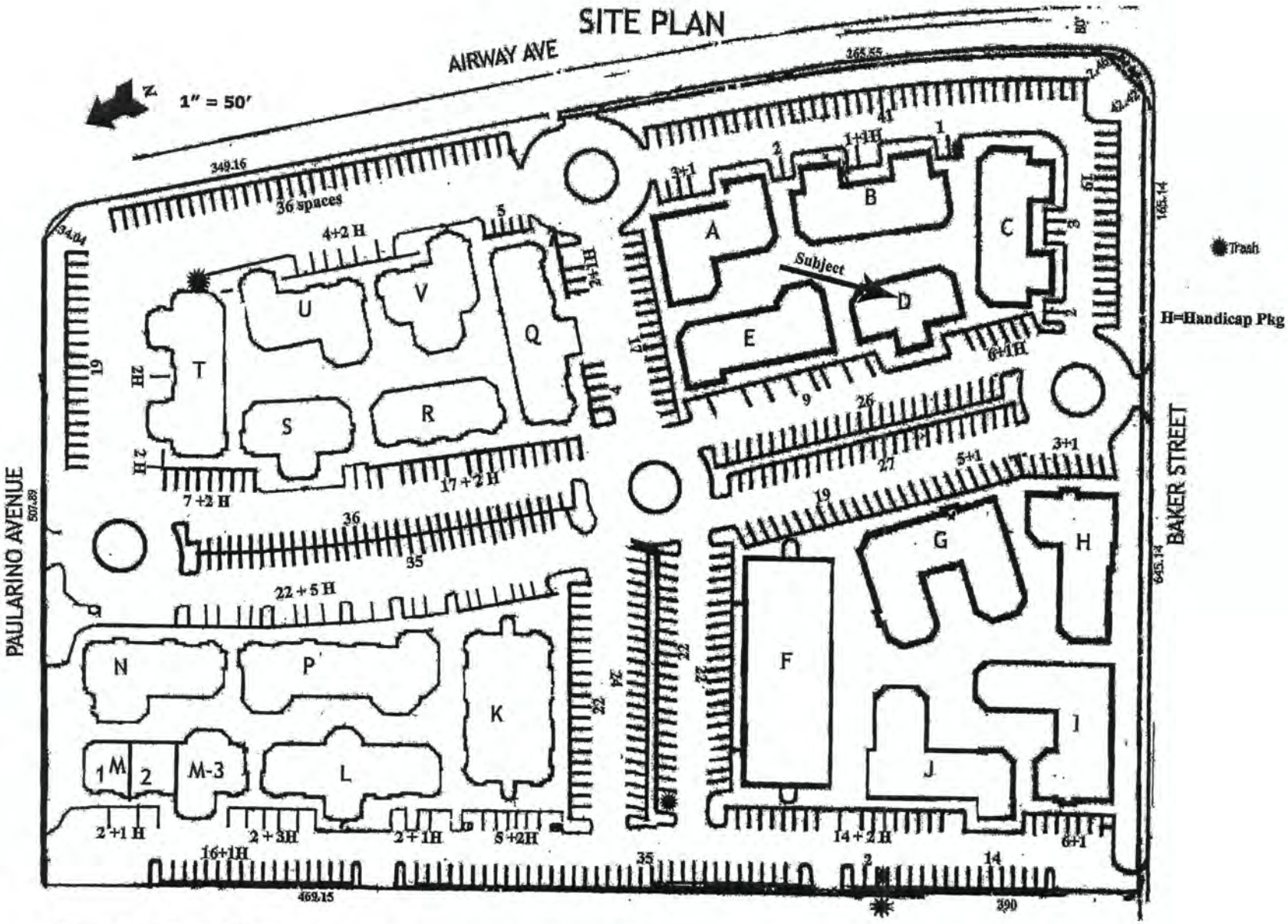
LifeLine Health Solutions:

LifeLine is an extension of "specialty" counseling for already participating daily clients that are pulled out of group to have an individual counseling session in D2.

LifeLine also provides administration and billing services for BreakAway. No parking is needed for LifeLine due to the daily existing staff using the D2 area.

Linda Tesoro
714-847-7585

SITE PLAN

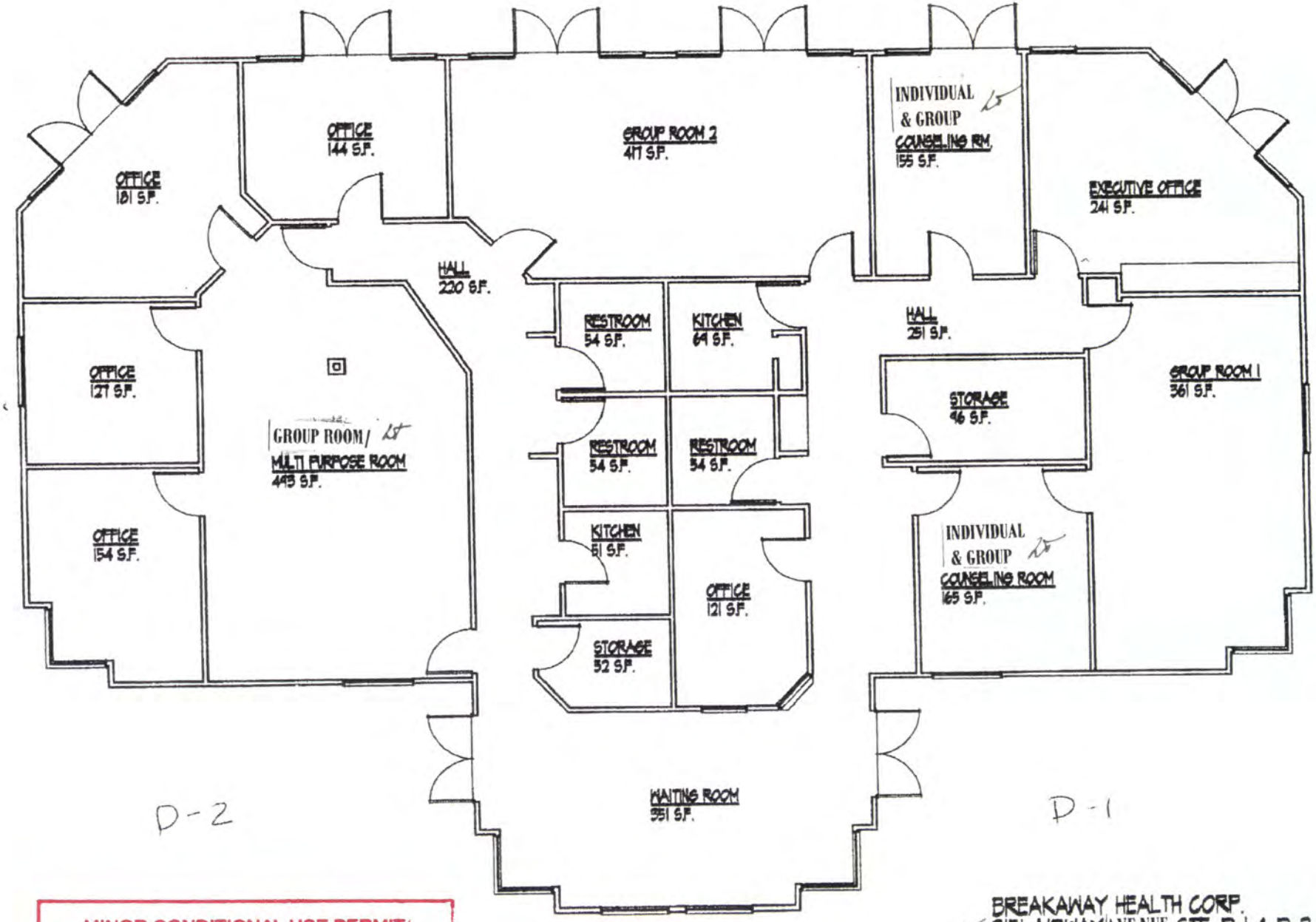


Address of Property: 3151 Airway Avenue, D1
Costa Mesa, CA 92626

Legal Description: PM 153-01 Par 1 Unit D-1
Project located on AP 427-291-15

Representative:
Advanced Listing Services Inc
Denise Kaspar
(949) 361-3921

APN: 938-94-026 on 427-291-15
Applicant: Breakaway Health
Sq footage leased:
Parking spaces:



MINOR CONDITIONAL USE PERMIT/
ADMINISTRATIVE ADJUSTMENT NO. ZA-16-03

Approval in Concept

SUBJECT TO CONDITIONS
CITY OF COSTA MESA
PLANNING DEPT.

BY ZA / JA DATE 1/19/17

BREAKAWAY HEALTH CORP.
3151 AIRWAY AVENUE, STE. D-1 & D-2
COSTA MESA, CA 92626

BUILDING FLOOR PLAN
4053 S.F.