



# City of Costa Mesa

## Inter Office Memorandum

**TO:** CITY COUNCIL, PLANNING COMMISSION  
**CC:** TOM HATCH, BARRY CURTIS, AND PEGGY SCHNEBLE  
**FROM:** WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR  
**DATE:** AUGUST 10, 2017  
**SUBJECT:** ZONING ADMINISTRATOR DECISION(S)

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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](mailto:willa.bouwens-killeen@costamesaca.gov) if you have any questions or would like further details.

**ZA-17-25**                      **2944 RANDOLPH STREET**

Minor Conditional Use Permits to operate a coffee roaster in 1,966 square feet tenant space in an existing industrial building and to deviate from shared parking requirements for an establishment where food or beverages are served with a public area exceeding 300 square feet (the proposed occupancy will require 20 parking spaces for the subject property per City code; 6 parking spaces provided).

Withdrawn, no further action required.

**ZA-17-32**                      **3186 AIRWAY AVENUE, SUITE A & B**

Minor Conditional Use Permit to deviate from shared parking requirements for a consulting/counseling use (Creative Solutions for Hope). The proposed occupancy within the suites will not exceed 20 persons (inclusive of employees and clients).

Approved, subject to conditions of approval.

Comments received: None.

**ZA-17-33**

**3188 AIRWAY AVENUE, SUITE H**

Minor Conditional Use Permit to deviate from shared parking requirements for a fitness studio use (The 12). The proposed occupancy within the suite will not exceed 20 persons (inclusive of trainers, employees, and clients).

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

August 10, 2017

Jeffery Adler  
22 Wedgewood Street  
Suite 100  
Irvine, CA 92620

**RE: ZONING APPLICATION ZA-17-32  
MINOR CONDITIONAL USE PERMIT TO DEVIATE FROM SHARED  
PARKING REQUIREMENTS FOR A CONSULTING / COUNSELING USE  
(CREATIVE SOLUTIONS FOR HOPE)  
3186 AIRWAY AVENUE, SUITE A & B, COSTA MESA**

Dear Mr. Adler:

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 August 17, 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](mailto:justin.arios@costamesaca.gov).

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

Attachments:      Project Description and Analysis  
                         Findings  
                         Conditions of Approval and Code Requirements  
                         Koll-Irvine Community Association Letter  
                         Business Description  
                         Approved Conceptual Plans

cc:                      Engineering                      E & S Asset Management LLC  
                         Fire Protection Analyst              P.O. Box 675503  
                         Building Safety Division              Rancho Santa Fe, CA 92067

## **PROJECT DESCRIPTION**

The property is located in the Koll-Irvine Center condominium complex on the eastern side of Airway Avenue. The site zoned MP (Industrial Park), and has a General Plan land use designation of Industrial Park. Physical on-site improvements include 32 industrial buildings (which encompasses addresses 3184 through 3188 Airway Avenue) with 493 parking spaces and three points of ingress/egress on Airway Avenue.

The applicant is requesting approval of a minor conditional use permit (MCUP) to deviate from shared parking requirements for a consulting/counseling use (Creative Solutions for Hope). The proposed use will occupy a 10,800 square feet of tenant space, located in two of the suites near the Airway Avenue frontage. The proposed floor plan for Building A consists of consultant offices, consulting space, file/storage area, electrical room, and bathrooms. The proposed floor plan for Building B consists of mainly administrative offices (billing, scheduler, clinicians, etc.), file/storage area, break room, electrical room, and restrooms. The proposed occupancy for both suites combined will not exceed 20 persons (inclusive of employees and clients).

## **ANALYSIS**

### *Business Operation*

The proposed business, Creative Solutions for Hope, which provides services in the development and supervision of ABA (Applied Behavior Analysis) programs for children with autism spectrum disorders, mental retardation and other developmental disabilities, is classified as a general office use in the City's Land Use Matrix (Table 13-30) and requires approval of a minor conditional use permit in the Industrial Park zoning designation. As stated in the applicant letter, Building A will be used for general office use to meet with clients, on a one-to-one basis and by appointment only; Building B will be used primarily for their administrative offices. As proposed, the use should be quiet with little to no impact on the surrounding businesses.

### *Parking and Circulation*

The parking requirement for a general office use, which is 4 spaces per 1,000 square feet of gross floor area or 43 parking spaces for the two suites. Based on the parking ratio for industrial properties, the subject suite is credited 32 parking spaces (industrial parking ratio is 3 spaces per 1,000 square feet for the first 25,000 sq. ft.). However, as stated in the Koll-Irvine Community Association's (Association) letter, who owns the parking area, the Association will not support any request for a parking deviation that utilizes parking at a higher ratio than what the Association allows (2.5 spaces per 1,000 square feet, or 27 spaces).

As stated in the applicant's letter, the business will never have more than 10 people utilizing Building A at any given time, and will never have more than 10 people utilizing Building B. Since the business proposes to operate without exceeding 20 people within the two suites

at any given time, adequate parking is available for the proposed use. However, 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 and/or the number of occupants in the suite(s).

### *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 proposed consulting/counseling use, as conditioned, will not generate adverse noise or parking impacts and, therefore, ensures the use is compatible with surrounding uses. 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 proposed 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 is a compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. The use, as described, should be quiet and, therefore, have no impacts on surrounding businesses. Parking impacts will be avoided by conditioning the consulting/counseling use to operate with no more than 20 occupants within the two suites, at any given time; 27 spaces have been allocated to this suite by the owner of the parking, the Koll-Irvine Community Association.
  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 and are not impacted by the proposed use.
  3. The proposed consulting/counseling use complies with any performance standards as described elsewhere in the Zoning Code, and is conditioned to operate as described in this staff report.
  4. The proposed use is consistent with the General Plan in that 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 proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the included conditions of approval, the consulting/counseling use should not adversely impact the surrounding uses.

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 is compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area. Parking impacts will be avoided by conditioning the consulting/counseling use to operate with no more than 20 occupants within the two suites, at any given time. In addition, all uses will be conducted within the suite and should not generate noise or other detrimental effects on the surrounding industrial uses.
  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 vicinity because the proposed tenant improvements to the suites, as condition, will comply with all the requirements of the 2016 California Building Code and all business activities will be conducted within the suite (underroof).
  3. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the General Plan designation because the general office use is a use supported by the Industrial Park General Plan land use designation with approval of a minor conditional use permit.
- 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 this staff report: A one-on-one, appointment only consulting/counseling use, limited to 20 people within the suites at any given time (inclusive of employees and clients).
- Any change in the operational characteristics including, but not limited to, type of service provided, group versus individual counseling, and the number of occupants within the suite at any one time, will require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval.

2. 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.
3. Clients shall only be seen on a one-to-one basis and by appointment only.
4. All uses shall be conducted within the tenant space (underroof).
5. 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 class sizes or the days and/or hours of the business.
6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
7. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.

### **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. | <ol style="list-style-type: none"><li>1. Approval of the planning application is valid for one year from the effective date of this approval (August 17, 2017) and will expire at the end of that period (August 17, 2018) unless applicant establishes the use by obtaining a business license for Creative Solutions for Hope at the subject property. 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 planning application.</li><li>2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.</li></ol>                |
| Bldg. | <ol style="list-style-type: none"><li>3. Comply with the requirements of the following adopted codes: 2016 California Residential Code, 2016 California Building Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Green Building Standards Code and 2016 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</li></ol> |

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. 4. 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.
5. Business license shall be obtained prior to the initiation the business.
- Trans. 6. The applicant shall submit a \$5,939 Traffic Impact Fee to the Transportation Division prior to the effective date of the minor conditional use permit. The traffic impact fee is based upon the average daily trip generation rate of 43 net trip ends 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.

## ***KOLL-IRVINE COMMUNITY ASSOCIATION***

6/15/2017

City of Costa Mesa Planning Department  
77 Fair Drive  
Costa Mesa, CA 92626

Re: 3186A and 3186B Airway Avenue, Costa Mesa  
Request for Deviation from Shared Parking on Property Owned by  
the Koll-Irvine Community Association

To Whom It May Concern:

The Koll-Irvine Community Association ("Association") is the fee owner of the shared parking area in the property generally located adjacent to John Wayne/Orange County airport, on the east side of Red Hill Avenue, north of McCormick Avenue, and south of the 405 Freeway, commonly referred to as Airway Commerce Center.

Pursuant to the Association's governing documents and subject to oversight and regulation by the Association, each member of the Association has a right to use the shared parking area. Based on the understanding of the Association, this property was developed with a parking ratio of approximately 2.5/1000 sf of the building area. In the event the City of Costa Mesa grants any use permits for the Association property, the Association respectfully requests that any approval is conditioned upon the compliance with the 2.5/1000 sf ratio.

The Association Board has a duty to its members to manage and maintain the shared parking area at Airway Commerce Center. To the extent that a proposed use requests a "deviation" from the shared parking to have a larger number of parking spaces reserved for or allocated to the use the Association will not support or approve such request at this time.

Very truly yours,



David Hasan  
Senior Property Manager

cc: Andrew Herron  
Glenn Arnold



May 5, 2017

Mrs. Willa Bouwens-Killeen AICP | Zoning Administrator  
**City of Costa Mesa**  
77 Fair Drive  
Costa Mesa, California 92628

**Re: Minor Conditional Use Permit for 3186 Airway Avenue, Buildings A & B, in Costa Mesa, CA.**

Dear Mrs. Bouwens-Killeen,

The intention of this letter is to address the planned use of buildings A & B at 3186 Airway Avenue, Costa Mesa, CA and to show how the proposed use is substantially compatible with the uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

Creative Solutions for Autism (dba Creative Solutions for Hope) provides consulting services in the development and supervision of ABA (Applied Behavior Analysis) programs for children with autism spectrum disorders, mental retardation and other developmental disabilities in collaboration with parents, school staff and other professionals. Creative Solutions for Autism train and provide staff that implement Behavior Intervention of Behavior Modification Plans (BII) as well as staff that implement Behavior Intervention including Development and Modification (BID). Behavioral Modification programs are conducted at the approved sites, monitoring and supervision aspects are met according to California Code of Regulations, California Education Code and California Business and Professions Code. This use is similar to that of other consulting services and general office users that occupy space in the same general area.

Building A will be used for general office use to meet with clients. This building will be used to provide consulting services to our clients with approximately 4-5 staff members in the building. Consulting will take place on a "one to one" basis, where clients will be seen by appointment only, and there will never be more than 5-10 people utilizing the consulting rooms at any one time. Most of Creative Solutions for Autism's consultation is performed in the neutral environment of the client's home. The consultation being conducted in the client's home keeps the in-office traffic at a minimum. There will be file storage occupying part of this building and we will have 4-5 scheduled consultants and 4-5 scheduled clients typically occupying space in this building at any given time.

Building B will be utilized primarily for our administrative office needs. We will have 8-10 administrative staff members (some are part-time) for the purposes of accounting, billing, records management, and human resource services. We will have 2 full time + 1 offsite in our billing department, 1 clinical director, 1 scheduler, 1 medical insurance coordinator, 2-3 clinicians and 1 human resources staff member. This building will also have file storage occupying part of the building. Between the administrative staff and the onsite one to one consulting (which is conducted on a drop off basis), we never expect to have more than 20 people utilizing both buildings at any given time.



I hope this letter addresses the planned use of the buildings and how the use will not be materially detrimental to other properties in the same area.

Kindest Regards,

Rakesh Bhakta, CFO



PROJECT:

**Creative Solutions**  
Minor Conditional Use Permit  
3186 Airway Ave  
Bldg A & B  
Costa Mesa, CA 92626

SEAL AND STAMP:

PLAN CHECK #:

**ISSUE DATES**

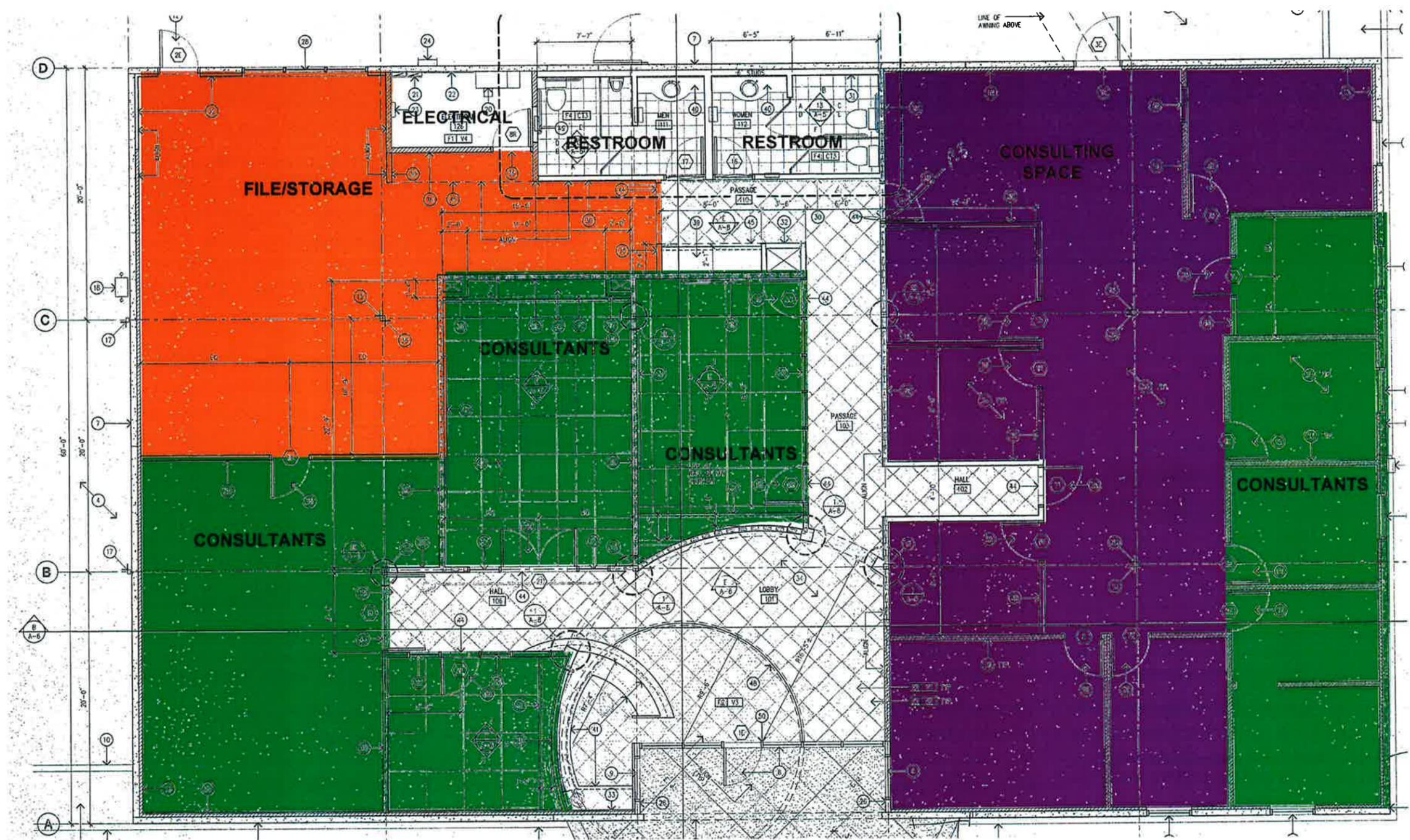
No.	DATE	DESCRIPTION	BY
▲	05/10/17	MINOR CUP	AM
▲	07/10/17	ADDED RM NAMES	AM

OWNERSHIP AND USE OF DOCUMENTS  
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DATE: 05-03-17  
DRAWN: AM  
REVIEWED: JA  
PROJECT NO.:  
SCALE: AS NOTED  
SHEET TITLE:

BLDG - A

SHEET NO:  
**BLDG A**



**GENERAL OFFICE USE / CONSULTING**

BLDG A FLOOR PLAN LAYOUT 1/4"=1'-0" MCUP 1

**LEGEND**

- SCHEDULED CONSULTANTS (4-5 MAX) W/ 4-5 CLIENTS
  - FILE/STORAGE
  - CONSULTING SPACE
- TOTAL SF: ±6,000

PROJECT:

**Creative Solutions**  
Minor Conditional Use Permit  
3186 Airway Ave  
Bldg A & B  
Costa Mesa, CA 92626

SEAL AND STAMP:

PLAN CHECK #

ISSUE DATES

No	DATE	DESCRIPTION	BY
▲	05/10/17	MINOR CUP	AM
▲	07/10/17	ADDED RM NAMES	AM

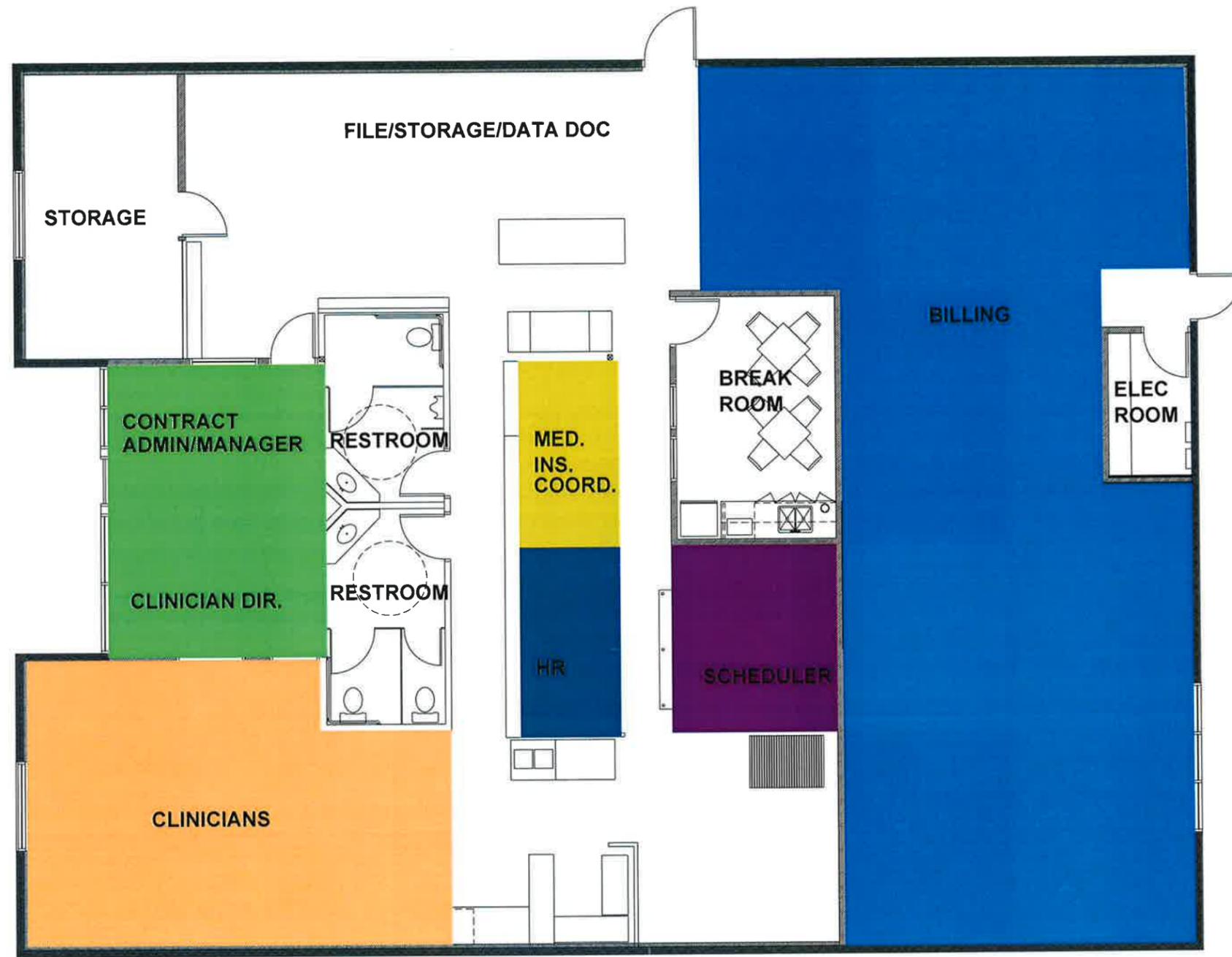
DATE:	05-03-17
DRAWN:	AM
REVIEWED:	JA
PROJECT NO.:	-
SCALE:	AS NOTED

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DATE: 05-03-17  
DRAWN: AM  
REVIEWED: JA  
PROJECT NO.: -  
SCALE: AS NOTED  
SHEET TITLE:

BLDG - B

SHEET NO:  
**BLDG B**



ADMINISTRATIVE OFFICES

BLDG B FLOOR PLAN LAYOUT 1/4"=1'-0" MCUP 1



LEGEND

 BILLING: 2 FULL-TIME + 1 OFFICE	 CLINICIANS: 2-3 PART TIME IN OFFICE	 HUMAN RESOURCES: 1
 SCHEDULER: 1	 MEDICAL INSURANCE COORDINATOR: 1	 CLINICIAN DIRECTOR: 1

TOTAL SF: ±4,000



# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

August 10, 2017

Shireen Lee  
Prism Realty  
3189 Airway Ave, Suite B  
Costa Mesa, CA 92626

**RE: ZONING APPLICATION ZA-17-33  
MINOR CONDITIONAL USE PERMIT TO DEVIATE FROM SHARED  
PARKING REQUIREMENTS FOR A FITNESS STUDIO USE (THE 12)  
3188 AIRWAY AVENUE, SUITE H, COSTA MESA**

Dear Ms. Lee:

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 August 17, 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](mailto:justin.arios@costamesaca.gov).

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

Attachments:      Project Description and Analysis  
                         Findings  
                         Conditions of Approval and Code Requirements  
                         Koll-Irvine Community Association Letter  
                         Business Description  
                         Approved Conceptual Plans

cc:                     Engineering  
                         Fire Protection Analyst  
                         Building Safety Division

## **PROJECT DESCRIPTION**

The property is located in the Koll-Irvine Center condominium complex on the eastern side of Airway Avenue. The site zoned MP (Industrial Park), and has a General Plan land use designation of Industrial Park. Physical on-site improvements include 32 industrial buildings (which encompasses addresses 3184 through 3188 Airway Avenue) with 493 parking spaces and three points of ingress/egress on Airway Avenue.

The applicant is requesting approval of a minor conditional use permit (MCUP) to deviate from shared parking requirements for a fitness/training studio use (The12). The proposed use will occupy an 8,000 square foot tenant space, located in a standalone building near the John Wayne Airport side of the property. The proposed floor plan consists of an open group training room, men's and women's restroom, storage lockers and supplement store, small office, storage room and reception area. The proposed occupancy within the suite will not exceed 20 persons (inclusive of trainers, employees, and clients).

## **ANALYSIS**

### *Business Operation and Class Schedule*

The proposed use, The 12's signature Afterburn studio classes, provides circuit style group classes in which no two workouts are the same. As stated in the applicant's letter, each small group class is 60-minutes long and are scheduled by appointment only. The maximum class size is 17 people and classes are scheduled 15-minutes apart to allow the finishing group time to leave before the next group class starts.

Below is the proposed schedule of classes, as proposed by the applicant:

<b>Daily Class Schedule</b>	
<b>Class Time</b>	<b>Maximum Class Capacity</b>
5:00 A – 6:00 A	17
6:15 A – 7:15 A	17
7:30 A – 8:30 A	17
9:00 A – 10:00 A	17
12:00 P – 1:00 P	17
4:00 P – 5:00 P	17
5:15 P – 6:15 P	17
6:30 P – 7:30 P	17

### *Noise*

Noise impacts, from the proposed use, are not anticipated. The suite the proposed use will occupy is a single-tenant building, in an industrially zoned area, and is adjacent to the airport (John Wayne Airport). Although the use will play music indoors during training/fitness classes, conditions of approval will ensure the use is conducted within the tenant space (underroof) and that music played shall not be audible from outside the suite.

### *Parking and Circulation*

The parking requirement for a physical fitness use is 10 spaces per 1,000 square feet of gross floor area, or 80 parking spaces for this suite. Based on the parking ratio for industrial properties, the subject suite is credited 24 parking spaces (industrial parking ratio is 3 spaces per 1,000 square feet for the first 25,000 sq. ft.). However, as stated in the Koll-Irvine Community Association's (Association) letter, who owns the parking area, the Association will not support any request for a parking deviation that utilizes parking at a higher ratio than what the Association allows (2.5 spaces per 1,000 square feet, or 20 spaces).

Since the business proposes to operate without exceeding 20 people within the suite at any given time, inclusive of employees, trainers, and clients, no parking impacts are anticipated. However, 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 class sizes and/or operating hours of the business.

### *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. Commercial uses may be allowed, provided that the use is determined to be complementary to the industrial area; commercial recreational uses may also be appropriate under the same condition.

The proposed fitness/training studio, as conditioned, will not generate adverse noise or parking impacts and, therefore, ensures the use is compatible with surrounding uses. 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 proposed fitness/training studio 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 is a compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. Parking impacts will be avoided by limiting the fitness/training studio to operate with class sizes of no more than 17 clients and a total of 20 occupants within the suite, at any given time.
  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 and are not impacted by the proposed use.

3. The proposed fitness/training studio complies with any performance standards as described elsewhere in the Zoning Code, and is conditioned to operate as described in this staff report.

4. The proposed use is consistent with the General Plan in that 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. Commercial uses may be allowed, provided that the use is determined to be complementary to the industrial area; commercial recreational uses may also be appropriate under the same condition. 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 fitness/training studio should not adversely impact the surrounding uses.

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 is compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area. Parking impacts will be avoided by conditioning the fitness/training studio use to operate with limited class sizes of no more than 17 clients and a total of 20 occupants within the suite, at any given time – consistent with the parking allocated to the suite by the owners of the parking, the Koll-Irvine Community Association. In addition, the use will be conducted within the suite and should not generate noise or other detrimental effects on the surrounding industrial uses.

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 vicinity because the proposed tenant improvements to the suite, as condition, will comply with all the requirements of the 2016 California Building Code and all business activities will be conducted within the suite (underroof).

3. Granting the minor conditional use permit will not allow a use, density or intensity that is not in accordance with the General Plan designation because the fitness/training studio is a use supported by the Industrial Park General Plan land use designation.

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**

- PIng. 1. The use shall be limited to the type of operation described in this staff report: An appointment only fitness/training studio providing 60-minute group classes spaced 15-minutes apart, limited to 20 people within the suite at any given time (inclusive of trainers, employees, and clients).
- Any change in the operational characteristics including, but not limited to, type of service provided, size of classes, or time of classes will require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval.
2. 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.
3. All uses shall be conducted within the tenant space (underroof). Any music played shall not be audible from outside the suite.
4. Group classes shall be limited to 17 clients.
5. 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 class sizes or days and/or hours of the business.
6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
7. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.

### **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 planning application is valid for one year from the effective date of this approval (August 17, 2017) and will expire at the end of that period (August 17, 2018) unless applicant establishes the use by obtaining a

business license reflecting the fitness/training studio use. 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 planning application.

2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
- Bldg. 3. Comply with the requirements of the following adopted codes: 2016 California Residential Code, 2016 California Building Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Green Building Standards Code and 2016 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. 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. 4. All contractors and subcontractors must have valid business licenses to do  
Lic. 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.
5. Business license shall be obtained prior to the initiation the business.
- Trans. 6. The applicant shall submit a \$9,717 Traffic Impact Fee to the Transportation Division prior to the effective date of the minor conditional use permit. The traffic impact fee is based upon the average daily trip generation rate of 75 net trip ends 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.

# ***KOLL-IRVINE COMMUNITY ASSOCIATION***

6/15/2017

JUN 16 2017

City of Costa Mesa Planning Department  
77 Fair Drive  
Costa Mesa, CA 92626

Re: 3188H Airway Avenue, Costa Mesa  
Request for Deviation from Shared Parking on Property Owned by  
the Koll-Irvine Community Association

To Whom It May Concern:

The Koll-Irvine Community Association ("Association") is the fee owner of the shared parking area in the property generally located adjacent to John Wayne/Orange County airport, on the east side of Red Hill Avenue, north of McCormick Avenue, and south of the 405 Freeway, commonly referred to as Airway Commerce Center.

Pursuant to the Association's governing documents and subject to oversight and regulation by the Association, each member of the Association has a right to use the shared parking area. Based on the understanding of the Association, this property was developed with a parking ratio of approximately 2.5/1000 sf of the building area. In the event the City of Costa Mesa grants any use permits for the Association property, the Association respectfully requests that any approval is conditioned upon the compliance with the 2.5/1000 sf ratio.

The Association Board has a duty to its members to manage and maintain the shared parking area at Airway Commerce Center. To the extent that a proposed use requests a "deviation" from the shared parking to have a larger number of parking spaces reserved for or allocated to the use the Association will not support or approve such request at this time.

Very truly yours,



David Hasan  
Senior Property Manager

cc: Brook Morris/Prism Realty



## Applicant Letter for Minor CUP

DATED: 6/23/17  
TO: City of Costa Mesa  
FROM: The 12 IRV, Inc.  
LOCATION: 3188 Airway Ave, Suite H, Costa Mesa, CA 92626

### Description of Business

The12 will utilize an existing 8,000 SF industrial building along Airway Avenue for an appointment only training studio.

The12's signature Afterburn studio classes are designed for members to experience the benefits of personal training within the dynamic energy of a small group environment. Afterburn Training combines body part specific, multi-directional movements utilizing free weights, resistance bands, cardio equipment, and body weight with high intensity intervals.

These circuit style classes are deliberately formatted to burn maximum calorie levels within each 60-minute group class. Igniting the Afterburn effect, the body continues to burn excess calories up to 24 hours' post workout, effectively sculpting, shaping, and shredding each person's physique. With no two workouts ever the same, The12 has developed a dedicated following for these boredom-busting, plateau-proof workouts that are scientifically created to achieve results.

Because of the Association's concerns about parking and the appointment nature of our business, we are reducing our class sizes to accommodate all parties. The maximum class size during the week will be 17. Class times are spaced apart by 15 minutes so there is no "tie up" of parking. This is not a "Cross Fit" facility and there are no exercise or activities outside the building. All studio classes are entirely within the building.

The parking demand will not exceed 20 (or 2.5/1000) with employees.

### Hours of Operations

5:00am to 8:00pm

### Class Schedule & Capacity

Classes are appointment only and are capped at 17.

<b>Class Schedule</b>	<b>Capacity</b>
5:00am to 6:00am	Class limit 17
6:15am to 7:15am	Class limit 17
7:30am to 8:30am	Class limit 17
9:00am to 10:00am	Class limit 17
12:00pm to 1:00pm	Class limit 17
4:00pm to 5:00pm	Class limit 17
5:15pm to 6:15pm	Class limit 17
6:30pm to 7:30pm	Class limit 17

### Impact

#### *Parking*

Residential parking will not be impacted as our site is not within 200 feet of a residential zone. The anticipated maximum parking would be 20 and is well within the allowance for the building. There is side and rear loaded parking so there is no need to park near another owner's unit (see aerial attachment). Note in complex, parking is "in common" per CC&R's.

#### *Odor*

N/A

#### *Noise*

Music will be played indoors only. The building is a standalone building and in addition is located directly next the airport which drowns out any noise. The existing walls are concrete which also inhibit noise. Music will be kept at a level to not disturb neighbors and classes are conducted with roll up doors closed.

### Letters of Support

The12 is invested in creating a harmonious relationship with its neighbors. Please find enclosed letters of support from their existing neighbors at their current location.

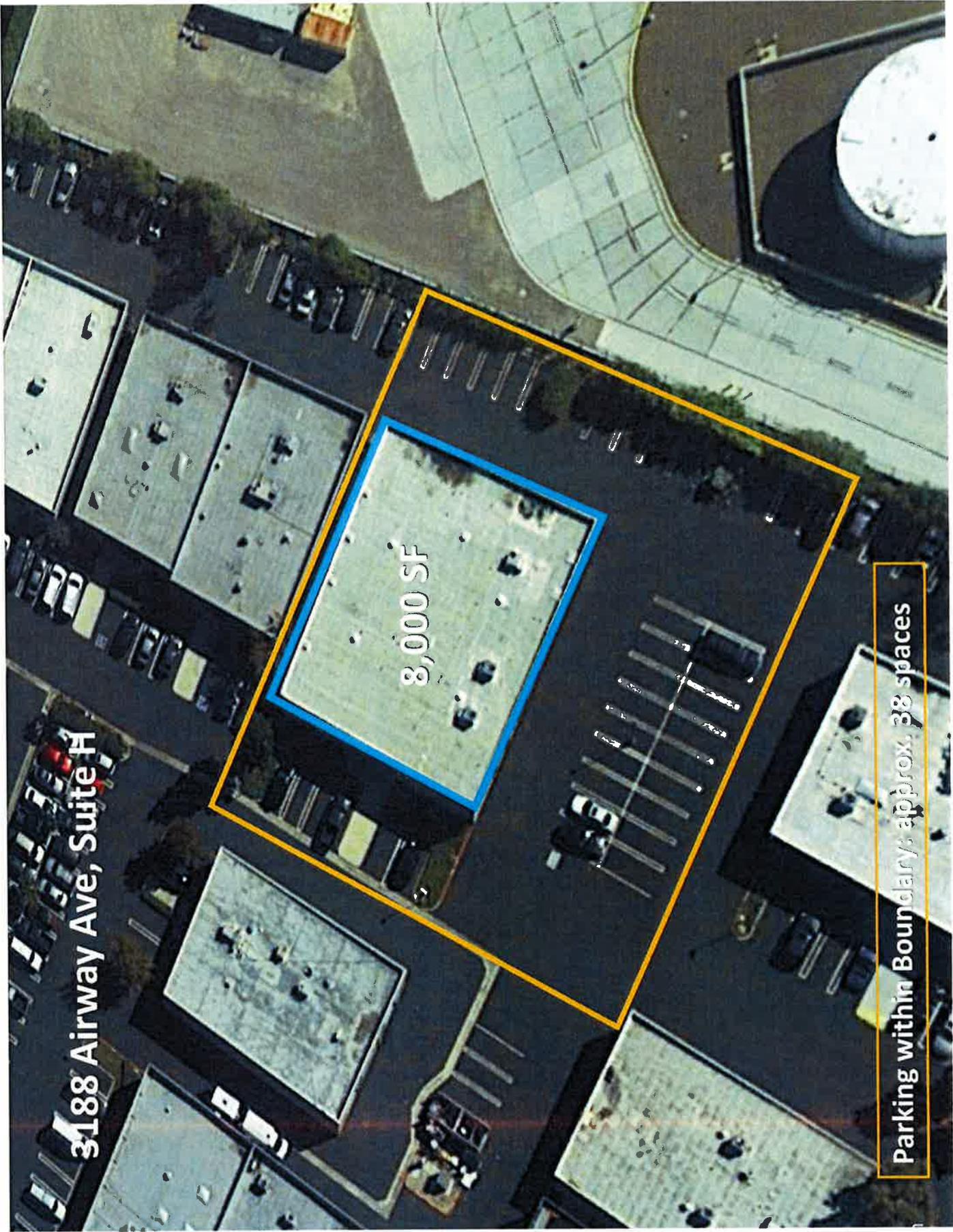
### Conclusion

The12 private training studio will promote a "work play (exercise)" environment and create a new amenity-driven workplace within the local businesses. By placing a training studio just outside of office walls, a walkable community can be created. Parking demands are not in excess of business park parking. No class activities are conducted outside the building.

3188 Airway Ave, Suite H

8,000 SF

Parking within Boundary: approx. 38 spaces





To Whom It May Concern:

My name is Todd Vande Hei, co-founder of Stark at 17524 Von Karman Ave in Irvine. We've been parking lot neighbors and right next door to The12 for approximately 4.5 years.

In that time, we've had nothing but great rapport with owners Josh Boyd and Derek Graham, and even considered collaborating on some different business dealings with them.

Parking in our business park can be difficult with the wrong neighbor, but that did not exist in this relationship. They have always done a good job of managing their members and their business. We're sad to see them go...

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Vande Hei", written over a horizontal line.

Todd Vande Hei



17520 Von Karman Avenue  
Irvine, CA 92614-6208

949.269.1400  
Fax: 949.269 1439  
AltaHoldings.com

*Bridge your risks into rewards!*

June 8, 2017

We have owned our building since September 23, 2013. We have never had any parking issues with The 12. We have employees and guests coming and going throughout the day and parking has never been a problem.

If you would like to discuss this further, please feel free to call me at 949-269-1400 x 700.

Sincerely,

  
Elise Cozzi  
Office Manager

# SEACLIFF BEAUTY

THE COMPLETE PACKAGE

June 8<sup>th</sup>, 2017

To Whom It May Concern:

SeaCliff Beauty has been in the Von Karman business park for 8 years. When The 12 moved in we never had any issues with parking in our area during the day. If you have any questions, please feel free to contact me at 949-230-4772.

Best Regards,

Vonda Simon/CEO

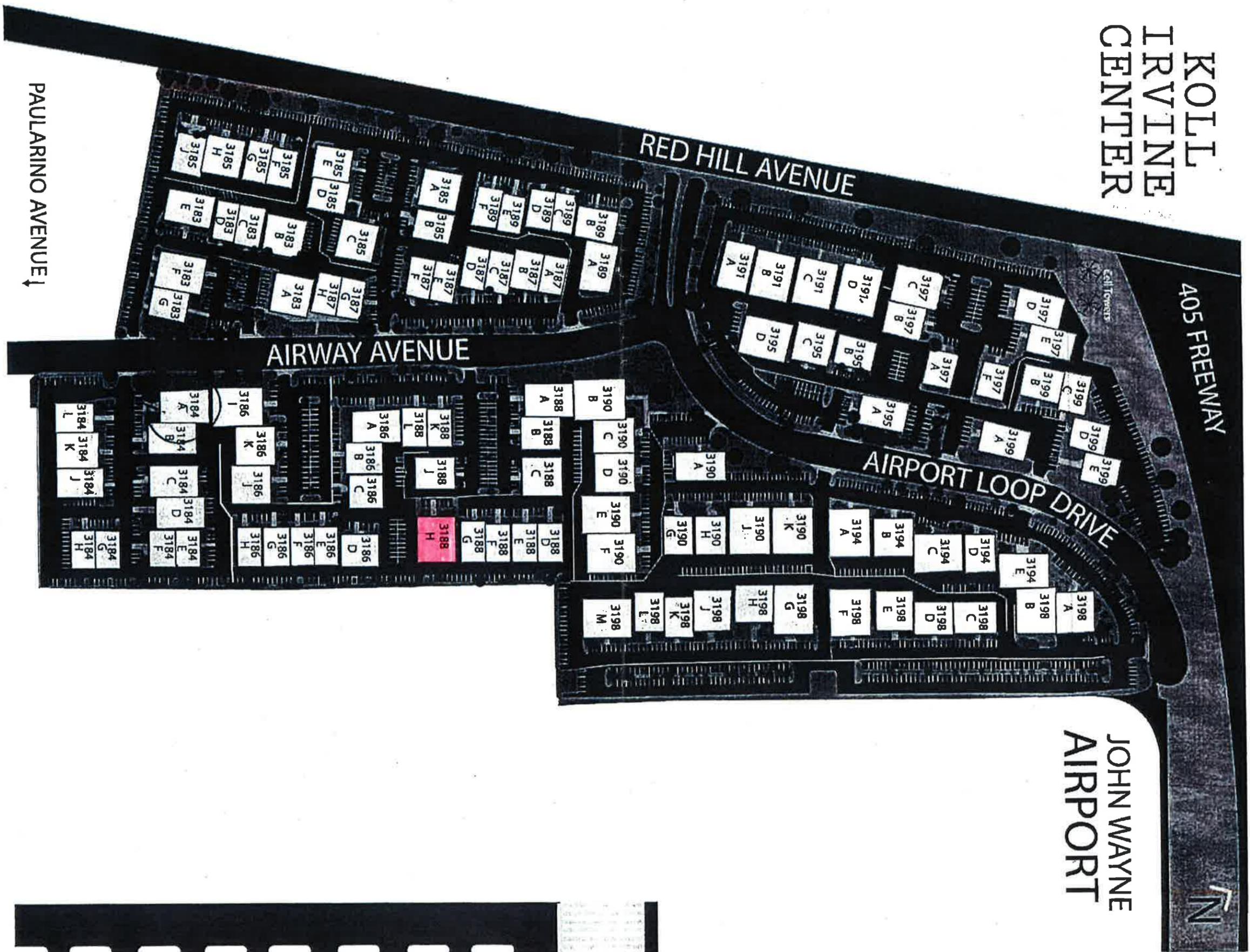
SEACLIFF BEAUTY | 17530 VON KARMAN AVE., IRVINE, CA 92614

P: 949.955.1239 | F: 949.752.0293 | E: [Vonda@seacliffbeauty.com](mailto:Vonda@seacliffbeauty.com) | W: [www.seacliffbeauty.com](http://www.seacliffbeauty.com)

# KOLL IRVINE CENTER

405 FREEWAY

JOHN WAYNE  
AIRPORT

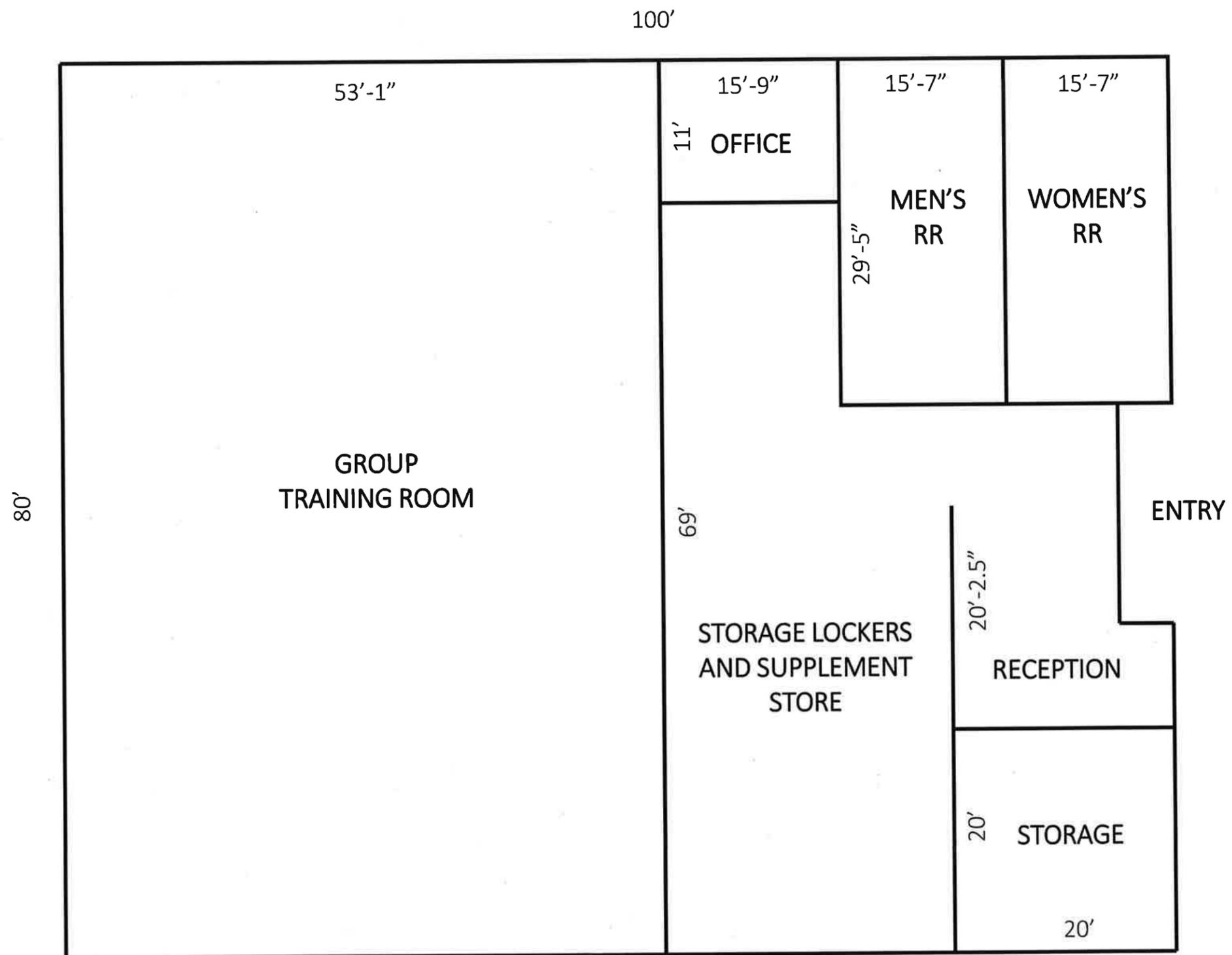


RED HILL AVENUE

AIRWAY AVENUE

AIRPORT LOOP DRIVE

PAULARINO AVENUE ↓



The12 Studio Floor Plan  
 3188 H Airway Ave  
 Costa Mesa, CA

Applicant: 1939 Port Laurent LLC  
 c/o Prism Realty Corporation  
 Phone: 714-708-2740

