

**CITY OF COSTA MESA**

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

DEVELOPMENT SERVICES DEPARTMENT

March 8, 2019

Nicholas Coleman
260 East Mountain View Street
Long Beach, CA 90805

**RE: ZONING APPLICATION 18-59
MINOR CONDITIONAL USE PERMIT TO ALLOW A JUICE BAR WITHIN AN
EXISTING FITNESS GYM
140 EAST 17TH STREET, SUITE B, COSTA MESA**

Dear Mr. Coleman:

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 March 15, 2019, 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, Nancy Huynh, at 714.754.5609, or at nancy.huynh@costamesaca.gov.

Sincerely,

JENNIFER LE

Assistant Director of Development Services

cc: Engineering
Fire Protection Analyst
Building Safety Division

PROJECT DESCRIPTION

Location

The subject property is located at 140 East 17th Street and is zoned as C2 (General Business District) with a General Plan Land Use Designation of General Commercial. The property contains an existing 22,091 square foot multi-tenant commercial building. Existing uses in the commercial building include a fitness gym, The 12 Gym in Suite B, and a clothing store, T-Shirts Warehouse, in Suite A. Other uses surrounding the subject property are also commercially zoned (C2 and CL – Commercial Limited). Multi-family residential zoned properties (R2-HD) are also located across from the project site along Cabrillo Street. Primary access to the project site is provided along East 17th Street with a secondary access provided at the rear of the project site along Cabrillo Street.

Proposed Project

The applicant requests approval of a minor conditional use permit (MCUP) to amend Conditional Use Permit PA-92-46 to allow a juice bar use within the existing fitness gym. A portion of the gym space will be converted for the proposed juice bar. The juice bar will occupy an approximately 800 square foot area and will include a small seating area of less than 300 square feet. The current use of the space where the juice bar is proposed is a gym equipment storage room.

ANALYSIS

The property currently contains an existing 22,091 square foot multi-tenant commercial building. Parking is provided in the common lot and off-site in the adjacent property at 1731 Fullerton Avenue (approved under PA-92-46A). There are a total of 150 parking spaces provided with 92 spaces located in the common lot and 58 in the adjacent off-site parking lot. Access to the off-site parking spaces is provided through a common shared driveway between the two properties.

The 12 Gym occupies the back portion of the building. The 12 Gym also offers group training classes and tailored nutrition programs as part of their fitness routine in addition to operating as a typical gym. The total existing square footage of the gym is 13,591 square feet and includes a mezzanine level for administrative offices. The existing gym equipment storage room is 798 square feet, which is proposed to be converted into a juice bar. The equipment storage room is currently located adjacent to the front reception area. The juice bar will be another added service of the gym and will be operated by another tenant.

The proposed juice bar will include a food preparation/commercial kitchen area, cashier/pick up counter, and a 288 square foot dining area. The applicant provided a

sample menu of the types of product the juice bar will offer – which includes smoothies, coffee, tea, and fruit bowls. The hours of operation for the juice bar are to be consistent with the current gym hours (Monday through Friday from 6AM to 8PM; Saturday through Sunday from 6AM to 5PM). There will be a maximum of three employees present per shift. The juice bar is intended for gym members to promote the wellness aspect of the gym but will also be open to the general public as well.

Since the juice bar has less than 300 square feet of public seating area, the use is required to be parked at four spaces per 1,000 square feet of gross building area; however, this space – since it is part of a fitness gym – is currently parked at 10 spaces per 1,000 square feet of gross floor area or eight spaces – a reduction of five parking spaces. Consequently, the conversion of gym area to the small juice bar will not impact parking.

The proposed juice bar will necessitate only interior improvements to reconfigure the area, which will not increase the building footprint or add any additional square footage. No changes to the building exterior or site are proposed. The applicant anticipates the juice bar will be primarily frequented by gym members with minimal traffic from the general public, which will reduce potential parking impacts. Therefore, the proposed use, as conditioned, would not have adverse impacts to the surrounding uses including nearby residents.

General Plan Consistency

With the recommended conditions of approval and code requirements, the use will be consistent and compatible with surrounding uses, as specified in Policy LU-1.1 and LU-6.7 of the General Plan Land Use Element:

- *LU-1.1 – Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.*
- *LU-6.7 – Encourage new and retain existing businesses that provide local shopping and services.*

The proposed project is for a juice bar within an existing fitness gym, The 12 Gym. The juice bar will be another added service intended to promote the wellness aspect of the gym and will complement the nutrition program the gym currently offers. The juice bar will be a new business that will provide another service to the community, mainly the gym members – which will also be a convenient amenity for them.

The use will not impact parking since the juice bar requires less parking than the gym (four spaces per 1,000 square feet of gross floor area versus 10 spaces per 1,000 square feet of gross floor area, respectively). The proposed hours of operation are

consistent with what the City permits for food service uses within 200 feet of residentially-zoned property. Therefore, the proposed use, as conditioned, would not have adverse impacts to the surrounding uses including residential.

FINDINGS

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

1. The proposed use is compatible with developments in the same general area. The proposed use is in the commercial zone (C2) that is surrounded by other commercial uses. The juice bar will be compatible with other developments as the surrounding commercial centers include similar uses. Furthermore, the proposed juice bar will be within the existing gym where it will complement other services already offered by the gym.

2. 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 because the development is existing and no improvements to the exterior of the building or the site are proposed besides interior tenant improvements.

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 for the property since the proposed use is permitted per the City's Land Use Matrix. A MCUP is required only because the gym was approved under a CUP and the addition of the juice bar requires an amendment to the CUP; otherwise, the juice bar would be a permitted use. Furthermore, the proposed use will not increase the existing building size and conversion of a portion of the gym to a juice bar results in a decrease in required parking.

B. 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 proposed building and the site development, and uses, and the building and site developments, and uses that exist or have been approved for the general neighborhood. The subject property is an existing development and no exterior changes to the existing building or site is proposed. The juice bar will be compatible with other developments as the surrounding commercial centers already include similar food and beverage establishments. The proposed project will comply with parking requirements so there will not be a negative impact to the existing parking.

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 will not be affected by the proposed use since no improvements to the exterior of the existing building or site are proposed.

3. The proposed use complies with performance standards described elsewhere in the Zoning Code. All development standards, including parking will comply with the Zoning Code. In addition to the commercial zone development standards, the juice bar will comply with the specific standards for food and beverage establishments within 200 feet of residentially zoned properties – including the hours of operation.

4. The structure is consistent with the General Plan, specifically Land Use Element Policy LU-1.1 & LU-6.7.

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

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 (CHECK OTHER DEPTS)

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| Plng. | <ol style="list-style-type: none">1. The project shall be limited to the type of building as described in this staff report and in the attached plans; i.e., a juice bar with a seating area under 300 square feet in area and open the same hours as the gym. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Minor Conditional Use Permit.2. The conditions of approval, code requirements, and special district requirements of ZA-18-59 shall be blueprinted on the face of the site plan as part of the plan check submittal package.3. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to final inspections by the Building Division. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.4. All conditions of approval and code requirements of PA-92-46 still apply. |
| Bldg. | <ol style="list-style-type: none">5. Prior to issuing the Building permit the conditions of approval shall be required to be incorporated on the approved Architectural plans. |

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 two years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining building permits for the authorized construction and initiates construction. If the applicant is unable to 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 planning application.
 2. All construction-related activity shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 9 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
 3. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation vault, wall cabinet, or wall box shall be installed under the direction of the Planning Division.
 4. Any new on-site utility services shall be installed underground or with the ability to be underground in the future.
 5. Any new mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. All roof-mounted equipment is prohibited.
- Bldg.
6. Comply with the requirements of the following adopted codes 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 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.
 7. Prior to the Building Div. issuing a demolition permit contact South Coast Air Quality Management District (AQMD) located at:

21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000

Or

Visit their web site

<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>

The Building Div. will not issue a demolition permit until an identification number is provided by AQMD.

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|--------------|-----|--|
| | 8. | Provide a plan to the County of Orange Health Dept. for review and approval. |
| Fire | 9. | Comply with the requirements of the 2016 California Fire Code, including the 2016 Intervening Update and referenced standards as amended by the City of Costa Mesa. |
| Bus.
Lic. | 10. | All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained. |

SPECIAL DISTRICT REQUIREMENTS

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

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| Sani. | 1. | It is recommended that the applicant contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements. |
| AQMD | 2. | Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD. |
| AQMD | 3. | Prior to the Building Division issuing a demolition permit contact South Coast Air Quality Management District (AQMD) located at: 21865 Copley Dr. Diamond Bar, CA 91765-4178, Tel: 909- 396-2000 or visit their web site: http://yourstory.aqmd.gov/home . The Building Division will not issue a demolition permit until an Identification no. is provided by AQMD. |

COLEMAN ARCHITECTURE

JANUARY 29 2019

TENANT IMPROVEMENT FOR THE 12 GYM
140 E 17TH ST
COSTA MESA CA 92627

CITY OF COSTA MESA
DEPARTMENT OF CITY PLANNING
APPLICATION FOR MINOR CONDITIONAL USE PERMIT
Detailed Project Description and Justification for Approval, REVISED

The proposed project is a 794 SF juice bar tenant improvement inside an existing 12,400 SF gym building, occupying space previously used as general equipment storage, and thus necessitating a change of use. The proposed tenant improvement is located directly adjacent to the reception desk for the gym, and is intended for the use of existing gym patrons only, being accessory to the main use and function of the gym proper. The proposed improvements are completely interior, located wholly within the existing building envelope, and include new finishes throughout, new commercial kitchen equipment for the preparation of menu items, dry storage, and some minor seating for patrons' use.

While a change of use, the proposed juice bar is consistent with the approved gym use. While the juice bar is intended to be frequented by the general public, its main customer base will be existing gym patrons. Since its inception, The 12 gym has always provided its patrons with not only fitness training classes, but nutrition as well - aiming for a complete 'sustainable healthy life' for its clients. The new juice bar use then is, in essence, an extension of the gym use proper, and merely another service of the gym and it's stated purpose - namely the health, fitness, and wellness of its existing clientele. To that end, some signage advertising the juice bar is anticipated.

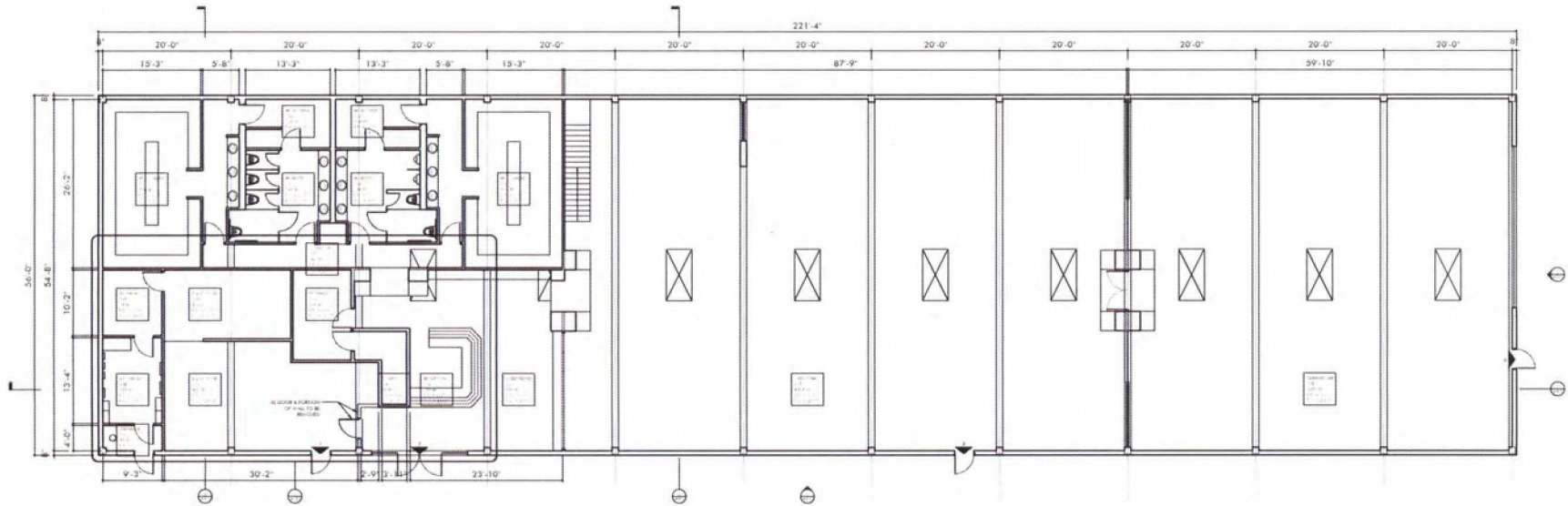
Further, the proposed use is quite consistent with the existing surrounding uses. Right next door at 154 E17th St, there is a Santa Monica Seafood market and cafe, with a sizable dining area inside and out. To the west, at 130 E 17th St, is the Harp Inn, an bar serving a full menu, and also with sizable indoor and outdoor dining areas. To the south, at 141 E 17th St, is a Miguel's Jr., a full-service restaurant, with many other restaurants within the same shopping center. Venturing a little farther afield, the shopping center at the corner of 17th St and Newport Blvd has both a Starbucks cafe and a JujuBar juice bar.

The juice bar will have proposed hours of 6am through 8pm Monday through Friday, and 6am through 5pm Saturday and Sunday, consistent with the gym, and will staff no more than 3 employees per shift.

~~N. 7107/04~~



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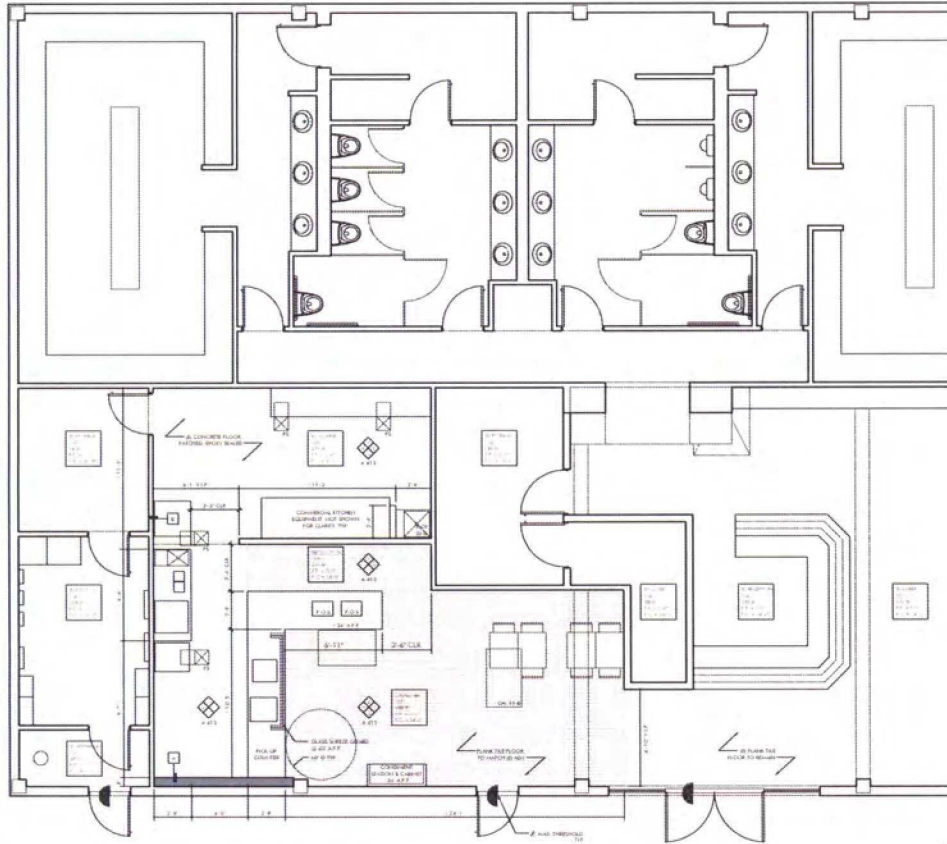


1 EXISTING/DEMOLITION FLOOR PLAN
SCALE 1/8" = 1'-0"

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SHEETPLATE-SCANDIUM FLOOR FLAPS	
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1 CONSTRUCTION FLOOR PLAN
SCALE: 1/4" = 1'-0"

COLEMAN
RECONSTRUCTION

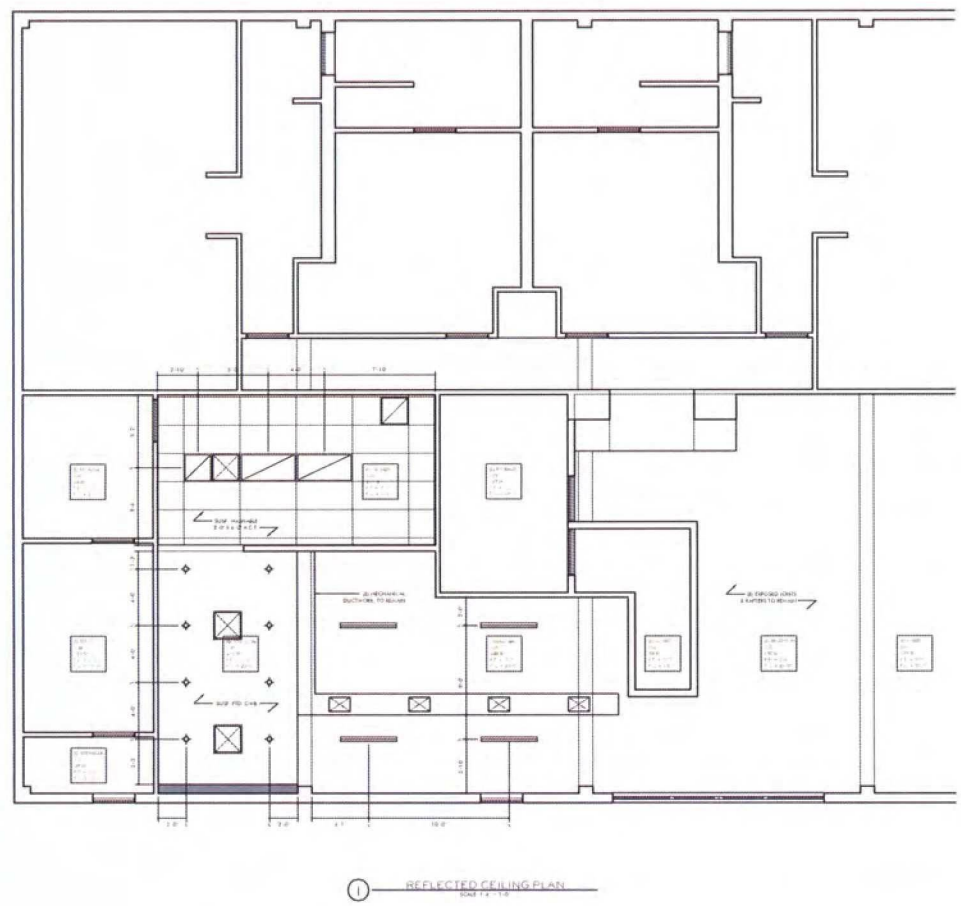
140 E 17TH ST COSTA MESA CA 92627


TENANT IMPROVEMENT
FOR
THE 12 GYM

NO.	DATE	DESCRIPTION
1	10/1/2019	ISSUED FOR PERMIT
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CONSTRUCTION FLOOR PLAN
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- LEGEND**
-  SUSPENDED LINEAR LED FIXTURE
 -  SUSPENDED 2x4 ACOUSTIC FIXTURE
 -  SUSPENDED 2x4 MECHANICAL SUPPLY AIR DIFFUSER
 -  SUSPENDED 2x4 MECHANICAL RETURN AIR

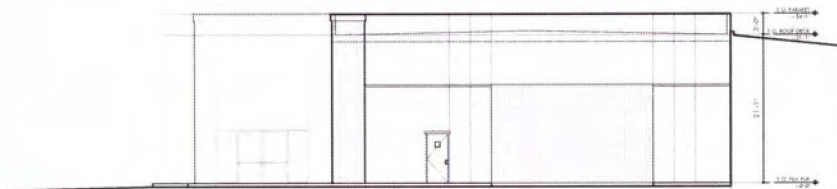
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ARCHITECTURE

ARCHITECT: COLEMAN, P.C.
300 S. MOUNTAIN VIEW ST.
COSTA MESA, CA 92627
(714) 440-8800

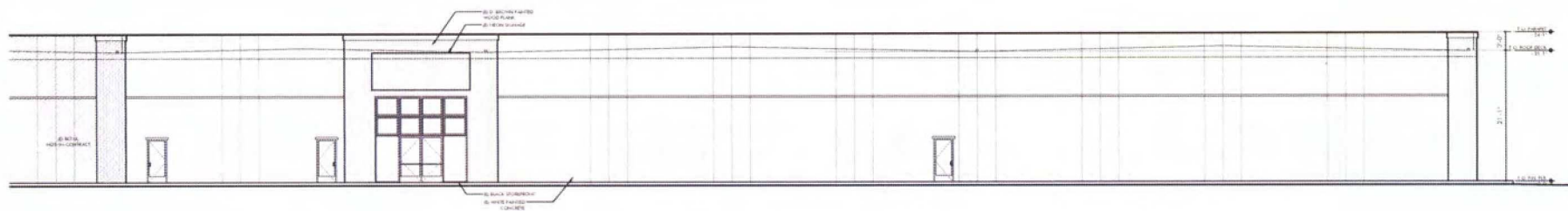
TENANT IMPROVEMENT
THE 12 GYM
140 E 17TH ST COSTA MESA CA 92627

PROJECT: THE 12 GYM
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② NORTH ELEVATION
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① EAST ELEVATION
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TENANT IMPROVEMENT
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THE 12 GYM
140E 17TH ST COSTA MESA CA 92627

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