



City of Costa Mesa

Inter Office Memorandum

TO: CITY COUNCIL AND PLANNING COMMISSION
CC: TOM HATCH, GARY ARMSTRONG, AND CLAIRE FLYNN
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR
DATE: SEPTEMBER 11, 2015
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.

PA-13-18A1 **2957 RANDOLPH AVENUE**

First amendment to Conditional Use Permit PA-13-18 to allow additional business operations during the week for an existing 10,000 square foot microbrewery with a tasting room (Barley Forge). The expanded hours of operation for food/beverage service in the tasting room are proposed as follows: 11:30 a.m. to 12 Midnight (Monday – Thursday) and 11:30 a.m. to 1 a.m. (Friday). No changes to the operational hours during the weekend are proposed. The request does not involve a deviation from parking requirements (15 spaces required; 18 spaces proposed).

Approved, subject to conditions of approval.

Comments received: None.

ZA-15-18 **3151 AIRWAY AVENUE, SUITE F107**

Minor Conditional Use Permit for a group counseling use for drug/alcohol recovery (LEAD Recovery Center) in the CL Zone with a deviation from the shared parking requirements based on unique operating hours. Group counseling sessions will take place only Monday through Thursday between 6:45 p.m. and 9:30 p.m.

Approved, subject to conditions of approval.

Comments received: One opposed.

ZA-15-06

2968 RANDOLPH AVENUE

Minor conditional use permit to deviate from the shared parking requirements for a 3,600-square foot physical fitness facility (96 on-site spaces required; 48 on-site spaces provided). The 48-space parking lot is shared with the Commissary Lounge, which is only open in the evenings, and the Grand Prix machine shop; the hours of operation do not overlap with The Commissary. The business (5 Elements MMA) occupies the rear portion of the building and the proposed hours of operation are 6 a.m. to 8 p.m. (Monday – Friday) and 9 a.m. to 1 p.m. (Saturday and Sunday). Based on operating characteristics of the fitness studio, a minimum of 11 parking spaces are required on weekdays and a minimum of 22 parking spaces on evenings and Saturdays.

Approved, subject to conditions of approval.

Comments received: None.

ZA-15-30

3033 BRISTOL STREET, SUITE E

Minor Conditional Use Permit for a 1,440 square-foot restaurant tenant space (Halal Guys) to extend the hours of operation in the evening from 11 p.m. to 3 a.m. on a daily basis (Sunday-Saturday) within 200 feet of residentially zoned property, in the C1 zone. No live entertainment, dancing or sales/service of alcoholic beverages is proposed.

Denied.

Comments received: Eleven in opposition, one in support.

PCN FINDING

1500 ADAMS AVENUE, SUITE 109

Public Convenience or Necessity (PCN) finding for a type 42 (on sale beer and wine – public premise) ABC license for *Inspired: The Art and Wine Experience*.

Approved.

From: Brad Boatman [<mailto:homeboatman@gmail.com>]

Sent: Friday, July 10, 2015 7:22 PM

To: FLYNN, CLAIRE; Richard Boatman; Lynn Luther

Subject: [BULK] APPLICATION # ZA 15-18 - APPLICANT DEIDRE FITZPATRICK - 3151 AIRWAY AVENUE # F 107

Importance: Low

to whom this may concern

With respect to the above referenced application for a minor conditional use permit for drug/alcohol recovery program in the CL zone with a deviation from the shared parking requirements based on unique circumstances I would offer the following facts;

I am the tenant directly adjacent to the applicant, and have been for over fifteen years. In fact, the suite the applicant currently occupy's was once part of my office.

The hours of operation reported in the application is simply a complete and total fabrication. The hours of the operation are typical business hours - 9:00 AM - 5:00 PM Monday - Friday.

The parking has never been an issue at our offices until the applicant moved in several months ago. Currently, parking is a major issue because of the numbers of visitors from the applicants use.

The 6:45 - 9:00 PM Monday thru Thursday Group sessions they offer as mitigation for their application is simply not true. I work well into the evenings most nights and they have NEVERE conducted any group session after 5:00 PM.

The breaks from each of these sessions provides the office park with a very undesirable element of a dozen or so young people smoking and loitering in the parking lot in front of our businesses. This bell cannot be un-rung and the negative effects of the use is significant.

The number of discarded cigarettes alone is cause for concern.

My main concern is actually the fact that several vehicles have been broken into and who wants to have twelve dysfunctional teenagers loitering about your vehicle every day. These are court ordered psychiatric patients that drug test daily and look like they should be.

I respectfully request the Planning Commission open this application to scrutiny using the public hearing process.

This application should be denied on the basis of BOLD FACE LIES on the hours of operation, the parking problem caused and the fact that a quiet office park is now the center of all teenagers with mental issues to have meetings in our parking lot.

The Brown act and CEQA requires your opening this to public process and I hereby request exactly that.

The purpose of a city Planning Commission is to allow people like me to stop this type of abuse of the process by statements on the application that are simply not true.

I would request you send me a note confirming your receipt of my email.

Thank you,

Brad Boatman - Project Manager
Boatman Development Company
3151 Airway Avenue Unit U-2
Costa Mesa, CA 92626
(714) 206-1571 - Mobile
(714) 918-0515 X 120 -Office
(714) 918-0514 - Fax
HomeBoatman@Gmail.com



P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200 • (714) 754-5245

City of Costa Mesa

PUBLIC TELEPHONE RECORD

Date: 9/10/2015

Name: Lynn Wiegandt

Address: Unknown

Received by: Ryan Loomis, Associate Planner

COMMENTS: (Use Back or Attach Additional Sheets as Necessary)

1. Phone call received from Lynn Wiegandt in opposition to the Halal Guys 3AM closure.

From: Susan Thompson [<mailto:susanthompson@earthlink.net>]
Sent: Monday, August 31, 2015 4:09 PM
To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
Subject: ZA-15-30 - 3033 Bristol St, #D

To Whom it May Concern,

I live around the corner from the strip center in question. I have an objection to allowing any restaurant so close to my home to have a closing hour of 3am daily or just on the weekends. The 3am hour will draw in those leaving a bar or party at 2am to obtain food. The majority of those looking for food at that hour are expected to be, let's say, unable to hear the decibel of their voices or, most likely, to care whether they are disrupting the area or not. I oppose this change in zoning. **Nothing good happens at 3am in the morning and I do not want my home to be next to it!**

Thank you for your consideration

Susan A. Thompson

(714) 546-2906 ph
susanthompson@earthlink.net

LOOMIS, RYAN

Subject: FW: ZA-15-30

From: Marice White [<mailto:maricehwhite@gmail.com>]

Sent: Monday, August 31, 2015 4:37 PM

To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costamesa.ca.us>

Subject: ZA-15-30

Regarding the above mentioned zoning application requesting extended hours to 3 a.m., seven nights a week, please let this email serve as my formal notice to the City opposing this request. I received the Notice of a Zoning Administrator postcard in the mail as an adjacent homeowner. The Bristol Corridor, and adjacent SOBECA area are already heavily impacted by eating, drinking and nightclub establishments - all which close before 3 a.m. These establishments attract a high volume of patrons that remain until the early morning hours patronizing these uses. As a resident in this area we are already impacted by late night uses; however none of the uses are open past 2 a.m., and those that are open that late already put patrons in and around our neighborhood during the early morning hours. Having a use open until 3 a.m. will only further encourage patrons to linger in this area - an area immediately adjacent to residents. Based on looking up this business requesting the use it appears to be a fast/casual restaurant - while they may not serve alcohol or have live music, they will be attracting diners until the very early morning hours. Consider also that the immediately adjacent similar uses close much earlier: Wahoo's, 9 p.m.; El Pollo Loco, 11 p.m.; TK Burger, 9 p.m.; Umami Burger, 12 a.m.; Native Foods, 10 p.m.; and while there are two fast-food drive-thrus open 24 hours they are not offering the same experience for diners. Even the adjacent nightclubs and bars are closed at 2 a.m., and a number of them are not open on Sundays. Unlike our neighbors at The Camp and other adjacent Bristol/Baker uses who reach out to us, work with us and ensure our neighborhoods are peaceful, this center has a history of problematic tenants with late night noise, unpermitted uses, code enforcement issues and disturbing adjacent neighbors. Please deny this request.

--

Marice H. White

LOOMIS, RYAN

Subject: FW: ZA-15-30

From: Karen Collins [mailto:karen_collins@hillspet.com]
Sent: Monday, August 31, 2015 8:17 PM
To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
Subject: ZA-15-30

To whom it may concern:

Regarding the above mentioned zoning application requesting extended hours to 3 a.m., seven nights a week, please let this email serve as my formal notice to the City opposing this request. I received the Notice of a Zoning Administrator postcard in the mail as an adjacent homeowner. The Bristol Corridor, and adjacent SOBECA area are already heavily impacted by eating, drinking and nightclub establishments - all which close before 3 a.m. These establishments attract a high volume of patrons that remain until the early morning hours patronizing these uses. As a resident in this area we are already impacted by late night uses; however none of the uses are open past 2 a.m., and those that are open that late already put patrons in and around our neighborhood during the early morning hours. Having a use open until 3 a.m. will only further encourage patrons to linger in this area - an area immediately adjacent to residents. Based on looking up this business requesting the use it appears to be a fast/casual restaurant - while they may not serve alcohol or have live music, they will be attracting diners until the very early morning hours. Consider also that the immediately adjacent similar uses close much earlier: Wahoo's, 9 p.m.; El Pollo Loco, 11 p.m.; TK Burger, 9 p.m.; Umami Burger, 12 a.m.; Native Foods, 10 p.m.; and while there are two fast-food drive-thrus open 24 hours they are not offering the same experience for diners. Even the adjacent nightclubs and bars are closed at 2 a.m., and a number of them are not open on Sundays. Further, this center has a history of problematic tenants with late night noise, unpermitted uses, code enforcement issues and disturbing adjacent neighbors. Please deny this request.

Sincerely,

Karen Collins, RVT
Hill's Pet Nutrition, Inc. | Territory Manager
(: 714.865.8894 | 7: 714.754.7022 | *: Karen_Collins@HillsPet.com
Vets/Techs/Staff: Sign up for our monthly e-newsletter Vet Today® at www.HillsVet.com or follow @hillsvet on Twitter
Pet Owners: Sign up for our monthly e-newsletter Pet Chat at HillsPet.com/PetChat

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LOOMIS, RYAN

Subject: FW: ZA-15-30 Opposition

From: Kristine Courdy [<mailto:kcourdy@gmail.com>]
Sent: Tuesday, September 01, 2015 11:42 AM
To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costamesa.ca.us>
Cc: Aaron Courdy <acourdy@gmail.com>
Subject: ZA-15-30 Opposition

Hello,

Regarding the above mentioned zoning application requesting extended hours to 3 a.m., seven nights a week, please let this email serve as my formal notice to the City opposing this request. I received the Notice of a Zoning Administrator postcard in the mail as an adjacent homeowner. The Bristol Corridor, and adjacent SOBECA area are already heavily impacted by eating, drinking and nightclub establishments - all which close before 3 a.m. These establishments attract a high volume of patrons that remain until the early morning hours patronizing these uses. As a resident in this area we are already impacted by late night uses; however none of the uses are open past 2 a.m., and those that are open that late already put patrons in and around our neighborhood during the early morning hours. Having a use open until 3 a.m. will only further encourage patrons to linger in this area - an area immediately adjacent to residents. Based on looking up this business requesting the use it appears to be a fast/casual restaurant - while they may not serve alcohol or have live music, they will be attracting diners until the very early morning hours. Consider also that the immediately adjacent similar uses close much earlier: Wahoo's, 9 p.m.; El Pollo Loco, 11 p.m.; TK Burger, 9 p.m.; Umami Burger, 12 a.m.; Native Foods, 10 p.m.; and while there are two fast-food drive-thrus open 24 hours they are not offering the same experience for diners. Even the adjacent nightclubs and bars are closed at 2 a.m., and a number of them are not open on Sundays. Further, this center has a history of problematic tenants with late night noise, unpermitted uses, code enforcement issues and disturbing adjacent neighbors. Please deny this request.

Sincerely,

Kristine and Aaron Courdy
752 Wingate Bay

LOOMIS, RYAN

Subject: FW: ZA-15-30

From: daniella wayne [<mailto:daniwayne@hotmail.com>]

Sent: Tuesday, September 01, 2015 5:02 PM

To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>

Subject: ZA-15-30

Regarding the above mentioned zoning application requesting extended hours to 3 a.m., seven nights a week, please let this email serve as my formal notice to the City opposing this request. I received the Notice of a Zoning Administrator postcard in the mail as an adjacent homeowner. The Bristol Corridor, and adjacent SOBECA area are already heavily impacted by eating, drinking and nightclub establishments - all which close before 3 a.m. These establishments attract a high volume of patrons that remain until the early morning hours patronizing these uses. As a resident in this area we are already impacted by late night uses; however none of the uses are open past 2 a.m., and those that are open that late already put patrons in and around our neighborhood during the early morning hours. Having a use open until 3 a.m. will only further encourage patrons to linger in this area - an area immediately adjacent to residents. Based on looking up this business requesting the use it appears to be a fast/casual restaurant - while they may not serve alcohol or have live music, they will be attracting diners until the very early morning hours. Consider also that the immediately adjacent similar uses close much earlier: Wahoo's, 9 p.m.; El Pollo Loco, 11 p.m.; TK Burger, 9 p.m.; Umami Burger, 12 a.m.; Native Foods, 10 p.m.; and while there are two fast-food drive-thrus open 24 hours they are not offering the same experience for diners. Even the adjacent nightclubs and bars are closed at 2 a.m., and a number of them are not open on Sundays. Further, this center has a history of problematic tenants with late night noise, unpermitted uses, code enforcement issues and disturbing adjacent neighbors. Please deny this request.

Daniella

LOOMIS, RYAN

Subject: FW: ZA-15-30

From: Curt Frieden [<mailto:curtfrieden@gmail.com>]

Sent: Wednesday, September 02, 2015 10:23 AM

To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>

Subject: ZA-15-30

Regarding the above mentioned zoning application requesting extended hours to 3 a.m., seven nights a week, please let this email serve as my formal notice to the City opposing this request. I received the Notice of a Zoning Administrator postcard in the mail as an adjacent homeowner. The Bristol Corridor, and adjacent SOBECA area are already heavily impacted by eating, drinking and nightclub establishments - all which close before 3 a.m. These establishments attract a high volume of patrons that remain until the early morning hours patronizing these uses. As a resident in this area we are already impacted by late night uses; however none of the uses are open past 2 a.m., and those that are open that late already put patrons in and around our neighborhood during the early morning hours. Having a use open until 3 a.m. will only further encourage patrons to linger in this area - an area immediately adjacent to residents. Based on looking up this business requesting the use it appears to be a fast/casual restaurant - while they may not serve alcohol or have live music, they will be attracting diners until the very early morning hours. Consider also that the immediately adjacent similar uses close much earlier: Wahoo's, 9 p.m.; El Pollo Loco, 11 p.m.; TK Burger, 9 p.m.; Umami Burger, 12 a.m.; Native Foods, 10 p.m.; and while there are two fast-food drive-thrus open 24 hours they are not offering the same experience for diners. Even the adjacent nightclubs and bars are closed at 2 a.m., and a number of them are not open on Sundays. Further, this center has a history of problematic tenants with late night noise, unpermitted uses, code enforcement issues and disturbing adjacent neighbors. Please deny this request.

Sincerely,

Curt Frieden

LOOMIS, RYAN

Subject: FW: ZA-15-30

From: David Smith [<mailto:onedjsmith@gmail.com>]

Sent: Thursday, September 03, 2015 9:29 AM

To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>

Cc: Kitty <Kitty@kmslogisticscompany.com>; kelly.kat <kelly.kat@sbcglobal.net>

Subject: ZA-15-30

RE: application # ZA-15-30, Halal Guys, 3033 Bristol Street expansion of hours.

As a SOBECA area resident I have no objection to this application, but would like to remind the Planning Commission of the need for a comprehensive parking and traffic study as development in our area increases. As this is to expand to late night hours (3am), you should see that the development is demanding more late night food due to the volume of people in our area at these times. The City needs to preform a comprehensive parking and traffic study as the basis to correct parking, shared parking, valet parking, and dangerous traffic in our area at night.

As a Pentridge Cove I resident, our residential area is affected by the noise and traffic - easy corrections can be made by demanding compliance with current shared parking agreements, and valet parking agreements as well as not expanding development until the overall parking and traffic issues are alleviated. Road safety in the area could also be easily alleviated by providing a traffic light or lit crosswalk on Baker Street at Randolph Street as well as traffic controls (speed bumps?) on Randolph between Baker Street and Bristol. Our neighborhood continues to request consideration for these changes, before more people are killed or injured as has happened with regular occurrence in the last year.

Please acknowledge receipt and review of these requests.

--

David Jordan Smith, AIA, CSI
Architecture - Construction Management
788 Wesleyan Bay
Costa Mesa, CA 92626
(714) 392-3834 Cell
onedjsmith@gmail.com

LOOMIS, RYAN

Subject: FW: ZA-15-30

-----Original Message-----

From: Kathy Karlheim [mailto:kakarlheim@sbcglobal.net]

Sent: Thursday, September 03, 2015 11:14 AM

To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>

Subject: ZA-15-30

Good Morning!

Regarding the above mentioned zoning application requesting extended hours to 3 a.m., seven nights a week.

Please let this email serve as my formal notice to the City opposing this request. I received the Notice of a Zoning Administrator postcard in the mail as an adjacent homeowner. The Bristol Corridor, and adjacent SOBECA area are already heavily impacted by eating, drinking and nightclub establishments - all which close before 3 a.m. These establishments attract a high volume of patrons that remain until the early morning hours patronizing these uses. As a resident in this area we are already impacted by late night uses. None of the uses are open past 2 a.m., and those that are open that late already put patrons in and around our neighborhood during the early morning hours. Having a use open until 3 a.m. will only further encourage patrons to linger in this area - an area immediately adjacent to residents. Based on looking up this business requesting the use it appears to be a fast/casual restaurant - while they may not serve alcohol or have live music, they will be attracting diners until the very early morning hours. Consider also that the immediately adjacent similar uses close much earlier: Wahoo's, 9 p.m.; El Pollo Loco, 11 p.m.; TK Burger, 9 p.m.; Umami Burger, 12 a.m.; Native Foods, 10 p.m.; and while there are two fast-food drive-thrus open 24 hours they are not offering the same experience for diners. Even the adjacent nightclubs and bars are closed at 2 a.m., and a number of them are not open on Sundays. Furthermore, this center has a history of problematic tenants with late night noise pollution, unpermitted uses, code enforcement issues and disturbing adjacent neighbors. Please deny this request.

There is presently insufficient parking to accomodate the patrons for The Camp and The Anti-Mall areas. This is also a safety concern for patrons of the establishments. Randolph. St, a public CM street is all "parked up" on the weekends by their patrons. At times, Pentridge Cove II guest parking is being used for this purpose. We now have a parking patrol company in place, paid by the HO's to ensure parking regulations are followed. In addition, often times one can see patrons running across the street, illegally to get to and from(to cross Bristol) and not crossing at the designated intersections. No to mention, patrons speaking in volume, at times creaing noise polution in the early morning hours.

Sincerely,

Kathy Karlheim
758 Wingate Bay
Costa Mesa, CA
92626

LOOMIS, RYAN

Subject: FW: Application ZA-15-30

From: Wiegandt, Dan [<mailto:Dan.Wiegandt@theaustin.com>]
Sent: Sunday, September 06, 2015 12:28 PM
To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>
Subject: Application ZA-15-30

I am **OPPOSED** to the proposed minor conditional use permit to allow Halal Guys to stay open past 11:00PM.

There is good reason to have their restaurant open beyond 11:00PM

The shopping center abuts a residential neighborhood.

The proposed hours would only attract a late night post bar closing crowd which is not conducive to a quiet residential neighborhood.

There are children and adults whose sleep would be potentially disturbed by these hours of operation.

This would set a bad precedence for the other restaurants in that center to request similar hours.

Please deny this minor conditional use permit.

Thanks

Dan Wiegandt, AIA
Manager of Engineering
The Austin Company
6410 Oak Canyon, Suite 150
Irvine, CA 92618-5213
P: 949.451.9910 C: 949.246.6044

LOOMIS, RYAN

Subject: FW: comments re: zoning

From: Gloria Walser [<mailto:gloria.walser@sbcglobal.net>]

Sent: Monday, September 07, 2015 10:56 PM

To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costa-mesa.ca.us>

Subject: comments re: zoning

I oppose application ZA-15-30.

I agree agree with applications PA-96-14 and PA-0045.

Gloria Walser

(714) 434-0739

gloria.walser@sbcglobal.net

LOOMIS, RYAN

Subject: FW: ZA-15-30

From: James Nossaman [<mailto:jknossaman@gmail.com>]
Sent: Tuesday, September 08, 2015 1:44 PM
To: PLANNING COMMISSION <PLANNINGCOMMISSION@ci.costamesa.ca.us>
Subject: ZA-15-30

To whom it may concern,

Regarding the above mentioned zoning application requesting extended hours to 3 a.m., seven nights a week, please let this email serve as my formal notice to the City opposing this request. I received the Notice of a Zoning Administrator postcard in the mail as an adjacent homeowner. The Bristol Corridor, and adjacent SOBECA area are already heavily impacted by eating, drinking and nightclub establishments - all which close before 3 a.m. These establishments attract a high volume of patrons that remain until the early morning hours patronizing these uses. As a resident in this area we are already impacted by late night uses; however none of the uses are open past 2 a.m., and those that are open that late already put patrons in and around our neighborhood during the early morning hours. Having a use open until 3 a.m. will only further encourage patrons to linger in this area - an area immediately adjacent to residents. Based on looking up this business requesting the use it appears to be a fast/casual restaurant - while they may not serve alcohol or have live music, they will be attracting diners until the very early morning hours. Consider also that the immediately adjacent similar uses close much earlier: Wahoo's, 9 p.m.; El Pollo Loco, 11 p.m.; TK Burger, 9 p.m.; Umami Burger, 12 a.m.; Native Foods, 10 p.m.; and while there are two fast-food drive-thrus open 24 hours they are not offering the same experience for diners. Even the adjacent nightclubs and bars are closed at 2 a.m., and a number of them are not open on Sundays. Further, this center has a history of problematic tenants with late night noise, unpermitted uses, code enforcement issues and disturbing adjacent neighbors. Please deny this request.

Sincerely,

James Nossaman
733 Wingate Bay
Costa Mesa, Ca 92626



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

September 11, 2015

Marice White
MConsensus
3609 W. MacArthur Boulevard #812
Santa Ana, CA 92704

**RE: ZONING APPLICATION PA-13-18 A1
FIRST AMENDMENT TO CONDITIONAL USE PERMIT PA-13-18 TO ALLOW
ADDITIONAL BUSINESS OPERATIONS DURING THE DAY FOR AN
EXISTING 10,000-SQUARE FOOT MICROBREWERY (BARLEY FORGE).
2957 RANDOLPH AVE, COSTA MESA**

Dear Ms. White:

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 September 18, 2015, 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, Antonio Gardea, at (714) 754-5692, or via email at antonio.gardea@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

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

cc: Engineering
Fire Protection Analyst
Building Safety Division

Gregory Nylan
816 Basin Drive
Topanga, CA 90290

Alice Willer-Zelden
1000 Pacific Coast Highway, #7
Huntington Beach, CA 92648

PROJECT DESCRIPTION

The property is zoned MG (General Industrial District) and has a General Plan land use designation of Light Industry. The property is located within the South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan; however, the requested change to the operating hours does not require master plan approval and does not activate any of the provisions in the urban plan.

The property is located approximately midblock on the west side of Randolph Avenue between Baker Street and Bristol Street. The site contains an existing 19,600 industrial building with surface parking. The property shares a common driveway with 2967 Randolph Avenue to the north, which contains a one-story, 8,000 square-foot industrial building occupied by various industrial uses. A total of 45 on-site parking spaces are indicated on the site plan.

The existing microbrewery is located in the rear 10,000-square foot portion of the building. As part of the small beer manufacturer, the floor plan includes a 980-square foot tasting room which is ancillary to the primary microbrewery use. The current hours allow operation of the brewery from early in the morning until the afternoon. The tasting room is currently allowed to be open only during weekday evenings and on weekends. The applicant requests an amendment to the existing conditional use permit to allow daily lunchtime hours for the tasting room. The following are the existing and proposed hours of operation.

USE	DAY	EXISTING HOURS	PROPOSED HOURS
Microbrewery	Daily	5:00 a.m. – 3:00 p.m.	No Change
Tasting Room	Monday – Thursday	5:00 p.m. – midnight	11:30 a.m. – midnight
	Friday	5:00 p.m. – 1:00 a.m.	11:30 a.m. – 1:00 a.m.
	Saturday	11:00 a.m. – 1:00 a.m.	No Change

ANALYSIS

Parking

According to the applicant, the lease agreement allocates the existing 45 on-site parking spaces as follows:

Southerly 19,600 sq.ft. Building:

- Barley Forge – 18 parking spaces
- AVR van rental – 8 parking spaces (vans are parked inside the building; exterior parking is used for customer pickup and drop off)

Northerly 8,000 sq.ft. Building:

- Miscellaneous industrial uses – 19 parking spaces

Required parking for a restaurant- even in industrial zones - is 10 spaces per 1,000 square feet of floor area. Consequently, 10 parking spaces for the subject tasting room are required. An additional five parking spaces would be necessary for the brewing operations based on the number of employees, for a total demand of 15 parking spaces. Based on 18 parking spaces allocated to the subject tenant space, an adequate number of parking spaces is provided to support the additional hours of operation.

Staff conducted site visits between the hours of 11:00 a.m. and 2:00 p.m. during weekdays (typical 'lunch' times) to ascertain if sufficient parking is currently provided; staff observed that adequate parking is provided for the various uses on the site. As is consistent with other requests for parking deviations, a condition is included requiring that 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 and/or modifying the operating hours of the business.

General Plan Consistency

The maximum allowable FAR for high traffic generating uses (8 to 15 average daily trips per 1,000 square feet in industrial designations) is 0.30 in the Light Industry designation. The parcel is 31,500 square feet in area, resulting in a nonconforming floor area ratio of 0.62. The operation of one tenant space as an ancillary tasting room on a property containing a variety of uses will not impact the overall FAR designation of the site. As was indicated in the original conditions of approval for PA-13-18, a traffic impact fee of \$15,566 is being assessed for the additional hours of operation.

The proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the recommended conditions of approval, the extended hours proposed for the microbrewery tasting room should not adversely impact surrounding uses.

FINDINGS

- A. 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. The proposed change of the operating hours would not adversely affect the neighboring tenants. Adequate parking exists to accommodate the potential increase in parking demand created by the lunchtime hours of the tasting room. The proposed use, as conditioned, will not generate adverse noise, traffic, or parking impacts that are unusual for industrially-zoned properties.
 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 change of the operating hours would not adversely affect the surrounding industrial uses in the area. The property is approximately 500 feet away from the nearest residentially-zoned properties (across Baker Street). The Police Department has reviewed the proposed use and has no objections to the approval of the application.

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 and any applicable specific plan for the property. The proposed change in the operating hours does not increase the intensity of the use beyond what is allowed by the General Plan FAR requirements.

- B. 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.
- C. 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 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 as described in the applicant's letter of description and staff report as described herein:
- The tasting room hours of operation shall be limited to the following:
 - Monday – Thursday: 11:30 a.m. – 12:00 a.m.
 - Friday: 11:30 a.m. – 1:00 a.m.
 - Saturday: 11:00 a.m. – 1:00 a.m.
 - Sunday: 11:00 a.m. – 12:00 a.m.
 - Any change in the hours or days of operation shall require the assessment of additional traffic impact fees.
 - The tasting room area shall be limited to 43 seats, including a communal table and four individual tables.
 - The menu items shall be limited to charcuterie and cheese plates, paninis/sandwiches, and salads.
 - A maximum of 5 full-time equivalent employees shall be on-site or employed at the site for the microbrewery operations, including administrative and retail operations.

Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the 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. Live entertainment may only be permitted subject to City issuance of a minor conditional use permit and a public entertainment permit. Contact Code Enforcement (754-5623) for application information.
3. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
4. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
5. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
6. All lots where parking is provided shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot.
7. Customer and employee parking shall occur on-site and not within surrounding streets. If parking problems arise, the operator shall institute whatever

operational measures are necessary to minimize or eliminate the problem, including, but not limited to, providing free on-site valet service.

8. All sales and service staff (within 90 days of hire) shall complete Responsible Beverage Service (RBS) training with a California Department of Alcoholic Beverage Control approved provider. A copy of the training certificates shall be kept on premises and presented to any authorized City official upon request.
9. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
10. A copy of the conditions of approval for the conditional use permit must 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.
11. The conditions of approval and ordinance or code provisions of planning application PA-13-18 A1 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
12. The applicant is reminded that all conditions of approval of PA-13-18 still apply.

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 and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
- Bldg. 2. Comply with the requirements of the following adopted codes: 2013 California Building Code, 2013 California Electrical code, 2013 California Mechanical code, 2013 California Plumbing code, 2013 California Green Building Standards Code and 2013 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 2013 California Building Code.
- Trans. 3. The applicant shall submit an additional \$15,566 Traffic Impact Fee to the Transportation Division prior to the effective date of the Minor Conditional Use Permit. 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.

Barley Forge Brewing Co. Request for Tasting Room Hours Condition Change

Background

On November 12, 2013 the Costa Mesa Planning Commission unanimously approved a CUP for Barley Forge Brewing Company to be Costa Mesa's first craft brewery and tasting room. Condition 11 states:

“Hours of operation shall be limited to the hours of 5:00 a.m. to 12:00 a.m. Sunday through Thursday and 5:00 a.m. to 1:00 a.m. Friday and Saturday. During weekdays, the retail operations shall not open before 5:00 p.m. and on weekends will be open at 11:00 a.m....”

Situation

Barley Forge occupies a 10,000 square-foot space in a 16,000 square-foot building. Of Barley Forge's 10,000 square-foot space, over 80% is devoted exclusively to brewing operations and production facilities. The production areas are occupied predominantly by equipment, walk-in coolers, warehouse space, keg storage, offices, and an employee locker room and restroom.

Barley Forge has 18 unreserved/in-common parking spaces under its lease, and the complex in which the building is located has a total of 45 unreserved/in-common parking spaces.

On average, there are only 2-3 employees during the day working in the “back of house” brewing or packaging beer and 1 employee doing administrative and other work. Overall the business operates with a staff of 5 full-time equivalent employees during the day. With the tasting room included, a conservative application of the city's zoning code would require approximately 9 parking spaces.

Request

Barley Forge is requesting that the tasting room hours of operation Monday – Friday be modified to allow for lunch service, opening at 11:30 a.m. The justification for this request is as follows:

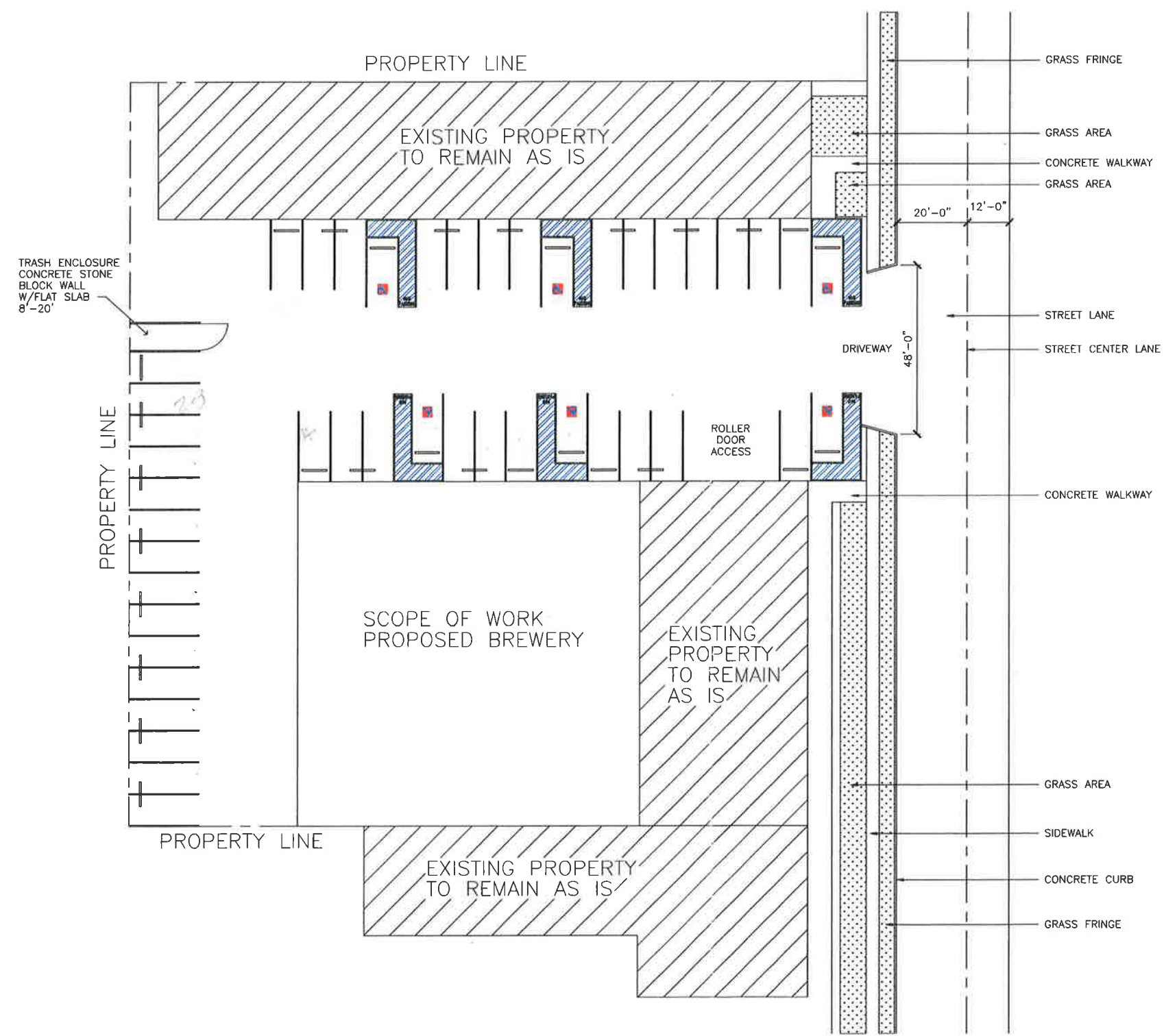
- The square-footage of the operation is not representative of parking demand as the equipment and brewing operation are massive in size and occupy the majority of space
- The adjacent unit and tenant operate a use that houses their “product” in a warehouse (the unit itself), operates with two to three staff members and have a clientele that is transient, renting vans and leaving the premises
- Of the 45 spaces available on the site, the brewery is allocated 18 spaces – ample given the description above, zoning code and demand; further, this leaves ample spaces for the van rental tenant/unit and opposite tenants
- Additionally, the opposite building (same owner and using the same parking lot) has tenants with low parking demand – a small art gallery, a wholesale clothing business and a studio/work-space

SNDVL | BNKT

p: 805.477.8932
p: 805.391-4500

sndvlarch@gmail.com
monika.banakalle@gmail.com

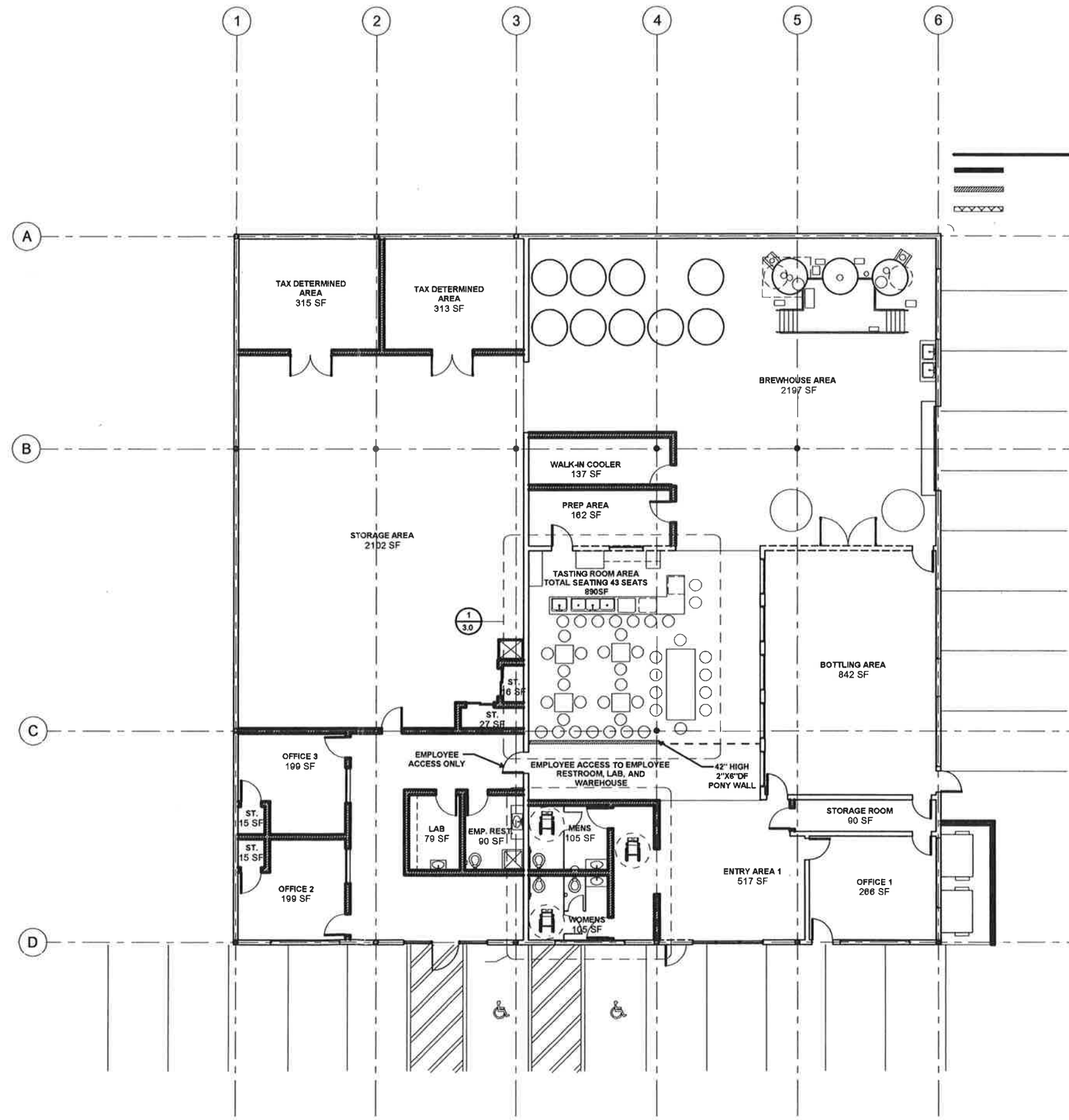
326 Juniper St. #218
San Diego, CA 92101



SITE PLAN
SCALE - 1/16"=1'-0"

No	Description	Date

Project number
Date
Drawn by
Checked by
Scale





CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

September 11, 2015

Deidre Fitzpatrick
3151 Airway Avenue, Suite F-107
Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-15-18
MINOR CONDITIONAL USE PERMIT FOR GROUP COUNSELING AND TO
DEVIATE FROM THE SHARED PARKING REQUIREMENTS
3151 AIRWAY AVENUE, SUITE F-107 STREET, COSTA MESA**

Dear Ms. Fitzpatrick:

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 attached and subject to the conditions listed. The decision will become final at 5:00 p.m. on September 18, 2015, 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, Antonio Gardea, at (714) 754-5692, or via email at antonio.gardea@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments:

Project Description
Findings
Conditions of Approval, Code Requirements, and Special District Requirements
Applicant's Project Description and Plans

cc: Engineering
Fire Protection Analyst
Building Safety Division
Transportation Services Division

LEAD Recovery Center
Attn: Nanette Zumwalt
21062 Brookhurst Street, Suite 201
Huntington Beach, CA 92646

BACKGROUND

Project Site/Environs

The project site is located on the west side of Airway Avenue within the John Wayne Airport Executive Guild, Water Garden Suites Office Complex. The property is zoned CL (Limited Commercial District) and has a General Plan Land Use Designation of Industrial Park. The office complex is bounded by industrial parks to the north and south and commercial office complexes to the west facing Red Hill Avenue. John Wayne Airport is to the east across Airway Avenue. The entire site is approximately 12 acres and developed with 21 multiple-tenant buildings (161,000 square feet), including Building F, a two-story building. The applicant intends to use a ground level suite. A total of 591 parking spaces are provided on site. Access to the site is provided along Paularino Avenue, Airway Avenue and Baker Street.

Currently, the following other counseling services operating in the existing business park:

- Breakaway Health Corp. - 3151 Airway Ave D001 (Outpatient Drug Rehab Group Counseling - Evenings only per ZA-97-20) – Licensed by the State for Group Counseling
- Agape Addiction Counseling - 3151 Airway Ave H1 (Approved as Individual Counseling)
- South Coast Behavioral Health -3151 Airway Ave N002 (Approved as Individual Counseling) Licensed by the State for Individual Counseling
- Nsight Recovery - 3151 Airway Ave U1 (Approved as Individual Counseling)

PROJECT DESCRIPTION

LEAD Recovery Center is proposing to hold two group counseling meetings at the subject site serving a maximum of 12 clients, Monday through Thursday from 6:45 p.m. to 9:30 p.m. Since the property is located in the Commercial Limited (CL) zone, the proposed group counseling requires approval of a minor conditional use permit (MCUP). A MCUP is also required to deviate from the shared parking requirements due to the unique operating characteristics of this use.

ANALYSIS

Group Counseling Use

LEAD Recovery Center would occupy a 1,140 square-foot tenant space (F-107) on the ground floor of Building F. The proposed floor plan consists of two group counseling rooms, two offices, and a lobby area. The group counseling rooms are approximately 200 square feet in size and the counseling sessions would occur in the evening only. According to the applicant, the majority of the clients would be shuttled to the site as part of the rehabilitation program. Day time use of the suite would be limited to administrative office use. A maximum of three employees would be present at the site for a total of 3

occupants during the day and 15 occupants between the hours of 6:45 and 9:30 p.m. Monday through Thursday. Because the group counseling use would be conducted after standard business hours, the proposed use would not have an adverse effect on neighboring tenants/businesses.

Parking Requirements

Per Zoning Administrator Determination No. 08-5, group counseling uses are considered the same as "Trade and Vocational Schools" and require 10 parking spaces per 1,000 square feet of gross floor area. With the proposed 1,140 square foot area, a minimum of 11 parking spaces would be required for the proposed group counseling use. The office uses in this complex are provided with four parking spaces per 1,000 square feet of building area, which is the standard required office parking ratio; consequently the subject suite would be credited with five parking spaces.

Operational Based Parking Demand

The applicant indicates that the behavioral services provider has unique operating conditions that reduce their parking demand as noted below:

- The proposed hours of operation for the group counseling are from 6:45 p.m. to 9:30 p.m. Monday through Thursday when the majority of the businesses are closed. The applicant provided a listing of the tenants within Building F that indicated that all of the businesses close no later than 6:00 p.m. Only one space on the second floor is currently vacant.
- LEAD recovery provides a shuttle service for the clients. Very few of the clients provide their own transportation and some may arrange transportation with other community programs or have family members drop them off. The shuttle van would drop off the clients at the start of the counseling sessions and return for them at the conclusion of the group sessions.
- A maximum of three staff members would be employed at the site.

Clients will be shuttled to the site because many have driving restrictions. The transportation service is provided by a 13-passenger van for each counseling session. With the proposed number of employees and van parking, adequate parking would be provided as five parking spaces are credited to an office suite of this size. In addition, staff visits to the site confirmed that the majority of the tenants in the office park are not open in the evening hours, so parking conflicts are not anticipated.

In response to potential loitering concerns, a condition was added requiring the clients to wait for the shuttle inside the building with other loitering also prohibited. Consistent with other requests for parking deviations, a condition of approval has been included requiring that if parking shortages or other parking-related problems arise, the business operator

shall institute appropriate operational measures necessary to eliminate the problem, including, but not limited to, reducing the number of clients served at the site and/or restricting the number of clients in the group counseling sessions.

GENERAL PLAN CONFORMITY

Future development of all land within the City of Costa Mesa is guided by the General Plan adopted in 2002. The General Plan sets forth land use goals, policies, and objectives that guide new development and uses.

Based on the issues discussed in the previous sections, the request, as conditioned, is consistent with the following goals and objectives of the General Plan.

- **Objective LU-1A:** *Establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure.*

LU-1A.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.

- **Objective LU-1F:** *Establish policies, standards, and procedures to minimize blighting influences and maintain the integrity of stable neighborhoods.*

LU-1A.1 Protect existing stabilized residential neighborhoods, including mobile home parks from the encroachment of incompatible or potentially disruptive land uses and/or activities.

The Industrial Park designation is intended to apply to large districts that contain a variety of industrial and compatible office and support uses. Industrial parks typically contain large parcels and extensive landscaped setbacks that provide physical separations from areas designated for other uses to avoid potential land use incompatibilities.

The proposed group counseling use would provide a service to the community and would not generate vehicle trips in excess of that which can be supported by the existing traffic infrastructure. The existing office complex is located along two major transportation corridors surrounded by commercial office buildings and industrial uses. The proposed group counseling would take place during times that other businesses are not operating and with conditions prohibiting loitering, would be comparable to other commercial office uses.

ENVIRONMENTAL DETERMINATION

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.

FINDINGS

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

Finding: The proposed use is compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings: Based on the applicant's description of the number of clients and employees and the floor plan provided, an adequate number of on-site parking spaces would be provided. According to the information provided by the applicant, the proposed group counseling use will be provided to clients who have limited driving privileges. Because the clients are shuttled to the site in a multiple-passenger van, the parking demand is much lower, making the use comparable to a general office use.

Finding: Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: As conditioned, the proposed group counseling use will be compatible with the surrounding businesses. The proposed use is akin to general offices and would only operate Monday through Thursday from 6:45 p.m. to 9:30 p.m. with no weekend counseling sessions. The clients will be shuttled to and from the site. Additionally, conditions have been included prohibiting loitering.

Finding: Granting the minor conditional use permit will not allow a use, density, or intensity which is not in accordance with the General Plan designation.

Facts in Support of Findings: The request is consistent with the following goals and objectives of the General Plan:

- **Objective LU-1A:** *Establish and maintain a balance of land uses throughout the community to preserve the residential character of the City at a level no greater than can be supported by the infrastructure.*

LU-1A.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.

- **Objective LU-1F:** *Establish policies, standards, and procedures to minimize blighting influences and maintain the integrity of stable neighborhoods.*

LU-1A.1 Protect existing stabilized residential neighborhoods, including mobile home parks from the encroachment of incompatible or potentially disruptive land uses and/or activities.

The Industrial Park designation is intended to apply to large districts that contain a variety of industrial and compatible office and support uses. Industrial parks are characterized by large parcels and landscaped setbacks, which lend to the creation of a spacious campus environment. Industrial parks have major physical separations from areas designated for other uses to avoid potential land use incompatibilities.

The proposed group counseling use would provide a service to the community and would not generate vehicle trips in excess of that which can be supported by the existing traffic infrastructure. The existing office complex is located along two major transportation corridors and is surrounded by commercial office buildings to the west and industrial uses to the north and south. John Wayne Airport is to the east across Airway Avenue. The proposed group counseling service use would take place during times that other businesses are not operating and with conditions prohibiting loitering, would not conflict with the neighboring office uses.

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

CONDITIONS OF APPROVAL

- Plng.
1. The conditions of approval, code requirements, and special district requirements of ZA-15-18 shall be blueprinted on the face of the site plan as part of the plan check submittal package (if plan check is required).
 2. The use shall be limited to the type of operation as described herein:
 - A behavioral services center (group counseling use) with no more than 12 clients at any one time.
 - An administrative office use with no more than three staff people on site at any one time.
 - Group counseling for a maximum of 12 clients, shall be restricted to Monday through Thursday from 6:45 p.m. to 9:30 p.m.
 - The clients shall be transported to the site via the business' shuttle service.
 - The clients shall wait for the shuttle inside the building.
 - Any outdoor loitering is prohibited.

Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the 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 the Municipal 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)].

3. The zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services/Deputy CEO 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.
4. A copy of the conditions of approval for the conditional use permit must 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 use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.

6. 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 the number of patient appointments, counseling services, or restricting the operating hours of the business.
7. If any section, division, sentence, clause, phrase or portion of this approval 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.
8. Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to select the attorney defending it, if it elects to do so.

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.

- P1ng.
1. This use, as well as all contractors and subcontractors doing construction-related activity on the site, shall 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.
 2. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permit(s) for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the

one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.

3. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
- Bldg. 4. Comply with the requirements of the following adopted codes: 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code, and 2013 California Energy Code (or the applicable adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, and 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.
5. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disabilities shall comply with chapter 11B of the 2013 California Building Code.
 - Accessibility shall be to and through the front door and to the commercial space from the public sidewalk.
 - Accessible restrooms/bathrooms in the commercial space.
 - Accessible parking.
 - Accessible entry door, ramps, landings, sidewalks, hallways, strike edge clearances, and elevation changes.
- Bus. 6. If construction occurs, all contractors and subcontractors must have valid Lic. 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.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani. 1. Comply with the requirements of the California Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

- 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.



21062 BROOKHURST STREET SUITE 201
HUNTINGTON BEACH, CA 92646
PHONE: (714) 964-6730
FAX: (888) 870-3174

Description of Justification Form

A. Minor Conditional Use Permit:

Location: LEAD Recovery Center: 3151 Airway F107, Costa Mesa CA 92627

Description: Adult Outpatient: Behavioral Health Services

Hours: Monday-Thursday 6:45 pm to 9:30 pm

Thank you for your consideration of our minor conditional use permit. We were advised to complete this form because there appeared to be a shortage of parking for our business at 3151 Airway #F107, Costa Mesa, CA 92627. We are asking for consideration because our business will only depend on staff parking which is at most 3 staff. Our business consists of behavioral health services and our clients are a select group of adults that rarely provide their own transportation due to psychological and behavioral issues. Families, community programs and our program arrange transportation. Our clients have been clinically accepted as appropriate for outpatient services that include individual therapy and group counseling.

Our hours of operation are from 6:45 pm-9:30 pm Monday-Thursday. The entire parking lot is 90% empty during this time period. Please see the attached pictures for reference to our suite and the surrounding parking. The pictures were taken on Thursday 5-21-2015 at 6:45 pm. Thank you again for your consideration, please call me if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nanette Zumwalt'.

Nanette Zumwalt, CEO
LEAD Recovery Center

Cell: (714) 615-0155



Justin Liedloff
DRE Lic. #01797183
Office: 714.540.5568
Mobile: 714.381.7626
Email: jl@hcrcre.com

Suite F-107: 1,140 Sq. Ft.
John Wayne Executive Guild
3151 Airway Avenue
Costa Mesa, CA 92626
Drawing Not To Scale

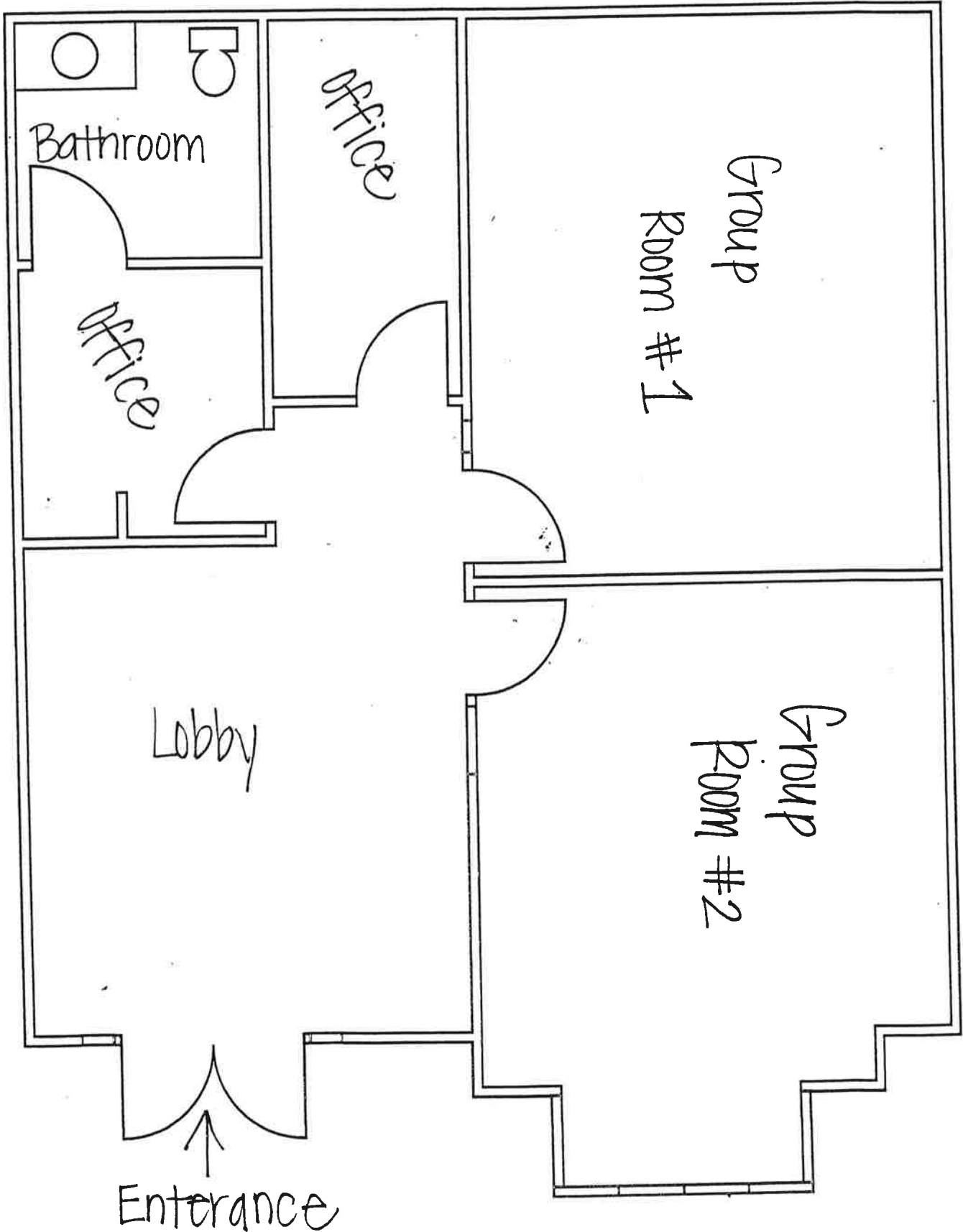
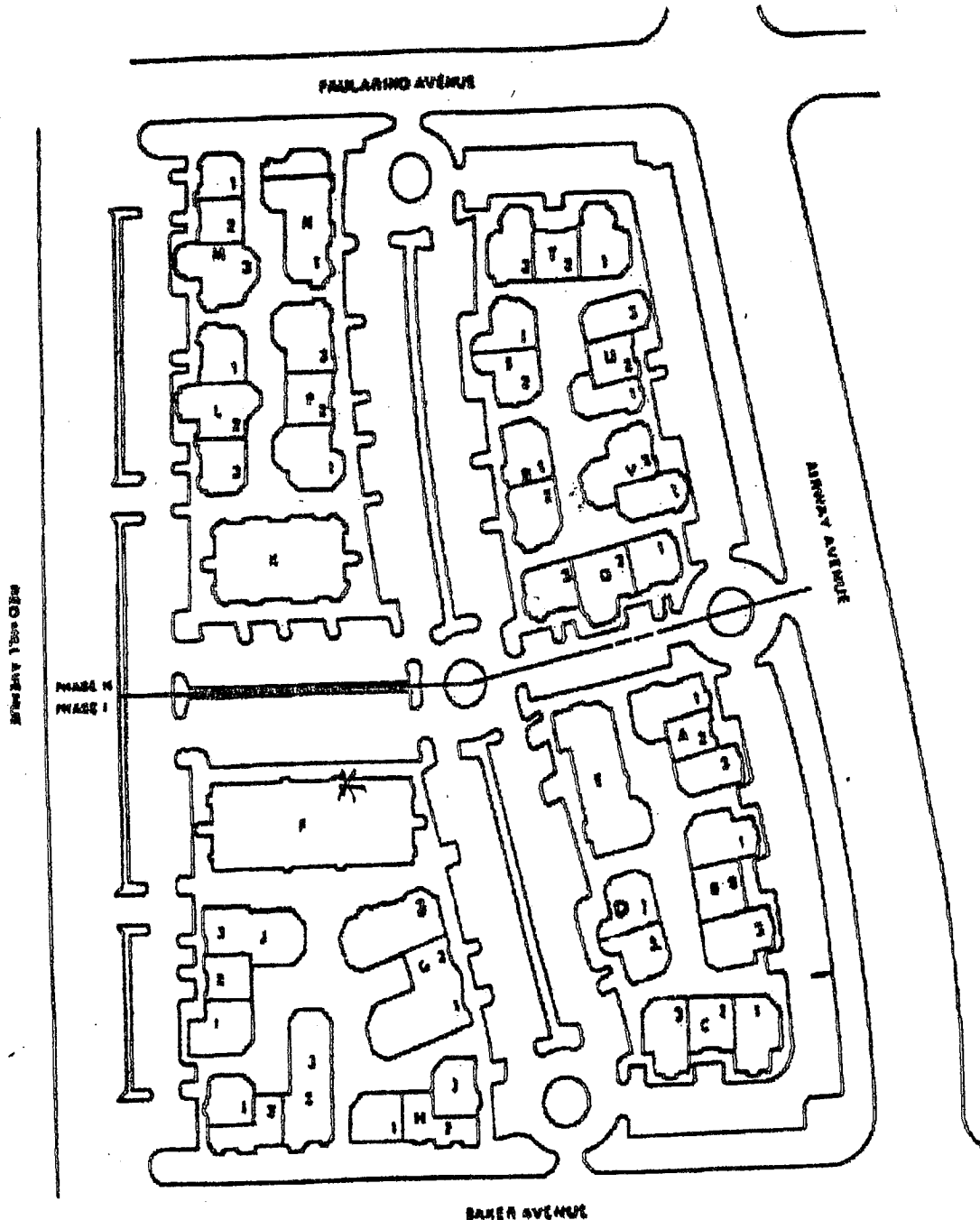




EXHIBIT "C"

SITE PLAN OF PROJECT

EXHIBIT to that Lease dated January 12, 2015 between **Hired Power Transitional Living Center, LLC**, a California Corporation; and **Richard Plaskett**, an Individual, Jointly and Severally as Tenant ("Tenant"), and **Southern California Sunbelt Developers, Inc.**, a California Corporation as Landlord ("Landlord") for the premises at 3151 Airway Avenue, Suite F-107, Costa Mesa, California 92626, consisting of approximately 1,140 rentable square feet.





 TENANT'S INITIALS TENANT'S INITIALS


 LANDLORD'S INITIALS



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

September 11, 2015

Mike Mounphiphak
Permitxpress
524 W. Commonwealth Suite L
Fullerton, CA 92832

**RE: ZONING APPLICATION ZA-15-06
MINOR CONDITIONAL USE PERMIT TO DEVIATE FROM THE SHARED
PARKING REQUIREMENTS FOR A PHYSICAL FITNESS STUDIO
2968 RANDOLPH AVE, COSTA MESA**

Dear Mr. Mounphiphak:

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 September 18, 2015, 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, Antonio Gardea, at (714) 754-5692, or via email at antonio.gardea@costamesaca.gov.

Sincerely,


WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

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

cc: Engineering
 Fire Protection Analyst
 Building Safety Division

ZA-15-06
September 11, 2015
Page 2 of 7

Jerry O. Palanjian
1718 Newport Boulevard
Costa Mesa, CA 92627

PROJECT DESCRIPTION

The property is zoned MG (General Industrial) and has a General Plan designation of Light Industry and is located on the east side of Randolph Avenue, south of Baker Street. The property is also located within the South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan; however, the proposed use of the tenant space as a physical fitness studio does not require master plan approval and does not activate any of the provisions in the urban plan.

The site consists of two parcels: 2968 Randolph Avenue (site for the proposed use) which contains an existing one-story, 16,000 square-foot industrial building. The majority of the building is currently used as a warehouse and lounge (The Commissary). The property shares a common driveway with 2960 Randolph Avenue to the south, which contains a one-story, 7,500 square-foot industrial building occupied by an automobile wholesaler and machine shop (Grand Prix Performance). The two properties share reciprocal access along the central driveway. The 2968 Randolph Avenue property provides 28 on-site parking spaces. The abutting property at 2960 Randolph property provides an additional 20 on-site parking spaces for a total of 48 on-site parking spaces.

The proposed personal training use will occupy a 3,600-square foot tenant space, located with the existing industrial building on the north side of the property. The tenant space will consist of two restrooms and a large workout area. The proposed physical fitness training studio will have a maximum of seven occupants at any one time. The proposed hours of operation are Mondays through Fridays 6:00 a.m. to 8:00 p.m. and Saturdays and Sundays 9:00 a.m. to 1:00 p.m.

The applicant requests approval of minor conditional use permit (MCUP) to establish the fitness studio use in the MG zone and to allow a deviation from the shared parking requirements due to unique operating characteristics.

ANALYSIS

Physical Fitness Studio Use

The proposed fitness studio is located at the rear portion of the existing building and should not adversely affect any of the surrounding industrial businesses. A condition of approval has been included requiring that music as well as any verbal instructions/coaching not be audible outside the tenant space. This requirement should minimize any noise impacts on surrounding uses. In addition, there should not be any parking impacts based on the operational limitations as discussed below.

Parking Requirements

The total on-site parking spaces provided for the entire site is 48 spaces. The property is legal non-conforming in terms of parking provided (71 required, 48 provided). Adding this physical fitness use increases the parking requirement to a minimum of 96 parking

spaces. The Commissary, which occupies a 12,400–square foot space, is a lounge that operates at night and a warehouse with art studios, office uses, and retail operations that are internet based. A minimal number of parking spaces are necessary during regular business hours (i.e. 8:00 a.m. to 5:00 p.m.) for the Commissary. Staff conducted several site visits at different times during the week and found ample parking spaces available on site. The existing manufacturing use (Grand Prix Performance) has very low parking demand: According to the applicant, the machine shop has a maximum parking demand of five parking spaces.

The parking ratio for a personal training (fitness) studio is 10 spaces per 1,000 square feet of floor area or 36 spaces for this fitness studio; based on the 3,600 square-foot size of the suite, eleven parking spaces would be credited to the tenant space. According to the applicant, seven parking spaces are allocated to the suite per the lease agreement. Limiting the personal training to a maximum of seven occupants will ensure that the parking demand does not exceed the number of parking spaces allocated to the tenant space. During regular business hours (8:00 a.m. to 5:00 p.m. on weekdays) the maximum occupancy at the facility will be limited to seven people (including both clients and trainers).

A condition of approval will require a minimum of 15 minutes between sessions to allow departing clients to leave before clients arrive and to not interfere with the adjacent uses. A standard condition is included requiring that if parking-related problems develop, the business operator is required to institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, modifying the operating hours of the business. Additionally, the project will be conditioned that no outdoor training may take place, leaving all parking spaces open and available for customer and employee parking.

General Plan Consistency

The maximum allowable FAR for moderate traffic generating uses (8 to 15 average daily trips per 1,000 square feet in industrial designations) is 0.25 in the Light Industry designation. This site area is 1.02 acres, resulting in a nonconforming floor area ratio of 0.38. The occupancy of one suite by a personal training business on a property containing a variety of uses will not impact the overall FAR designation of the site. A traffic impact fee of \$15,566 is being assessed to mitigate the project's traffic impacts, consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

The proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the recommended conditions of approval, the personal training use should not adversely impact surrounding uses.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
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. The proposed use will be limited to a maximum of seven occupants to prevent any parking impacts on surrounding uses. The physical fitness sessions will occur within the building 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 neighborhood. The proposed use will be conditioned to have all training take place inside the tenant space, leaving all parking available for customer and employee parking. The proposed personal training studio will be conditioned to operate with a maximum occupancy of seven people to avoid parking impacts as well as with sound/noise limitations.
 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 and any applicable specific plan for the property. Due to the proposed operating characteristics, the proposed use does not increase the intensity of the use beyond what is allowed by the General Plan FAR requirements.
- B. 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.
- C. 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 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 as described herein:
- Occupancy of the tenant space shall be limited to a maximum of seven people (instructors and clients) at all times.
 - All uses shall be conducted within the tenant space (underroof). There shall be no assembly of trainees/clients outside the tenant space.
 - A minimum of 15 minutes between sessions shall be provided to allow departing clients to leave before arriving clients.
 - Music as well as any type of verbal instructions/coaching shall not be audible outside the tenant space.

Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the 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 the Municipal 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. The parking spaces on site shall remain unobstructed and available for customer and employee parking.
3. 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 the occupancy and/or operating hours of the business.
4. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate security and operational measures are necessary to comply with this requirement.

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 and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application. |
| | 2. | Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. |
| Bldg. | 3. | Comply with the requirements of the following adopted codes: 2013 California Building Code, 2013 California Electrical code, 2013 California Mechanical code, 2013 California Plumbing code, 2013 California Green Building Standards Code and 2013 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 2013 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. |
| Trans. | 6. | The applicant shall submit a \$6,154 Traffic Impact Fee to the Transportation Division prior to the effective date of the Minor Conditional Use Permit. 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. |

SPECIAL DISTRICT REQUIREMENTS

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

- Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements.
- AQMD 3. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.

March 12, 2015

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

To Antonio Gardea,

This letter will detail the Reciprocal Access and Parking Agreement for the follow 3 businesses:
5 Elements MMA: Owned and Operated by Tim Overby
Mint Wheels: Owned and Operated by Jerry Palangian
Commissary Lounge: Owned and Operated by Jon Andrew Lee

Background:

APN-418-162-02 and APN-418-162-03 are both owned by Jerry Palanjian. Mr. Palanjian has leased portions of APN-418-162-02 to Tim Overby to operate 5 Elements MMA at 2968 Randolph Unit B and Jon Andrew Lee to operate The Commissary Lounge at 2968 Randolph Unit A. APn-418-162-03 only use is Mint Wheels operated by Mr. Palanjian. The both parcels currently share a drive way to access parking spaces. All parties are requesting the approval of the reciprocal access and parking agreement to meet the parking standards that will allow all businesses to operate in compliance to City of Costa Mesa ordinance placed on parking spaces that is determined by use and square footage of the businesses.

Below are findings for each business' hours and parking demands:

The Machine shop:

Operational Hours 24hours per day

Parking use: During operating hours, The Machine Shop uses 3 spaces with peak demands numbering up to 5 spaces with a delivery / pick up transportation frequenting the business up to 2 times a day.

The Commissary Lounge

Operational Hours 9pm – 2am TH, FRI, SAT

Parking Use: The Commissary Lounge will maintain exclusive rights to parking spaces between the hours of 8:30pm – 2am on TH, FR, SAT

5 Elements MMA & Fitness

Operational Hours 6am – 8pm M-F, 9am – 1pm SAT, SUN

Parking Use: Below you will find a comprehensive break down of 5 Elements MMA parking demands in relation to private martial arts and personal training schedules-

- Time and Day: 6am – 8:00pm M-F
Parking Demands: 7 vehicles at any given time for employees and clients
- Time and Day: 9am – 1pm SAT, SUN
Parking Demands: 7 vehicles at any given time for employees and clients

This Reciprocal Access and Parking Agreement allows the fore mentioned 3 businesses to be compliant with the City of Costa Mesa's parking requirement for their particular uses. All parties will maintain their previously mentioned operating hours and parking demands.

By signing this document each business owner agrees to maintain each said operating hours, not to

increase parking demands and perform his or hers due diligence to ensure employees and customers do not parking on adjacent properties.

5 Elements MMA

Owner: Tim Overby

Phone: 714.442.2150

Address: 2968 Randolph Unit B

Mint Wheels

Owner: Jerry Palanjian

Phone:

Address: 2960 Randolph

Commissary Lounge

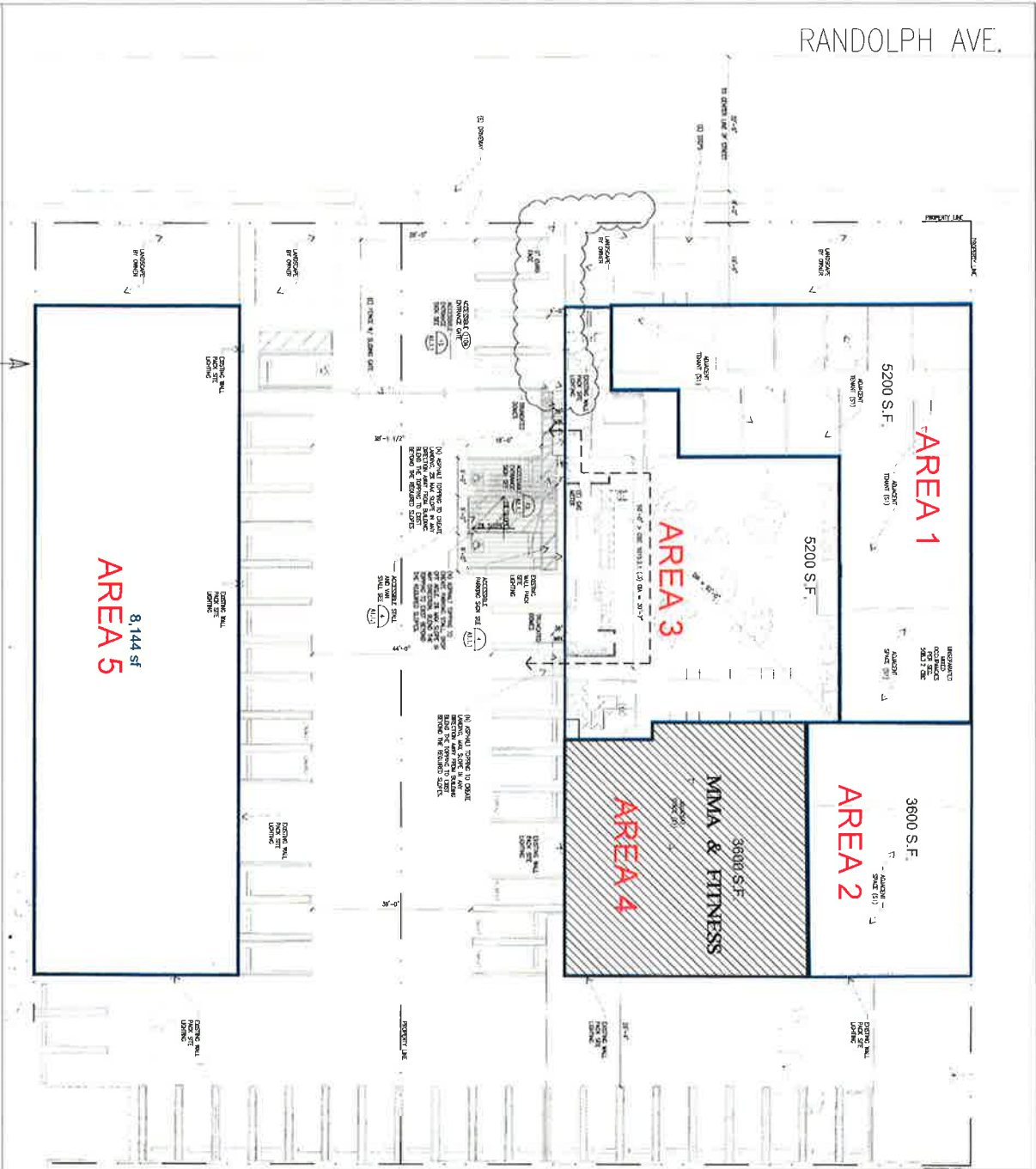
Owner: Jon Andrew Lee

Phone: 714.557.1861

Address: 2968 Randolph Unit A

RANDOLPH AVE.

1 SITE PLAN
SCALE: 1" = 10'-0"



BUILDING DATA

GOVERNING AUTHORITY	CITY OF COSTA MESA, CA
GOVERNING CODE	2018 S.B.C. 2018 S.F.C. 2018 S.M.C. 2018 S.H.C. 2018 S.A.S. 2018 S.A.S. BUILDING CODE
ZONING	
OCCUPANCY GROUP	B
NUMBER OF STORES	1 STORE
CONSTRUCTION TYPE	V-B
SPRINKLERED?	YES
PROJECT DATA	
BY FLOOR AREA	3600 S.F.
LOT SIZES	
APN NO.	4889202
LOT DESCRIPTION	

INDEX OF SHEETS

CS-1	COVER SHEET, SITE & FLOOR PLAN
A-1	FLOOR PLAN

SCOPE OF WORK

1. PROPOSED CHANGE OF USE FROM --- TO MMA & FITNESS FACILITY

MMA & FITNESS

2968 RANDOLPH AVE
COSTA MESA, CA

PROJECT NO. 2018-001
DATE 01/15/2018
DRAWN BY: S. J. JENSEN
CHECKED BY: M. D. DODD

CS-1

BR ENGINEERING DESIGN & CONSTRUCTION INC.

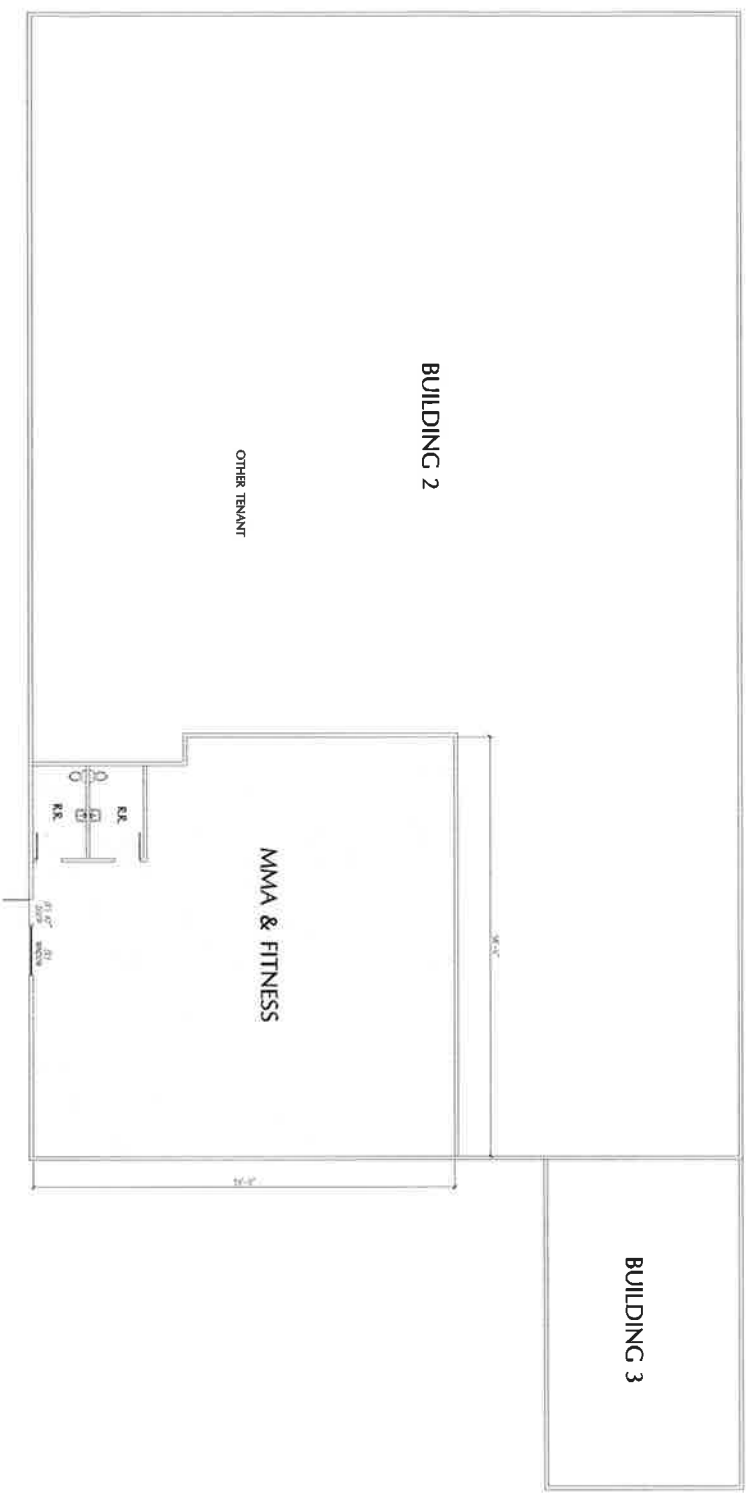
Architecture • Interior • Design-Build • Structure
Engineering • Construction • Residential • Commercial

Office: (714) 625-5149 14862 Meron Street, Suite B
Fax: (714) 625-5196 Westminster, CA 92683

#	REVISION	DATE
1	BLOG DEPT	07/11/18
2		
3		
4		

C:\Users\jensen\OneDrive\Projects\2018-001\18 001A Costa Mesa\Site\CAD\Drawings\Arch Plans.dwg Jul 21, 2018 12:58 pm

1 (E) FLOOR PLAN
SCALE: 1/8" = 1'-0"



C:\2014-119 MMF Costa Mesa\3\hour CAD\current\Arch Plans.dwg, Jan 28, 2015 5:45 pm

PROJECT NO.	2014-119
DATE	DECEMBER 3, 2014
SCALE	AS SHOWN

OWNER TITLE
FLOOR PLANS

MMA & FITNESS

2968 RANDOLPH AVE
COSTA MESA, CA

#	REVISION	DATE
1	BLDG. DEPT.	12/03/14

BR ENGINEERING DESIGN & CONSTRUCTION INC.
 Architecture • Interior • Design-Build • Structure
 Engineering • Construction • Residential • Commercial
 Office: (714) 622-8149 14862 Meron Street, Suite B
 Fax: (714) 622-8196 Westminster, CA 92683

A-1



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

September 11, 2015

Jason Smith
LandShark Development Services
1641 W. Collins Ave
Orange, CA 92867

**RE: ZONING APPLICATION ZA-15-30
MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM
HOURS OF OPERATION FOR A 1,410 SQUARE-FOOT RESTAURANT
3033 BRISTOL STREET, SUITE E**

Dear Mr. Smith:

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 denied, based on the findings attached. The decision will become final at 5:00 p.m. on September 18, 2015, 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, Ryan Loomis, at (714) 754-5608, or at ryan.loomis@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments: 1. Background/Project Description/Analysis
 2. Findings
 3. Applicant's Project Description

cc: Engineering
 Fire Protection Analyst
 Building Safety Division
 Transportation Services Division

BACKGROUND/REQUEST

Project Site/Environs

The project site is located near the southwest corner of Bristol Street and Paularino Avenue, and contains a one-story, 39,153 square-foot commercial retail center. The property is zoned C1 (Local Business District) and has a General Plan land use designation of General Commercial. The subject tenant space is a 1,410 square-foot space located in the southern portion of the L-shaped building (Suite D). The property is bounded by a C1 commercially-zoned property to the south, R3 multiple-family residentially-zoned property to the west, and C1 commercially-zoned properties to the north and west, across Paularino Avenue and Bristol Street, respectively.

Halal Guys restaurant is currently located within a portion of the former Orchid restaurant and occupies 1,410 square-feet. Since closing, the previous Orchid restaurant has been separated into three new suites. Halal Guys is located in a portion of previous Suite "D"; however, it has been remodeled and is now considered Suite "E". The balance of the former Orchid restaurant, including Suite "C" (3,300 SF), and remaining portion of Suite "D" (2,100 SF), have already been leased to two other restaurants under construction, including Capital Noodle and Hachi Asian Fusion restaurant.

Conditional Use Permit PA-00-45 for Orchid restaurant previously limited the operating times from 6 p.m. to 9:30 p.m., Sunday through Thursday, and 6 p.m. to 4 a.m., Friday and Saturday. Because the Conditional Use Permit (CUP) PA-00-45 was specific to Orchid restaurant, the City is processing a revocation of PA-00-45 due to the closure of Orchid Restaurant. Consequently, ZA-15-30 is not an amendment to PA-00-45.

Minor Conditional Use Permit ZA-15-30

Minor Conditional Use Permit ZA-15-30 is requested to allow Halal Guys restaurant to remain open until 3 a.m., daily. No alcohol sales or live entertainment are proposed. The table below provides a summary of proposed operating hours for Halal Guys in comparison to the previous Orchid restaurant.

	SF	Hours
Orchid Restaurant (Suite C, D)	6,800 SF	11:30AM to 10:30PM Sun-Thu, 11:30AM to 4AM, Friday and Saturday only.
PA-00-45		
Halal Guys Restaurant (Suite E)	1,410 SF	11AM to 3AM, daily.
ZA-15-30		

The table below provides a breakdown of the current uses within the 39,153 square-foot shopping center as of September 10, 2015. In addition to proposed late night closure for Halal Guys, the retail center includes other restaurants with late night closing times,

including Hachi Asian Fusion (1AM on Friday and Saturday only), Oki Doki Restaurant (1AM daily), and Anjin restaurant (1AM daily).

Table – Existing Tenant Mix and Hours at 3033 Bristol Street

Suite Number	Business Name	Use	Hours	Leased Area (SF)
A	Watch Connection	Retail	Tue-Fri 11am-5:30, closed Mon & Sun	2,700
AA	Dentist	Medical	Mon-Fri 11:30am-5pm	2,033
C	Capital	Restaurant	Daily to 11pm	3,300
D	Hachi	Restaurant	5:00 pm- 11pm M-Thurs 5:00pm-1am Fri- Sat (ZA-15-22)g	2,100
E	Halal Guys	Restaurant	Daily 11AM to 3AM (Proposed)	1,440
F	Vacant	Retail		1,440
F-11	Vacant	Retail		1,868
G	Insurance	Office	Mon-Fri 9am- 6pm	1,440
H	CA Wok	Restaurant (max of 300 sq. ft. public area)	Mon-Sat 11:30am-10pm, Sun 12pm-9pm	1,440
I	Nail Salon	Retail	Mon-Sat 9am-7pm, Sun 10am-5pm	1,440
II	Vacant	Retail		1,800
J	Vap/Smoke Shop	Retail	Mon-Sat 10am-10pm, Sun to 8pm	1,800
K	Nanu	Retail	Mon-Fri 10am-8pm, Sat 10am-7pm, Sun 11am-6pm	1,440
L	Tapioca Express	Restaurant (max of 300 sq. ft. public area)	Mon-Thurs 11am-12am, Fri-Sat 11am-11pm, Sun 12pm-11pm	1,440
M	Hashigo Restaurant	Restaurant	Lunch Mon-Fri 11:30am-2pm, Dinner Mon-Fri 5:30-11pm, Fri-Sat 5:30pm-11pm (ZA-07-42)	1,410
N	Anjin Restaurant	Restaurant	Mon-Sun 5pm-1am (PA-99-43)	1,410
O	Oki Doki Restaurant	Restaurant	Mon-Sun 11:30am-1am (PA-01-47)	1,440
P	Insurance	Office	Mon-Thu 9am-7pm, Fri 9am-6pm, Sat 9am-5pm	1,440
Q	Vacant	Retail		2,376
R & S	Vacant	Retail		5,040
			Electrical Room	356
			Total	39,153

ANALYSIS

The extended hours requested by Halal Guys will not adversely affect the other businesses with regard to noise or parking, since most will already be closed; however they will potentially adversely affect nearby residential properties. The property for the restaurant abuts residentially-zoned properties to the west. Numerous complaints have been provided during the public notice period in opposition to the 3AM closing time. The public concerns

include potential noise issues, public nuisance issues, increased late night traffic in the area, and concerns regarding precedence for similar uses in the area.

As of September 9, 2015, staff received twelve public responses, including eleven letters and one phone call, based on the public noticing (see Attachment 4). Out of the twelve public responses, eleven of the respondents opposed the project citing concerns related to noise, public nuisance, traffic, parking, and concerns regarding precedence setting for similar uses in the area.

Staff has reviewed the applicant's request and does not support the request based on the following:

- *The proposed daily 3am closure of Halal Guys is not compatible with developments in the general area and would be detrimental to other properties within the area.* As noted in the above section, no restaurant or business within the existing retail center is open past 1AM. Only three restaurants in the center are permitted to be open up to 1AM. PA-99-43 is a conditional use permit which allowed extended restaurant hours from 5pm-1am for Suite N, which is currently occupied by Anjin restaurant. PA-01-47 is a conditional use permit which allowed extended restaurant hours from 8pm to 1am with alcohol sales in Suite O, which is currently occupied by Oiki Doki restaurant. Most recently, ZA-15-22 amended PA-00-45, allowing the proposed Hachi Asian Fusion restaurant to operate to 1AM, Friday and Saturday only. With respect to other uses within the area, residential zoned property abuts the property where Halal Guys is located. Staff has received eleven responses in opposition to the 3AM closure, citing concerns related to noise, traffic, and potential precedence for other establishments to establish extended operating hours.
- *The request is not consistent with the following goals and objectives of the General Plan.* Because there is potential and concern regarding excessive noise levels and public nuisance from late night patrons visiting Halal Guys, the proposed closing time of 3AM would create an incompatible and potentially disruptive land use and/or activity for surrounding residential properties and uses. Therefore, the request is not consistent with City General Plan goals.

GENERAL PLAN CONFORMITY

Future development of all land within the City of Costa Mesa is guided by the General Plan adopted in 2002. The General Plan sets forth land use goals, policies, and objectives that guide new development and uses.

Based on the issues discussed in the Analysis section, the request is not consistent with the following goals and objectives of the General Plan.

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

- **Objective N-1A:** *Control noise levels within the City for the protection of residential areas and other sensitive land uses from excessive and unhealthy noise.*

ENVIRONMENTAL DETERMINATION

Because the request cannot be approved, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

FINDINGS

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

Finding: The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

Facts in Support of Findings: The proposed daily 3am closure of Halal Guys is not compatible with developments in the general area and would be detrimental to other properties within the area. As noted in the Analysis section, no restaurant or business within the existing retail center is open past 1AM. With respect to other uses within the area, residential zoned property abuts the property where Halal Guys is located. Staff has received eleven public responses in opposition to the 3AM closure, citing concerns related to noise, traffic, and potential precedence for other establishments to establish extended operating hours.

Finding: Granting the minor conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: There is no basis for findings to approve a proposed restaurant to operate daily to 3AM. The proposed Halal Guys restaurant would be the latest operating restaurant in the surrounding area; only three restaurants in the retail center are permitted to operate until 1AM, and only one is allowed to operate until 1AM daily. The proposed 3AM closing time could have potential noise and public nuisance impacts on nearby residential properties. As a result, the restaurant would potentially create an adverse impact to the immediate neighborhood.

Finding: Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.

Facts in Support of Findings: The request is not consistent with the following goals and objectives of the General Plan.

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*
- **Objective N-1A:** *Control noise levels within the City for the protection of residential areas and other sensitive land uses from excessive and unhealthful noise.*

Because there is potential concern regarding excessive noise levels and public nuisance from late night patrons visiting Halal Guys, the proposed closing time of 3AM would create an incompatible and potentially disruptive land use and/or activity for surrounding residential properties and uses. Therefore, the request is not consistent with these General Plan goals.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



June 10, 2015



Project Name: Halal Guys

Address: 3033 Bristol Street
Costa Mesa, CA 92626

Description: Restaurants/Food Service (No Liquor License)

To Whom It May Concern,

The Halal Guys would like to apply for a minor conditional use permit pertaining to operating hours. We would like to amend the restaurant operating hours to be from 11am to 3am. The intent of this food establishment is to provide quality great tasting healthy food alternative to the local population. By extending the operating hours we will be servicing the needs of the local workplaces, employees, residences and a nearby hotel with a late night eatery option.

The proposed hours of operation are appropriate given that the nearby residential neighborhood is physically buffered by existing commercial uses. It would also be substantially compatible as there is nearby restaurants with similar operating hours. There will be no alcohol served on premise, live music or outdoor activities. Management will insure that the operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of noise, activities, parking, or other actions.

The Halal Guys is excited at the opportunity to extend our dining experience and service the local community of Costa Mesa.

Sincerely,

Jason M. Smith
LandShark Development Services Group
Land Development Consultant for The Halal Guys



- EXTERIOR DESIGN
- MASTER PLANNING
- INTERIOR DESIGN
- SPACE PLANNING

kobra design
herman jack ojanian
10184 kingbird avenue
fountain valley ca 92708
e: hjo@kobradesign.net
p: 714.313.6815
f: 714.962.5315

THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL NEW & EXISTING DIMENSIONS, NEW & EXISTING ROOM SIZES, NEW & EXISTING HEIGHTS AND GENERAL EXISTING CONDITIONS. WORKER SHOULD CONSULT WITH THE ARCHITECT PRIOR TO ANY DISCREPANCIES AND/OR POTENTIAL PROBLEMS TO BE RESOLVED AND STRUCTURAL ORDERS PRIOR TO PROCEEDING. ALL CONSTRUCTION SHALL CONFORM TO THE IBC.

submittals & revisions:
BUILDING DEPT SUBMITTAL 04.20.2015
HEALTH DEPT SUBMITTAL 04.20.2015

- ▲
- ▲
- ▲
- ▲
- ▲
- ▲

pinhero-thomas
construction
ca lic. #974795
2277 la crasse ave #101
coitton ca 92324

the halal guys
3033 bristol st #d
costa mesa ca 92626



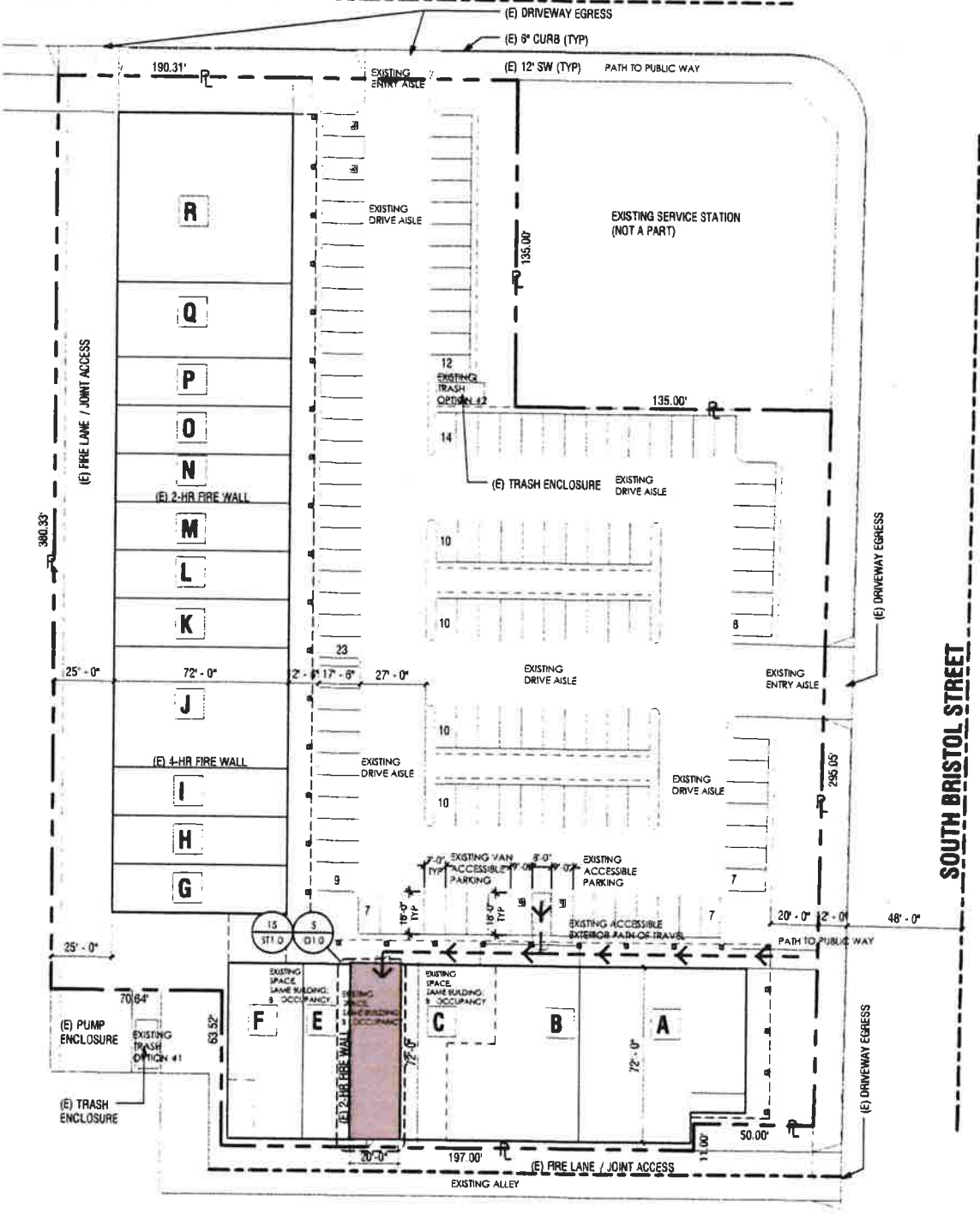
project no: hja-2015-13
date: 04-20-2015

site plan,
egress plan

sheet:

ST1.0

PAULARINO AVENUE



5

overall existing site/plot plan - for reference only

scale: 1:30



EACH GRADE LEVEL EXTERIOR DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT WITH THE WORD "EXIT" TYP.

EXIT SIGNAGE, TYP. REFER TO ELECTRICAL. ACCESSIBLE SIGNAGE AT ENTRY, TYP.

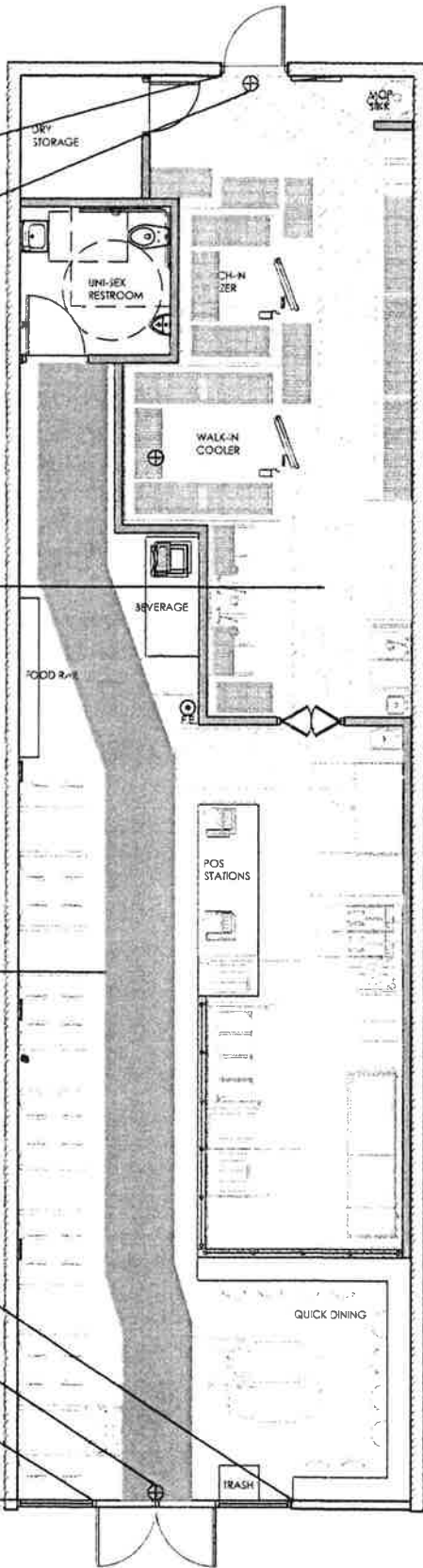
MAXIMUM EGRESS TRAVEL DISTANCE: 75'
CURRENT EGRESS TRAVEL DISTANCE: 52'

MAXIMUM EGRESS TRAVEL DISTANCE: 75'
CURRENT EGRESS TRAVEL DISTANCE: 51'

OCCUPANT LOAD SIGNAGE AT MAIN ENTRY, TYP.

EXIT SIGNAGE, TYP. REFER TO ELECTRICAL. ACCESSIBLE SIGNAGE AT ENTRY, TYP.

EACH GRADE LEVEL EXTERIOR DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT WITH THE WORD "EXIT" TYP.



ADJACENT TENANT SPACE

ADJACENT TENANT SPACE

DENOTES MIN 44" PATH OF TRAVEL IN PUBLIC AREA

DENOTES MIN 36" PATH OF SECONDARY TRAVEL.

2A 10BC FIRE EXTINGUISHERS ARE REQUIRED WITHIN 75' OF TRAVEL FROM ANY POINT IN PUBLIC AREA. THEY MUST BE MOUNTED CONSPICUOUSLY. FINAL LOCATIONS TO BE CONFIRMED BY FIRE INSPECTOR.

EMERGENCY EXIT SIGNAGE, REFER TO ELECTRICAL.

EGRESS/EXITING LEGEND



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CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

September 10, 2015

Karen Nguyen
KLN Lifestyle, LLC
1500 Adams Ave., Suite 109
Costa Mesa, CA 92626

**RE: PUBLIC CONVENIENCE OR NECESSITY (PCN) FINDING
TYPE 42 ABC LICENSE FOR *INSPIRED: THE ART AND WINE EXPERIENCE*
1500 ADAMS, SUITE 109, COSTA MESA**

Dear Ms. Nguyen:

The request for a finding of public convenience or necessity (PCN) for a Type 42 (on-sale beer and wine, public premise) Alcoholic Beverage Control (ABC) license for *Inspired: The Art and Wine Experience* has been completed. The PCN finding has been made, as stated in the attached description.

If you have any questions regarding this letter, please feel free to contact the project planner, Minoo Ashabi, at 714-754-5610 or via email at minoo.ashabi@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachment: PCN Finding and Request

REQUEST FOR ON-SALE GENERAL LICENSE:

Inspired: The Art and Wine Experience obtained a business license to operate a wine and paint outlet at 1500 Adams Avenue, Suite 109. The applicant proposed to hold two classes per night with the last class starting no later than 8:30 p.m. with a maximum of 25 attendees in a ground level suite within the retail center. The business was approved to hold a maximum of two classes per night, with a maximum of 25 attendees per session, closing by 11:00 pm; no daytime classes are permitted. To facilitate the business operation, the applicant requested a PCN finding so they can proceed with obtaining the Type 42 (on-sale beer and wine, public premises) ABC license.

In accordance with City Council Policy number 500-8, the Zoning Administrator may make the required finding of public convenience or necessity, after consultation with the Police Department.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN):

The finding of public convenience or necessity for *Inspired: The Art and Wine Experience* is made because the proposed hours of operation and number of attendees of the paint and wine business is consistent with the requirements of the City's Zoning Code and because the Police Department, after reviewing the request, has no objections to issuing the license.