



# City of Costa Mesa

## Inter Office Memorandum

**TO:** CITY COUNCIL AND PLANNING COMMISSION  
**CC:** TOM HATCH, JAY TREVINO, AND PEGGY SCHNEBLE  
**FROM:** WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR  
**DATE:** DECEMBER 22, 2016  
**SUBJECT:** ZONING ADMINISTRATOR DECISION(S)

A handwritten signature in black ink, appearing to be "W. Bouwens-Killeen", written over the "FROM:" line of the memorandum.

---

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

**PA-16-53 A1**      **196 East 17th Street**

A Minor Conditional Use Permit for a minor amendment to PA-16-53 for Crack Shack, a restaurant at 196 17<sup>th</sup> Street. The request is to allow for modification of an existing condition of approval which required a shared access agreement. The modification would allow for the agreement to have cancelation language, but would require the applicant to provide additional off-site parking within 500 feet of the property or onsite valet services subject to the approval of the Development Services Director during all hours of operation if the agreement is ever terminated.

Approved, subject to conditions of approval.

Comments received: None.



# CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 22, 2016

Joshua Lichtman  
2266 Kettner Blvd  
San Diego CA, 92101

**RE: PLANNING APPLICATION PA-16-53A  
MINOR AMENDMENT TO ALLOW MODIFICATION OF A REQUIRED  
SHARED ACCESS AGREEMENT FOR RESTAURANT  
196 EAST 17<sup>th</sup> STREET, COSTA MESA**

Dear Mr. Lichtman:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5:00 p.m. on January 10, 2017, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Daniel Inloes, at (714) 754-5088, or at [daniel.inloes@costamesaca.gov](mailto:daniel.inloes@costamesaca.gov).

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

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

cc: Engineering  
Fire Protection Analyst  
Building Safety Division

## **PROJECT DESCRIPTION**

The project site is located near the northwest corner of East 17<sup>th</sup> Street and Orange Avenue, and contains a two-story, 7,739 square-foot commercial building. The two parcels which make up the project site are zoned C2 (General Business) and have a General Plan land use designation of General Commercial. The property is bounded by a C2 commercially-zoned property to the west, CL commercially-zoned property to the north, and C1 commercially-zoned property to the east and south across East 17<sup>th</sup> Street and Orange Avenue respectively.

The existing building is a wood frame building with a flat roof that was constructed in the late 1950s. The building is currently legal nonconforming since it does not maintain a full 20-foot setback from the front property line and the size exceeds the current FAR allowed for the site. The proposed restaurant will be occupying the existing building with structural modifications reducing the overall size of the building, decreasing total building area to 5,583 square feet. The site currently contains 31 parking spaces. Restriping of the property will result in a provision of 51 spaces with an additional 10 spaces provided during peak hours when free valet parking is provided as required under the original approval (PA-16-53). Nine of the striped spaces gain access from the neighboring property, necessitating a shared access agreement with the neighboring property owner or would be considered tandem and require valet parking to be counted towards the overall parking totals.

The applicant requests approval of a minor conditional use permit (MCUP) to allow for modification of condition of approval number 18 which requires the shared access agreement. The modification would allow for the agreement to have cancellation language, but would require the applicant to provide additional off-site parking within 500 feet of the property or onsite valet services during all hours of operation if the agreement is ever terminated.

## **ANALYSIS**

### *Proposed Modification to Condition of Approval*

Currently condition of approval number 18 requires proof of recordation of a shared access agreement across the abutting property 188 East 17<sup>th</sup> Street. The shared access agreement is to allow for nine spaces that abut the side interior property line to have direct access from the neighboring property. While the applicant has been able to work with the neighboring property owner to secure a shared access agreement, the neighboring property owner wants to include a termination clause within the agreement. This MCUP would modify the condition so that the shared access agreement is still required, allowing a termination clause but would also require the restaurant provide free valet parking during **all** hours of operation if the shared access agreement is canceled and until/unless the restaurant owners are able to secure additional offsite parking that is approved by the City.

Under the termination scenario, if nine offsite parking spaces are approved by the City, these nine spaces would only be usable when valet parking is operational necessitating submittal of a revised valet parking plan. Furthermore, the offsite parking spaces would most likely be required to be limited to employee use only so the maximum number of on-site parking spaces would be retained for the restaurant patrons.

*Consistency with Planning Commission Approval*

Approval of this application will not reduce the required amount of parking or modify the provision of free valet parking; it only provides options should the off-site access agreement be terminated. Therefore, approval is consistent with Planning Commission's approval of PA-16-53

**FINDINGS**

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
1. The proposed modification does not change the proposed use that was found to be compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area.
  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 modification to the existing condition of approval continues to ensure that the number of parking spaces required for this use shall be met at all times.
  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 use is permitted on the site. The intensity is in accordance with our FAR requirements. While modification allows for flexibility on how the proposed project will provide the required parking for the use, all parking required for the site shall be provided per existing and proposed conditions of approval.
- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:
1. Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood has been considered.
  2. Safety and compatibility of the design of buildings, parking area, landscaping,

luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation have been considered.

3. The project complies with performance standards as described elsewhere in the Zoning Code, and as conditioned to operate as described in this staff report.
  4. The use is consistent with the General Plan in that a restaurant is a permitted use per the Zoning Code and a compatible use in the General Commercial land use designation.
  5. The zoning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

### **CONDITIONS OF APPROVAL**

- P1ng. 1. In addition to the other parking spaces shown in the site plan, nine parking spaces shall be provided in one of the two following ways:
- a. The nine spaces shall be provided in a tandem configuration as shown on the site plan. This option shall require proof of recorded access agreement for the abutting property at 188 East 17<sup>th</sup> Street. This recorded access agreement shall list the City (Attn: Development Services Director) as a party of interest and shall be submitted to the City Attorney's office for review and approval prior to execution and recordation. If this agreement is cancelled or terminated, the City shall receive sixty (60) days prior advanced written notice and the applicant shall immediately institute full-time valet parking to ensure these nine spaces may still be used.
  - b. In the event of termination of the shared parking agreement as set forth in condition 1(a), the nine spaces shall be provided in an offsite location whose property boundaries are situated within 500 feet of the property boundaries of the subject restaurant subject to prior review and approval by the City including, but not limited to, the processing of a conditional use permit by the applicant. This option shall require the applicant to submit a parking agreement submitted to the City Attorney's office for review and approval prior to execution and recordation memorializing the offsite parking agreement. This recorded parking agreement shall list the City (Attn: Development Services Director) as a party of interest.

2. Employee parking shall occur on-site and outside of the proposed valet parking plan area and not on surrounding streets. If the shared access agreement is terminated and offsite parking is approved by the City those parking spaces should be used by the employees.
3. If there is no shared access agreement with 188 East 17<sup>th</sup> Street, then the applicant shall provide a plan detailing management of the nine parking spaces both with and without valet parking.
4. With the exception of condition of approval 18, the applicant is reminded that all other conditions of approval and code requirements of Planning Application PA-16-53 still apply.

# The Crack Shack Costa Mesa, LLC

dba

Crack Shack

196 E. 17<sup>th</sup> Street

Costa Mesa, CA 92627

## PROJECT DESCRIPTION

The Crack Shack is an affordable, high quality family restaurant, serving gourmet comfort food made from scratch using locally sourced ingredients and emphasizing organic artisanal Americana style food. Headed by renowned celebrity Chef Richard Blais of *Top Chef Fame*, this will be the third location and sister restaurant to the successful, and well received, The Crack Shack, located in Little Italy in downtown San Diego. The proposed restaurant is located at 196 E. 17<sup>th</sup> St, Costa Mesa, California 92627, in the C-2 – General Business zone in the Costa Mesa zoning map. The Crack Shack was recently approved by the Costa Mesa Planning Commission on 9/26/2016 and was granted a CUP (PA 16-53) to allow us to operate at 196 E. 17<sup>th</sup> St. However, due to the current property owner of 188 East 17<sup>th</sup> Street not willing to sign a shared access agreement we are requesting an amendment change to our CUP through a MCUP for the modification of condition number 18 that requires us to provide recordation of a shared access agreement on the abutting property 188 East 17<sup>th</sup> Street (APN 425-413-15). We believe this condition can be satisfied through these proposed changes to this condition:

- Condition 18 can be satisfied by either receiving an access easement with the abutting property 188 East 17<sup>th</sup> Street with the ability to include a cancelation clause within the access easement document. Or, we can enter into an off-site parking agreement that has a cancellation clause in a nearby parking lot for the 9 parking spots that abut 188 East 17<sup>th</sup> that are tandem parked.
- If either the access easement or off-site parking is terminated, we must provide full time valet until either option is restored or an alternative solution to help satisfy condition 18 is proposed by the Development Service Director.

We do believe the proposed changes to condition 18 will still meets all the requirements of our CUP.

As per our approved plans and conditions found within our CUP, we will be adaptively converting a former Chase Bank branch location, which has been vacant for the past year into our restaurant. The proposed restaurant is 5,583 sf (indoor dining) and has an onsite parking lot consisting of 61 parking spots.

Beer, wine and artisanal crafted cocktails will be available for on-site consumption to accompany patron meals, providing customers with a complete dining experience. However, alcohol will only be served during hours that the kitchen is in operation. Consequently, we have a Type 47 On-Sale General license to allow us this ability. The expected hours of operation will be as follows: 8:00 a.m. – 12:00 A.M. Sunday-Thursday and 8:00 a.m. – 12:30 A.M. Friday-Saturday.

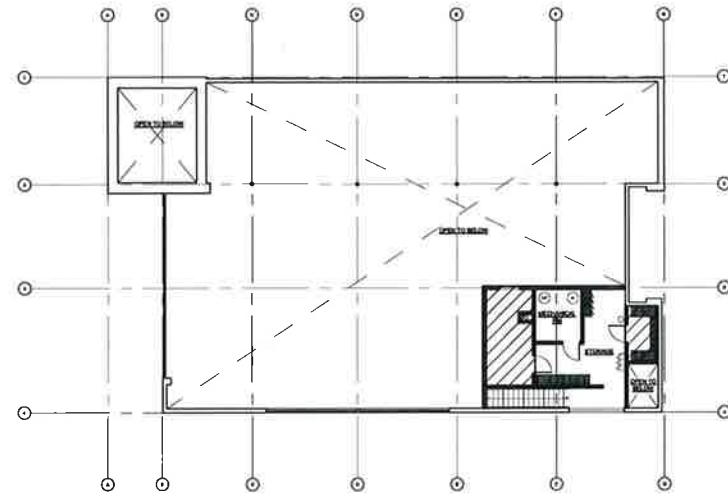
The Crack Shack will offer off-street parking which satisfies the Costa Mesa Zoning Code. Onsite valet parking will be available to its patrons in order to maximize parking efficiency and satisfy density requirements. We will be offering valet services as per our requirements found in our approved CUP (PA-16-53) from:

- Monday – Friday
  - 11:30 AM - 1:30 PM & 6:00 PM – 10:00 PM
- Saturday
  - 11:00 AM – 3:00 PM & 5:00 PM – 9:00 PM
- Sunday
  - 11:00 AM – 3:00 PM & 5:00 PM – 9:00 PM

Complementary valet parking will be offered on the times noted as required by our CUP.

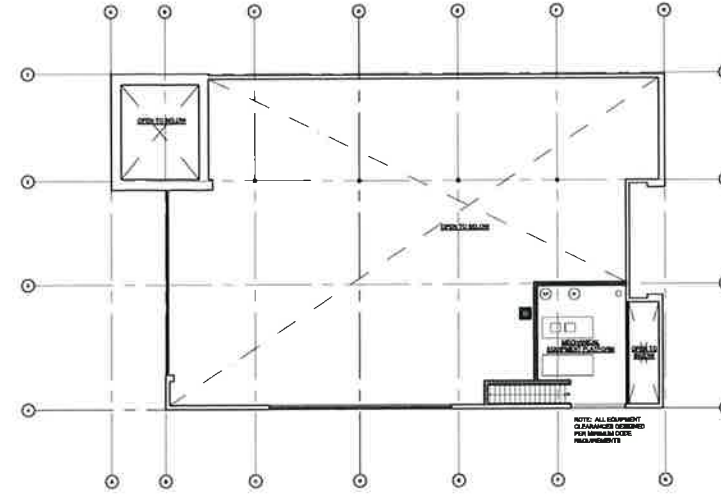
This site is situated at the intersection of E. 17th St and Orange Ave. It is surrounded by a dedicated asphalt parking lot to the NE and a two-story office building to the NW. Vons and Sprouts anchor shopping centers are located across the intersection to the SE, and a mixed use development consisting of a 7-11 gas station with restaurants and office space to the SW. There is a storage yard located to the North of the dedicated parking lot. The zoning designations surrounding our site are C1 – Local Business and CL – Commercial Limited zoning. Based on our neighboring properties/uses, the surrounding zones/uses, and our location along 17<sup>th</sup> St, a major commercial thoroughfare, we believe our project is compatible and conforms to permitted uses in the general area and we will not be materially detrimental to other properties in the same area. In fact, our project furthers the goals of the City of Costa Mesa’s vision and urban objectives for this part of town (a commercial corridor) pursuant to the Zoning Code, the General Plan including proposed updates and Planning Department land use directives.





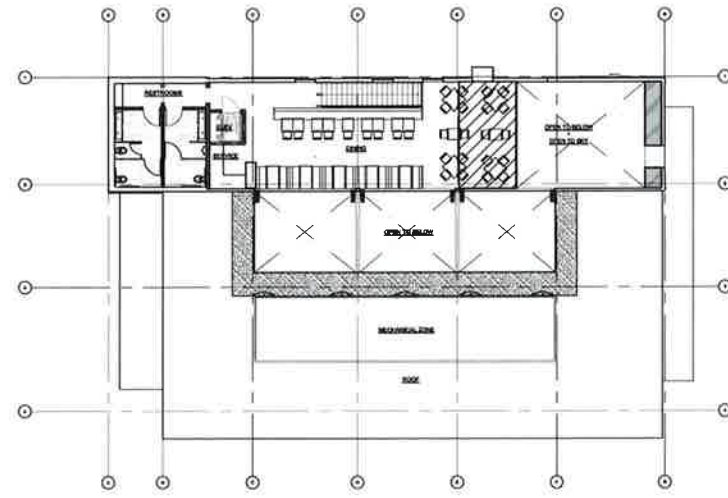
MEZZANINE - 599 GSF (PREVIOUS DESIGN)

1/16" = 1'-0"



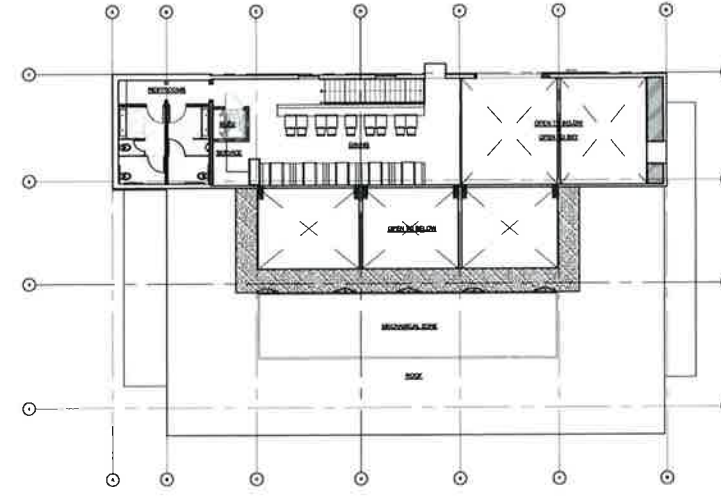
MECHANICAL EQUIPMENT PLATFORM - 320 GSF (PROPOSED - NOT INCLUDED IN TOTAL GSF)

1/16" = 1'-0"



SECOND FLOOR - 1170 GSF (PREVIOUS DESIGN)

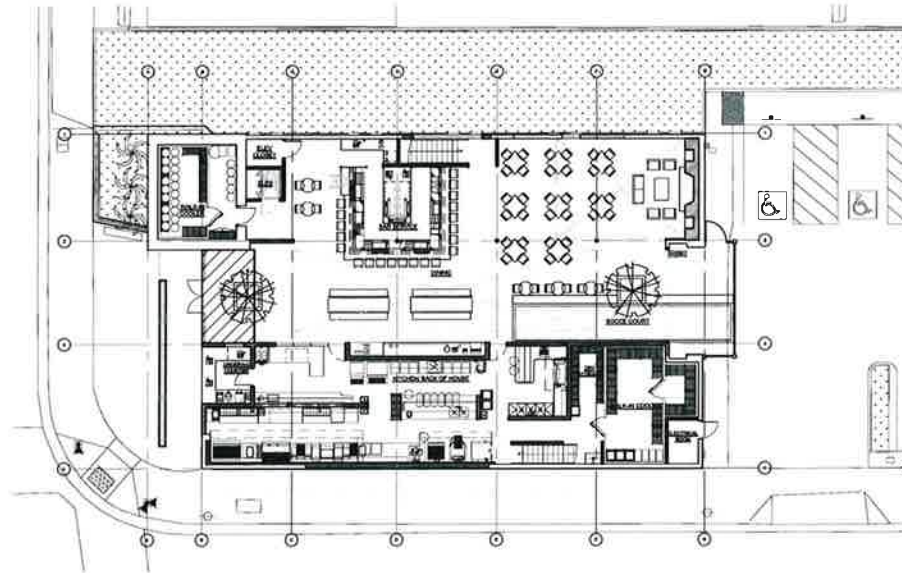
1/16" = 1'-0"



REVISED SECOND FLOOR - 960 GSF (PROPOSED)

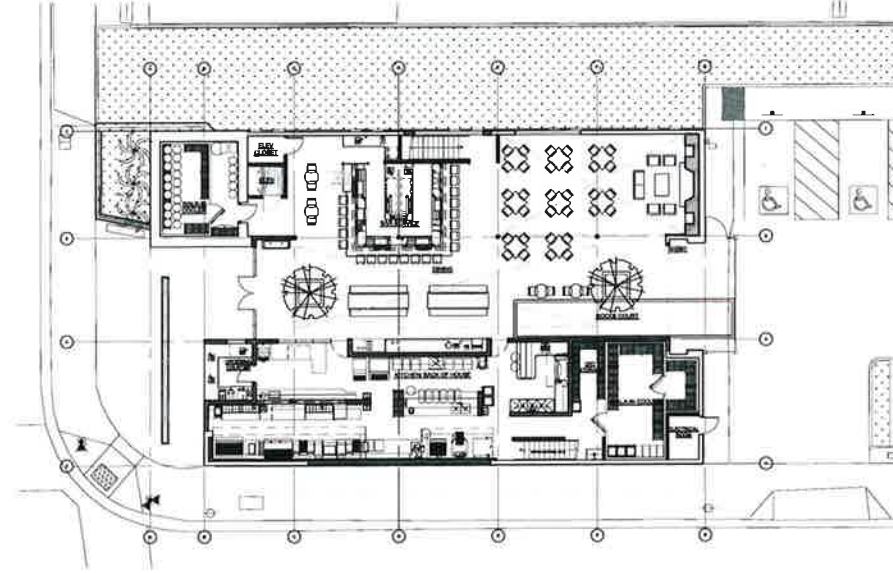
1/16" = 1'-0"

Development Review No. PA-16-53A  
**Approval in Concept**  
 SUBJECT TO CONDITIONS  
 CITY OF COSTA MESA  
 PLANNING DEPT.  
 BY DI  
 DATE 12/22/2016



FIRST FLOOR - 4962 GSF (PREVIOUS DESIGN)

1/16" = 1'-0"



REVISED FIRST FLOOR - 4623 GSF (PROPOSED) (ELECTRICAL ROOM NOT INCLUDED AS GSF)

1/16" = 1'-0"

**LEGEND**

GROSS FLOOR AREA ELIMINATED FROM PREVIOUS PLAN SUBMITTAL

**GROSS FLOOR AREA ELIMINATED:**

FIRST FLOOR: 339 SF  
 SECOND FLOOR: 210 SF  
 MEZZANINE: 599 SF

TOTAL: 1148 SF

**bluemotifarchitecture**  
 2311 Kettner Boulevard P. 619.269.5288  
 San Diego, California 92101 F. 619.269.5269  
 www.bluemotifarchitecture.com

**CRACK SHACK COSTA MESA**  
 - TENANT IMPROVEMENT -  
 196 E 17TH STREET  
 COSTA MESA, CA 92627

JOB NO: 1607  
 DISCRETIONARY SUBMITTAL 08 26 16

**SQUARE FOOTAGE DIAGRAMS**

**T1.0**

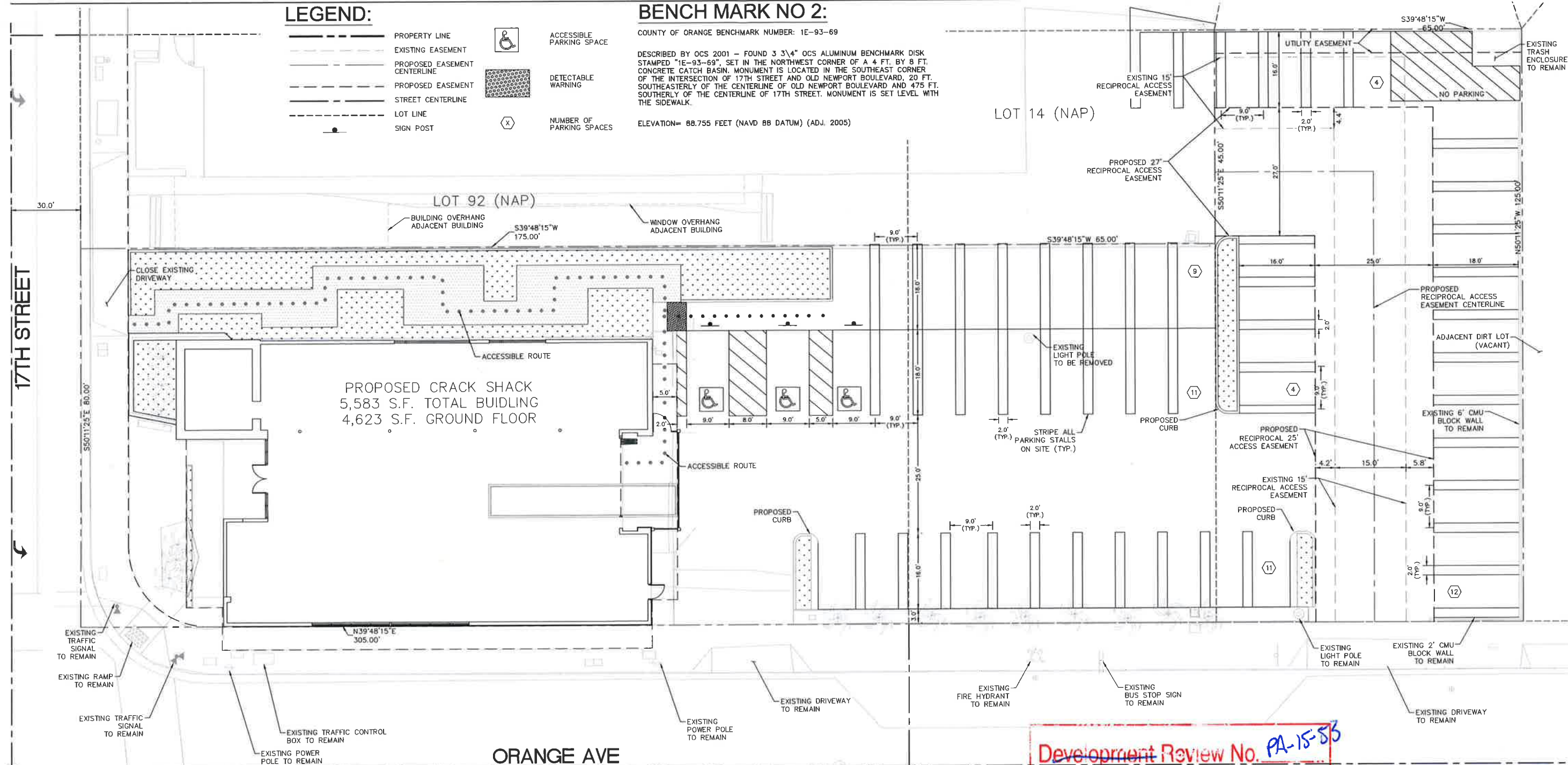
**OWNERSHIP OF DOCUMENTS**  
 THESE DOCUMENTS ARE THE PROPERTY OF BLUEMOTIF ARCHITECTURE. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY REUSE OR REPRODUCTION OF THESE DOCUMENTS WITHOUT THE WRITTEN PERMISSION OF BLUEMOTIF ARCHITECTURE IS STRICTLY PROHIBITED.

**LEGEND:**

- PROPERTY LINE
- EXISTING EASEMENT
- PROPOSED EASEMENT CENTERLINE
- PROPOSED EASEMENT
- STREET CENTERLINE
- LOT LINE
- SIGN POST
- ACCESSIBLE PARKING SPACE
- DETECTABLE WARNING
- NUMBER OF PARKING SPACES

**BENCH MARK NO 2:**

COUNTY OF ORANGE BENCHMARK NUMBER: 1E-93-69  
 DESCRIBED BY OCS 2001 - FOUND 3 3/4" OCS ALUMINUM BENCHMARK DISK STAMPED "1E-93-69", SET IN THE NORTHWEST CORNER OF A 4 FT. BY 8 FT. CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE SOUTHEAST CORNER OF THE INTERSECTION OF 17TH STREET AND OLD NEWPORT BOULEVARD, 20 FT. SOUTHEASTERLY OF THE CENTERLINE OF OLD NEWPORT BOULEVARD AND 475 FT. SOUTHERLY OF THE CENTERLINE OF 17TH STREET. MONUMENT IS SET LEVEL WITH THE SIDEWALK.  
 ELEVATION= 88.755 FEET (NAVD 88 DATUM) (ADJ. 2005)



**LEGAL DESCRIPTION:**

REAL PROPERTY IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:  
**PARCEL 1:**  
 LOT 13 AND THE SOUTHEASTERLY 80 FEET OF LOT 14 OF TRACT 1113, IN THE CITY OF COSTA MESA, AS PER MAP RECORDED IN BOOK 36, PAGE 2 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY.  
 APN: 425-413-08  
**PARCEL 2:**  
 THE SOUTHEASTERLY 80 FEET OF THE SOUTHWESTERLY 175 FEET OF LOT 92, NEWPORT HEIGHTS, AS PER MAP RECORDED IN BOOK 4, PAGE 83 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY.  
 APN: 425-413-07

**SITE DATA:**

**PROJECT DESCRIPTION:** EXISTING CHASE BANK BUILDING TO BE TRANSITIONED TO CRACK SHACK RESTAURANT VIA SITE AND BUILDING MODIFICATIONS.  
**ADDRESS:** 196 E 17TH STREET, COSTA MESA, CA  
**ZONING DISTRICT:** C2 - GENERAL BUSINESS  
**LAND USE:** COMMERCIAL  
**FLOOD ZONE:** ZONE X - AREA OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD  
**SITE DISTURBED AREA:** 3,000 S.F. (0.07 AC)  
**TOTAL PAD AREA:** 4,623 S.F. (0.11 AC)  
**LOT COVERAGE:**  
 TOTAL SITE AREA: 27,325 S.F. (0.63 AC) 100.0%  
 EXISTING BUILDING AREA: 7,739 S.F. (0.18 AC) 28.3%  
 PROPOSED BUILDING AREA: 5,583 S.F. (0.13 AC) 20.4%  
 FIRST FLOOR AREA: 4,623 S.F. (0.11 AC) 15.8%  
 IMPERVIOUS AREA: 24,472 S.F. (0.56 AC) 89.6%  
 LANDSCAPE AREA: 2,853 S.F. (0.07 AC) 10.4%

YARD SETBACKS	
FRONT (W):	3.0'
REAR (E):	0.4'
SIDE (N):	0.0'
SIDE (S):	0.0'

PARKING TABLE		
STANDARD	PROVIDED: 48	EXISTING: 29
ACCESSIBLE	PROVIDED: 3	EXISTING: 2
TOTAL:	51	31

Development Review No. PA-15-53

Approval in Concept

SUBJECT TO CONDITIONS  
CITY OF COSTA MESA  
PLANNING DEPT.

BY: DATE: 12/22/2016

**BASIS OF BEARINGS:**

THE CENTERLINE OF EAST 17TH STREET, BEING NORTH 50°11'25" WEST, AS SHOWN ON A MAP OF TRACT NO. 1113, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS RECORDED IN BOOK 36, PAGE 2 INCLUSIVE OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.



No.	REVISIONS	DATE	BY

Kimley»Horn

© 2016 KIMLEY-HORN AND ASSOCIATES, INC.  
 765 THE CITY DRIVE, SUITE 200, ORANGE, CA 92868  
 PHONE: 714-939-1030 FAX: 714-938-9488  
 WWW.KIMLEY-HORN.COM

KHA PROJECT 094926001	CITY OF COSTA MESA BUILDING DEPARTMENT
DATE 10/10/16	APPROVED BY: _____
SCALE AS SHOWN	CITY OF COSTA MESA CITY ENGINEER
DESIGNED BY TH	DATE _____
DRAWN BY CF	REVIEWED AND RECOMMENDED BY: _____
CHECKED BY TH	DATE _____

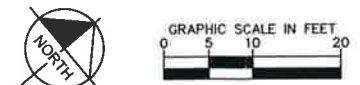
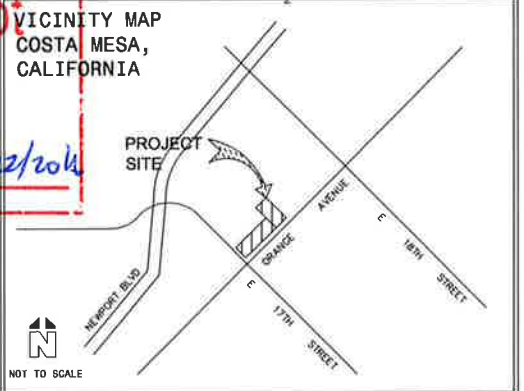
ENGINEERS SEAL

CRACK SHACK

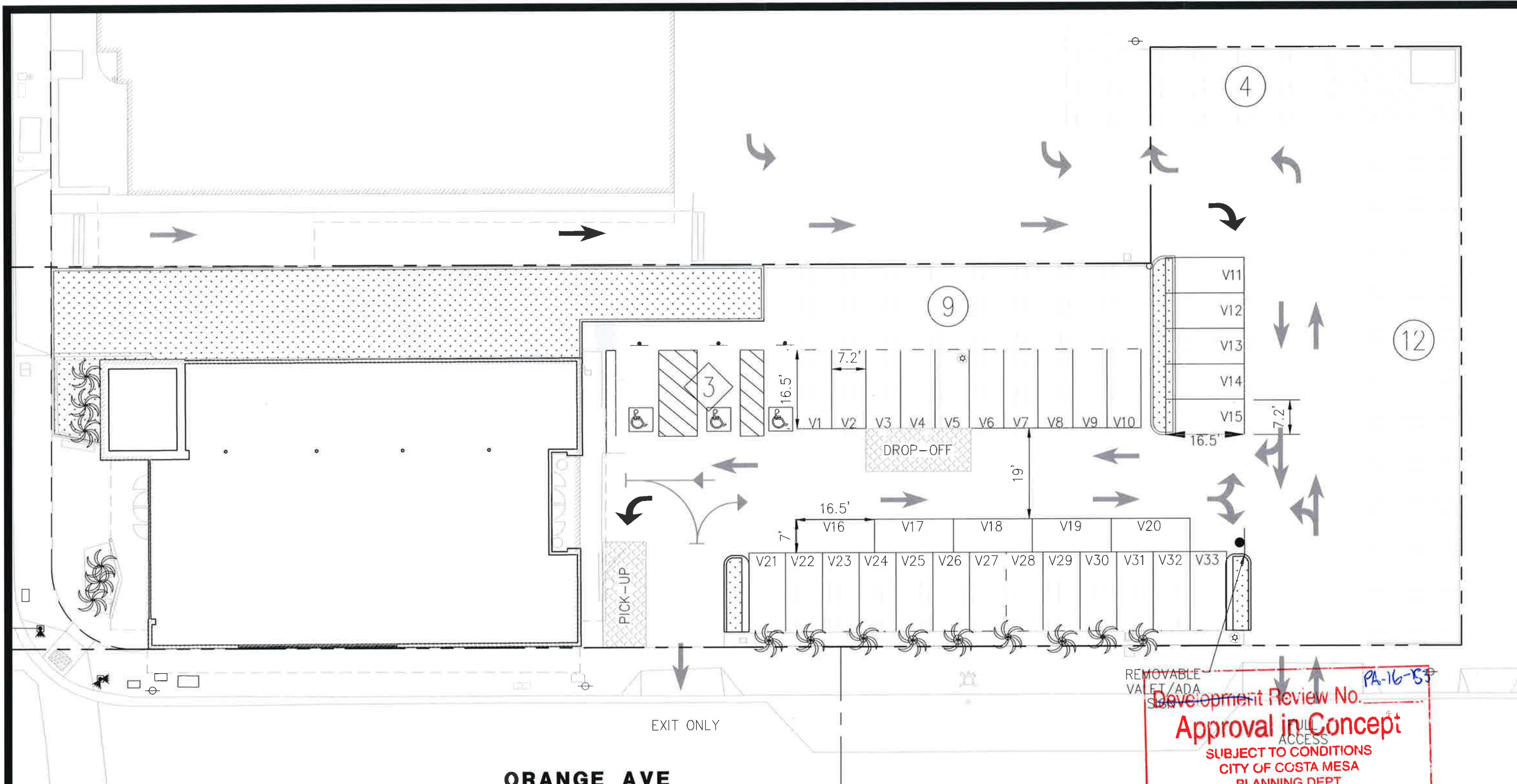
196 E 17TH STREET  
COSTA MESA, CA

PRELIMINARY SITE PLAN

SHEET NUMBER  
**NO. 1**



Prepared By: Matt Tyler, Street Set Backs, Layout Specialist, October 10, 2016, 08:06 AM  
 K:\CMA\_LIC\A\094926001 - Crack Shack, Costa Mesa\CAD\EXHIBIT SITE PLAN.dwg  
 This document, together with the contracts and design presented herein, is intended only for the specific project and client. For other than the specific project and client, its use is prohibited.



ORANGE AVE

Development Review No. PA-16-53  
**Approval in Concept**  
 SUBJECT TO CONDITIONS  
 CITY OF COSTA MESA  
 PLANNING DEPT.  
 BY: [Signature] DATE: 12/21/2016

Parking	Self Park	Valet (with reduced Self Park)
# Regular	49	25
# Accessible	3	3
V# Valet	0	33
<b>Total</b>	<b>52</b>	<b>61</b>

# FREE VALET PARKING PLAN (TYPICAL CONDITION)

SCALE: 1"=20'

**Michael Baker INTERNATIONAL**  
 5050 Avenida Encinas, Suite 260, Carlsbad, CA 92008  
 Phone: (760) 476-9193 - MBAKERINTL.COM