



City of Costa Mesa Inter Office Memorandum

TO: CITY COUNCIL
CC: TOM HATCH, JAY TREVINO, AND PEGGY SCHNEBLE
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR *WBK*
DATE: JANUARY 5, 2017
SUBJECT: ZONING ADMINISTRATOR DECISION

This is to advise you of the following decision(s) made by the Zoning Administrator within the last week. The decision(s) will become final unless a member of the City Council requests a review of the decision(s) or an interested party files an appeal by 5:00 p.m. on January 12, 2017. Project descriptions have been kept brief for this notice. As a result, there may be details to the project or conditions of approval that would be of interest to you in deciding whether to request a review of a decision. Please feel free to contact me by e-mail at willa.bouwens-killeen@costamesaca.gov if you have any questions or would like further details.

ZA-16-32 1901 NEWPORT BOULEVARD, SUITE LL101

Minor Conditional Use Permit to allow public restaurant services at an existing banquet facility (Celebrations). The proposed hours of operation will remain the same as the banquet facility: Monday through Thursday from 6 PM to 11:30 PM; Friday from 6 PM to 1 AM; Saturday from 10 AM to 1 AM; and Sunday from 10 AM to 11 PM.

Approved, subject to conditions of approval.

Comments received: None.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

January 5, 2017

Chris Deason
2020 Main Street, #100
Irvine, CA 92614

**RE: ZONING APPLICATION ZA-16-32
MINOR CONDITIONAL USE PERMIT TO ALLOW PUBLIC RESTAURANT
SERVICES FOR AN EXISTING BANQUET FACILITY
1901 NEWPORT BOULEVARD, SUITE LL101, COSTA MESA**

Dear Mr. Deason:

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 12, 2017, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Justin Arios, at (714) 754-5667, or at justin.arios@costamesaca.gov.

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

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

cc: Engineering 1901 Newport, LLC
Fire Protection Analyst 3470 Wilshire Blvd, 7th Floor
Building Safety Division Los Angeles, CA 90010

PROJECT DESCRIPTION / BACKGROUND

The property is located on the corner of West 19th Street and Newport Boulevard, where the 55 Freeway ends. The site zoned PDC (Planned Development Commercial), and has a General Plan land use designation of Commercial Center. In 2002, Planning Commission approved Planning Application PA-02-45, which included the following requests: Conditional Use Permit (CUP) to allow the establishment of a nightclub (Vegas) with dancing and live entertainment; a CUP for valet parking; and a Minor Conditional Use Permit (MCUP) to deviate from shared parking requirements in an 11,833 square foot suite of an existing multi-tenant commercial building. The approved hours of operation were Monday through Friday, 5 PM to 2 AM, and Saturday and Sunday, 11 AM to 2 AM.

In 2008, the Zoning Administrator approved Minor Conditional Use Permit ZA-08-16, to allow a banquet facility (Celebrations) to replace the nightclub. The approved hours of operation for the banquet facility were modified to Monday through Thursday from 6 PM to 11:30 PM; Friday from 6 PM to 1 AM; Saturday from 10 AM to 1 AM; and Sunday from 10 AM to 11 PM.

As stated in the applicant letter, the applicant is requesting a MCUP to allow public restaurant service to complement the current private banquet use. The use will occupy the same 11,833 square foot tenant space, located in the basement of the existing multi-tenant building. The proposed floor plan will remain unchanged from its current layout, which consists of banquet room seating/dance floor, two separate kitchens, storage rooms, and restrooms. The proposed hours of operation of public restaurant services will remain the same as the approval of the banquet facility as delineated above.

ANALYSIS

Public Restaurant Service Request

The applicant requests approval of a MCUP to allow public restaurant services to be added to the existing private banquet facility. The existing CUPs and MCUP will remain in effect and the restaurant will operate during the same hours as that approved for the banquet facility and delineated above.

Parking and Circulation

The parking deviation approved for the nightclub under PA-02-45 was approved for the nightclub due to the off-set hours of operation. The parking ratio for establishments where food or beverages are served with more than 300 square feet of public area is 10 spaces per 1,000 square feet of floor area for the first 3,000 square feet, with 12 spaces per 1,000 square feet required for any floor area above 3,000 square feet; however, Code allows requiring up to 30 spaces per 1,000 square feet of gross floor area for uses providing entertainment and/or dancing or a substantial ratio of floor area devoted to bar as compared to restaurant use. Consequently, a 30 space per 1,000

square foot of gross floor area was required for the nightclub, resulting in a parking requirement of 355 parking spaces.

	CLUB VEGAS	CELEBRATIONS	CELEBRATIONS TURNIP ROSE
Suite Square Footage	11,833 square feet	11,833 square feet	11,833 square feet
Required Parking	Nightclub / Bar Use: 20-30 spaces per 1,000 square feet = 355 spaces required	Banquet Facility Use: 16 spaces per 1,000 square feet = 190 spaces required	Restaurant Use: 10 spaces per 1,000 square feet for 1 st 3,000 square feet; 12 spaces per 1,000 square feet thereafter = 118 spaces required

Furthermore, a parking study conducted in 2014 for Saddleback Church (PA-14-25) to occupy several suites in the multi-tenant building, which examined the parking and circulation conditions associated with peak church attendance in conjunction with weekend events for the banquet facility. The study indicated that approximately seven spaces (in addition to the 61 surface parking spaces) remain open in the parking structure during concurrent church and banquet services. Since the proposed restaurant will be located in the same space as Celebrations and both Celebrations and the restaurant will be conducted during the same off-set hours of operation, more than adequate parking will be available for the restaurant.

The standard condition of approval will be included requiring the applicant and/or business owner to institute whatever operational measures are necessary to minimize or eliminate the problem, including but not limited to modifications to hours of operation, if parking shortages or other parking related problems arise.

General Plan Consistency

The Commercial Center General Plan land use designation is intended to apply to large districts that contain a variety of industrial and compatible office and support commercial uses. The public restaurant use will be located within the existing private banquet facility and requires a parking demand less than what is currently provided for the private banquet facility; therefore, the restaurant will not generate parking impacts. Additionally, restaurants are generally lower noise uses than a nightclub or banquet facility and this restaurant will be located in the basement so no noise impacts to neighboring residents are anticipated. Therefore, the proposed use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the included conditions of approval, the restaurant use should not adversely impact the surrounding uses.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:
1. There will be a compatible and harmonious relationship between the building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. Parking impacts will be avoided because the restaurant use will be located in the existing private banquet facility and demands a parking requirement lower than the parking required for the existing private banquet facility.
 2. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project complies with any performance standards as described elsewhere in the Zoning Code, and as conditioned to operate as described in this staff report.
 4. The use is consistent with the General Plan in that a food or beverage establishment is a permitted use per the Zoning Code and a compatible use in the Commercial Center land use designation.
 5. The zoning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that:
1. The proposed use is compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area. The operation of the public restaurant use has been limited through conditions to minimize impacts to the surrounding businesses, including hours of operation.
 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 restaurant will be limited to hours of operation consistent with the current private banquet facility use: Monday through Thursday from 6 PM to 11:30 PM; Friday from 6 PM to 1 AM; Saturday from 10 AM to 1 AM; and Sunday from 10 AM to 11 PM.
 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.

- C. Minor conditional use permit ZA-16-08 still remains in effect, in addition to the conditional use permit for valet parking and minor conditional use permit for a parking reduction as authorized in PA-02-45.
- D. 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.
- E. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

CONDITIONS OF APPROVAL (ZA-16-32; as amended from ZA-08-16 & PA-02-45)

- Plng. 1. Since the residential project has been constructed, the second floor of the parking structure shall be reserved for self-parking only; no spillover valet parking shall be permitted.
- 2. The Zoning Administrator or Director of Development Services shall be authorized to increase or decrease the number of self-parking spaces as experience warrants.
 - 3. To prevent conflict with other uses on the site, hours of operating shall be limited as follows: Monday through Thursday from 6 PM to 11:30 PM; Friday from 6 PM to 1 AM; Saturday from 10 AM to 1 AM; and Sunday from 10 AM to 11 PM.
 - 4. Gates shall be provided for the Bernard Street driveway, which shall be closed between 6 PM and 6 AM.
 - 5. The minor conditional use permit herein approved shall be valid until revoked. However, the minor conditional use permit shall expire at the end of one (1) year unless a business license is obtained and/or the business legally commences or the applicant applies for and is granted an extension of time. The minor conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his/her designee, any of the findings upon which the approval was based are no longer applicable.
 - 6. A copy of the conditions of approval for the minor 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.
 - 7. The conditions of approval and code requirements of zoning application ZA-16-32 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

8. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
9. The public restaurant services shall be limited to the type of operation describe in the staff report, in addition to the type of operation described the staff report of previous approvals, ZA-08-16 and PA-02-45, as it relates to the private banquet facility use with valet parking and reeducation in parking. Any change in the operational characteristics including, but not limited to, hours of operation, sale of alcoholic beverages or provisions of entertainment, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
10. Live entertainment, amplified music and/or dancing shall only be permitted subject to City issuance of a "public entertainment permit."
11. During the times when a "public entertainment permit" is issued, no public restaurant services shall occur.
12. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
13. 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 exceed at any time. Occupant loads for the open patio areas and the enclosed patio area shall be calculated and posted separately.
14. There shall be no room or designated area reserved for the exclusive use of designated persons or "private club members."
15. The business shall be conducted, at all time, 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.
16. There shall be no sales of alcoholic beverages for off-site consumption.
17. As it relates to the restaurant use, the quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and meals during the same time period. The applicant shall at all times maintain records which reflect separately the gross sales of food and gross sales of alcoholic beverages of the restaurant use. The records shall be kept no less frequently than on a quarterly basis and shall be made available to the Development Services Director or his/her designee on demand.
18. As it relates to the restaurant use, at all times the premises is open for business, the sale and service of alcoholic beverages shall be made only in conjunction with the sale and service of food.
19. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
20. Music or other entertainment shall not be audible beyond the area under

- the control of the licensee.
21. A minimum of one footcandle illumination, as measured at the surface, shall be provided for the entire parking lot.
 22. Events, as it relates to the private banquet facility use, shall be restricted to private parties only. Events open to the general public shall not be permitted.
 23. If parking shortages or other parking related problems arise, the applicant and/or business owner shall institute whatever operational measures are necessary to minimize or eliminate the problem, including but not limited to modifications to hours of operation.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Approval of the zoning application is valid for one year from the effective date of this approval 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.
 3. All exits shall be clearly marked with "EXIT" signs.
 4. All conditions of the California Alcoholic Beverage Control Board shall be complied with.
 5. Outdoor public communication systems shall not be audible in adjacent residential areas.
 6. Truck deliveries shall not occur between 8 PM and 7 AM.
- Bldg. 7. Comply with the requirements of the following adopted codes: 2016 California Building Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code and 2016 California Energy Code (or the applicable adopted, California Building Code California Electrical Code, California Mechanical Code California Plumbing Code and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2016 California Building Code.

- Bus. Lic. 8. 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.
9. Business license shall be obtained prior to the initiation the business.
- Fire 10. A Fire Department permit for a place of assembly is required.
11. Any interior alterations will require appropriate alterations of the automatic fire sprinkler and alarm system.
- Tran s. 12. The applicant may be subject to a Traffic Impact Fee to the Transportation Division prior to the effective date of the minor conditional use permit. The applicant shall contact the Transportation Division to determine if a Traffic Impact Fee is applicable. The traffic impact fee is based upon the average daily trip generation rate for the proposed use. The fee is required to fulfill mitigation of off-site traffic impacts pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated and includes credits for existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the minor conditional use permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.



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December 1, 2016

Mr. Justin Arios
Assistant Planner
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa, California 92614

**Re: Minor Conditional Use Permit, ZA-16-30
Zoning Administrator Approval for minor amendment to existing CUP Celebrations / Turnip
Rose ("Tenant") regarding 1901 Newport Blvd, Suite LL101, Costa Mesa, Ca. ("Application")**

Dear Mr. Arios,

On behalf of Celebrations, Voit Real Estate Services has been instructed to respond to your recent request to revise our Tenant Explanation Letter/Application for Zoning Administrator Approval for minor amendment to existing CUP Celebrations dated August 10, 2016, hand-delivered on August 23, 2016 with duplicate copies of the floor plans, aerials and mailing labels hand-delivered on September 12, 2016.

As requested, the Tenant hereby amends and modifies the above referenced Application for a Minor Conditional use Permit ZA-16-30 and respectfully request Zoning Administrator Approval for minor amendment based upon public restaurant access to the Premises as a compliment to the current private banquet use. As stated in the prior letter and Application, public access is requested to augment and supplement the income of the existing private banquet services, which banquet services have declined over the years. Celebrations is hoping to generate more revenue with the public restaurant access

In an effort to further clarify Celebrations' current occupancy status, Turnip Rose / Celebrations ("Tenant") reduced its total banquet facilities and square footage a few years ago to 11,833 square feet. Celebrations currently only occupies the Basement Space (Suite LL101) consisting of approximately 11,833 square feet as described in the current CUP dated June 5, 2008 and floor plans delivered September 12, 2016. Saddleback Church currently occupies the old Turnip Rose Space (Suite 100 consisting of 7,772 SF) shown on the existing CUP. Suite 100 is no longer a part of the Celebrations' Premises.

Celebrations is requesting public access in its current premises (Suite LL101), which will work in conjunction with the banquet facilities under the same business hours. The current hours of operation shall remain the same and unchanged from the current CUP.

It is our opinion that our requested change to the existing CUP for Public Access in addition to our current private banquet use will not change the existing parking or create any concerns for the property.

Please do not hesitate to contact us with any questions and we look forward to working with you.

Sincerely,

VOIT REAL ESTATE SERVICES

Christopher J. Deason
Senior Vice President
cdeason@voitco.com
949.263.5347



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October 18, 2016

Mr. Justin Arios
Assistant Planner
CITY OF COSTA MESA
77 Fair Drive
Costa Mesa, California 92614

**Re: Minor Conditional Use Permit, ZA-16-30
Zoning Administrator Approval for minor amendment to existing CUP Celebrations / Turnip
Rose ("Tenant") regarding 1901 Newport Blvd, Suite LL101, Costa Mesa, Ca. ("Application")**

Dear Mr. Arios,

On behalf of Celebrations, Voit Real Estate Services has been instructed to respond to your letter received October 14, 2016 requesting additional information and clarification on the Celebrations Application. According to my files, the original application for a Zoning Administrator Approval for minor amendment to the existing Celebrations CUP dated August 10, 2016 was personally hand-delivered on August 23, 2016 with copies of the site plans, existing CUP, aerials, etc. Thereafter, you requested duplicate copies of the existing floor plans, site aerials and mailing labels, which were completed and hand-delivered on September 12, 2016.

In an effort further clarify Celebrations' current occupancy status, Turnip Rose / Celebrations ("Tenant") reduced its total banquet facilities and square footage a few years ago to 11,833 square feet. Celebrations currently only occupies the Basement Space (Suite LL101) consisting of approximately 11,833 square feet as described in the current CUP dated June 5, 2008 and floor plans delivered September 12, 2016. Saddleback Church currently occupies the old Turnip Rose Space (Suite 100 consisting of 7,772 SF) shown on the existing CUP. Suite 100 is no longer a part of the Celebrations' Premises.

Below you will find our response to your letter dated October 14, 2016 with each question answered and numbered exactly as proposed in your October 14, 2016 letter as follows:

1. The floor plan of the existing Basement Space (LL101) consisting of approximately 11,833 square feet represents the entire premises currently leased by Celebrations as banquet space, which includes restrooms, kitchen, storage, seating area, etc. This Basement Space (LL101) will continue to be used as the existing banquet space/kitchen/restroom/storage space and will also be used as the public restaurant space. Attached you will find the current space plan with the kitchen, storage, restrooms and seating areas labeled for your convenience.
 - a. The green shaded area represents the building's exterior landscaping, grass and planters. This landscaped area is not part of the Premises whatsoever. Sorry for the confusion.
 - b. The reference to the old exterior wedding courtyard area does not refer to our existing exterior covered patio/entrance shown on the floorplan and is NOT part of Premises. This old exterior wedding courtyard space is part of the building common areas with the large fountains and is located adjacent to the current church space. In the past, Turnip Rose conducting wedding ceremonies in these common area fountains, however, this courtyard space is no longer available to Celebrations for wedding services, which Celebrations has lost revenues because of their loss of use in this old courtyard space.
 - i) See above. Wedding Courtyard is not part of the premises and square footage
 - ii) See above. Wedding Courtyard is not part of the premises and square footage.

2. Provide clarification of banquet and restaurant hours.
 - a. Yes, the requested and proposed extended operating hours will be for both the restaurant and banquet facilities.
 - b. Yes, the requested and proposed extended operating hours will be for both the restaurant and banquet facilities. Since the business for large banquets and weddings of 300 people or more have become fewer and fewer each year and the current trend for smaller parties seem to be the business today for most catering companies, the hope is to generate additional income from the public operations while still catering to smaller private parties concurrently.

It is our opinion that these are minor changes that will not change the existing parking or create any concerns for the property.

Please do not hesitate to contact us with any questions and we look forward to working with you.

Sincerely,

VOIT REAL ESTATE SERVICES



Christopher J. Deason
Senior Vice President
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August 14, 2016

CITY OF COSTA MESA

Ms. Willa Bouwens-Killeen
Principal Planner / Zoning Administrator
Ms. Julie Colgan
Administrative Secretary
77 Fair Drive
Costa Mesa, California 92614

Re: Zoning Administrator Approval for a minor amendment to existing CUP
Celebrations / Turnip Rose ("Tenant")
1901 Newport Blvd, Suite LL101, Costa Mesa, Ca. ("Property")

Dear Ms. Bouwens-Killeen and Ms. Colgan,

Turnip Rose/Celebrations ("Tenant") respectfully request a Zoning Administrator approval for a minor amendment to our existing attached CUP for the above referenced Property.

The Tenant has reduced the size of its banquet facilities and currently only occupies the Basement Space (Suite LL101) consisting of approximately 11,833 square feet (SF) as described in the current CUP dated June 5, 2008. The Tenant desires to amend its current CUP as follows: a) Reduce the premises to only 11,833 SF, b) Add the ability for public restaurant services Monday through Saturday after 5:00pm and Holidays, and c) Extend Business Hours from 1:00am to 2:00am.

The main reasons for this requested Zoning Administrator Approval & minor amendment are as follows:

- (1) The current venue for private parties only does not generate enough revenues due to the overall change in the catering business. This change has been ongoing for the past several 2 to 3 years.
- (2) Our current venue averages only 2-3 events per month with approximately 100 to 200 people per event, where historically, we could have 6-8 per events per month with an average size range of 150 to 300 people. This change of business has been the trend for the last several years.
- (3) The significant reduction for the need of large private parties has reduced our ability to make our monthly expenses, which created a hardship that could be offset with public access and small parties.
- (4) The Tenant's lack of ability to use the exterior courtyard for its initial gatherings and wedding ceremonies for its private parties has also reduced our overall income.


The Turnip Rose
ELITE CATERING

We hope that you find our request reasonable in order to continue with the private events plus the added public restaurant access at 1901 Newport Blvd. It is our opinion that these minor changes in operation hours and public restaurant access will not change the existing parking, access or create any additional concerns for the property or city of Costa Mesa.

Please do not hesitate to contact us with any questions and we look forward to working with you.
Sincerely,



Kelly F. Sherbanee
Administrator/COO/CFO

1901 Newport Boulevard, Costa Mesa
Site Plan

MINOR CONDITIONAL USE PERMIT/
ADMINISTRATIVE ADJUSTMENT NO. ZH-16-32

Approval in Concept

SUBJECT TO CONDITIONS
CITY OF COSTA MESA
PLANNING DEPT.

BY JA / ZA DATE 1/5/17

