



City of Costa Mesa

Inter Office Memorandum

TO: CITY COUNCIL, PLANNING COMMISSION
CC: TOM HATCH, BARRY CURTIS, AND JENNIFER LE
FROM: WILLA BOUWENS-KILLEEN, ZONING ADMINISTRATOR *MA*
DATE: DECEMBER 7, 2017
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.

ZA-17-45 **116 EAST 18TH STREET**

A request to operate a coffee shop, with less than 300 square feet of public area, in conjunction with an existing salon. The proposed use is located within 200 feet of residentially-zoned property. Proposed hours of operation are seven days a week, 6 AM to 8 PM, and are concurrent with salon hours.

Approved, subject to conditions of approval.

Comments received: One opposed.

PCN FINDING **2930 BRISTOL STREET, SUITE A111**

State Alcoholic Beverage Control (ABC) requested the City make a finding of Public Convenience or Necessity (PCN) for the Type 48 (On-Sale General Public Premises) State Alcoholic Beverage Control (ABC) license for Ruin Bar located at The Lab, which was originally approved under Conditional Use Permit PA-07-36.

Approved.

REC'D DEC 06 2017

Costa Mesa Zoning Administrator
Application ZA-17-45
116 E. 18th St.

As residential neighbors, we believe seven days a week with opening at 6 am is too much for this neighborhood. The Goat Hill closes at 2 am. How can people live here?

The other businesses on E. 18th St., such as the consignment shop, the toy store, the Zen Center, and manicure shop do not have such early morning hours or Sunday hours.

Opening seven days a week at 6 am is heavy use, not usual for a hair salon. The notice says the hours are "concurrent with salon hours" and that this is "in conjunction with an existing salon." There is not currently a salon operating in the building. Its most recent use was an antique store, with very limited hours of operation, after 9 am and not Sundays. Who gets hair done at 6 am? We were happy to hear this would be a hair salon. Now it's a coffee shop? A very different business. The current signage and these hours of operation suggest much more coffee shop than salon.

Though Chow has early hours, it is down the street, closer to Newport Blvd. and not as close to our residential area.

Another concern is whether there will be outside seating on the sidewalk---more noise, dogs, etc. Increased customer street parking will also be noisy.

Please consider other arrangements for Sundays and perhaps a 7 am opening time on other days.

Thank you.

Vivian Jackson



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 7, 2017

Hudson Pruitt
4422 Rhodelia Avenue
Claremont, CA 91711

**RE: ZONING APPLICATION ZA-17-45
MINOR CONDITIONAL USE PERMIT TO OPERATE A COFFEE SHOP, WITH
LESS THAN 300 FEET OF PUBLIC AREA, WITHIN 200 FEET OF
RESIDENTIALLY-ZONED PROPERTY.
116 EAST 18th STREET, COSTA MESA**

Dear Mr. Pruitt:

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 December 14th, 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, Katelyn Walsh, at (714) 754-5276, or at katelyn.walsh@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
 Fire Protection Analyst
 Building Safety Division

Marlon Brandon Griggs
17547 Ventura Blvd #304
Encino, CA 91316

PROJECT DESCRIPTION

The subject property is located on north side of East 18th Street, between Newport Boulevard and Orange Avenue. The site has a zoning designation of CL (Commercial Limited) and a General Plan land use designation of General Commercial (GC). Properties abutting the project site have General Commercial General Plan land use designations and are zoned P (Off-Street Parking) to the north; CL (Commercial Limited) to the east and west; and CL (Commercial Limited) and C2 (General Business District) to the south, across East 18th Street. Physical on-site improvements include a 1,369 square foot commercial building with 1 handicapped parking space. The site provides two points of ingress/egress, one located on East 18th Street and the other located on Magnolia Street. The subject property is also served by the Newport Boulevard Vehicle Parking District.

On August 7, 2017, a tenant improvement under building permit BC17-00556, approved a hair salon use to operate in this commercial building. The proposed, approximately 124 square foot coffee shop, will operate within the existing salon, and will serve coffee and grab-and-go food items. An approximately 250 square foot seating area will be shared with the hair salon. The remainder of the building will consist of a reception area, hair styling and washing areas, a mixing room, and a restroom. Proposed hours of operation of the coffee bar is seven days a week, 6 AM to 8 PM, concurrent with hair salon hours.

The applicant requests approval of a minor conditional use permit (MCUP) to allow the establishment of a coffee bar in the CL zone, with less than 300 square feet of public area, within 200 feet of residentially-zoned property. Since the parking requirement is the same for a food service use with less than 300 square feet of public area and a beauty shop (4 spaces per 1,000 square feet of gross floor area), this tenant improvement does not worsen the nonconforming parking situation.

ANALYSIS

Project Description

A food establishment use is permitted within the CL zone with the approval of a MCUP. As described by the applicant, the proposed use will operate in conjunction with an existing hair salon and will serve coffee and grab-and-go food items. The proposed coffee shop will be open to the general public, but will primarily serve the patrons of the salon. The proposed 124 square foot coffee shop will share the approximately 250 square foot public seating area with the salon; however, it is anticipated that the seating area will primarily serve clients with scheduled appointments for the salon. Proposed hours of operation of the coffee bar is seven days a week, 6 AM to 8 PM, concurrent with salon hours. Per the applicant, there will be no overstock; products will be ordered and delivered daily. Furthermore, the project has been conditioned to ensure that any product deliveries do not occur anytime between 8 PM and 7 AM, consistent with Code requirements.

Parking and Circulation

The parking ratio for an establishment where food or beverages are sold, with less than 300 square feet of public area, is 4 spaces per 1,000 square feet of gross floor area. Based on the square footage of the commercial building, the use of the subject property requires 5 parking spaces.

The subject property has minimal on-site parking; however, the subject property is served by the Newport Boulevard Vehicle Parking District. Consequently, the building is credited with a total of 5 parking spaces, based on the 4 per 1,000 square foot retail rate. Because the proposed use will not exceed 300 square feet of public area, no additional parking is required.

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, modifying days and/or hours of the business.

General Plan Consistency

The proposed coffee shop, with less than 300 square feet of public area, located within 200 feet of residentially-zoned property, is permitted in the CL zone, subject to approval of a minor conditional use permit. The General Plan land use designation of the property is General Commercial. The General Commercial land use designation is intended to permit a wide range of commercial uses, which serve both local and regional needs, including retail and restaurant uses.

Subject to conditions of approval, the proposed use is in conformance with the 2015-2035 General Plan. Specifically, the proposed project complies with the following Land Use Policies:

Policy LU-1.1: Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and enjoyment opportunities in consideration of the needs of the business and residential segments of the community.

Policy LU-3.1: Protect existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks), from the encroachment of incompatible or potentially disruptive land uses and/or activities.

The proposed coffee shop will be compatible with the existing uses located in the surrounding area. The project site is served by the Newport Boulevard Vehicle Parking District, within a commercial district that contains various retail uses including multiple restaurants, social bars, as well as other retail shops. Furthermore, residential uses are protected from any noise or nuisance associated with the coffee shop since the closest residential use is located approximately 60 feet from the east property line, and is buffered

by another commercial property, as well as a municipal parking lot to the north. Lastly, the business will not open before 6 AM and will close by 8 PM and deliveries will be required to occur only between 7 AM and 8 PM. Therefore, the proposed use, as conditioned, will not generate noise or parking impacts unusual for commercially-zoned property and, therefore, ensures the use is compatible with surrounding uses.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:
1. There is a compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. The proposed food use will be compatible with the existing uses located in the general area; the commercial district currently contains various retail uses including multiple restaurants, social bars, as well as other retail shops. Additionally, residential uses are protected from any noise or nuisance associated with the coffee shop since the closest residential use is located approximately 60 feet from the east property line, and is buffered by another commercial property, as well as a municipal parking lot to the north. Lastly, the business will not open before 6 AM and will close by 8 PM and deliveries will be required to occur only between 7 AM and 8 PM.
 2. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation have been considered and are not impacted by the proposed use.
 3. The proposed coffee shop 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 proposed use is consistent with the General Plan land use designation of general Commercial. The proposed use is permitted in the CL zone, subject to approval of a minor conditional use permit and is, therefore, consistent with the General Plan and Zoning Code. Specifically, the proposed use is consistent with Land Use Policy LU-3.1 -- to protect existing neighborhoods, in that there should be no noise impacts to the nearby residential neighborhoods. Also, the proposed use is consistent with Land Use Policy LU-1.1, since approval will "provide for the development of a mix and balance of housing opportunities in consideration of the needs of the business and residential segments of the community."
 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 use, as conditioned, is not anticipated to have any negative effects on the surrounding properties. The proposed food use will be compatible with the existing uses located in the surrounding commercial area; the commercial corridor, in which the project site is located, contains various retail uses including multiple restaurants, social bars, as well as other retail shops.
 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, as conditioned, will not generate adverse noise, traffic, or parking impacts that are unusual for commercially-zoned properties. Conditions of approval require noise sources be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Residential uses are protected from any noise or nuisance associated with the coffee shop since the closest residential use is located approximately 60 feet from the east property line, and is buffered by another commercial property, as well as a municipal parking lot to the north. Further, the business will not open before 6 AM and will close by 8 PM and deliveries will be required to occur only between 7 AM and 8 PM. Lastly, because no additional parking is required for the coffee shop, adequate parking is available for the use.
 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. The proposed coffee shop is not considered a use that will increase density or intensity allowed per the General Plan designation. Further, the General Plan designation is General Commercial, which allows for retail and restaurant uses. As such, the proposed use, as conditioned, will not generate adverse noise, traffic, or parking impacts that are unusual for commercially-zoned properties.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.
- D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation described in this staff report: A coffee shop operating in conjunction with an existing hair salon, with less than 300 square feet of public area, located within 200 feet of residentially-zoned property. Proposed hours of operation of the coffee shop is seven days a week, 6 AM to 8 PM; the coffee shop shall not exceed approximately 250 square feet of public seating area. Any change in the operational characteristics including, but not limited to, increased hours of operation or increased public seating area, will require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval.
 2. A copy of the conditions of approval for the minor conditional use permit shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 3. 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 the requirement.
 5. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, modifying days and/or hours of the business.
 6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 7. Applicant shall defend, indemnify and hold harmless the City, its officials and employees, against all legal actions filed challenging City's approval of the applicant's project and/or challenging any related City actions supporting the approval. City shall have the right to select the attorney defending it, if it elects to do so.
 8. 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.
 9. Any new exterior lighting proposed shall be shielded and/or directed away from residential areas.
 10. Any trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.

CODE REQUIREMENTS

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

- Plng. 1. Approval of the zoning application is valid for two (2) years 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) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
3. Truck deliveries shall not occur anytime between 8 PM and 7 AM.
4. Seating furniture, including chairs, tables and benches shall be prohibited outside the suite. All uses shall be conducted underroof.
- Bldg. 3. Comply with the requirements of the following adopted codes: 2016 California Residential Code, 2016 California Building Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Green Building Standards Code and 2016 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2016 California Building Code.
4. Prior to issuing the Building permit the conditions of approval shall be required to be incorporated on the approved architectural plans.
6. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.
7. Provide a plan to the County of Orange Health Department for review and approval.

- 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.
- Trans. 10. The applicant shall submit a \$9,373 Traffic Impact Fee to the Transportation Division prior to the effective date of the minor conditional use permit. The traffic impact fee is based upon the average daily trip generation rate of 754.55 net trip ends for the proposed use. The fee is required to fulfill mitigation of off-site traffic impacts pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated and includes credits for existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the minor conditional use permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

SPECIAL DISTRICT REQUIREMENTS

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

- AQMD 1. Prior to the Building Division (AQMD) issuing a demolition permit, contact South Coast Air Quality Management District located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000

Or visit their web site:

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

Minor CUP Statement of Substantial Compatibility

10/11/17

Purpose:

This letter is in regards to the Minor Conditional Use Permit statement of compatibility needed for the East Eighteenth Coffee Bar.

Project Address:

116 E. 18th St.
Costa Mesa, CA 92627

Architect:

Hudson Pruitt
4422 Rhodelia Ave
Claremont, Ca 91711
909.781.0707 Lic. # C29799
email: HUDSONPRUITT@gmail.com

Contractor:

Cory Monroe, NeWave Construction Inc.
769 Newton Way
Costa Mesa, CA 92627
949.629.5005
cory@newaveconstruction.com

To Whom it May Concern:

The proposed project is a Coffee Bar located in the already permitted Hair Salon. The Coffee Bar hours of operation will mirror the Salon hours. The proposed project is located on the same street, just a few doors down, and shares a public parking lot with businesses that offer food services. The Coffee Bar will have a very small public area inside the Hair Salon, and many of the patrons will be those from the Salon. Since there are other businesses adjacent to the proposed Coffee Bar that offer similar food services, it will not be materially detrimental to the properties in the same area.

Hudson Pruitt
Project Architect

This is a business going into a commercial limited zone selling beverages and grab n go packaged food items. Coffee Dose is a coffee bar inside of East Eighteenth Salon on 116 E Eighteenth St. in Costa Mesa. Patrons of the hair salon have the ability to purchase coffee and relax in the shared common waiting area of the salon which is less than 300 sq. ft. (250 sq. ft. total). There will also be a grab-and-go option for patrons who do not want to wait and/or do not have an appointment at hair salon. Parking will be shared and no additional parking should be required because the space is so small.

Our menu will consist of

Cappuccino

Lavender Latte

Cardamom rose latte

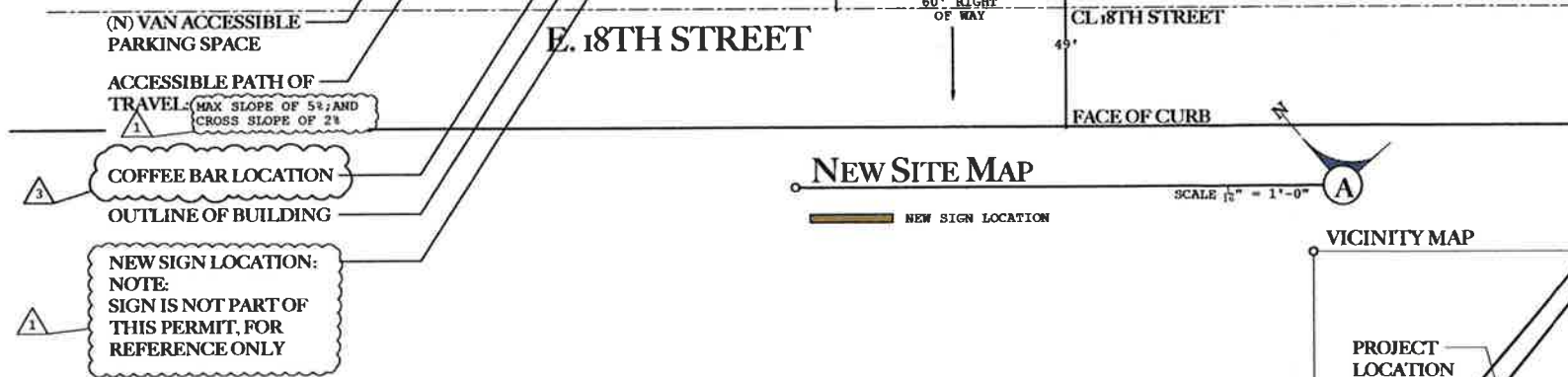
Almond milk latte

Drip coffee

Cold brew coffee

E18 EAST | EIGHTEENTH

116 E. 18TH STREET, COSTA MESA, CA 92627



(N) VAN ACCESSIBLE PARKING SPACE

ACCESSIBLE PATH OF TRAVEL (MAX SLOPE OF 5%; AND CROSS SLOPE OF 2%)

COFFEE BAR LOCATION

OUTLINE OF BUILDING

NEW SIGN LOCATION: NOTE: SIGN IS NOT PART OF THIS PERMIT, FOR REFERENCE ONLY

PROJECT DATA

OWNERS:
Guardianship of the Estate of Marlon Brandon Briggs,
Michael J. Seibert, Guardian
1111 COMMERCIAL
17547 VENTURA BLVD
ENCINO, CA 91316

CONTRACTOR INFORMATION:
NeWave CONSTRUCTION
769 NEWTON WAY
COSTA MESA, CA 92627
949.438.4721
LIC #: CA 987857
CONTACT: CORY MONROE

ARCHITECT:
HUDSON PRUITT
4422 RHODELIA AVE
CLAREMONT, CA 91711
PHONE: 909.781.0707
LIC #: C 29799
CONTACT: HUDSON PRUITT

STRUCTURAL ENGINEER:
JACK YEH, SE
1827 ANTIOCH ROAD
CLAREMONT, CA 91711
PHONE: 909.305.3050
CONTACT: JACK YEH

MEP AND ENERGY ENGINEERS:
PERFECT DESIGN
2416 WEST VALLEY BLVD
ALHAMBRA, CA 91803
PHONE: 6.6.289.8808

APPLICABLE CODES:
2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA ELECTRIC CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA ENERGY CODE

DESCRIPTION AND TYPE OF WORK:
TENANT IMPROVEMENT FOR A HAIR SALON (AND COFFEE BAR)
ADJUST ELECTRICAL
NEW HVAC
NEW BATHROOM
REMOVE BEARING AND NON-BEARING WALLS

APN: 42545134
OCCUPANCY: B
CONSTRUCTION TYPE: V-B
HEIGHT OF (B) STRUCTURE: 13'
AREA OF REMODEL: 1,280 SQUARE FEET
LOT AREA 5,244 SQ. FT.
BUILDING FOOTPRINT 1,369 SQ. FT.

SHEET INDEX (minor conditional use permit)

| | |
|------|--|
| A1.1 | Project Data, New Site Plan, Vicinity Map |
| | Sheet Legend |
| A2.1 | Existing/Demo Plan and Existing/Demo Front and Rear Elevations |
| A2.2 | New Coffee Bar Plan/Public area diagram |
| A3.1 | New Plan and Roof Plan (salon only) |
| A3.2 | New Power and Lighting Plan |
| A4.1 | New Elevations |
| A6.1 | Exterior Details and Sign |
| AS.1 | ADA Standards Sheet |
| AS.2 | ADA Parking Standards Sheet |

| | |
|-----------|------------------------------------|
| Cal Green | |
| CG1.1 | Non-Residential Mandatory Measures |
| CG1.2 | Non-Residential Mandatory Measures |

Structural
S1 Foundation and Roof Framing
S2.5 Details

Electrical
E1, E2, E3, E4, E5, E6, E7, E8 Electrical Plans

Title 24
T 24.1, T 24.1.1, T 24.1.2, T 24.1.3, T 24.1.4, T 24.1.5

Mechanical
M1, M2, M3 Mechanical Plans

Plumbing
P1, P2, P3, P4, P5 Plumbing Plans

NOTE:
THIS SUBMITTAL IS A REQUEST TO AMEND THE EXISTING PERMIT FOR THE HAIR SALON ON 116 E. 18TH STREET IN COSTA MESA TO INCLUDE A COFFEE BAR. ALL CHANGES TO THE PERMITTED SET OF PLANS HAVE BEEN MARKED WITH REVISION #3.

CHANGES TO THIS SHEET INCLUDE: INDICATING THE LOCATION OF THE COFFEE BAR ON THE SITE PLAN; THESE NOTES, UPDATED PROJECT DATA, AND SHEET INDEX

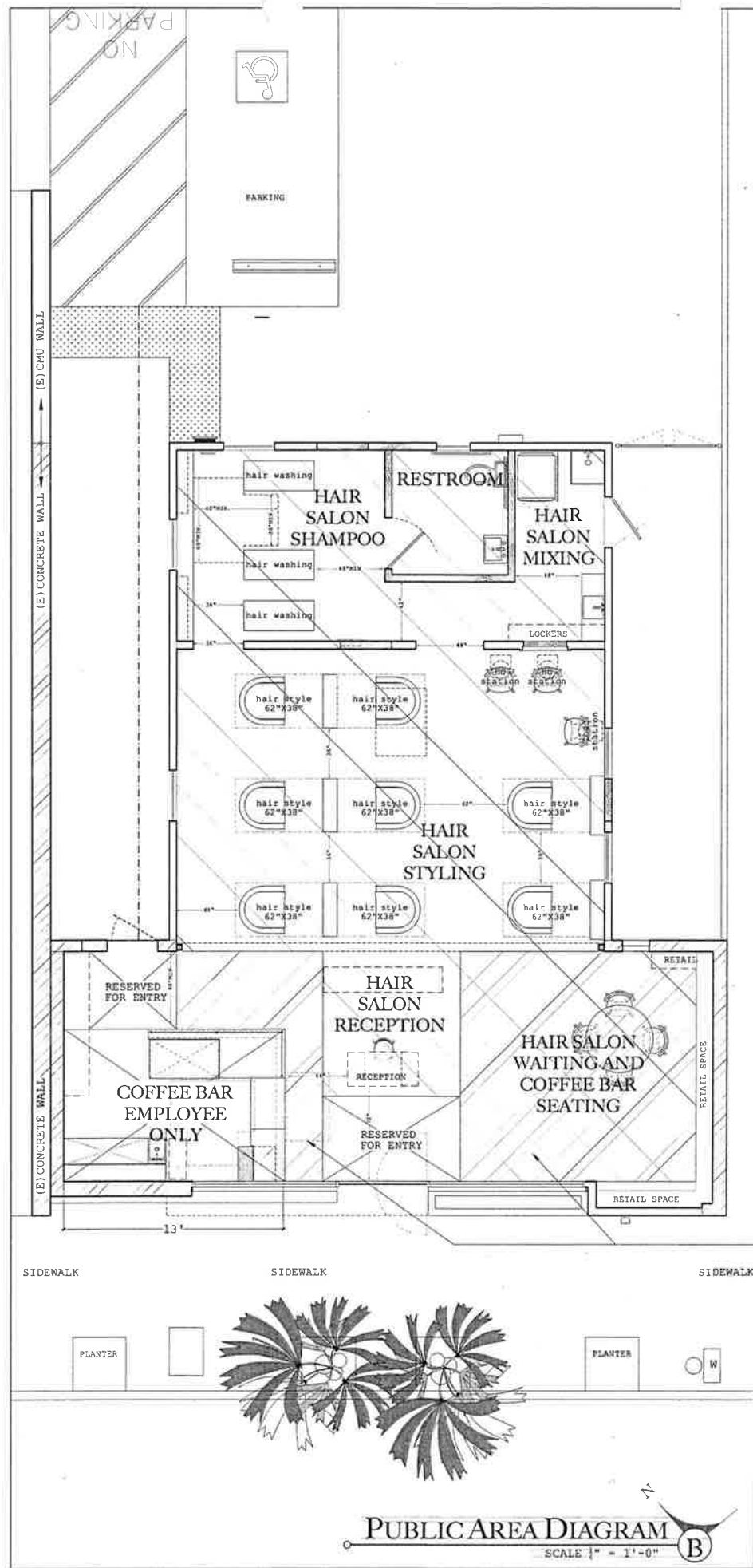
HUDSON PRUITT ARCHITECTURE
4422 RHODELIA AVE CLAREMONT, CA 91711 P. 909.781.0707

| REVISIONS | BY |
|-----------|-------------|
| 1 | Aug 2017 hp |
| 2 | Aug 2017 hp |
| 3 | Oct 2017 hp |

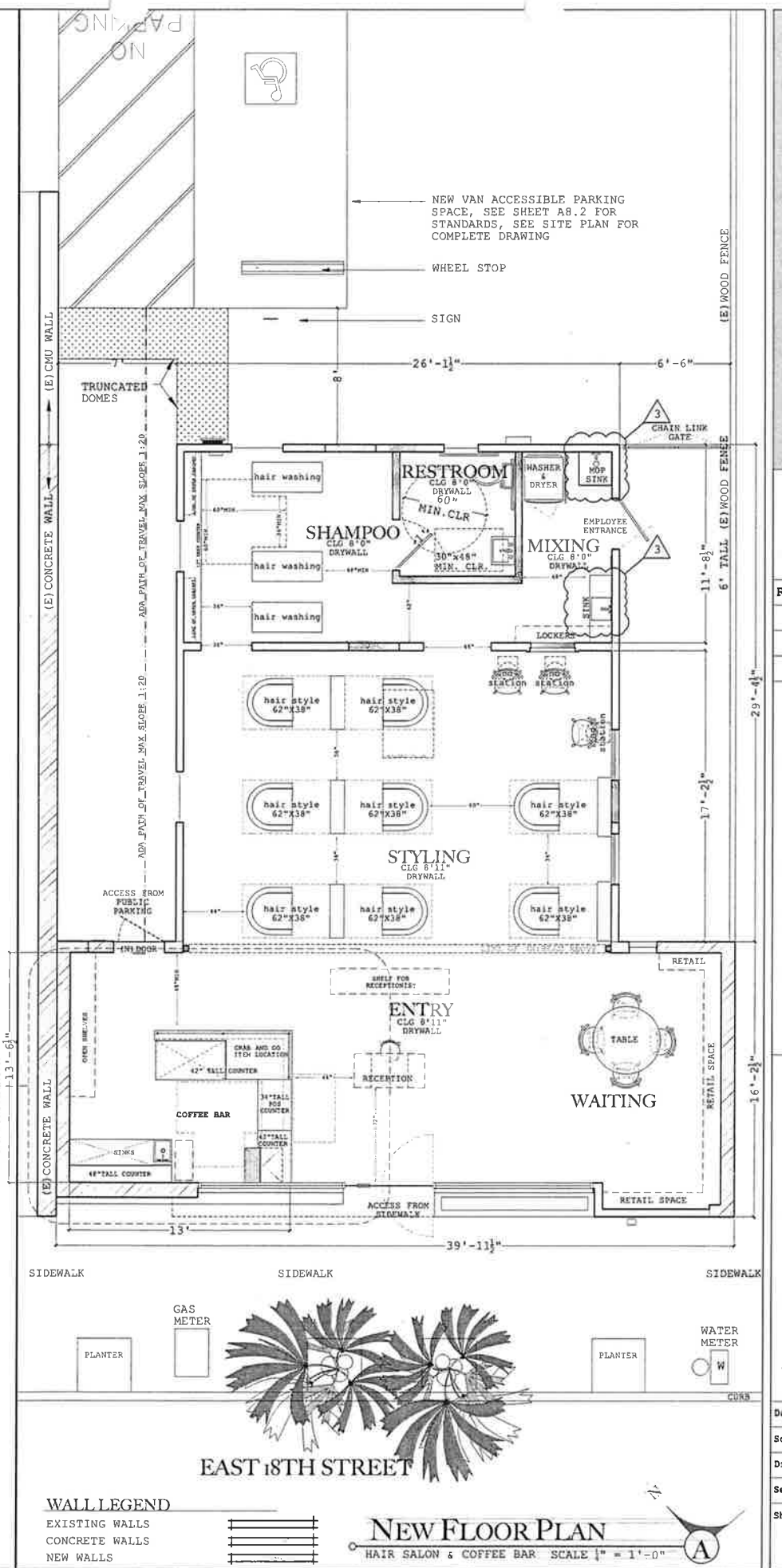
Project Data, New Site Plan, Vicinity Map, Sheet Index

E18 East Eighteenth, Hair Salon & Coffee Bar
116 E 18th Street, Costa Mesa, CA 92627
Contractor: NeWave Construction

Date: 6/15/17
Scale:
Drawn: hp
Set: submit
Sheet: A1.1



COFFEE BAR PUBLIC AREA
250 SQUARE FEET



HUDSON PRUITT ARCHITECTURE
4422 BRADSHAW AVE CLAREMONT, CA 91711 P 951.781.8200

REVISIONS BY
Nov 2017 hp

New Floor Plan, Diagram of Public Area for the Coffee Bar

E18 East Eighteenth, Hair Salon & Coffee Bar
106 E. 18th Street, Costa Mesa, CA 92627
Contractor: NeWave Construction

Date 6/15/17
Scale
Drawn hp
Set submit
Sheet **A2.2**

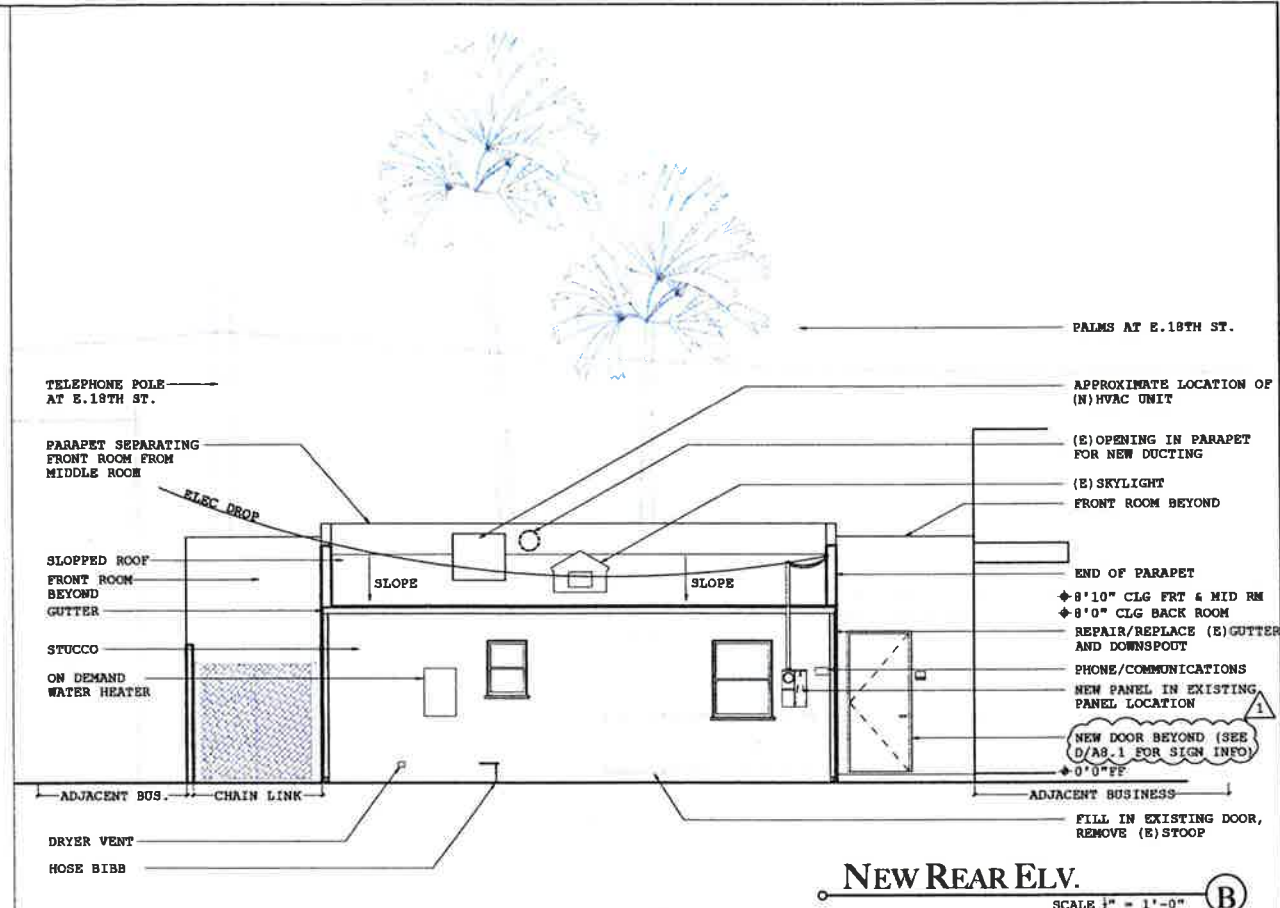
planning set 10.9.17



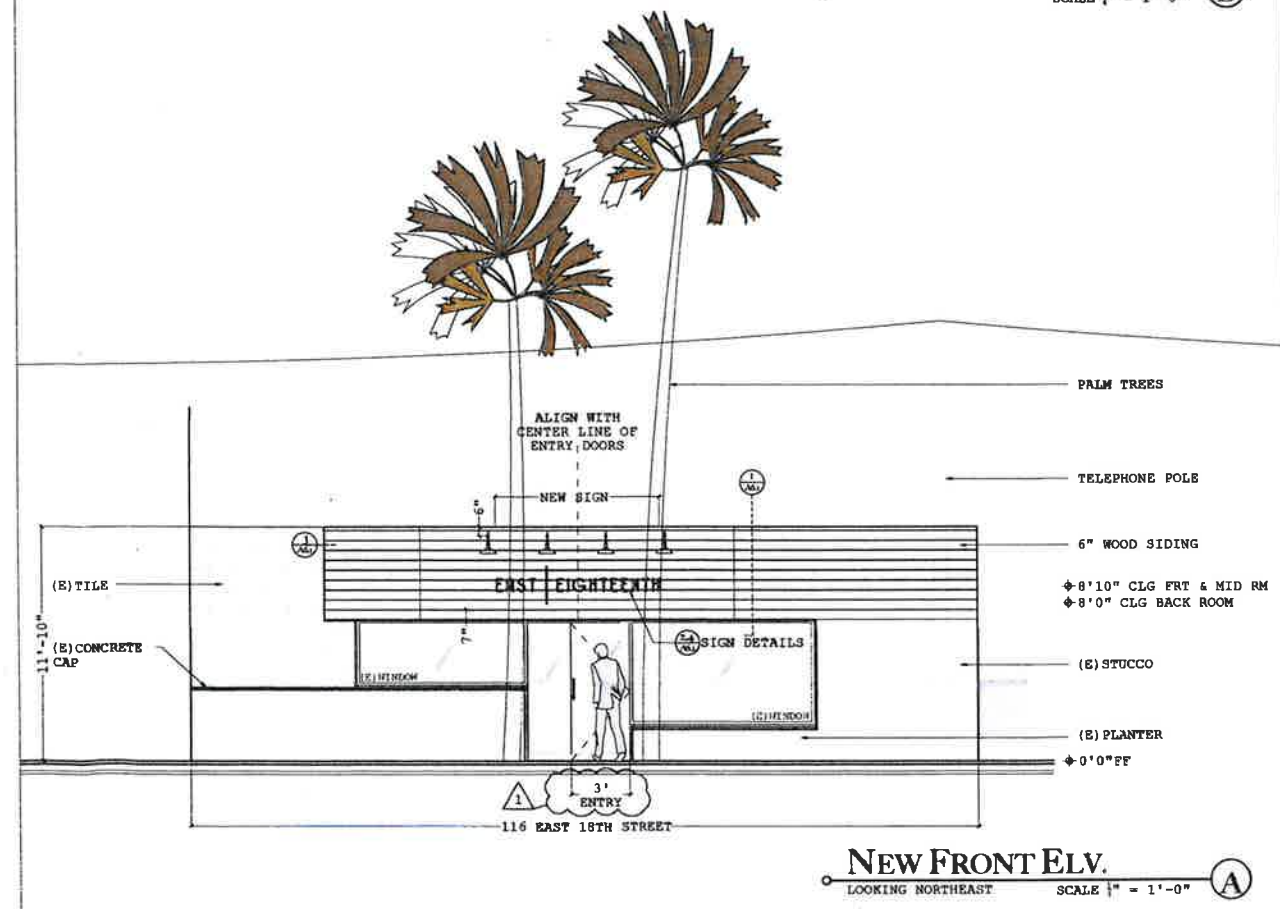
EXISTING REAR
 SCALE 1/4" = 1'-0" (D)
 PHOTO WAS TAKEN PRIOR TO START OF CONSTRUCTION ON THE SALON, SALON IS NOW UNDER CONSTRUCTION



EXISTING FRONT
 SCALE 1/4" = 1'-0" (C)
 PHOTO WAS TAKEN PRIOR TO START OF



NEW REAR ELV.
 SCALE 1/4" = 1'-0" (B)



NEW FRONT ELV.
 LOOKING NORTHEAST SCALE 1/4" = 1'-0" (A)

HUDSON FRUIT ARCHITECTURE
 412 MADRILLA AVE CLAYTON, CA 94515 P 925-751-8715

| REVISIONS BY | DATE |
|--------------|------|
| Aug 20/17 hp | |

New Elevations

E18 East Eighteenth, Hair Salon & Coffee Bar
 105 E 18th Street, Costa Mesa, CA 92627
 Contractor: NeWave Construction

Date: 6/15/17
 Scale: 1/4" = 1'-0"
 DRAWN: hp
 CHECKED: submit
 SHEET: A4.1

planning set 10.9.17



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 7, 2017

State Department of Alcoholic Beverage Control
Attn: Darlinda Michael
605 W Santa Ana Blvd., Bld. 28, Ste. 369
Santa Ana, CA 92701

**RE: PUBLIC CONVENIENCE OR NECESSITY (PCN) FINDING
TYPE 48 ABC LICENSE FOR RUIN BAR
2930 BRISTOL STREET, SUITE A111, COSTA MESA**

Dear Ms. Michael:

The request for a finding of public convenience or necessity (PCN) for a Type 48 (On-Sale General Public Premises) State Alcoholic Beverage Control (ABC) license for the above establishment 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, Mel Lee, at 714-754-5611 or via email at mel.lee@costamesaca.gov

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

Attachments:

1. PCN Finding
2. Request for PCN Finding from ABC
3. Application for ABC License
4. CUP Approval for PA-07-36

cc: The Lab Holdings, LLC
Attn: Chris Bennett
709 Randolph Avenue
Costa Mesa, CA 92626

Palmieri, Tyler, Wiener, Wilhelm & Waldron, LLP
Attn: Michael C. Cho
1900 Main Street, Suite 700
Irvine, CA 92614

REQUEST FOR ON-SALE GENERAL ABC LICENSE:

On October 10, 2017, State Alcoholic Beverage Control (ABC) requested the City make a finding of Public Convenience or Necessity (PCN) for the Type 48 (On-Sale General Public Premises) State Alcoholic Beverage Control (ABC) license for Ruin Bar located at the Lab.

On March 10, 2016, the Zoning Administrator issued a PCN finding for a Type 42 (On-Sale Beer and Wine) ABC License for the establishment, which was originally approved under Conditional Use Permit PA-07-36 (see approval attached).

FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN):

Pursuant to Section 23958.4 of the Business and Professions Code, the governing body of a local jurisdiction has the authority to determine PCN findings within ninety days of notification by the Department of Alcoholic Beverage Control.

In accordance with City Council Policy number 500-8, the Zoning Administrator may make a finding of public convenience or necessity as required before the State can issue an on-sale license for the establishment.

Staff believes that a finding of public convenience or necessity can be made because the use is consistent with the requirements of the City's Zoning Code and the conditions of approval for PA-07-36. Furthermore, the license provides a convenience to customers without negatively impacting surrounding uses. The Type 48 license will have little or no adverse effect on the operation of the business.

The Police Department has also reviewed the request and has no objections to issuance of the license. The finding of public convenience allows ABC to issue a Type 48 license to Ruin Bar.

LEE, MEL

From: Michael, Darlinda@ABC <Darlinda.Michael@abc.ca.gov>
Sent: Tuesday, October 10, 2017 2:15 PM
To: LEE, MEL
Subject: Ruin Bar, LLC - Dba: Ruin Bar - pending 48-587452 - 2930 Bristol St., A111, CM, CA 92626-7949

Hello Mel:

The above location is upgrading their beer and wine bar to include distilled spirits.

Please advise whether or not a CUP is required.

Please be advised a PC or N determination from the governing body is required.

Sincerely,

Darlinda Michael

605 W Santa Ana Blvd., Bld. 28, Ste. 369
Santa Ana, CA 92701
(714)558-4960
(714)683-4935 fax



The information contained in this communication is law enforcement sensitive, privileged and confidential and intended for the sole use of the persons or entities named. The information contained in this communication should not be disseminated to any other persons or entities unless permission is received from the sender. If you are not an intended recipient of this transmission, the dissemination, distribution, copying or use of the information is strictly prohibited.

Courtesy taken By Bakersfield.

Department of Alcoholic Beverage Control

State of California

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

ATTACHMENT 3

TO: Department of Alcoholic Beverage Control
605 W. SANTA ANA BLVD.
BLDG 28, STE 369
SANTA ANA, CA 92701
(714) 558-4101

File Number: **587452**
Receipt Number: **2458719**
Geographical Code: **3004**
Copies Mailed Date: **October 9, 2017**
Issued Date:

18

DISTRICT SERVING LOCATION: **SANTA ANA**

First Owner: **RUIN BAR, LLC**
Name of Business: **RUIN BAR**
Location of Business: **2930 BRISTOL ST**
STE A111
COSTA MESA, CA 92626-7949

REC'D OCT 12 2017

County: **ORANGE**
Is Premise inside city limits? **Yes** Census Tract **0639.08**
Mailing Address: **1900 MAIN ST**
(If different from **STE 700**
premises address) **C/O MICHAEL CHO, PALMIERI TYLER**
IRVINE, CA 92614

Type of license(s): **48**

Transferor's license/name: **521875 / GYPSYLAND INC.** Dropping Partner: Yes No

| License Type | Transaction Type | Fee Type | Master | Dup | Date | Fee |
|-----------------------------|-----------------------------|----------|--------|-----|----------|-------------------|
| 48 - On-Sale General Public | ANNUAL FEE | P40 | Y | 0 | 10/04/17 | \$876.00 |
| 48 - On-Sale General Public | PREMISE TO PREMISE TRANSFER | P40 | Y | 0 | 10/04/17 | \$100.00 |
| 48 - On-Sale General Public | EXCHANGE FEES | P40 | Y | 0 | 10/04/17 | \$100.00 |
| 48 - On-Sale General Public | PERSON-TO-PERSON TRANSFER | P40 | Y | 0 | 10/04/17 | \$1,250.00 |
| Total | | | | | | \$2,326.00 |

Have you ever been convicted of a felony? **No**
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**
Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **ORANGE** Date: **October 4, 2017**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

See 211 Signature Page

RUIN BAR, LLC

APPLICATION SIGNATURE SHEET ("SIGN ON")

- This form is to be used as the signature page for applications not signed in the District Office.
- **Read instructions on reverse before completing.**
- **All signatures must be notarized in accordance with laws of the State where signed.**

1. OWNERSHIP TYPE (Check one)

| | |
|---|---|
| <input type="checkbox"/> Sole Owner | <input type="checkbox"/> Partnership-Ltd |
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation |
| <input type="checkbox"/> Married Couple | <input checked="" type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> Domestic Partner | <input type="checkbox"/> Other |

4. TRANSACTION TYPE

| | |
|--|---|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Person to Person Transfer |
| <input checked="" type="checkbox"/> Exchange | <input checked="" type="checkbox"/> Premise to Premise Transfer |
| | <input type="checkbox"/> Other |

2. FILE NUMBER (if any)

587452

3. LICENSE TYPE

48

5. APPLICANT(S) NAME (Last, first, middle)

RUIN BAR, LLC

6. APPLICANT'S MAILING ADDRESS (Street address/P.O. box, city, state, zip code)

c/o Michael Cho, PTWWW, 1900 Main Street, Suite 700, Irvine, CA 92614

7. PREMISES ADDRESS (Street address, city, zip code)

2930 Bristol Street, Suite A111, Costa Mesa, CA 92626

APPLICANT'S CERTIFICATION

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He/She is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he/she has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed

transfer is not made to (a) satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department, (b) to gain or establish a preference to or for any creditor or transferor, or (c) to defraud or injure any creditor or transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

I understand that if I fail to qualify for the license or withdraw this application there will be a service charge of one-fourth of the license fee paid, up to \$100.

SOLE OWNER

| | | |
|---------------------------------------|-----------|-------------|
| 8. PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| N/A | X | |

PARTNERSHIP/LIMITED PARTNERSHIP (Signatures of general partners only)

| | | |
|---|-----------|-------------|
| 9. PARTNER'S PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| NA/ | X | |
| PARTNER'S PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| | X | |
| PARTNER'S PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| | X | |

CORPORATION

| | | |
|--|-----------|-------------|
| 10. PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| N/A | X | |

TITLE

President Vice President Chairman of the Board

| | | |
|------------------------------------|-----------|-------------|
| PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| | X | SEP 28 2017 |

TITLE

Secretary Asst. Secretary Chief Financial Officer Asst. Treasurer

LIMITED LIABILITY COMPANY

11. The limited liability company is member-run Yes No (If no, complete Item #12 below)

12. NAME OF DESIGNATED MANAGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle)

| | | |
|---|----------------------|-------------|
| 13. MEMBER'S PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| SADEGHI, Shaheen | X | 8/15/17 |
| MEMBER'S PRINTED NAME (Last, first, middle) | SIGNATURE | DATE SIGNED |
| SADEGHI, Linda Harvey | <i>Linda Sadeghi</i> | 8/15/17 |

RECEIVED
 SEP 28 2017
 Dept. of Alcoholic Beverage Control
 BAKERSFIELD

LICENSE TRANSFER REQUEST ("SIGN OFF")

| | | |
|--|--|---|
| <ul style="list-style-type: none"> This form is to be signed by transferors only. Read instructions before completing. All signatures must be notarized in accordance with laws of the State where signed. | 1. DISTRICT OFFICE <i>Santa Ana</i> | 2. LICENSE NUMBER <i>521875</i> |
| | 3. TRANSACTION TYPE <input checked="" type="checkbox"/> Exchange <input checked="" type="checkbox"/> Person to Person Transfer | <input checked="" type="checkbox"/> Premise to Premise Transfer <input type="checkbox"/> Other |

| | |
|---|--|
| 4. LICENSEE'S NAME (Transferor/Seller) GYPSYLAND, INC. | 5. APPLICANT'S NAME (Transferee/Buyer) RUIIN BAR, LLC |
|---|--|

6. EXISTING PREMISES ADDRESS

| | |
|---|----------------------------|
| 7. LICENSEE'S MAILING ADDRESS (Transferor/Seller) | 8. LICENSEE'S PHONE NUMBER |
|---|----------------------------|

I hereby request surrender of my license under Section 24045.5(b) of the ABC Act so that a Temporary Permit may be issued to the transferee.

| | |
|--|-------------|
| 9. SIGNATURE OF TRANSFEROR/SELLER FOR TEMPORARY PERMIT (only one signature required) <i>X</i> | DATE SIGNED |
|--|-------------|

| | | | |
|---|----------------------------------|--|---|
| 10. RENEWAL DUE DATE <i>10-31-17</i> | 11. SURRENDER DATE <i>N/A</i> | 12. TEMP. EFFECTIVE DATE <i>N/A</i> | 13. TEMP. EXPIRATION DATE <i>N/A</i> |
|---|----------------------------------|--|---|

TRANSFEROR'S CERTIFICATION

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is the licensee named in the foregoing transfer application, duly authorized to make this transfer application; (2) that he hereby makes application to surrender all interest in the license(s) described above and to transfer same to the applicant and/or location indicated on the upper portion of this form, if such transfer is approved by the Director; (3) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an establish a preference to or for any creditor of transferor or to defraud or injure any creditor of transferor; (4) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

SOLE OWNER

| | | |
|---|-----------------------|-------------|
| 14. SOLE OWNER'S PRINTED NAME (Last, first, middle) | SIGNATURE <i>X</i> | DATE SIGNED |
|---|-----------------------|-------------|

PARTNERSHIP/LIMITED PARTNERSHIP (signatures of general partners only)

| | | |
|--|-----------------------|-------------|
| 15. PARTNER'S PRINTED NAME (Last, first, middle) | SIGNATURE <i>X</i> | DATE SIGNED |
| PARTNER'S PRINTED NAME (Last, first, middle) | SIGNATURE <i>X</i> | DATE SIGNED |
| PARTNER'S PRINTED NAME (Last, first, middle) | SIGNATURE <i>X</i> | DATE SIGNED |

CORPORATION

| | | |
|--|-----------------------|------------------------------|
| 16. CORPORATE OFFICER'S PRINTED NAME (Last, first, middle) <i>Emily Meyer</i> | SIGNATURE <i>X</i> | DATE SIGNED <i>9/8/17</i> |
|--|-----------------------|------------------------------|

Title
 President Vice President Chairman of the Board

| | | |
|--|-----------------------|---------------------------------|
| CORPORATE OFFICER'S PRINTED NAME (Last, first, middle) <i>Shuck, Ryan Christopher</i> | SIGNATURE <i>X</i> | DATE SIGNED <i>SEPT 8 17</i> |
|--|-----------------------|---------------------------------|

Title
 Secretary Assistant Secretary Chief Financial Officer Assistant Treasurer

LIMITED LIABILITY COMPANY

17. The limited liability company is member-run Yes No (If no, complete Item #18 below)

| | |
|--|----------------------------------|
| 18. NAME OF DESIGNATED LLC MANGER, MANAGING MEMBER OR DESIGNATED OFFICER (Last, first, middle) | ABC INITIALS/DATE (ABC use only) |
|--|----------------------------------|

| | | |
|---|-----------------------|-------------|
| 19. LLC MEMBER'S PRINTED NAME (Last, first, middle) | SIGNATURE <i>X</i> | DATE SIGNED |
| LLC MEMBER'S PRINTED NAME (Last, first, middle) | SIGNATURE <i>X</i> | DATE SIGNED |



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 16, 2015

The LAB, LP
Attn: Rhonda Lauer
709 Randolph Avenue
Costa Mesa, CA 92626

**RE: MINOR AMENDMENT TO PA-07-36 TO RELOCATE A WINE BAR FROM SUITE A101-A TO SUITE A111
2930 BRISTOL STREET, COSTA MESA**

Dear Ms. Lauer:

The purpose of this letter is to verify conformance with the intent of the Zoning Code for a proposed outdoor patio at the above address.

On February 11, 2008, the City Planning Commission approved PA-07-36, a conditional use permit for a boutique wine bar/art gallery open past 11:00 p.m. within 200 feet of a residential zone at 2930 Bristol Street Suite A101A (1,267 square feet), and a minor conditional use permit to utilize off-site parking for The LAB at 708 Randolph Avenue.

Your request is to relocate the wine bar to Suite A111 (550 square feet), per the attached submitted business description. The proposal does not include live entertainment or dancing. Hours of operation are to remain the same, which is 11:00 a.m. to 2:00 a.m., seven days a week. Due to the smaller size of the proposed suite and compliance with all original conditions of approval, staff considers the proposal to be a minor amendment to the conditional use permit.

Based on the above, your proposal is approved subject to these following additional conditions of approval.

1. The use shall be limited to the type of operation described herein, in the attached staff report for PA-07-36, and in the attached business owner's description, i.e. a boutique beer and wine bar with no live entertainment. Any change in the operational characteristics including, but not limited to, hours of operation, sale of alcoholic beverages, or provision of live entertainment shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit depending on the nature of the proposed change.

Please be advised that certain changes that affect hours of operation, provision of live entertainment, or sale of alcoholic beverages may require an amendment to the Conditional Use Permit, which could require a public hearing before the City Planning Commission.

Also note that this approval is strictly related to compliance with the conditions of approval for PA-07-36, attached. You would need to consult with Building Division staff regarding the Building Code requirements if any interior alterations to the building are proposed. Please contact Charles Chamoun at (714) 754-5614.

If you have any questions or comments, please contact me at (714) 754-5609, or chelsea.crager@costamesaca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Chelsea Crager". The signature is written in a cursive, flowing style.

CHELSEA CRAGER
Assistant Planner

Attachment: Conditional Use Permit PA-07-36
Business Owner's Description
Site Plan

✓

CITY OF COSTA MESA
Development Services Department
Post Office Box 1200
Costa Mesa, California 92628-1200

PROJECT NO: Planning Application PA-07-36
DATE: February 14, 2008

At its regular meeting of February 11, 2008, the Planning Commission recommended to approve Planning Application PA-07-36, by adoption of Planning Commission Resolution PC-08-14.

The applicant is requesting approval of a conditional use permit to allow sales of alcoholic beverages past 11:00 p.m., as well as live entertainment, within 200 feet of a residential zone, and a minor conditional user permit for off-site parking, for a proposed boutique wine bar/art gallery.

Should you have any questions concerning the enclosures or the Commissioner's decision, or should you wish to appeal the decision to the City Council, please contact project planner Mel Lee at (714) 754-5611.

Sincerely,



DONALD D. LAMM
Deputy City Manager-Development Services Director

CC:

File

Chris Bennett
LAB Holding, LLC
709 Randolph Street
Costa Mesa, California 92626

RESOLUTION NO. PC-08-14

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-07-36**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

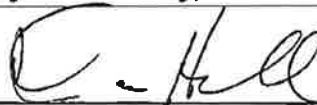
WHEREAS, an application was filed by Chris Bennett, authorized agent for LAB Holding, LLC, owner of real property located at 2930 Bristol Street, requesting approval of a conditional use permit to allow sales of alcoholic beverages past 11:00 p.m., and live entertainment, within 200 feet of a residential zone, and a minor conditional use permit for off-site parking, for a proposed boutique wine bar/art gallery; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 11, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-07-36 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-36 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 11th day of February, 2008.



Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the use is required to comply with the State Alcoholic Beverage Control (ABC) requirements and the City's recommended conditions of approval for the sale of alcoholic beverages. Although the subject property is within 200 feet of a residential zone, the tenant space is adjacent to the Bristol Street frontage, approximately 345 feet from the residential uses at the rear of the property, and the off-site parking on Randolph Avenue is separated from residential properties by other commercial properties. No activities, including live entertainment, will be conducted outside of the building. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, a previous conditional use permit for an off-site parking lot will ensure that there should be no parking shortages within the surrounding area. Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
-
- 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 from CEQA under Section 15301 for Existing Facilities.
- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
-

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 2. The conditional use permit herein approved shall be valid until revoked. However, the 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 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 designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
 3. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 4. The conditions of approval and ordinance or code provisions of Planning Application PA-07-36 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 5. The use shall be limited to the type of operation described in this staff report. i.e., a boutique wine bar/art gallery with live entertainment in the form of a disc jockey providing background music and no outside activities. Any change in the operational characteristics including, but not limited to, hours of operation, sale of alcoholic beverages or provision of entertainment, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 6. 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.
 7. Hours of operation shall be limited to 11:00 a.m. to 2:00 a.m., seven days a week.
 8. Live entertainment shall only be permitted subject to City issuance of a "public entertainment permit." Contact Code Enforcement at (754-5623) for application information.
 9. Music or other entertainment shall not be audible beyond the area under the control of the licensee.
 10. Live music in the form of bands or musicians and dancing shall be prohibited.
 11. 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.

12. There shall be no room or designated area reserved for the exclusive use of designated persons or "private club members."
 13. 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.
 14. There shall be no sales of alcoholic beverages for off-site consumption.
 15. The duration of the use shall not exceed the lease term for the off-site parking at 708 Randolph Avenue as stipulated in Conditional Use Permit PA-03-15. Proof that the lease includes this limitation shall be submitted to the Planning Division prior to the issuance of building permits or the business license.
-
-

CODE REQUIREMENTS

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

- | | |
|--------------|--|
| Plng. | <ol style="list-style-type: none"> 1. Approval of the planning application is valid for one (1) Year and will expire at the end of that period unless building permits for the construction authorized by the planning application are obtained and construction commences, or the applicant applies for and is granted an extension of time. A written request for an extension of time must be received by Planning staff prior to the expiration of the planning application. 2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. 3. Development shall comply with all requirements of Section 13-43 and Article 3, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards. 4. Use shall comply with all requirements of Section 13-49 of the Costa Mesa Municipal Code relating to restaurants within 200 feet of residentially-zoned properties. 5. Trash enclosures or other acceptable means of trash disposal shall be provided. Design of trash enclosures shall conform with City standards. Standard drawings are available from the Planning Division. 6. Outside security lighting shall be provided under the direction and upon the recommendation of the development services department and/or the police department. 7. All exits shall be clearly marked with "EXIT" signs. 8. All conditions of the California Alcoholic Beverage Control Board shall be complied with. 9. All exterior lighting shall be shielded and/or directed away from residential areas. 10. Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to residential areas. 11. Truck deliveries shall not occur between 8:00 p.m. and 7:00 a.m. 12. Installation of all new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division. |
| Bus. Lic. | <ol style="list-style-type: none"> 13. 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. |
| Bldg. | <ol style="list-style-type: none"> 14. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled |

Access Regulations". NOTE: If plans are submitted after January 1, 2008, compliance with the 2007 C.B.C. based on the 2006 I.B.C. shall be required.

- Eng. 15. Provide valid code compliant means of egress per C.B.C.
- Eng. 16. A Construction Access Permit and deposit of \$710.00 will be required by City of Costa Mesa Engineering Division, prior to start of any on- or off-site work necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.
- Fire. 17. Means of egress shall comply with Building Code requirements.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani. 1. It is recommended that the developer contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements.
- AQMD 4. Applicant shall contact the Air Quality Management District 800.288.7664 for potential additional conditions of development or for additional permits required by the district.
- State 5. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at 714.708.1910 for information.
-
-



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 11, 2008

VI. 2
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-36
2930 BRISTOL STREET, SUITE A101-A, AND 708 RANDOLPH AVENUE

DATE: JANUARY 31, 2008

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow sales of alcoholic beverages past 11:00 p.m., as well as live entertainment, within 200 feet of a residential zone, and a minor conditional use permit for off-site parking, for a proposed boutique wine bar/art gallery.

APPLICANT

The applicant is Chris Bennett, authorized agent for LAB Holding LLC, the owner of the property.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 2930 Bristol Street, Suite A101-A Application: PA-07-36
 708 Randolph Avenue

Request: Conditional use permit to allow sales of alcoholic beverages past 11:00 p.m., as well as live entertainment, within 200 feet of a residential zone, and a minor conditional use permit for off-site parking, for a proposed boutique wine bar/art gallery.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

| | | | |
|-----------------------|--|--------|--|
| Zone: | <u>C2 (2930 Bristol Street) & CL (708 Randolph Avenue)</u> | North: | <u>C2, commercial uses</u> |
| General Plan: | <u>General Commercial</u> | South: | <u>(Acr. Randolph) C2, commercial uses</u> |
| Lot Dimensions: | <u>N/A</u> | East: | <u>PDR-HD, residential uses</u> |
| Lot Area: | <u>N/A</u> | West: | <u>(Acr. Bristol) C1 & C2, commercial uses</u> |
| Existing Development: | <u>Retail commercial center and parking</u> | | |

DEVELOPMENT STANDARD COMPARISON

| <u>Development Standard</u> | <u>Required/Allowed</u> | <u>Proposed/Provided</u> |
|-----------------------------|-------------------------|--------------------------|
| Parking | | |
| Standard | 169 | 197 (1) |
| Handicapped | 6 | 8 |
| TOTAL: | 175 Spaces (2) | 205 Spaces (3) |

- (1) Includes legal nonconforming compact parking spaces.
- (2) Includes proposed wine bar - based on shared parking requirements.
- (3) Provided parking includes adjacent off-site parking lot on Randolph Avenue.

CEQA Status Exempt, Class 1 (Existing Facilities)

Final Action Planning Commission

BACKGROUND

On November 10, 2003, Planning Commission approved a conditional use permit (PA-03-36) for a restaurant serving alcoholic beverages past 11:00 p.m. within 200 feet of a residential zone for The LAB (Zipangu); also included was a minor conditional use permit to allow off-site parking for the restaurant, as required under Conditional Use Permit PA-03-15 which allows overflow parking at 708 Randolph Avenue for uses at The LAB (see staff report discussion below).

This item was continued from the January 28, 2008 Planning Commission meeting so it could be re-noticed to include the minor conditional use permit for the off-site parking at 708 Randolph Avenue.

ANALYSIS

The applicant is proposing to operate an art gallery with a wine boutique/lounge. Hours of operation are proposed to be 11:00 a.m. to 2:00 a.m., 7 days a week. The request includes the following:

- A conditional use permit for on-site sale of alcoholic beverages past 11:00 p.m. (2:00 a.m. is proposed) and live entertainment (in the form of a disc jockey) within 200 feet of a residential zone; and
- A minor conditional use permit to utilize the off-site parking lot for The LAB at 708 Randolph Avenue.

Sale of Alcoholic Beverages and Live Entertainment

The applicant is proposing to provide bar service with a beer and wine alcoholic beverage control (ABC) license in conjunction with the art gallery. If approved, the applicant would be required to comply with State law requirements and the City's recommended conditions of approval. The applicant is also proposing live entertainment in the form of a disc jockey for background music. No live music or dancing is proposed. No activities will be conducted outside of the building.

Based on the applicant's description and the recommended conditions of approval, staff does not have a concern with the applicant's request. Although the subject property is within 200 feet of a residential zone, the tenant space is adjacent to the Bristol Street frontage, approximately 345 feet from the residential uses at the rear of the property. Additionally, the off-site parking on Randolph Avenue is separated from the residences by other commercial properties.

Off-Site Parking

As indicated earlier, a conditional use permit (PA-03-15) was approved for off-site parking for The LAB at 708 Randolph Avenue. One of the conditions of approval required processing of a minor conditional use permit whenever a new use would need to use the parking in the off-site lot. Per code, 175 parking spaces are required for The LAB, including the proposed use; 154 on-site parking spaces are provided. As a result, the

new use is required to have access to the 51 off-site parking spaces at 708 Randolph Avenue.

The use of the off-site parking lot is under a 10-year lease which expires in 2013. Per the conditions of approval for PA-03-15 (a copy of which is attached to this report), if the lease for the parking lot expires, and the wine bar is still in operation, the use must terminate. The wine bar's lease is also required to contain a provision notifying future business owners of this restriction.

GENERAL PLAN CONFORMITY

The use is permitted in the C2 zone, with a conditional use permit and is, therefore, consistent with the General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the use as proposed by the applicant; or
2. Deny the use as proposed. If the use is denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that, based on the recommended modifications and conditions, the use will not create any adverse impacts on surrounding properties. Therefore, staff supports the request.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description
 Resolution for PA-03-15
 Zoning/Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Chris Bennett
LAB Holding, LLC
709 Randolph Street
Costa Mesa, CA 92626

| | | |
|--------------------|--------------|-----------------|
| File: 021108PA0736 | Date: 013108 | Time: 9:30 a.m. |
|--------------------|--------------|-----------------|

December 2, 2015

Ms. Chelsea Crager
City of Costa Mesa
77 Fair Drive, Second Floor
Costa Mesa, California 92626

Re: Administrative Zoning Application for PA-07-36
Revise address at The LAB, Costa Mesa, California

Dear Chelsea,

This letter is to outline our request for an administrative change to the Planning Application #PA-07-36 regarding the address used. Currently the address associated with the CUP is 2930 Bristol Street, Costa Mesa, California and per one of the conditions of approval the suite number assigned is A101B. It is our desire to have the suite number be re-assigned to Suite A111; which is a smaller square footage space.

Shaheen Sadeghi would like to open a beer and wine bar in suite A111. The bar would be a small local community establishment serving specialty boutique wines and craft beers. The purpose of this bar would be for the gathering of locals to enjoy the innovative and unique operation as well as receive wine education, which can be delivered in a location owned by Shaheen himself.

Thank you for your attention to this revision to the approved CUP. Should you have any further questions or require additional information, please feel free to contact me via email at rhonda@cmcoc.net.

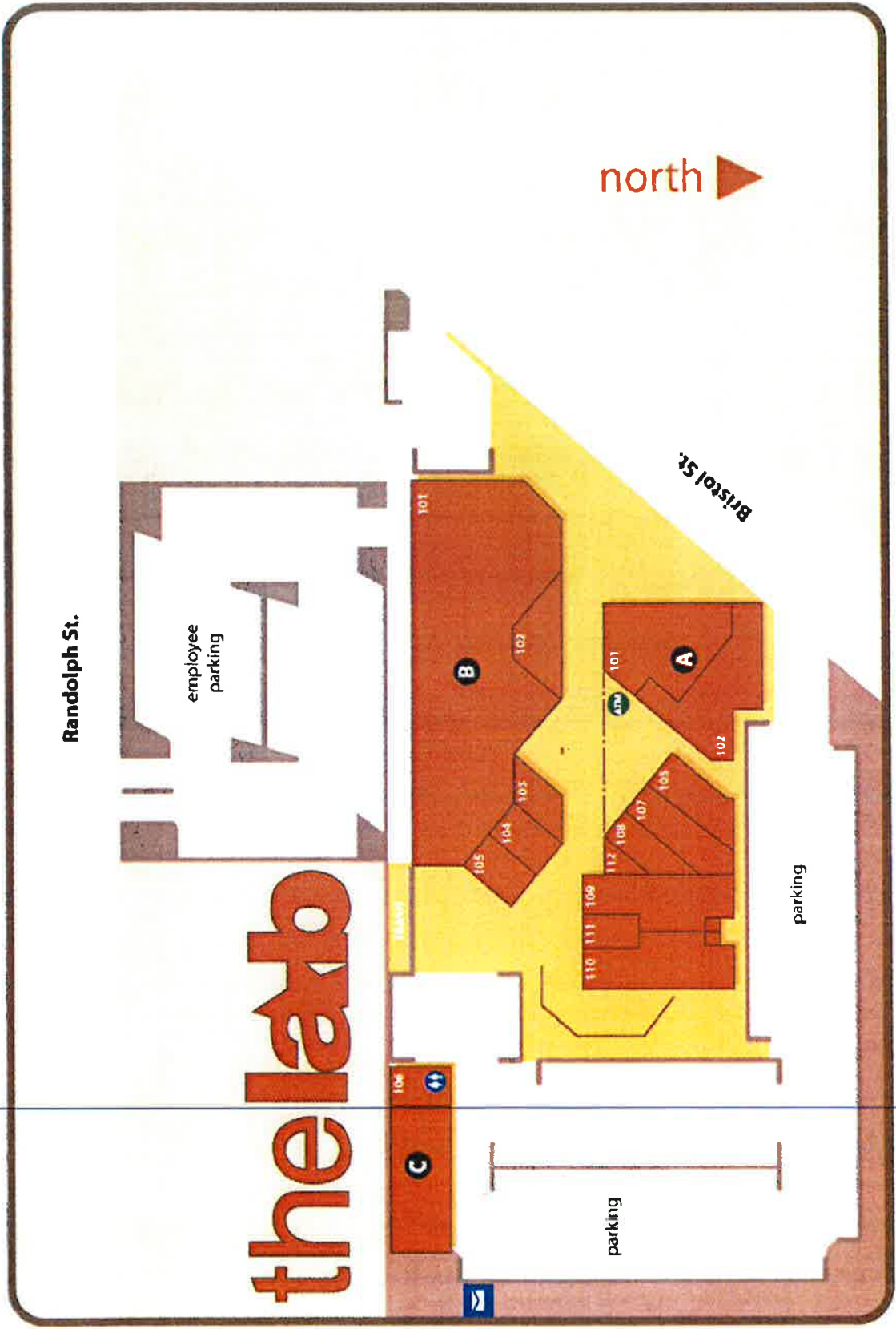
Sincerely,



Rhonda Lauer, RPA
Real Estate Manager

/rll
Enclosure

**COMMUNITY
MANAGEMENT
CORPORATION**



The LAB | 2930 Bristol Street Costa Mesa, CA 92626
714.966.6661 | www.thelab.com