



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
DATE: DECEMBER 21, 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-17-42
(PA-13-18 A4) 2957 RANDOLPH AVENUE

Fourth amendment of Conditional Use Permit PA-13-18 to expand Barley Forge by installing an opening between existing storage area and the immediately adjacent suite to allow for access between the two suites. The proposed space would be limited to storage of finished products, packaging, and raw materials.

Approved, subject to conditions of approval.

Comments received: None.

ZA-17-46 **401 EAST 17TH STREET, SUITE A-2**

Minor conditional use permit to operate a bakery, with less than 300 square feet of public area, in a multi-tenant center where 30 percent or more of the tenants are similar businesses (i.e., establishments where food or beverages are sold with less than 300 square feet of public area). The proposed use is located within 200 feet of residentially zoned property. Proposed hours of operation for customer service is seven days a week, 7 AM to 8 PM; food preparation will begin at 4 AM daily.

Approved, subject to conditions of approval.

Comments received: None.



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 21, 2017

Marice DePasquale
3609 W. MacArthur Blvd., # 812
Santa Ana, CA 92704

**RE: ZONING APPLICATION ZA-17-42 (PA-13-18 A4)
FOURTH AMENDMENT TO CONDITIONAL USE PERMIT PA-13-18
TO EXPAND BARLEY FORGE INTO AN ADJACENT SUITE
2957 RANDOLPH AVENUE, COSTA MESA**

Dear Ms. DePasquale:

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 4, 2018, 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, Roger Rath, at (714) 754-5609, or at roger.rath@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 Alice Willer-Zelden
 Fire Protection Analyst 1000 Pacific Coast Hwy., #7
 Building Safety Division Huntington Beach, CA 92648

PROJECT DESCRIPTION

Barley Forge is an existing microbrewery located approximately midblock on the west side of Randolph Avenue between Baker Street and Bristol Street. The site contains an existing 16,000 square-foot industrial building with surface parking. The existing microbrewery is located in the rear 10,000-square foot portion of the building. As part of the small beer manufacturer, the floor plan includes an 890-square foot tasting room which is ancillary to the primary microbrewery use. The property shares a common driveway with 2967 Randolph Avenue to the north, which contains a one-story, 8,000 square-foot industrial building occupied by various industrial uses with 15 parking spaces. A total of 30 on-site parking spaces are indicated on the site plan.

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

This is the fourth amendment of Conditional Use Permit PA-13-18 to expand Barley Forge by installing an opening between existing storage area and the immediately adjacent suite to allow for access between the two suites. The proposed space would be limited to storage of finished products, packaging, and raw materials.

Prior Land Use Approvals

Planning Application PA-13-18

On November 12, 2013, the Planning Commission approved PA-13-18, which includes the Conditional Use Permit to allow 10,000 square feet of the existing 16,000-square foot building located at 2957 Randolph Avenue to be used as a microbrewery. Breweries/distilleries are a conditionally permitted use in the General Industrial district. As part of the small beer manufacturer (Brewery), the floor plan includes an 890-square foot tasting area. The tasting area is less than ten percent of the total tenant space and is considered ancillary to the primary use. No food service was originally provided and no outdoor activities were proposed. The ABC License (Type 23) for a small beer manufacturer allows sales of alcoholic beverages for both on-site consumption (tasting) and off-premise consumption. A finding of public necessity or convenience is not necessary for a Type 23 license.

The original hours of operation were from 5:00 A.M. to 12:00 A.M. (Midnight), Sunday through Thursday, and 5:00 A.M. to 1:00 A.M., Friday and Saturday. During weekdays, the tasting room originally was scheduled to be open at 5:00 P.M., and 11:00 A.M. on weekends. The hours of operation were determined to be compatible with the Commissary Lounge located across the street at 2960 Randolph Avenue which was approved to remain open until 2:00 A.M.

Planning Application PA-13-18 A1 (ZA-15-20)

On September 11, 2015, the Zoning Administrator approved an amendment to the existing conditional use permit to allow daily lunchtime hours for the tasting room:

USE	DAY	EXISTING HOURS	PROPOSED HOURS
Microbrewery	Daily	5:00 A.M. – 3:00 P.M	No Change
Tasting Room	Monday-Thursday	5:00 P.M. – Midnight	11:30 A.M. – Midnight
	Friday	5:00 P.M. – 1:00 A.M.	11:30 A.M. – 1:00 A.M.
	Saturday	11:00 A.M. – 1:00 A.M.	No Change

Planning Application PA-13-18 A2 (ZA-16-13)

Zoning Application ZA-16-13 was a second amendment to the existing conditional use permit to allow live entertainment. The live entertainment consists of live music acts for patrons visiting the tasting room. Typical acts include jazz and blues combos; acoustic and traditional musicians; duos/trios; and singer/songwriters. Many of these musical acts include amplified sound; however all music is to occur indoors. The live entertainment is free of charge and ceases by 11 P.M., daily.

Planning Application PA-13-18 A3 (ZA-16-43)

Zoning Application ZA-16-43 was a third amendment to the existing conditional use permit, which amended condition of approval number one to allow expanded menu options and outdoor grilling. Condition number one allowed a limited menu, including sandwiches, salads, charcuterie and cheese plates, and grilled paninis. To facilitate the expanded menu, an expanded kitchen space and an outdoor grill were installed per the amendment. Part of the condition required all grilled food products to be finished and plated within the kitchen per Orange County Health Department standards.

ANALYSIS

Building Size

Past staff reports indicates the building size as 19,600 square feet. Based on the building permits, the actual building size is 16,000 square feet.

Tasting Room

Past staff reports reveals a discrepancy on the size of the tasting room. An 890 square feet tasting room seemed to be the prevailing size noted; therefore, the tasting room shall now be duly noted as exactly 890 square feet. Per the proposed project, no changes are being made to the size of the tasting room. Consequently, conditions of approval from past reports still apply. The tasting room area will continue to be limited to 43 seats, including a communal table and four individual table.

Continuance in Use

As previously noted, all conditions of approval from past staff reports still apply. The proposed request is strictly to expand business operations into the adjacent tenant space for storage. Per the Applicant's Letter, the adjacent tenant space shall be limited for storage of raw materials such as empty bottles, empty kegs, packaging materials, grain, hops, and finished goods such as packaged beer in kegs and bottles and barrels (see attachments). Warehousing of durable and nondurable goods except livestock and poultry is a permitted use in the MG zone

Parking

Under the original approvals for Barley Forge, 10 parking spaces were required for the tasting room and an additional five parking spaces for the brewing operations based on the number of employees, for a total demand of 15 parking spaces. The proposed use will now occupy the entire 16,000 square foot building; all 30 parking spaces for this property will be available for the use. Because this amendment is to allow additional storage area only for the brewery (no increase in the area of the tasting room and no increase in the number of employees proposed) and warehousing of durable and nondurable goods is a permitted use in the MG zone, the increase in floor area will not intensify the use nor require additional parking.

General Plan Consistency

The proposed expansion of tenant space for storage at Barley Forge is permitted in the MG zone subject to the approval of an amendment to the existing conditional use permit. Subject to conditions, the proposed use is in conformance with the 2015-2035 General Plan. Specifically, the project complies with the following General Plan Land Use policies and objectives:

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

Objective LU-6C: Retain and expand the City's diverse employment base, including office, retail/service, restaurants, high-tech, action sports, boutique and prototype manufacturing, and industrial businesses.

Policy LU-6.17: Engage in activities that promote Costa Mesa as a great place to live, work, and develop a business.

Barley Forge is an existing business within the SoBECA Urban Plan. One of the objectives of the SoBECA Area Plan is to develop a full array of land use types and structures, including reuse of existing structures, to create an active city life and enhance business activities. The SoBECA Urban Plan is an area with a growing blend of eclectic uses, including breweries, artisan studios, small-

business entrepreneurs, and unique food and beverage experiences. The existing brewery is encouraged by the SoBECA Area Plan, and the ability to provide enhanced menu options will enhance the business and provide a unique food and beverage experience.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities of the CEQA Guidelines.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(e) in that:
1. There is a compatible and harmonious relationship between the proposed building and site development, and uses, and the building and site developments, and uses that exist or have been approved for the general neighborhood. As proposed and conditioned, allowing Barley Forge to expand into the adjacent tenant space will not increase noise, parking impacts or odors to the surrounding businesses.
 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 expansion.
 3. The proposed use is permitted in the MG 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 objective and policies of the 2015-2035 General Plan, in that it will enhance and promote the operation of an existing established business, as well as promote the objectives of the SoBECA Urban Plan as a destination for eclectic uses, including breweries, artisan studios, small-business entrepreneurs, and unique food and beverage experiences.
 4. The proposed use is consistent with the General Plan in that the Light Industry General Plan land use designation applies to areas intended for light and general industrial uses. The proposed storage expansion, as conditioned, is consistent with the Zoning Code and the City's General Plan because it should not adversely impact the surrounding uses and will be used in support of existing business operations.
 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. Parking impacts are not anticipated because the expansion into the adjacent tenant space is limited to storage – a permitted industrial use. In addition, the business operations has not changed: Five employees maximum will be on-site and the tasting room size is limited to 890 square feet/43 seats as previously approved by PA-13-18.
 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 vicinity because the use is restricted for storage purposes as defined in the conditions of approval.
 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 because warehousing of durable and nondurable goods is permitted per the Zoning Code.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of the CEQA Guidelines.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng. 1. The use shall be limited to the type of operation described in this staff report: An expansion of Barley Forge by installing an opening between existing storage area and the immediately adjacent suite to allow for access between the two suites. The proposed space would be limited to storage of finished products, packaging, and raw materials.

Any change in the operational characteristics including, but not limited to, increased hours of operation or increased public seating area or how this storage area is used, will require approval of an amendment to the minor conditional use permit, subject to Zoning Administrator approval.

2. 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.
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 parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
 5. Customer and employee parking shall occur on-site and not within surrounding streets. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, providing free on-site valet service.
 6. All lots where parking is provided shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot.
 7. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
 8. All sales and service staff (within 90 days of hire) shall complete Responsible Beverage Service (RBS) training with a California Department of Alcoholic Beverage Control approved provider. A copy of the training certificates shall be kept on premises and presented to any authorized City official upon request.
 9. 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.
 10. The conditions of approval and ordinance or code provisions of planning application PA-13-18 A4 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 11. The applicant is reminded that all conditions of approval of PA-13-18, PA-13-18 A1, PA-13-18 A2, and PA-13-18 A3 still apply.
 12. 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.
 13. 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.

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 planning application is valid for two year from the effective date of this approval (January 4, 2018) and will expire at the end of that period (January 4, 2020) unless applicant establishes the use by obtaining 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. 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. All uses shall be conducted underroof.
- Bldg. 4. 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.
5. Prior to issuing the building permit, the condition of approval shall be required to be incorporated on the approved architectural plans.
6. Prior to the Building Division issuing a demolition permit contact South Coast Air Quality Management District (AQMD) located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
Or
Visit their web site
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>
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. 8. All contractors and subcontractors must have valid business licenses to do
Lic. 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.



September 15, 2017

Ms. Willa Bouwens-Killeen
Zoning Administrator
City of Costa Mesa

Re: Barley Forge Brewing Company – request for expanded storage

Dear Ms. Bouwens-Killeen:

I am acting on behalf of Barley Forge Brewing Company as the Applicant's Representative. This package represents a request for an amendment to the Use Permit to allow for the installation of an opening between the existing warehouse area (Unit A2) and the immediately adjacent suite (Unit A1, now leased by Barley Forge and used for storage of raw materials and finished goods) that will accommodate a forklift. This opening would be the same size as the existing opening previously approved by the City between Units A2 and A1, in which Barley Forge's brewhouse, bottling room and tasting room are located.

The new space (Unit A1), as indicated on the site plan, will be used for storage purposes. This request will eliminate the current condition of having to take materials via forklift out the front roll-up door from Unit A1 around the building through the parking lot to the brewhouse and back. An opening would eliminate any potential conflicts with pedestrians and cars and would result in taking the same materials back and from the same areas via a much more expeditious and safe route.

Please refer to the project description included with this submittal for all the details on the request. The request for the opening will merely allow for access to additional storage of raw materials (empty bottles, empty kegs, packaging materials, grain, hops, and other supplies), and finished goods (packaged beer in kegs and bottles, and barrels in which beer will be aged), including cold storage. This fits within the existing use and will not pose any additional impacts. It should be noted that:

- The square-footage of the operation is not representative of parking demand as the equipment and brewing operation are massive in size and occupy most of space

Barley Forge Brewing Co.
Request for CUP Amendment to expand storage space

Background

On November 12, 2013, the Costa Mesa Planning Commission unanimously approved a CUP for Barley Forge Brewing Company to be Costa Mesa's first craft brewery and tasting room. Since that time the CUP has been amended to include the addition of lunch hours, live music and a kitchen upgrade.

Situation

Barley Forge has leased the immediately adjacent suite (Unit A1) for storage of finished goods, packaging, raw materials, supplies and cold storage. This is allowed by code and the space is currently being used for this purpose.

To access Unit A1 and move materials between that space and the units containing Barley Forge's warehouse (Unit A2) and brewhouse (Unit B), employees currently must drive a forklift out the front roll-up door in Unit A2, and then through the parking lot and around the 16,000-square foot building and in the roll-up door in the back of Unit B where the brewhouse is located. This is both extremely inefficient and a potential safety hazard.

Request

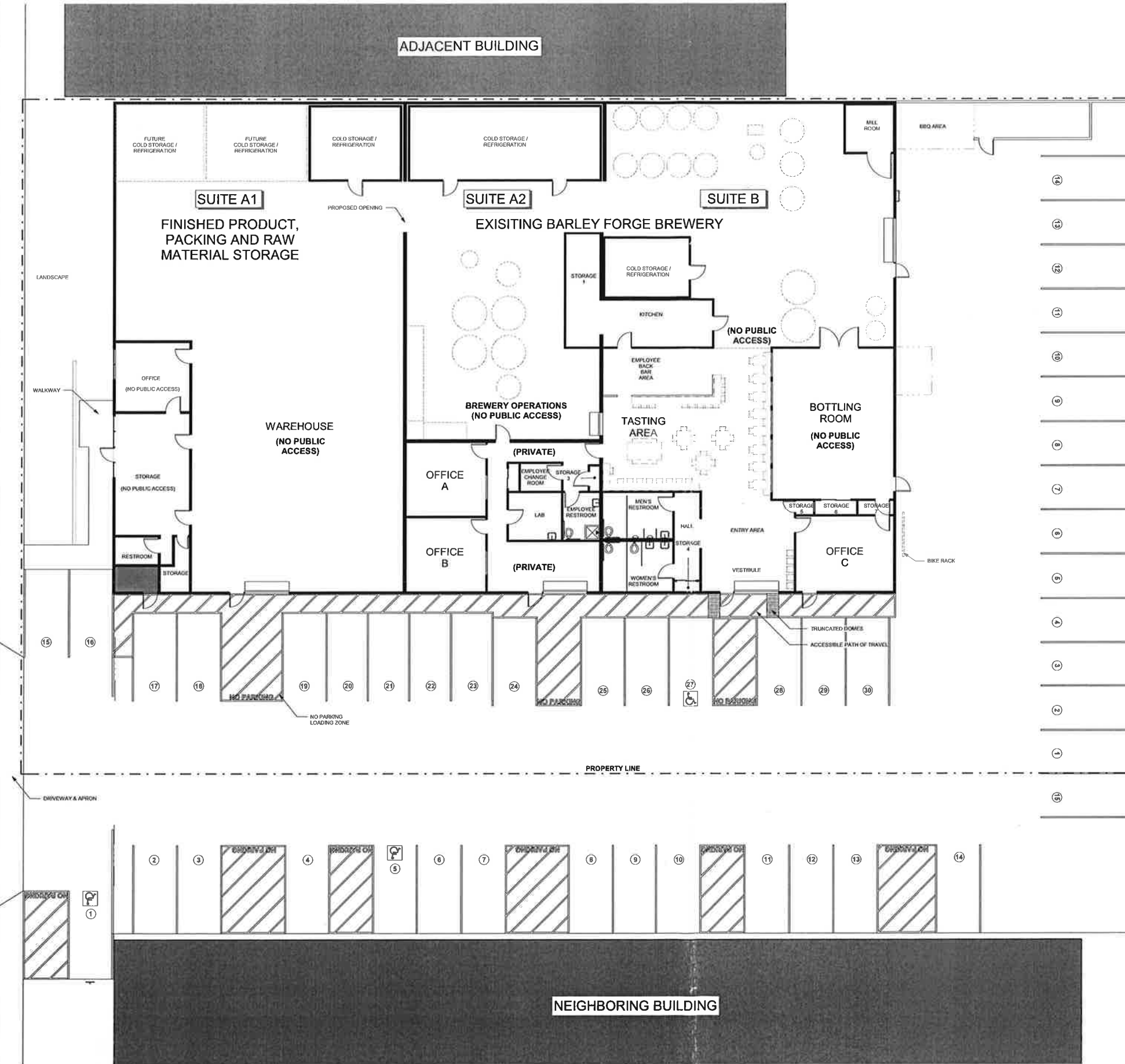
Barley Forge is requesting that they be allowed to create an opening between Units A1 and A2 to allow for a forklift to move finished product, packaging and raw materials between the two suites internally. Eliminating the forklift driving through the parking lot. This opening would be the same size as the existing opening between Units A2 and B, which serves a similar purpose.

Justification

The installation of an opening, and additional storage, to facilitate the storage and movement of finished product, packaging and raw materials would not change the nature of the operation of the brewery and be ancillary to the core business – the manufacture of craft beer. Additionally, the installation of a 10-foot wide opening would NOT allow for any substantial changes to the existing operations.

The installation of the opening would not result in the expansion of public space, no increased demand on parking and no additional trips will be generated.

RANDOLPH AVE.

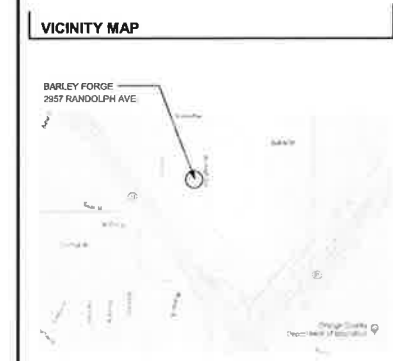


SCHEDULES

SUITE A1	
ROOM NAME	AREA
OFFICE	277 SF
RESTROOM	76 SF
STORAGE	413 SF
STORAGE	56 SF
WAREHOUSE	5146 SF
Grand Total	5569 SF

SUITE A2	
ROOM NAME	AREA
EMPLOYEE CHANGE ROOM	161 SF
EMPLOYEE RESTROOM	60 SF
HALL	253 SF
LAB	111 SF
OFFICE A	260 SF
OFFICE B	259 SF
RECEPTION	202 SF
STORAGE 1	113 SF
STORAGE 3	14 SF
WAREHOUSE	2296 SF
Grand Total	4000 SF

SUITE B	
ROOM NAME	AREA
BOTTLING ROOM	1781 SF
BREWERY	2862 SF
EMPLOYEE BACK BAR AREA	229 SF
HALL	103 SF
MEN'S RESTROOM	148 SF
MILL ROOM	102 SF
OFFICE C	318 SF
PREP AREA	128 SF
STORAGE 4	73 SF
STORAGE 5	73 SF
STORAGE 6	28 SF
STORAGE 7	14 SF
TASTING AREA	490 SF
VESTIBULE	285 SF
WOMEN'S RESTROOM	158 SF
Grand Total	6000 SF



EXISTING SITE & BUILDING PLAN

2957 RANDOLPH AVENUE
COSTA MESA, CA 92626

BARLEY FORGE BREWING CO.

FOR PLAN REVIEW ONLY

Reviewer	Checkmark	Date

Scale	AS SHOWN
Date	12-20-17
Drawn/Checked By	
Scale	1/8" = 1'-0"
Date	
Drawn/Checked By	

SITE PLAN

A1.1



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

December 21, 2017

Laura Leonard
204 East 17th Street, Suite 202
Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-17-46
MINOR CONDITIONAL USE PERMIT TO OPERATE A BAKERY WITH LESS
THAN 300 SQUARE FEET OF PUBLIC AREA, IN A MULTI-TENANT CENTER
401 EAST 17th STREET, SUITE A-2, COSTA MESA**

Dear Mrs. Leonard:

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). Due to the City Hall holiday closure, the decision will become final at 5:00 p.m. on January 4th, 2018, 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
 Shared Parking Demand

cc: Engineering CA-RSJ Holdings, LLC
 Fire Protection Analyst 204 East 17th Street, # 202
 Building Safety Division Costa Mesa, CA 92627

PROJECT DESCRIPTION

The subject property is located at the southeast corner of East 17th Street and Tustin Avenue. The site has a zoning designation of C1 (Local Business District) 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 C1. Physical on-site improvements include a 7,125 square foot multi-tenant building with 29 on-site parking spaces. The site provides two points of ingress/egress, one located on East 17th Street and the other located on Tustin Avenue.

On April 22, 2004, the Zoning Administrator approved ZA-04-21 allowing a deviation from shared parking requirements for a yoga/mediation studio. ZA-06-36 replaced ZA-04-21 to allow a dance studio to operate from 7 AM to 10 PM, seven days a week, with a limited class size of 3 to 7 students and a 15-minute gap between classes, to limit parking impacts.

The proposed bakery will occupy a 1,295 square foot space in the multi-tenant building. The proposed use will consist of less than 300 square feet of public area. The remainder of the suite will contain a pastry showcase area, kitchen, food preparation room, storage, and restroom; no seating is proposed. Proposed hours of operation for customer service is seven days a week, 7 AM to 8 PM; food preparation will begin at 4 AM daily.

The applicant requests approval of a minor conditional use permit (MCUP) to allow the bakery in a multi-tenant center where 30 percent or more of the tenants are also food establishments with less than 300 square feet of public area. The MCUP is required to ascertain any parking impacts that may be generated because of multiple small food establishments with the potential for the same peak time of operation without the higher parking ratio normally associated with food uses (4 spaces per 1,000 square feet of gross floor area retail ratio required versus 10 spaces per 1,000 square feet of gross floor area). The proposed bakery complies with the all other development standards for food establishments within 200 feet of a residentially-zoned property.

ANALYSIS

Project Description

As proposed by the applicant, the proposed bakery (Baguette Me) will serve pastries and traditional Vietnamese sandwiches on fresh-baked baguettes. Proposed hours of operation for customer service is seven days a week, 7 AM to 8 PM. Per the applicant, staff will include two full-time and two part-time employees during customer service hours; food preparation and baking will begin at 4 AM daily and will require two employees. No seating is proposed.

Existing Tenant Mix

The 7,125 square foot commercial retail center includes a variety of commercial uses. There are a total of six tenant spaces in the center, including one existing small restaurant, Madee Thai Kitchen, that contains less than 300 square feet of public area with seating. In reviewing the proposal, staff believes that an additional food use will not result in a parking impact within the center due to the existing tenant mix: With the proposed bakery, although 33 percent of the retail center will be comprised of small food establishments, the addition of the bakery will only result in two small food establishments in the center – one without seating. Other uses within the center include a watch store, dance studio (approved through ZA-06-36 and parked, therefore, at the retail ratio), Verizon store, and vacant retail space. Below is a current tenant list with the existing businesses on-site and their respective suite size, as provided by the applicant:

401 East 17 th Street — Tenant List	
Business Name	Leased Area (Sq. Ft.)
Verizon	1,679.8 sq. ft.
Baguette Me (Proposed)	1,295.4 sq. ft.
Vacant	1,227.6 sq. ft.
Dance Studio (approved under ZA-06-36)	1,084 sq. ft.
Watch Store	906.4 sq. ft.
MaDee Thai Kitchen	931.8 sq. ft.

It is not anticipated that the proposed use will generate unusual noise that would impact residents and other businesses in the area.

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 retail parking ratio, the subject suite is credited with 5 parking spaces. Overall, the project site currently exceeds the parking requirements for a commercially-zoned property: The site contains a total of 7,125 square feet of building area on-site, which requires a total of 26 parking spaces; 29 spaces exist on-site.

Based on the shared parking demand for the project site (including the current tenants/uses and the proposed food use), the shared parking demand does not exceed the total parking provided on-site during weekdays or weekends. Further, because the existing and proposed food establishments consist of less than 300 square feet of public area, no additional parking is required. Additionally, the proposed bakery will provide no seating so it will operate more similarly to a retail use than a food use. Consequently, it appears the proposed use will not adversely impact parking.

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 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 food 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 project site is located in an area that includes a variety of commercial uses including multiple restaurants and retail shops; the proposed bakery will be compatible with the existing uses located in the surrounding area. Furthermore, residential uses are protected from any noise or nuisance associated with the bakery since the closest residential use is located approximately 150 feet from the south property line. The anticipated parking demand does not exceed the total parking provided on-site during weekdays or weekends. Lastly, the business will not open before 6 AM and will close by 8 PM, consistent with Code requirements and no seating is proposed. Therefore, the 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 uses, 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 surrounding area contains various retail uses including restaurants and other retail shops. Additionally, residential uses are protected from any noise or nuisance associated with the bakery since the closest residential use is located approximately 150 feet from the south property line. Further, the shared parking demand does not exceed the total parking provided on-site during weekdays or weekends. Lastly, the

business will not open before 6 AM and will close by 8 PM, consistent with Code requirements.

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 bakery 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 C1 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 parking and 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 area, in which the project site is located, contains various retail uses including multiple restaurants 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 the bakery be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood; however, no noise impacts are anticipated. Residential uses are protected from any noise or nuisance associated with the bakery since the closest residential use is located approximately 150 feet from the south property line. Further, the shared parking demand does not exceed the total parking provided on-

site during weekdays or weekends. As conditioned, the business will not open before 6 AM and will close by 8 PM, consistent with Code requirements. Lastly, because the proposed food establishments consist of less than 300 square feet of public area, no additional parking is required.

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 bakery 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

- P1ng.
 - 1. The use shall be limited to the type of operation described in this staff report: A bakery, with less than 300 square feet of public area with no seating inside or outside, located within 200 feet of residentially-zoned property. Proposed hours of operation for customer service is seven days a week, 7 AM to 8 PM; food preparation and baking will begin at 4 AM daily. 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 (January 4, 2018) and will expire at the end of that period (January 4, 2020) 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. All uses shall be conducted underroof.
- Bldg. 3. 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, 2016 California Green Building Standards Code and 2016 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2016 California Building Code.
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. 8. All contractors and subcontractors must have valid business licenses to do
Lic. 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 Traffic Impact Fee to the Transportation Division prior to issuance of Building Permits. The fee is required in an amount determined by the Transportation Division pursuant to the prevailing schedule of charges adopted by the City Council. The fee is calculated with consideration of standardized trip generation ratios for proposed uses and includes credits for existing uses. NOTE: The estimated Traffic Impact Fee for this application is \$300. The fee will be calculated at the time issuance of Building Permits based upon the prevailing schedule of charges 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>

401 E. 17th Street
Suite A-2
Costa Mesa, CA 92627

October 26, 2017

City of Costa Mesa, Development Services Department
77 Fair Drive
Costa Mesa, CA 92628

City of Costa Mesa:

"Baguette Me", a proposed Vietnamese Bakery, is requesting a minor conditional use permit to allow the bakery use at the center.

"Baguette Me" will have a menu serving Vietnamese Coffee, pastries prepared fresh each day, and traditional Vietnamese sandwiches served on fresh-baked baguettes. We anticipate our customers will come from the local surrounding neighborhoods and businesses, which will enhance the "walkability" of the City. Our business hours will be 7:00am – 8:00pm, seven days per week. We anticipate a staff of two persons who will start work at 4:00am prepping and baking for the day. Upon store opening for business hours we anticipate a staff of two full-time and two part-time persons.

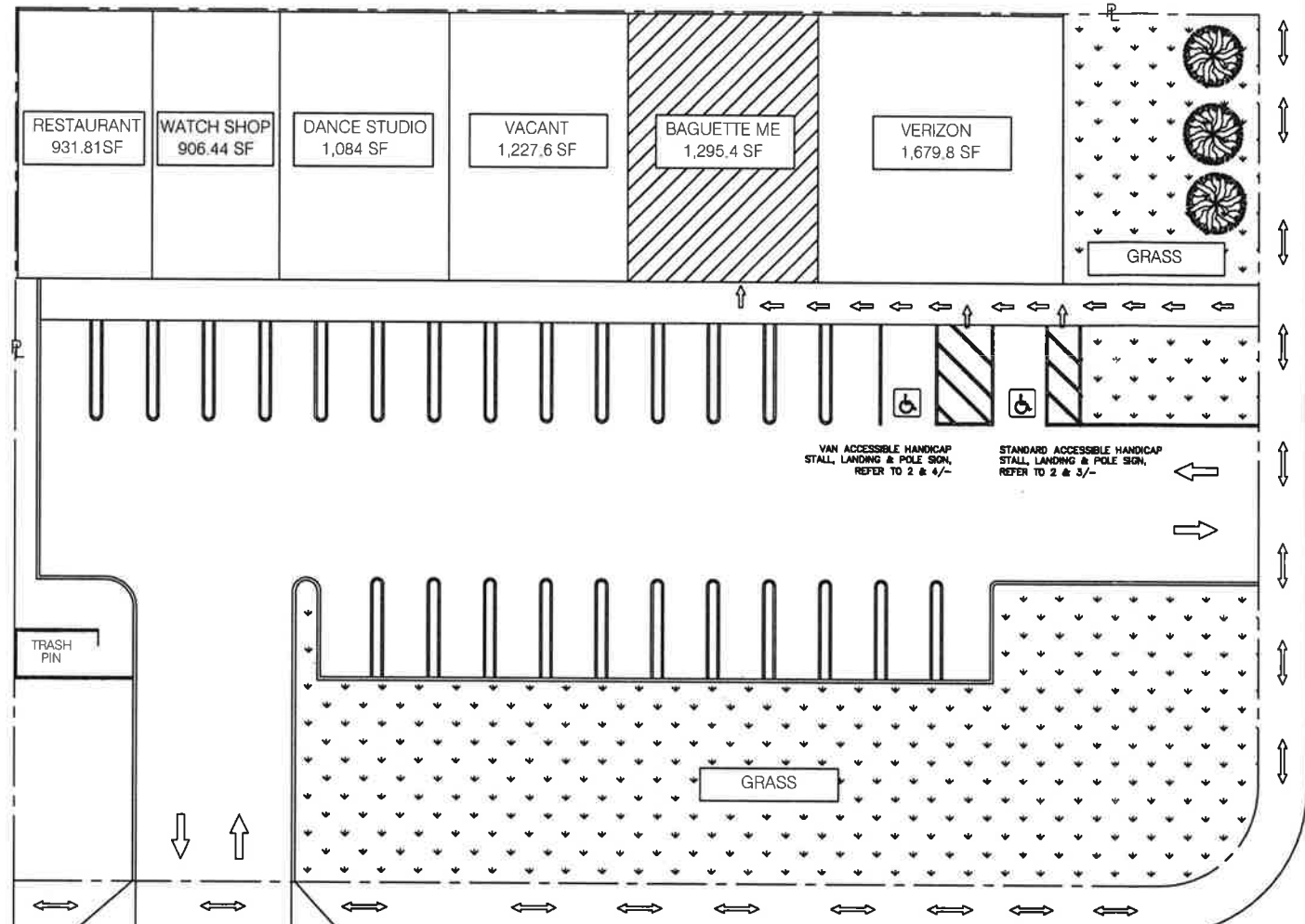
We feel this proposal is fully compatible with the uses permitted in the same general area, and that this proposal would not be materially detrimental to the neighboring properties. On the contrary, we believe that the neighborhoods and local businesses will appreciate a new fresh option for their dining.

Baguette Me has a wonderful working relationship with the Landlord of this property and looks forward to building positive relationships with the other tenants and the community. We look forward to working together with the City of Costa Mesa and the tenants of the center to ensure the prosperity of the center.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Nguyen and Jen Pham". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

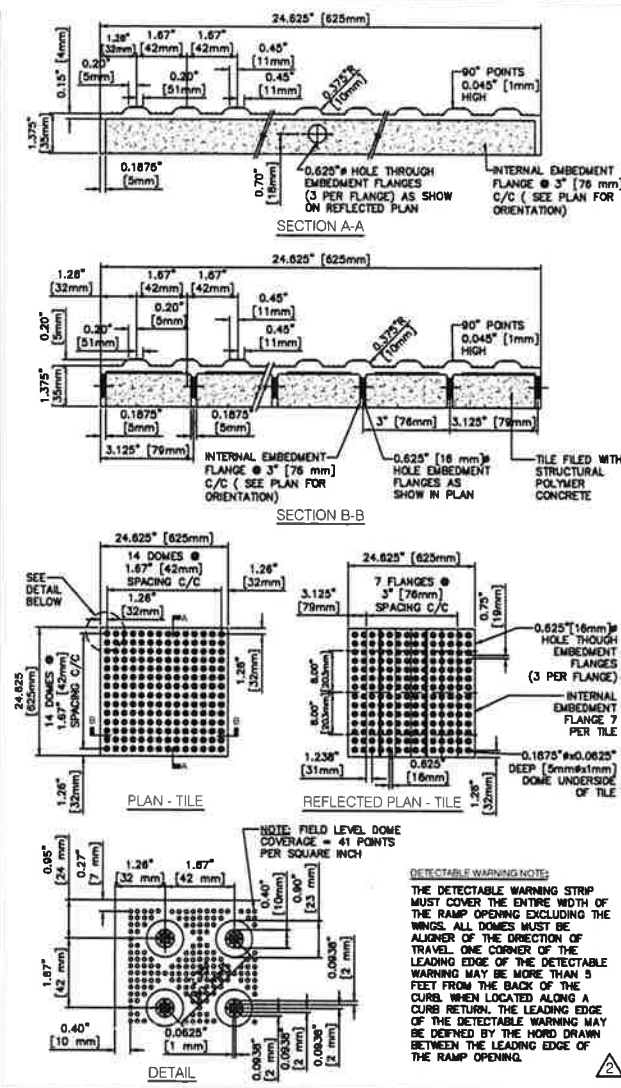
William Nguyen and Jen Pham
Owners/Managers



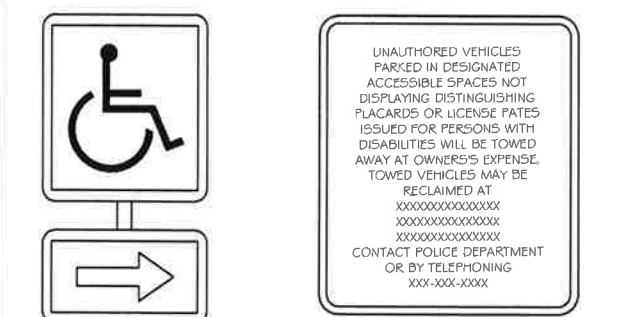
- NO SET BACK
- NO OFF STREET PARKING
- LOT SIZE: 28,000 S.F.
- PARKINGS: 29 SPACES (2 H/C SPACES)
- TOTAL BUILDING AREA: 7,224 S.F.
- OPEN SPACE: 9847 S.F.
- DRIVEWAY AND PARKING: 11,120 S.F.

17th STREET

TUSTIN AVENUE

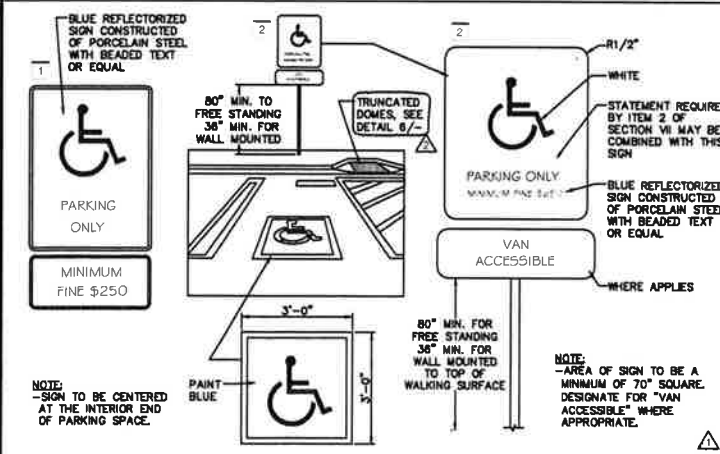


TRUNCATED DOME TACTILE SCALE 6 N.T.S.

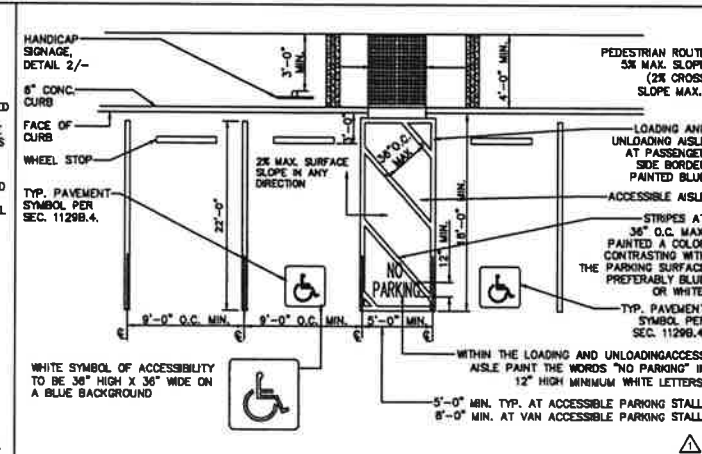


PARKING/SITE PLAN SCALE 5 N.T.S.

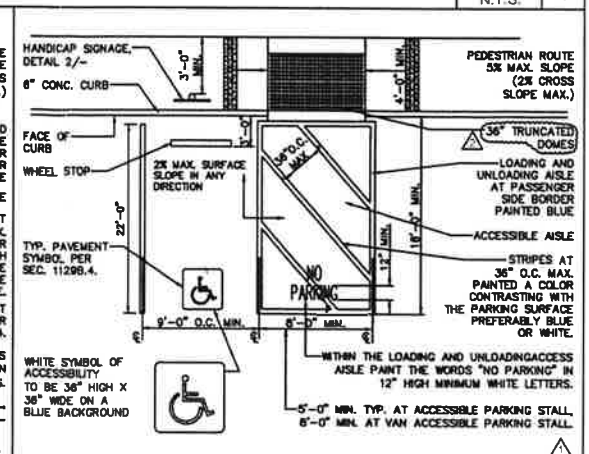
SITE PLAN SCALE 1 N.T.S.



HANDICAP SYMBOL @ PARKING STALL SCALE 2 N.T.S.



STANDARD ACCESSIBLE PARKING SCALE 3 N.T.S.



VAN ACCESSIBLE PARKING SCALE 4 N.T.S.

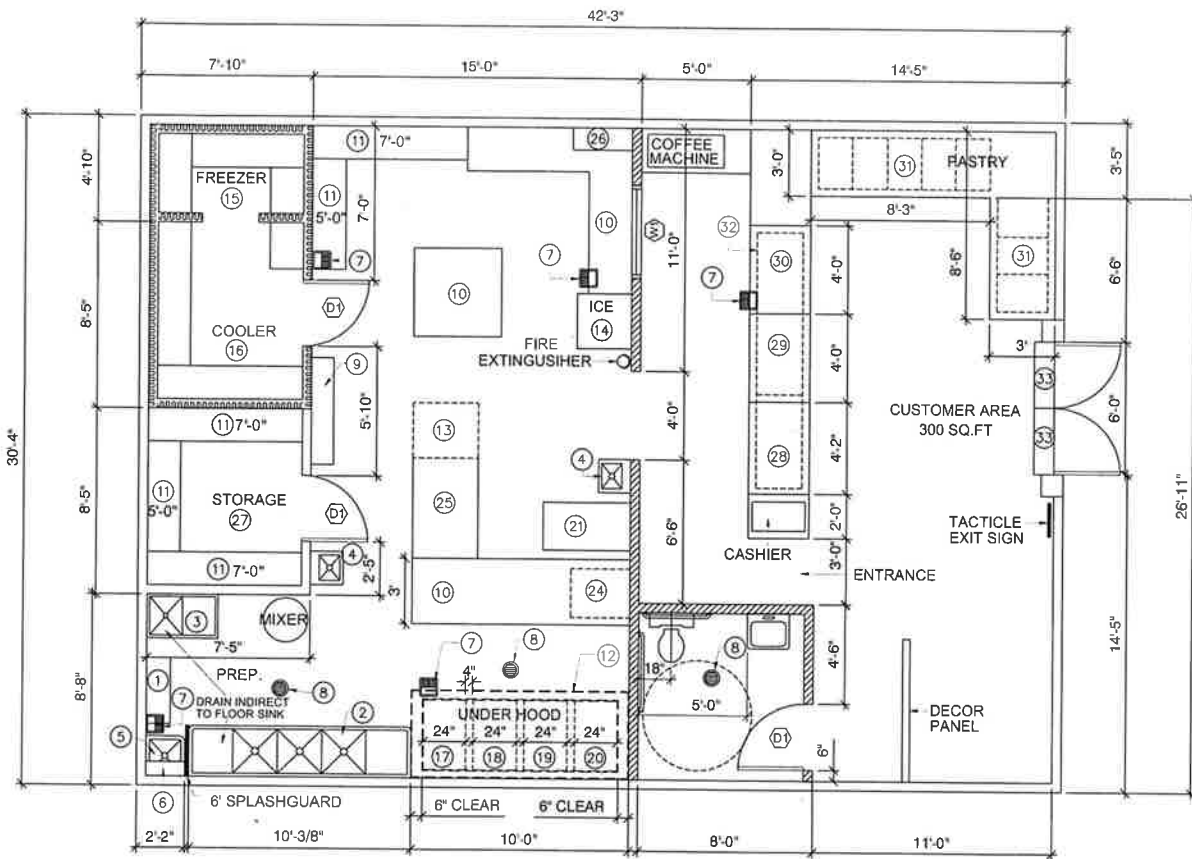
DESIGN CONCEPT & CONSTRUCTION
 STATE LIC. # 593666
 (714) 499-4459
 14371 STARSIA ST., WESTMINSTER, CA. 92683

PRINTS ISSUED AND/OR REVISIONS	DELTA REVISION DATE	REVISION
A	08/06/2017	PLAN CHECK CORRECTION
A	10/23/2017	PLAN CHECK CORRECTION

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BAGUETTE ME
 401 EAST 17TH STREET., STE. # A2
 COSTA MESA, CA 92627

SHEET TITLE	
SITE PLAN	
DRAWN BY	SHEET NO.
SCALE	AS NOTED
DATE	
JOB NO.	
A-1	
OF	



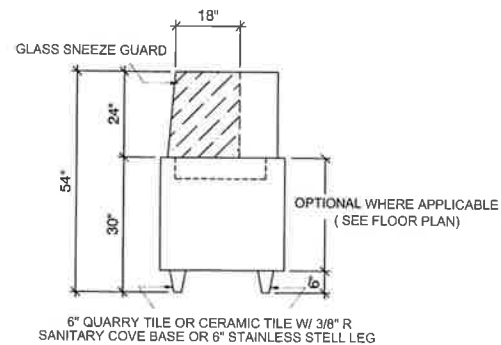
FLOOR PLAN
1/4" = 1'-0"

WALL LEGEND

- NEW WALL 3-5/8" 25 GA. MTL. STUD WALL
- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- INSULATED WALL

NOTES:

- THE TOPS OF TABLES AND COUNTERS SHALL BE 28" TO 34" FROM FLOOR OR GROUND FLOOR, AND AT LEAST 36" LONG. DEPTH OF COUNTER TO BE NOT LESS THAN 19" FOR KNEE CLEARANCE AND NOT MORE THAN 24" FOR SIDE ARM REACH. SECTION 1122B.4.
- ALL EQUIPMENT, INCLUDING SHELVING, MUST BE SUPPORTED SIX (6) INCH HIGH, EASILY CLEANABLE LEGS, COMMERCIAL CASTORS, OR COMPLETELY SEALED IN POSITION ON A FOUR (4) INCH HIGH CONTINUOUSLY COVERED BASE OR CONCRETE CURB TO FACILITATE EASE OF CLEANING.
- SHELVES, FIXTURES, ETC. WITH HEIGHT EQUAL TO OR LESS THAN 5'-0" - PROVIDE FRAMING AND ATTACHMENT DETAILS AND STRUCTURAL CALCULATIONS BY A CALIFORNIA LICENSED CIVIL/STRUCTURAL ENGINEERS.
- EXITWAYS SHALL BE ILLUMINATED WITH AT LEAST ONE FOOT CANDLE AT THE FLOOR LEVEL. CBC 1006.2.
- PLANS FOR THE FIRE EXTINGUISHING SYSTEM MUST BE REVIEWED BY THE LOCAL FIRE DEPARTMENT PRIOR TO INSTALLATION.
- TRAP PRIMER IS REQUIRED FOR ALL NEW FLOOR DRAINS & FLOOR SINKS.
- NEW SEWER LINES TO BE ABS.
- SUSPENDED CEILING IS EXISTING.
- THE AIR CURTAIN MUST PRODUCE AN AIR VELOCITY OF AT LEAST 1800 FEET PER MINUTE. AS MEASURED THREE (3) FEET ABOVE THE FLOOR. AIR CURTAIN DEVICES MUST BE PERMANENTLY WIRED AND INSTALLED WITH A SELF-ACTIVATING SWITCH, SO THAT THE DEVICE WILL AUTOMATICALLY OPERATE WHENEVER THE DOOR OPENS.
- THE ELECTRIC EQUIPMENT UNDER THE TYPE 1 HOOD SHALL SHUT DOWN UPON ACTIVATION OF THE HOOD AND DUCT FIRE PROTECTION SYSTEM.



EQUIPMENT SCHEDULE

ALL EQUIPMENT SHALL BE NSF-APPROVED. REFRIGERATOR, WALK-IN COOLER SHALL MEET NEW NSF STANDARD 7

ITEM	DESCRIPTION	NSF UL ETL CERT.	QTY.	MAKE	PLUMBING			REMARK
					CW	HW	WST.	
1	WATER HEATER			RHEEM ECOH200DLVN-1	1/2"	1/2"	2"	TANK LESS 199,000 BTU
2	3 COM SINK	NSF	1	SINK 2424-3T-2D				18 x 18 x 18
3	PREP SINK	NSF	1	SINK-18-IT-L	1/2"	1/2"	2"	39 x 24 1 TUB T OR L
4	HAND SINK	NSF	1	SINK-HAND-HS-0810-WG	1/2"	1/2"	2"	
5	MOP SINK	NSF	1	SINK 2424	1/2"	1/2"	2"	24 x 24
6	CHEMICAL RACK							
7	FLOOR SINK	NSF	7					
8	FLOOR DRAIN	NSF	3					
9	LOCKERS							
10	WORK TABLE	NSF	1	JOHN BOOS JNS10				6" SS LEG
11	SHELVING	NSF		3 TIER				6" SS LEG
12	HOOD	NSF	1	SEE MECHANICAL M-2				
13	MAKE-UP AIR	UL	1	SEE MECHANICAL M-2				
14	ICE MACHINE	NSF,UL	1	ICE-O-MATIC 4300				110 V 1/2" WATER 6" SS LEG
15	FREEZER							WALK IN
16	COOLER							WALK IN
17	CONVECTION OVEN	NSF	1	BLOGETY ZEPH - 200				3/4" GAS AND 110V/BA, 38Wx37D 6" SS LEG
18	DEEP FRY	ETL	1	AVANTCO FF 300				1" GAS, 150K BTU
19	CHARBROILER	NSF,UL	1	WELLS HDCB 2430				3/4" GAS, 24" W, 80K BTU 6" SS LEG
20	4 BURNERS	NSF	1	IMPERIAL				1" GAS, 24" W, 155K BTU 6" SS LEG
21	PROOFER	NSF	1	METHO CS19-CFC-U				110V/20A 26W x 31D 6" SS LEG
22	PLANETARY MIXER	NSF	1	GLOBE SP 30				110V/15A 24W x 24D x 51H
23	DOUGH SHEETER	ETL	1	DOYON DL18DP				
24	FOOD SLICER	ETL	1	GERMAN KNIFE GS 12LD				110V/ 8A 25L x 21D x 19H
25	FOOD PREP TABLE	ANSI-NSF	1	TRUE TSSU - 72 - 18				110V/ 8A 72W x 32D 6" SS LEG
26	HOT WATER			BLOOMFIELD 1222				110V/ 15A
27	STCRAGE		1					
28	COLD SHOWCASE	NSF	1	CGB 50 MASTER - BILT CGB				110V/ 1A 50L x 35D x 49H 6" SS LEG
29	COLD TABLE	UL	1	TSSU-72-18 (TRUE)				110V/ 8A 6" SS LEG
30	STEAM TABLE	NSF	1	YOLLRATH MODEL 3636R				110V/8A 6" SS LEG
31	FOOD GLASS CONTAINER WITH GLASS LID							PACKED FOOD
32	SNEEZE GUARD							CUSTOM MAKE WITH 1/2" GLASS 18" MIN. HEIGHT
33	AIR CURTAIN	ETL,UL		GLOBAL 36" AIRCURTAIN 246608				

FINISH SCHEDULE

	FLOOR											BASE		WALLS				CEILING		COUNTER SURFACE		NOTES						
	WOOD FLOORING	STAINED CONCRETE FLOORING	6" X 6" QUARRY TILE	PORCELAIN FLOOR TILE	MALL FLOORING	WASHABLE SEALED CONCRETE FLOOR	CARPET	WOOD BASE	QUARRY TILE (6" HIGH) 3/8" R SANITARY COVE BASE	TILE BASE	TILE WITH COVE BASE	VCT TOP SET COVE BASE 6" HIGH	PAINTED WASHABLE	GYP. BD. PAINTED	FIBERGLASS REINF. PANEL FRP/POR SEMI-GLOSS ENAMEL	S.S. FLASHING	TILE 4" X 4" O.V. GYP. BD.	TILE 3" X 6" O.V. GYP. BD.	VINYL FACE WASHABLE	GYP. BD. PAINTED	ACOUST. TILE		STAINED WOOD	OPEN CEILING, PAINTED	SOLID SURFACE	QUARTZ RESIN COUNTER	SOLID SURFACE ARTIFICIAL POLYMER COUNTER	FORMICA
101	ENTRANCE				X					X				X														
102	CUSTOMER AREAS				X					X				X									X					
103	FOOD PREP AREAS			X																								
104	FOOD SERVICE AREA (COUNTER)			X															X							X		
105	STORAGE AREA			X															X									
106	DISHWASHING			X																								
107	JANITORIAL			X																								
108	RESTROOM(S)			X																								
109	SELF SERVICE AREA			X																			X					
110	SERVER STATIONS			X															X							X		

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COSTA MESA, CA 92627

SHEET TITLE
FLOOR PLAN

DRAWN: CN SHEET NO.
A-2

SCALE:
DATE:
JOB NO.:

