

**ATTACHMENT 6  
PLANNING COMMISSION RESOLUTION**

RESOLUTION NO. PC-12- 11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING ZONING APPLICATION ZA-12-10 TO CONVERT AN EXISTING BUILDING INTO A DRIVE-THROUGH COFFEE SHOP AND ANOTHER FOOD USE**

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

WHEREAS, an application was filed by 450 East 17th Street Associates, LLC, requesting approval of Zoning Application ZA-12-10 to convert a former credit union building containing drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbuck's Coffee and another food use;

WHEREAS, on March 26, 2012, ZA-12-10 was approved by the Zoning Administrator;

WHEREAS, on April 2, 2012 the approval of ZA-12-10 was appealed by a property owner and called up for review by a council member;

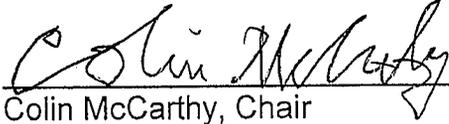
WHEREAS, on April 23, 2012, a duly noticed public hearing was held by the Planning Commission with all persons having the opportunity to speak for and against the proposed project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained in Exhibit B, the Planning Commission hereby **APPROVES** Zoning Application ZA-12-10 to convert a former credit union building containing drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbuck's Coffee and another food use 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 Zoning Application ZA-12-10 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 23rd day of April, 2012.**

A handwritten signature in cursive script, appearing to read "Colin McCarthy", is written over a horizontal line.

Colin McCarthy, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is 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. Granting the minor conditional use permit will not allow a use, density or intensity, that is not in accordance with the general plan designation for the property. Specifically, staff does not anticipate any parking impacts because the parking study prepared for the project has been reviewed by the City's Transportation Services Division, and they concur with the study methodology, suggested parking rates, and the consultant's conclusions regarding adequate parking. If the remaining space is occupied by a food use, zoning approval and business license authorization shall be contingent upon validation of the parking conclusions of the parking study prepared for the project. This validation shall be in the form of real-time parking counts conducted within 180 days of the coffee shop being fully operational. Additionally, if parking shortages or other parking-related problems arise, the landlord shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. Design of the drive-through lane provides adequate vehicle queueing and circulation. The building will be remodeled with contemporary architecture to provide a positive complement to the East 17<sup>th</sup> Street streetscape. Adverse impacts to residential uses will be minimized due to the requirement that the existing landscape planter at the rear of the property (adjacent to residential) be densely replanted with trees to provide an additional buffer for residential properties.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
  2. Safety and compatibility of the design of the buildings, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The use is consistent with the General Plan designation because the project will not exceed the allowable General Plan intensity for the site.
- 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, Class 1, 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.

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng.
1. The uses shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment subject to approval by the Zoning Administrator.
  2. If parking shortages or other parking-related problems arise, the business operator shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. These measures may include identifying select parking spaces for short-term parking (i.e. 30 minutes, 1 hour, etc.), reserving certain parking spaces for the other tenant, and/or any other measures as deemed appropriate by the Development Services Director.
  3. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever reasonable security and operational measures are necessary to comply with this requirement.
  4. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to commencement of the business. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  5. Prior to the grand opening of the coffee shop, the applicant shall submit an interim parking plan to the Planning Division for review and approval to ensure that adequate employee parking is available on-site or on at an authorized site through an agreement with its property owner. In addition, the plan shall indicate that employees shall be available to minimize any impacts to circulation on the adjacent streets and surrounding properties. This interim plan shall be in place for a minimum of 60 days during the "Grand Opening" and may be extended for an additional 30 days to meet customer demands as deemed appropriate by the Development Services Director. The interim plan shall be approved prior to issuance of certificate of occupancy.
  6. After the Grand Opening period when the interim parking plan is no longer in place, employees of the fast food restaurant shall park on-site. Employee parking shall occur in any of the parking stalls on the property. Employee parking on the public streets fronting residential properties shall be considered a violation of the terms of approval of the minor conditional use permit. If repeated violations occur, the Development Services Director shall have the discretion to require employee parking spaces be assigned on the property, or to require other appropriate measures to ensure on-site employee parking.
  7. Zoning approval and business license authorization for a proposed

establishment where food and beverages are served shall be contingent upon validation of the parking conclusions of the March 1, 2012 parking study. This validation shall be in the form of real-time parking counts conducted within 90 days of the coffee shop being fully operational.

8. The conditions of approval for ZA-12-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
9. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
10. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.
11. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
12. Applicant shall work with staff to landscape the planter at the rear of the property in order to maximize the opportunity to provide a buffer for the residential properties including minimum 24-inch box size trees, subject to review and approval by the Planning Division Director.
13. The property owner or applicant shall install bike racks for patrons and employees on the site. The bicycle racks shall be decorative in design. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
14. The applicant shall work with staff to reconfigure the proposed outdoor patios to minimize the encroachment into the required street setback landscape planters, subject to approval by the Planning Division.
15. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened upon view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
16. City understands that the adjacent property may hold certain easement rights over the property that is the subject of this decision. The city is not in a position to determine the legal rights between the two parcels with respect to this easement. Accordingly, the City's approval is made expressly subject to the project being in full compliance with any existing duties, rights and obligations set forth in any easements or other encumbrances recorded against the property. Any construction initiated by applicant is performed at applicant's own risk that it may be inconsistent with existing easements and encumbrances.