

City of Costa Mesa

Interoffice Memorandum

To: PLANNING COMMISSION
From: WENDY SHIH, ASSOCIATE PLANNER
Date: FEBRUARY 4, 2004
Subject: PLANNING APPLICATION PA-03-57
****SUPPLEMENTAL MEMO****
PLANNING COMMISSION MEETING OF FEBRUARY 9, 2004

RECOMMENDATION

Approve, subject to conditions.

DISCUSSION

In response to questions/discussions raised during the Planning Commission study session of February 2, 2004, staff is providing the following information and analysis:

1. There are 55 parking stalls provided across the alley on West 18th Street. This is a City owned and improved parking lot.
2. All businesses from 1749 to 1799 Newport Boulevard are closed by 10 p.m. except Bamboo Terrace and Café Ruba.

As mentioned in the staff report, a total of **131** spaces are required for all businesses that are open past 7 p.m. Only **87** spaces are provided along frontage road and on-site parking behind the three food/beverage establishments. However, if the Planning Commission wishes to consider the City owned parking lot as off-site parking to accommodate outdoor seating and dancing for Bamboo Terrace, there would be a total of **142** spaces available (87 + 55 spaces provided on the public lot).

Based on the above information, staff is changing our recommendation to approve the proposal since adequate parking would be provided with the public parking lot. If the outdoor seating and dancing were approved, staff recommends a condition to require that dancing does not start prior to 9 p.m. This condition, plus permission to utilize the public lot on West 18th Street for off-site parking would ensure sufficient parking for the applicant's proposed use.

Attachments: Draft Planning Commission Resolution (revised)
Exhibit "A" – Findings for approval
Exhibit "B" – Conditions of Approval (revised)
Security Recommendations by the Police Department

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

Katherine Young
1829 Glenwood Lane
Newport Beach, CA 92660

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-03-57**

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

WHEREAS, an application was filed by Katherine Young, owner of real property located at 1773 Newport Boulevard, requesting approval of conditional use permits to allow limited dancing with existing live entertainment within 200 ft. of a residential zone and for off-site parking, with a minor conditional use permit to allow outdoor seating for Bamboo Terrace Restaurant; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 9, 2004.

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 within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-03-57 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 PA-03-57 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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 9th day of February, 2004.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Perry L. Valantine secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on February 9, 2004, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented substantially 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 conditional/minor use permits will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, more than adequate parking will be available to accommodate outdoor seating and dancing for the restaurant (131 spaces required for all businesses that open past 7 p.m.; 142 spaces available with the public lot).
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. The planning application is for a project-specific case and does not establish a precedent for future development.
 - c. The cumulative effects of all planning applications have been considered.
- 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 from CEQA.
- 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. To ensure adequacy of parking, no dancing shall be allowed prior to 9 p.m.
2. If the City receives parking complaints, the applicant shall submit a parking management plan to the Planning Division addressing parking needs, use of spaces on-site, and on-street parking availability. Reduction or alterations to the live entertainment, dancing or outdoor seating may be required.
3. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever operational measures are necessary to comply with this requirement, including, but not limited to, having security personnel on-site during the evenings.
4. Keep rear door closed during the times when dancing/music is played.
5. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. 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 being 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.
6. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
- Police 7. A list of security recommendations has been provided by the Police Department for the applicant's consideration.