



PLANNING COMMISSION AGENDA REPORT

VI. 2

MEETING DATE: FEBRUARY 11, 2008

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>
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<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.
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RESOLUTION NO. PC-08-

**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.

Commissary
2981 Bristol St, Suite B6
Costa Mesa, Ca 92626

City of Costa Mesa
Development Services Department
77 Fair Drive, P.O. Box 1200
Costa Mesa, Ca 92628-1200

To whom it may concern,

The concept for 2930 Bristol Street, Suite A101A is to provide a high-end lounge atmosphere catering to those that have a sophisticated palette for the arts, music, and a glass of wine or beer.

The ideal hours of operation would be from 11:00 A.M. to 2:00 A.M., To compliment Zipangu and Habana which are also open in the lab complex those hours.

Within those hours of business I would like to provide monthly art shows from renowned domestic and international artists. In addition, to accompany the arts, alcoholic beverages such as wine, beer and sake will be available to these patrons.

I would also like to have a in-house dj, supplying background music pulling together the art & music and lifestyle of an upscale New York City "art bar".

Overall I would like to stress that this space will not be a typical lounge. It is an area that people can relax and enjoy drinks, artwork, music and good conversation.

i'd like to once again reiterate that this proposed concept will be a NY style lounge unlike anything happening in OC now.

j.Andrew Lee

Leased Space for 2930 Bristol St. Costa Mesa, CA 92626

Suite	Tenant	Square footage
A101A	Andrew Lee	1483 Sq. ft.
A101B	Commissary	1267 Sq. ft.
A102/103	Crew	2368 Sq. ft.
A105-107	Habit	2200 Sq.ft
A108	Arth	681 Sq ft.
A109	Buffalo Exchange	2100 Sq. ft
A110	Habana	2200 Sq.ft
A111	Harlow	550 Sq. ft.
A112	Todd Moore (Eye 5)	275 Sq. ft
B101	Urban Outfitters	12,000 Sq ft.
B102	Gypsy Den	1200 Sq ft.
B103	Carve (Mike Toe)	700 Sq ft.
B104	Blends (Mike Toe)	650 Sq ft.
B105	Laundry	650 Sq ft.
C106	Zipangu	2173 Sq ft.

 proposed space

Currently there are no vacant units

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

DEC 27 2007

RESOLUTION NO. PC-03-40

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-03-15**

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

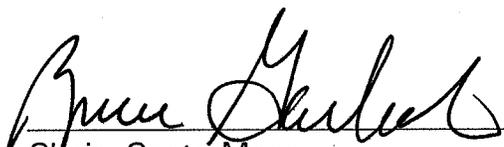
WHEREAS, an application was filed by Shaheen Sadeghi, authorized agent for Dr. Cozen, with respect to the real property located at 708 and 714 Randolph Avenue, and 2930 Bristol Street, requesting approval of a conditional use permit for off-site parking with a variance from front landscaped setback requirements in the CL and C2 zones, respectively; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 9, 2003, and June 23, 2003.

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-03-15 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-03-15 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 23rd day of June, 2003.



Chair, Costa Mesa
Planning Commission

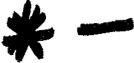
EXHIBIT "A"**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed off-site parking 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 off-site parking lot abuts the site it will serve and direct unhampered pedestrian access will be provided between the two sites. With the provision of a connecting driveway, the circulation of the small lot in front of the Lab will be improved. The off-site lot allows for overflow parking, especially during the Lab's special events. Granting the conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that crediting the proposed off-site parking towards future uses at the Lab (2930 Bristol Street) 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, permanent uses approved based on the off-site parking will be subject to a minor conditional use permit and their lease terms will not be allowed to exceed that of the off-site parking.
- C. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from front landscape setback requirements. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, denial of the variance would cause the site to be inconsistent with the setbacks of the majority of the remaining properties on Randolph Avenue. Conditions of approval limiting the variance to the life of the parking lot lease will ensure that a change of use would be subject to compliance with required setbacks so this parcel would not enjoy special privileges if and/or when surrounding properties are redeveloped and brought into compliance with current development standards. The deviation shall be subject to such conditions as to assure that approval of the 4-foot deep front landscaped setback would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located. Granting the variance 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.
- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

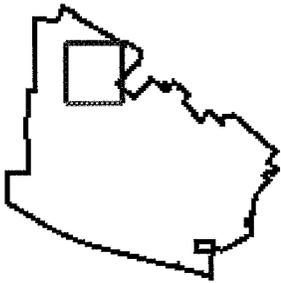
EXHIBIT "B"

CONDITIONS OF APPROVAL

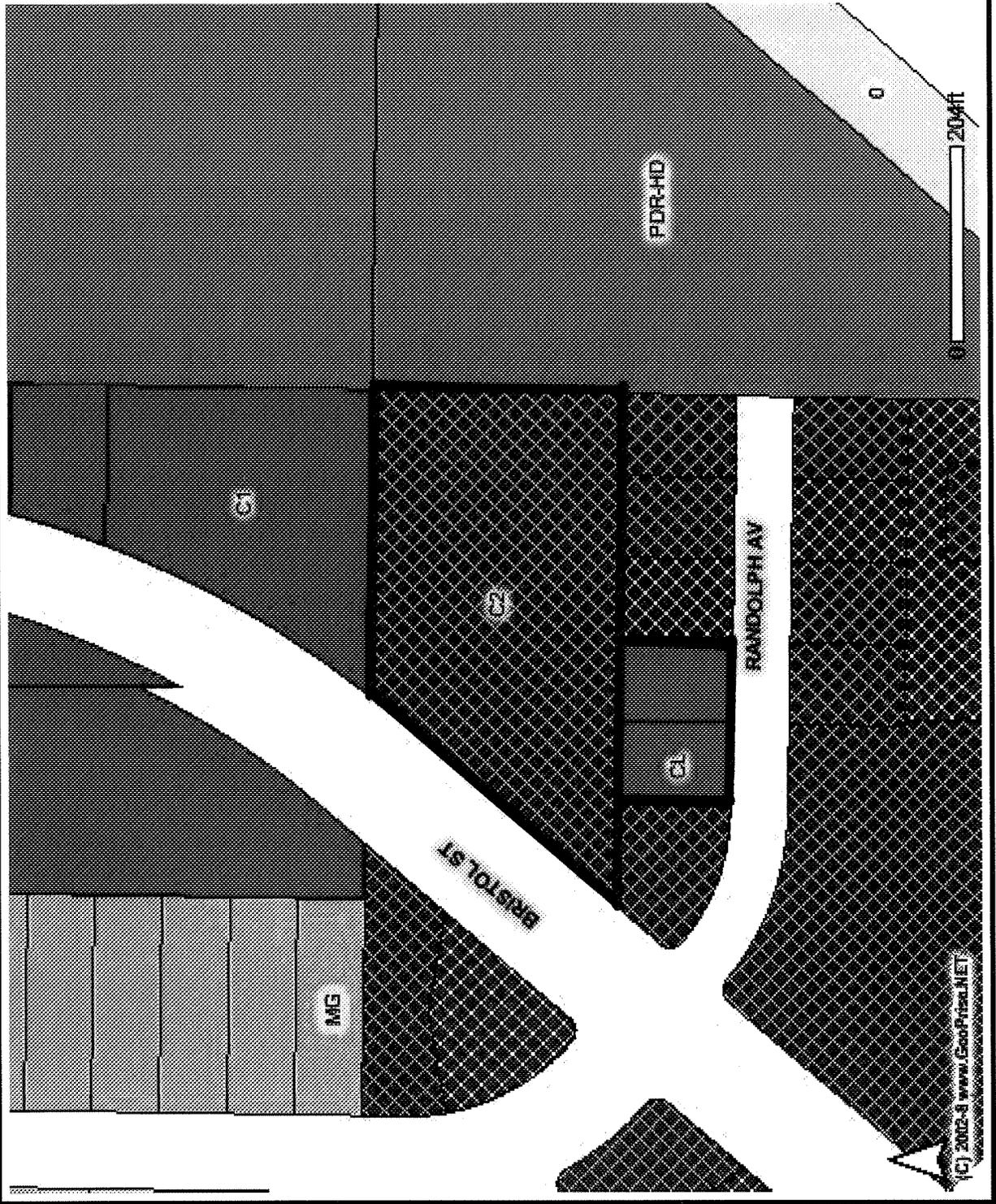
- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time 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.
2. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces, or where applicable, landscape planters shall be increased 2' in depth to allow curbing to serve as a wheel stop.
3. The applicant shall contact the Planning Division to arrange for an inspection of the site once construction is complete. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
-  4. Applicant shall be required to apply for a minor conditional use permit for any expansion of existing uses or new uses proposed at the Lab, located at 2930 Bristol Street, if such expansion or new use would require the use of the off-site parking lot at 708 and 714 Randolph Avenue (the "Lot") to meet code parking requirements. Any minor conditional use permit for an expansion or new use at the Lab shall contain a condition limiting the duration of the use for the expansion or the new use to the term of the lease for the Lot. The applicant shall be required to provide proof, as part of the minor conditional use permit application for the expansion or new use at the Lab, that the duration for such expansion or new use at the Lab does not exceed the lease term for the Lot. Such proof may include but is not limited to a lease and/or rental agreement. The term for any such lease or rental agreement for any expansion or new use shall be subject to approval by the City and shall also contain a provision requiring that any termination, renewal or amendment to the term of such lease be approved by the City.
5. The Lab parking lot (2930 Bristol Street) shall be re-striped to provide 154 parking spaces if the applicant's lease of 708 and 714 Randolph Street expires. This condition becomes null and void if the applicant purchases the 708 and 714 Randolph Street lots and combines them with the 2930 Bristol Street property.
6. Approval of the variance from front setback requirements shall remain in effect only as long as a City-approved parking lot exists at

- 708 and 714 Randolph Avenue.
7. Approval of the variance from front setback landscape requirements shall be for a period of 10 years. If the applicant wishes to request an extension of time for the variance, a complete application for the extension shall be submitted prior to the expiration of the variance.
 8. A land use restriction, to notify future property owners of the time limits of the variance, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
 - Eng. 9. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
 - Police 10. A list of security recommendations has been provided by the Police Department for the applicant's consideration.

Overview Map



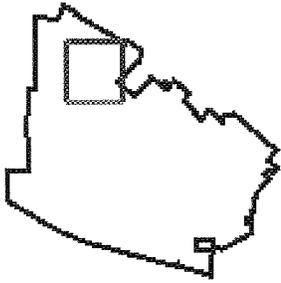
Map Display



Legend

Street Names	MG
Parcel Lines	MP
Zoning	P
AP	PDC
C1	PDI
C1-S	PDR-HD
C2	PDR-LD
CL	PDR-MD
IBR	PDR-NCM
IBR-S (cont)	R1
	R2-MD
	R2-MID
	R3
	(cont)

Overview Map



Map Display



Legend

- Street Names
- Parcel Lines
- Level 2 Ortho Photo
- Parcels
- ROW Polygons

david lieberman { ARTISTS'
REPRESENTATIVES

VI.2
PA-07-36

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JAN 30 2008

1/29/08

City of Costa Mesa
Planning Commission
PO Box 1200
Costa Mesa, CA 92628-1200

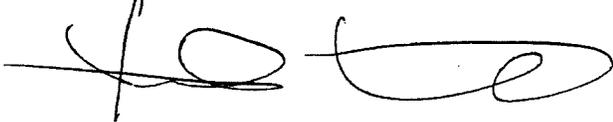
To Whom it may concern;

This letter is written in support of Planning Application
PA-07-36 for a wine bar to be located at 2930 Bristol Street.

I am a property owner at 2900 Bristol Street, Suites C-201 and
C-202. I believe the additon of a wine bar in the neighborhood
will increase the value of my property and enhance the quality
of life in the immediate area.

Please feel free to share this letter with all interested parties
and to contact me with any questions.

Sincerely,



David Lieberman, President

Post Office Box 10368
Newport Beach, CA 92658

T 714-979-4700

F 714-979-4740

W dartists.com