



# **PLANNING COMMISSION AGENDA REPORT**

**VI.4**

MEETING DATE: FEBRUARY 11, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-07-38  
741 BAKER STREET**

**DATE: JANUARY 31, 2008**

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

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of a conditional use permit to allow the expansion of an existing bar/lounge with sales of alcoholic beverages past 11:00 p.m. within 200 feet of a residential zone, and a minor conditional use permit to deviate from shared parking requirements.

## **APPLICANT**

The applicant is George Forbes, authorized agent for Boris Pirih and Jacob Logar, the owners of the property.

## **RECOMMENDATION**

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

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MEL LEE, AICP  
Senior Planner

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KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 741 Baker Street Application: PA-07-38  
 Request: Conditional use permit to allow the expansion of an existing bar/lounge with sales of alcoholic beverages past 11:00 p.m. within 200 feet of a residential zone, and a minor conditional use permit to deviate from shared parking requirements.

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: C1 North: (Across Baker St.) R3, residential uses  
 General Plan: General Commercial South: MG, industrial uses  
 Lot Dimensions: N/A East: C1, commercial uses  
 Lot Area: 48,218 SF West: (Across Randolph Av.) MG, industrial uses  
 Existing Development: Retail commercial center and parking

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Floor Area Ratio (Retail Center):		
Moderate Traffic FAR	.30 (14,465 SF)	.25 (12,220 SF)
<b>Parking</b>		
Standard	76	72
Handicapped	4	4
<b>TOTAL:</b>	<b>80 Spaces (1)</b>	<b>76 Spaces (2)</b>

- (1) Based on shared parking requirements.
- (2) Deviation requested – see staff report discussion.

CEQA Status Exempt, Class 1 (Existing Facilities)  
 Final Action Planning Commission

## **BACKGROUND**

On May 11, 1992, Planning Commission approved Conditional Use Permit PA-92-32 to allow the expansion of the existing bar/lounge (The Huddle) into an adjacent 774 square foot tenant space. The proposal also included enclosing an existing 132 square foot portico at the rear of the building for an office, which was denied. The approval of the expansion and the denial of the enclosing of the portico was upheld by the City Council on June 15, 1992. The expansion was never constructed and the conditional use permit expired.

## **ANALYSIS**

### **Conditional Use Permit**

The applicant is proposing to expand the bar/lounge as previously approved under PA-92-32 into an adjacent 774 square-foot space, which is currently vacant. The expansion will provide additional seating and pool tables. Live entertainment and dancing are not provided at the establishment. The establishment does not have kitchen facilities and food service is limited to pre-prepared "happy hour" foods. The hours of operation (10:00 a.m. to 2:00 a.m., seven days a week) will remain unchanged.

Although the subject property is within 200 feet of a residential zone, the tenant space, including the expanded area, is set back approximately 182 feet from the nearest residential uses across Baker Street. There has not been a history of Code Enforcement or Police problems associated with the use. The business appears to be a relatively low-key use. Consequently, with the recommended conditions of approval, staff does not have a concern with the proposed expansion.

### **Deviation from Shared Parking**

Based upon shared parking requirements, 80 parking spaces are required for the existing commercial uses within the center, including the proposed expansion; 76 on-site parking spaces are provided. This 4 space shortfall requires approval of a minor conditional use permit to deviate from the shared parking calculation.

In the original approval for the expansion granted under PA-92-32, the applicant cited that the highest parking demand for the use occurs after 7:30 p.m., when most of the other businesses within the multi-tenant center are closed. This is still the case; as a result, staff believes the expansion would not create parking impacts on the subject site or surrounding properties.

### **Other Issues**

The property is located within the South Bristol Entertainment and Cultural Arts (SoBECA) Urban Plan. The urban plan objectives include encouraging mixed use development that combines residential and nonresidential uses, the reuse of existing structures, and sensitive integration of new development with the surrounding areas.

The proposed expansion does not activate the urban plan requirements, nor does it conflict with its goals.

**GENERAL PLAN CONFORMITY**

The use is permitted in the C1 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 approve it with modifications; 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 operation of the existing business, the proposed expansion, with the recommended conditions of approval, will not create any adverse impacts on the subject site or surrounding properties.

Attachments:       Draft Planning Commission Resolution  
                          Exhibit "A" - Draft Findings  
                          Exhibit "B" - Draft Conditions of Approval  
                          Applicant's Project Description  
                          Staff Report for PA-92-32  
                          Zoning/Location Map  
                          Plans

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

George Forbes  
741 Baker Street  
Costa Mesa, CA 92626

Boris Pirih and Jacob Logar  
1210 North Jefferson, Unit J  
Anaheim, CA 92807

**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-07-38**

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

WHEREAS, an application was filed by George Forbes, authorized agent for Boris Pirih and Jacob Logar, owners of real property located at 741 Baker Street, requesting approval of a conditional use permit to allow the expansion of an existing bar/lounge with sales of alcoholic beverages past 11:00 p.m. within 200 feet of a residential zone, and a minor conditional use permit to deviate from shared parking requirements; 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-07-38 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-07-38 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.**

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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 expansion was previously approved by the Planning Commission as PA-92-32. Although the subject property is within 200 feet of a residential zone, and the tenant space, including the expanded area, is set back approximately 182 feet from the nearest residential uses across Baker Street. There has not been a history of Code Enforcement or Police problems associated with the use. 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, the highest parking demand for the use occurs after 7:30 p.m., when the other businesses within the multi-tenant center are closed. As a result, the expansion would not create parking impacts on the subject site or surrounding properties. 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. 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-07-38 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  5. Dancing and live entertainment shall be prohibited.
  6. There shall be no kitchen facilities and food service shall be limited to pre-prepared "happy hour" type foods.
  7. The portico area in the southeastern section of the building shall remain open and unenclosed.
  8. The use shall be limited to the type of operation described in this staff report. i.e., a bar/lounge with no live entertainment or dancing. 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.
  9. 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.
  10. Hours of operation shall be limited to 10:00 a.m. to 2:00 a.m., seven days a week.
  11. Music shall not be audible beyond the area under the control of the licensee.
  12. 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.
  13. There shall be no room or designated area reserved for the exclusive use of designated persons or "private club members."

14. 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.
15. There shall be no sales of alcoholic beverages for off-site consumption.

**R. A. JEHEBER  
PLANNING & DESIGN**

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

DEC 10 2007

Melvin E. Lee  
77 Fair Drive  
Costa Mesa, CA 92628-1200

**Re: 741 Baker Street / The Huddle**

Dear Mel,

The Huddle is a 3040 sq. ft. unit cocktail lounge and requires 31 parking spaces (10 spaces per 1,000 sq. ft. for the first 3,000 sq. ft; 20 spaces per 1,000 sq. ft. for each additional 1,000 sq. ft. above the first 3,000 sq. ft.) The proposed hours of operation are 10:00am to 2:00am everyday of the week. The greatest business activity and customer traffic takes place after 8:30 p.m., which is after the majority of adjacent retail uses have closed. Also, Friday is the weekday that generates the most business activity.

The scope of the business would not include live entertainment or dancing. Music is currently provided by an existing juke box. There are no kitchen facilities on site.

At a public hearing on June 15, 1992, the Planning Commission approved a Conditional Use Permit PA-92-32 to allow a bar within 200 feet of residentially zoned property to expand into the adjacent 774-square foot suite; and denied a request to enclose a 132-square foot portico at 741 Baker Street in a C-1 zone.

The entire center is a 12,088 sq. ft. of mixed uses, sharing a total of 76 parking spaces. There is currently only one vacant space, which is the area the Huddle has signed a lease to occupy. Listed below are the operating hours and square footage of all the tenants for the entire center. The following units in "black" operate during the day time only and close several hours before the Huddle's "peak hours" of operation; therefore create no real demand for parking Sunday through Saturday.

Unit	Type of Business	Hours of Operation	Sq. Footage
A	"Farmers Insurance"	9:00am to 5:00pm M-F	545 sq. ft.
B	"C&M Printing"	9:00am to 5:00pm M-F	680 sq. ft.
C	"Ikko Sushi"	11:30am to 2:30pm and 6:00pm to 10:00pm M-S	816 sq. ft.
D	"Hair Shanty"	10:00am to 7:00pm M-S	567 sq. ft.
E	"The Huddle" (741 Baker Street)	10:00am to 2:00am S-S	3040 sq. ft.
F	"Eagle USA"	10:30am to 7:30pm M-F 10:30am to 7:00pm Sat. 10:30am to 6:00pm Sun.	2240 sq. ft.
G	"Kumon Institute"	2:30pm to 6:00pm M-F 9:30am to 12:00pm Sat.	1120 sq. ft.

H	“Lotions & Lace”	10:00am to 9:00pm M-Thurs. 10:00am to 10:00pm Fri & Sat. 11:00am to 6:00pm Sun.	3080 sq. ft.
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Total Sq. Ft. Represented	12088 sq. ft.
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Parking demand freed up by these:      Parking allocated to Unit “E” based on total sq. ft.

<u>5,152</u> x 76 spaces = 33 spaces	<u>3,040</u> x 76 spaces = 20 spaces
12,088	12,088

Therefore, Sunday through Saturday there are essentially 53 spaces available to Unit “E”.

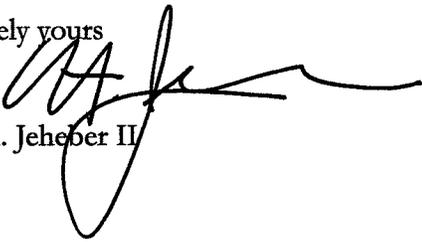
Parking demand is further reduced M-F after 7:00 pm when units “D” and “F” close. These total 2,807 sq. ft. of use and after 7:30 pm reduce parking demand by an additional 17 spaces.

The operation of unit “C” (representing 816 sq. ft.) overlaps us by one hour Monday through Saturday. Unit “H” (representing 3,080 sq. ft.) overlaps somewhat on Friday and Saturday by only one hour. Units “A” and “B” (representing 1,225 sq. ft.) are closed during the weekend operating hours and more than compensates.

These calculations demonstrate that there is adequate parking to allow for approval of a minor conditional use permit for the addition to the existing cocktail lounge use.

My client and I appreciate your willingness to consider the special circumstances related to our project. Please do not hesitate to call if you have any further questions or need further substantiating information.

Sincerely yours



Rod A. Jeheber II

*expired because  
permits were never  
pulled. UBR*

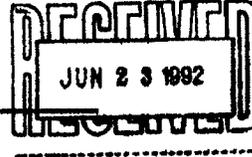


**CITY OF COSTA MESA**

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE CITY CLERK



TO: Mr. Jere W. Lowe  
741 West Baker St.  
Costa Mesa, CA 92626

DATE: June 23, 1992

RE: Planning Action PA-92-32

FROM: OFFICE OF THE CITY CLERK

CC: Boris Pirih and Jacob Logar  
Planning Division ✓  
Engineering Division

At the regular City Council meeting held on Monday, June 15, 1992, the above was considered and the following action was taken:

Council upheld the Planning Commission's decision for Planning Action PA-92-32, by approving expansion of the business into the adjacent 774-square-foot suite, and denying your request to enclose the 132-square-foot portico.

Very truly yours,

*Eileen P. Phinney*  
EILEEN P. PHINNEY, City Clerk

me

*me*

PLANNING DIVISION STAFF REPORT

AGENDA NO. G.h.

SITE LOCATION 741 Baker Street

APPLICATION NO. PA-92-32

AP # 418-162-01

MANDATORY ACTION DATE October 20, 1992

APPLICANT Boris Pirih and Jacob Logar  
(Owner of Record)

AUTHORIZED AGENT Jere W. Lowe

ADDRESS 714 La Cresta  
Anaheim, CA 92806

ADDRESS 741 West Baker Street  
Costa Mesa, CA 92626

Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

PREPARED BY Steven C. Clarke  
Assistant Planner *SCC*

DATE PREPARED April 27, 1992

LAST UPDATE May 11, 1992

REQUEST:

Conditional Use Permit to allow an existing bar within 200 feet of residentially-zoned property, to expand into the adjacent 774 square foot suite and enclose a 132 square foot portico.

STAFF RECOMMENDATION:

1. Approve expansion into adjacent suite, subject to conditions.
2. Deny request to enclose portico area.

FINAL COMMISSION ACTION: May 11, 1992

Approved expansion into adjacent suite, subject to conditions with the deletion of Ordinance and Code Provisions #6 and #8 and denied request to enclose portico area based upon Planning Staff analysis and findings contained in the Planning Division Staff Report.

(3-0, Mr. Dunn was absent, Mr. Clarke abstaining)

APPLICANT NOTIFIED ns DATE May 13, 1992

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92628-1200 (714) 754-5245



**I. PLANNING COMMISSION MEETING OF APRIL 27, 1992**

Staff recommends that this item be continued to the Planning Commission meeting of May 11, 1992 to allow a more detailed analysis of the impact the request will have on the trip budget for this site.

**II. DESCRIPTION**

**A. Subject Property**

1. Location - 741 Baker Street
2. General Plan Designation - General Commercial
3. Zone - C1
4. Present Development - Two multi-tenant retail buildings totaling approximately 12,000 sq. ft.
5. Lot Area - 48,352 sq. ft. (1.11 ac.)
6. CEQA - Exempt

**B. Surrounding Property**

1. North - (across Baker Street) R3, condominiums
2. South - MG, misc. industrial uses
3. East - C1, night club and misc. retail
4. West - (across Randolph Avenue) C2, misc. retail

**C. Request**

Conditional Use Permit to allow an existing bar within 200' of residentially zoned property to expand into the adjacent 774 sq. ft. suite and enclose a 132 sq. ft. portico.

**D. Background**

In February of 1967, a building permit was issued for an interior alteration to add the cocktail lounge now known as the "Huddle".

**III. PROJECT DESCRIPTION**

The applicant requests an expansion of the existing 2,266 sq. ft. cocktail lounge into the adjacent 774 sq. ft. suite. The applicant also proposes to enclose a 132 sq. ft. portico located along the southeastern corner of the building. The expansion into the adjacent suite will be used for increased customer area with three pool tables, island bars and storage as depicted on the submitted plans. The enclosed portico, currently used for storage, is proposed as additional office space.

Current hours of operation are 10:00 a.m. to 2:00 a.m., seven days a week and are not proposed to change with the requested expansion. The applicant has stated that the greatest business activity and customer traffic takes place after 7:30 p.m., which is after the majority of adjacent retail uses have closed. Also, Friday is the weekday that generates the most business activity.

The scope of the business would not include live entertainment or dancing. Music is currently provided by an existing juke box. There are no kitchen facilities on site and the applicant has stated that the only food served is pre-cooked, "happy-hour" type snack food, prepared in a microwave.

Because the facility is within 200' of residentially-zoned property, a Conditional Use Permit is required.

**IV. PLANNING STAFF ANALYSIS**

On March 16, 1992, City Council adopted a General Plan that implemented both a floor area ratio limit and trip budget for project approval. The General Plan designation for the site in question is General Commercial which allows a maximum retail floor area ratio of .30. The existing floor area ratio on site is .25, thus the FAR is acceptable.

Trip budget calculations for the proposed expansion, however, are more restrictive in regard to allowable expansion square footage. Trip budget calculations for this site allow a maximum of 33.9 a.m. and 54.4 p.m. peak trips. Calculation of the actual trip generation for the site based on a site use classification of General Commercial yields an a.m. peak of 21 trips and a p.m. peak of 74.8 trips. The p.m. peak trip generation for the site exceeds the allowable p.m. trip budget (54.4 allowed; 74.8 generated). Therefore, the addition of building square footage would not be permitted because any expansion of the existing building would be inconsistent with the newly adopted General Plan. The request to enclose the portico area at the southeastern corner of the building cannot be supported by Staff.

The request to occupy the adjacent vacant suite can be processed because the building is existing and no additional square footage is proposed in conjunction with this portion of the request. Analysis is based upon compliance with ordinance requirements such as parking and landscape standards, as well as compatibility of the use with surrounding land uses.

The site plan submitted by the applicant depicts 76 standard sizes stalls on site. A site inspection by Staff confirmed that this is accurate. The amount of parking required with the proposed expansion of the bar (excluding the portico enclosure) would be 75 spaces. Two additional spaces (77 total) would have been required with the enclosure of the portico area. The applicant had proposed the restriping of some of the existing spaces to compact spaces to increase the amount of parking on site. Because the portico expansion is not permitted as discussed above, and adequate parking is provided on site, parking reconfiguration through restriping is not necessary.

There is residentially-zoned property north of the subject site across Baker Street. The property is developed with residential condominiums. The existing bar and proposed expansion are located in the southern portion of the building and would be buffered from the residential property by the remaining retail suites to the north as well as the width of Baker Street. No formal complaints have been filed with the Code Enforcement section regarding the existing operation. Police concerns regarding the existing operation are also minimal. These factors lead Staff to believe that the operation of the existing bar has not had a negative impact on the sensitive residential land uses to the north.

The proposed expansion appears to be compatible with the surrounding area and, with the deletion of the portico enclosure, the request meets the City's parking requirements. The trip budget limit imposed by the General Plan restricts Staff ability to recommend approval of the proposed portico enclosure. With the deletion of the portico enclosure request, Staff will support the expansion.

V. PLANNING STAFF FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-347 in that the proposed expansion (excluding portico enclosure) of the existing cocktail lounge into the adjacent 774 sq. ft. suite is substantially compatible with developments in the same general area; granting of 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; and granting of 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.

- B. The project is consistent with Article 22-1/2, Transportation Systems Management, of the Costa Mesa Municipal Code in that no intersection to which the project contributes measurable traffic shall operate at less than the Standard Level of Service as a result of project implementation.

VI. PLANNING STAFF RECOMMENDATION

1. Approve expansion into adjacent suite, subject to conditions.
2. Deny request to enclose portico area.

VII. CONDITIONS, IF APPROVED

Shall meet all requirements of the various City Departments, copy attached hereto.

CONDITIONS OF APPROVAL

- Plng. 1. Approval of the Planning Action is valid for one (1) year and will expire at the end of that period unless building permits are obtained or the applicant applies for and is granted an extension of time.
2. Approval shall be for a period of one year. Prior to expiration, applicant may request renewal, subject to reevaluation at that time. The Development Services Director may extend the Planning Action for a period not to exceed two (2) years if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable Ordinance requirements. 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.
3. There shall be no dancing or live entertainment permitted on site.
4. Food service shall be limited to that described in the Background section of this report.
5. 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.
6. The portico area in the southeastern section of the building shall remain open and unenclosed.

ORDINANCE AND/OR CODE PROVISIONS

The following list of Federal, State, and local laws applicable to the project has been compiled by Staff for the applicant's reference.

- Plng. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final occupancy and utility releases will not be granted, and final inspections will not be granted until all such licenses have been obtained.
2. Development shall comply with all requirements of Article 16, Chapter II., Title 13 of the Costa Mesa Municipal Code.
3. All on-site utility services (Edison and Telephone) shall be installed underground or provisions made for future undergrounding, if it is impractical at this time.
4. Installation of all utility meters shall be performed in a manner so as to obscure said installation from view from any place on or off the property. Said installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box, and shall be installed in accordance with standard plans and specifications of the City of Costa Mesa.
5. Any mechanical equipment such as air-conditioning compressors and duct work shall be screened from view.
6. All property line fences shall be repaired or replaced as necessary under the direction of the Planning Division.
7. All compact parking spaces shall be clearly marked "compact" or "small car only".
8. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces.
- Bldg. 9. Comply with the requirements of the Uniform Building Code as to design and construction.

- Fire
10. Provide fire extinguishers with a minimum rating of 2A to be located within 75 feet of travel distance from all areas. Extinguishers may be of a type rated 2A,10BC as these extinguishers are suitable for all types of fires and are less expensive.
  11. A Fire Department permit for place of assembly is required.

**SPECIAL DISTRICT REQUIREMENTS**

The requirement of the following special district is hereby forwarded to the applicant:

- Sani. 1. Applicant to pay all applicable Sanitary District fixture fee charges [(714) 754-5307].

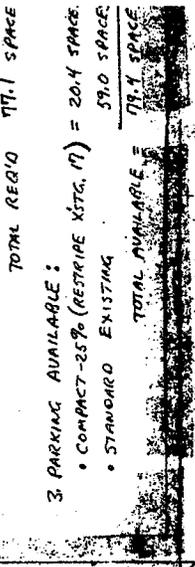
**FOR APPLICANT'S INFORMATION**

2. The Conditions of Approval and Ordinance or Code Provisions of Planning Action PA-92-32 shall be blueprinted on the face of the site plan.

SCC(PA9232)

**PARKING ANALYSIS**

- OFFICE AND RETAIL STORES  
SEATING 12 OR LESS = 7441 # @ 0.04 = 298 SPACES
- RETAIL SEATING 12 OR MORE:
  - THE PIERA PLACE, 597 # @ 0.10 = 60 SPACES
  - GORDIE'S ORLI, 793 # @ 0.10 = 79 SPACES
  - THE HUDDLE, 3000 # @ 0.10 = 300 SPACES
  - MP2 # @ 0.20 = 150 SPACES
- PARKING AVAILABLE:
  - COMPACT-25% (RESTRIKE XSTG. 17) = 20.4 SPACE
  - STANDARD EXISTING = 59.0 SPACE
  - TOTAL AVAILABLE = 79.4 SPACE



BLDG 1  
5678 SQ. FT.

PROPOSED:  
HUDDLE EXPANSION  
774 #

PROPOSED ENCLOSURE  
OF XSTG. PORTICO  
(132 SQ. FT.)



SCALE 1" = 20'

PROPOSED EXPANSION:  
OF  
THE HUDDLE  
741 BAKER ST.  
COSTA MESA, 92626  
(714) 540-5515

BUILDING OWNER: RFS TRUCK CO.  
HUDDLE PROJECTOR: GREGORY BAKER, INC.  
VERE H. LOWE ARCHT.

SHEET 1 OF 2

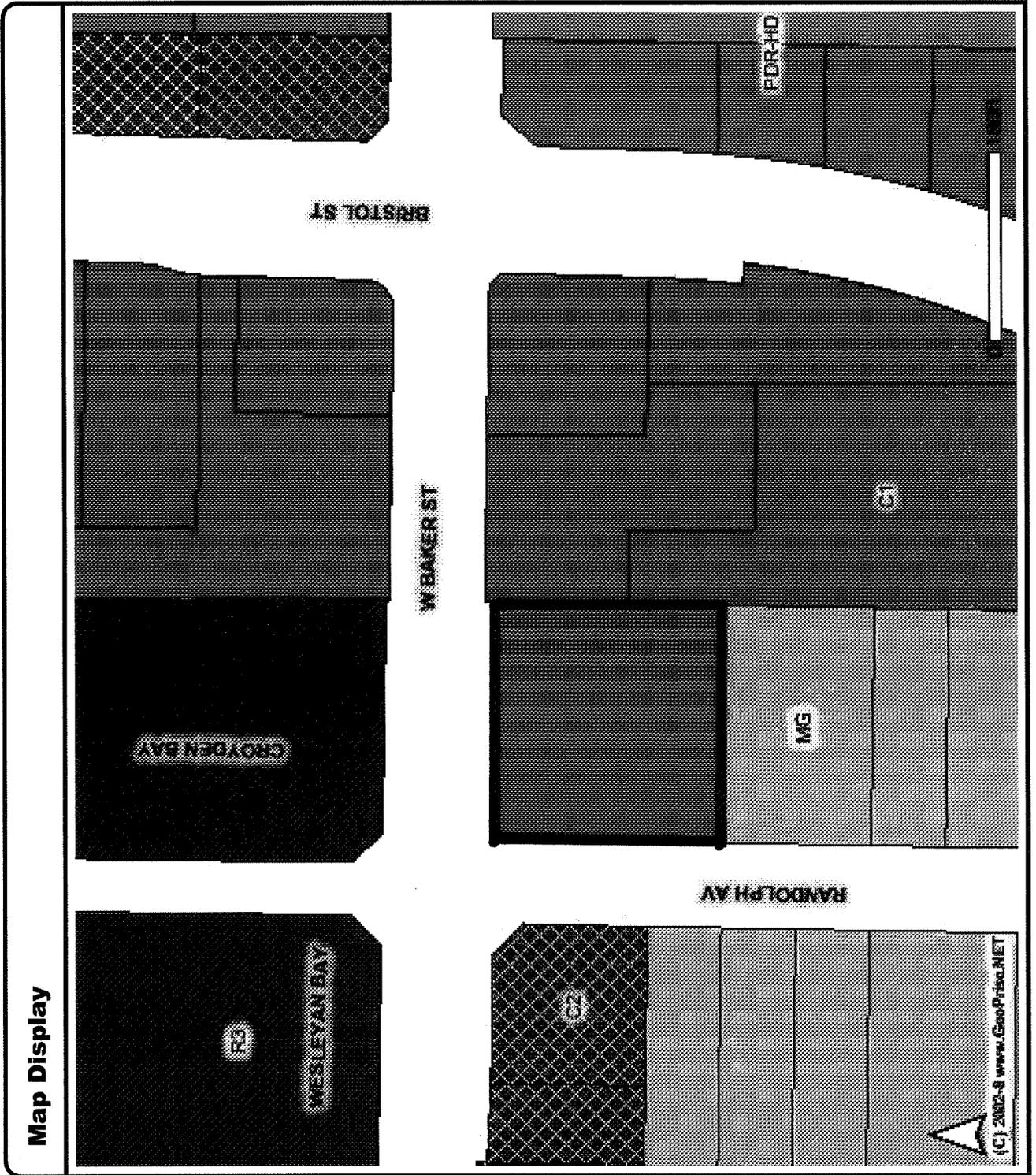
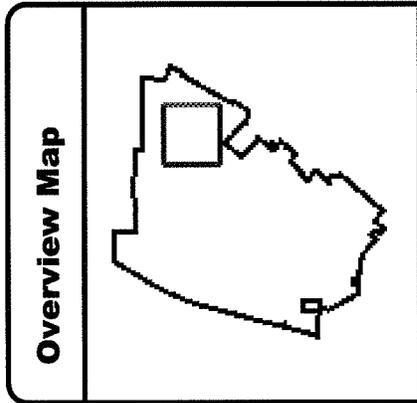
BAKER STREET

RANDOLPH AVENUE

12

PA2232.XC  
BDD

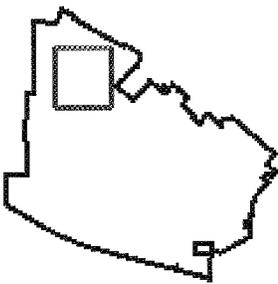




### Legend

Street Names	MG
Parcel Lines	MP
Zoning	P
AP	POC
C1	POI
C1-S	PDR-HD
C2	PDR-LD
CL	PDR-MD
IBLR	PDR-NCM
IBLR-S	R1
(cont)	R2-HD
	R2-MD
	R3
	(cont)

**Overview Map**

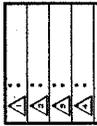


**Map Display**

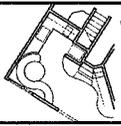


**Legend**

- Street Names
- Parcel Lines
- Level 2 Ortho Photo
- Ortho Photography
- Parcels
- ROW
- Polygon-5



R.A. JEHBERG  
 PLANNING / DESIGN CONSULTANT  
 410 32nd STREET, SUITE 202  
 NEWPORT BEACH, CALIFORNIA  
 (949) 723-4393 FAX: (949) 723-0719



**SITE PLAN**

CONDITIONAL USE PERMIT PLANS FOR:  
**THE HUDDLE**  
 PROJECT ADDRESS:  
 741 BAKER STREET  
 COSTA MESA, CALIFORNIA

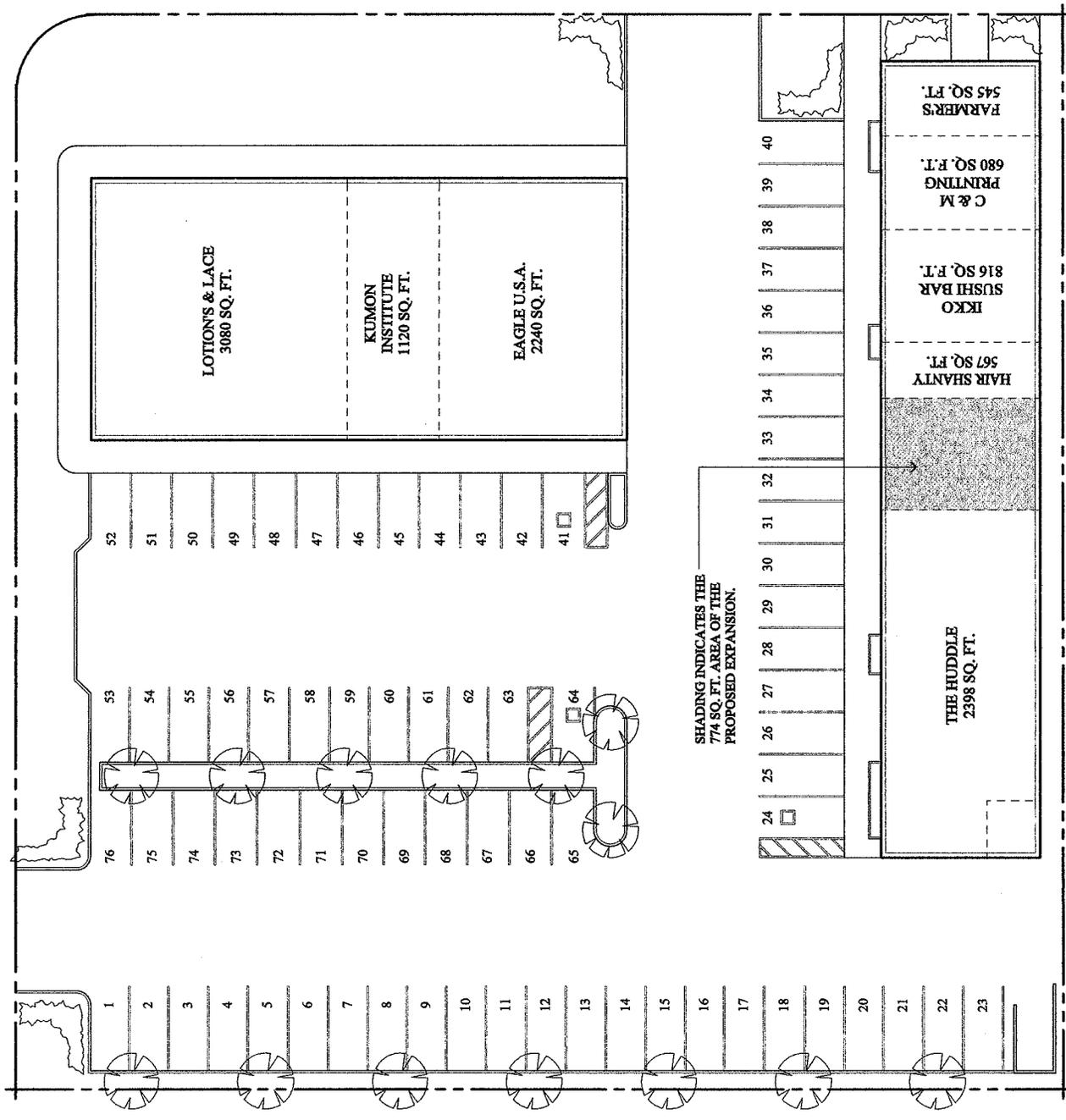
DATE:  
 05/03/07 2:51 PM  
 DRAWN BY:  
 2006-55

SCALE: 3/32" = 1'-0"  
**SP-1**

CENTERLINE OF RANDOLPH AVENUE

CENTERLINE OF BAKER STREET

**SITE PLAN**









# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: FEBRUARY 11, 2008

VI.5  
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-43  
1548 ADAMS AVENUE, UNITS A THROUGH C

DATE: JANUARY 31, 2008

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

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## **PROJECT DESCRIPTION**

The applicant is requesting approval of a conditional use permit to allow an expansion of an existing liquor store (Party Time Liquor).

## **APPLICANT**

The applicant is Linda Kenski, authorized agent for Sparks Enterprises, the owner of the property.

## **RECOMMENDATION**

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

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MEL LEE, AICP  
Senior Planner

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KIMBERLY BRANDT, AICP  
Asst. Development Services Director



## **BACKGROUND**

The retail building was constructed in the early 1960's, which also coincides with the time the liquor store was established on the property; at that time, approval of a conditional use permit for liquor stores was not required.

The retail building is currently being renovated. Part of the renovation involves the expansion of the liquor store, which occupied units A and B, into the abutting vacant unit C. Because the expansion will result in an increase in floor area that exceeds 500 square feet (1,007 square feet is proposed) approval of a conditional use permit is required per Code Section 13-200.71.

## **ANALYSIS**

The applicant proposes operating the store between 8:00 a.m. and 12:00 midnight, seven days a week. The expansion is not anticipated to create adverse impacts to residential properties because the tenant space (including the expanded area) is set back approximately 254 feet from the residential uses at the rear of the property, across Elm Avenue. Additionally, it is anticipated that the majority of the patrons will use the parking spaces adjacent to the liquor store. The use will not result in an increase in the number of off-sale alcoholic beverage control (ABC) licenses because the existing license for the liquor store will remain with the business when it reopens. There has not been a history of Code Enforcement or Police problems associated with the use. Based on these factors, and the recommended conditions of approval, staff does not have a concern with the applicant's request.

## **GENERAL PLAN CONFORMITY**

The use is permitted in the C1 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 past history of the use and the recommended 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  
Zoning/Location Map  
Plans

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

Linda Kenski  
Kenski Properties, Inc.  
201 Covina Avenue, #7  
Long Beach, CA 90803

File: 021108PA0743	Date: 013108	Time: 9:45 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-07-43**

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

WHEREAS, an application was filed by Linda Kenski, authorized agent for Sparks Enterprises, owner of real property located at 1548 Adams Avenue, requesting approval of a conditional use permit to allow an expansion of an existing liquor store (Party Time Liquor); 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-07-43 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-07-43 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**

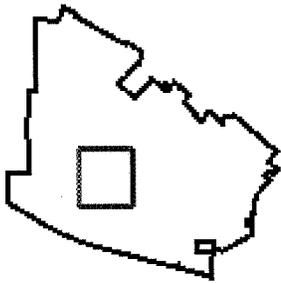
- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
  2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including 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. The expansion is not anticipated to create adverse impacts to residential properties because the tenant space (including the expanded area) is set back approximately 254 feet from the residential uses at the rear of the property and patrons will likely park adjacent to the store. The use will not result in an increase in the number of off-sale Alcoholic Beverage Control (ABC) licenses because the existing license for the liquor store will remain with the business when it reopens. There has not been a history of Code Enforcement or Police problems associated with the use. 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 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.
- D. 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, 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 use shall be limited to the type of operation described in this staff report. i.e., a liquor store. Any change in the operational characteristics including, but not limited to, hours of operation, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
  5. Hours of operation shall be limited to 8:00 a.m. to 12:00 midnight, seven days a week.
  6. Wine shall not be sold in bottles or containers smaller than 750 milliliters.
  7. No sale of beer in single cans or bottles (any size) shall be permitted. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of 2 or more gallons, which are clearly designed to dispense multiple servings.
  8. Beer, malt beverages, wine coolers or pre-mixed distilled spirit cocktails (if allowed by the license) packed in 16-ounce containers or smaller, may not be sold as single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
  9. Beer or wine shall not be displayed or sold from an ice tub or any other type of portable refrigerated unit.
  10. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business operator shall institute whatever security and operational measures are necessary to comply with this requirement.

11. The business operator shall post signs inside and outside the premises prohibiting the on-site consumption of alcoholic beverages and loitering.
12. The business operator shall post signs inside and outside the premises in compliance with the City of Costa Mesa Municipal Code notifying the public with regard to the prohibition of open containers of alcohol beverages.
13. The business operator shall patrol the area over which the applicant has control in an effort to prevent the loitering of persons about the premises during hours the business is open.
14. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.

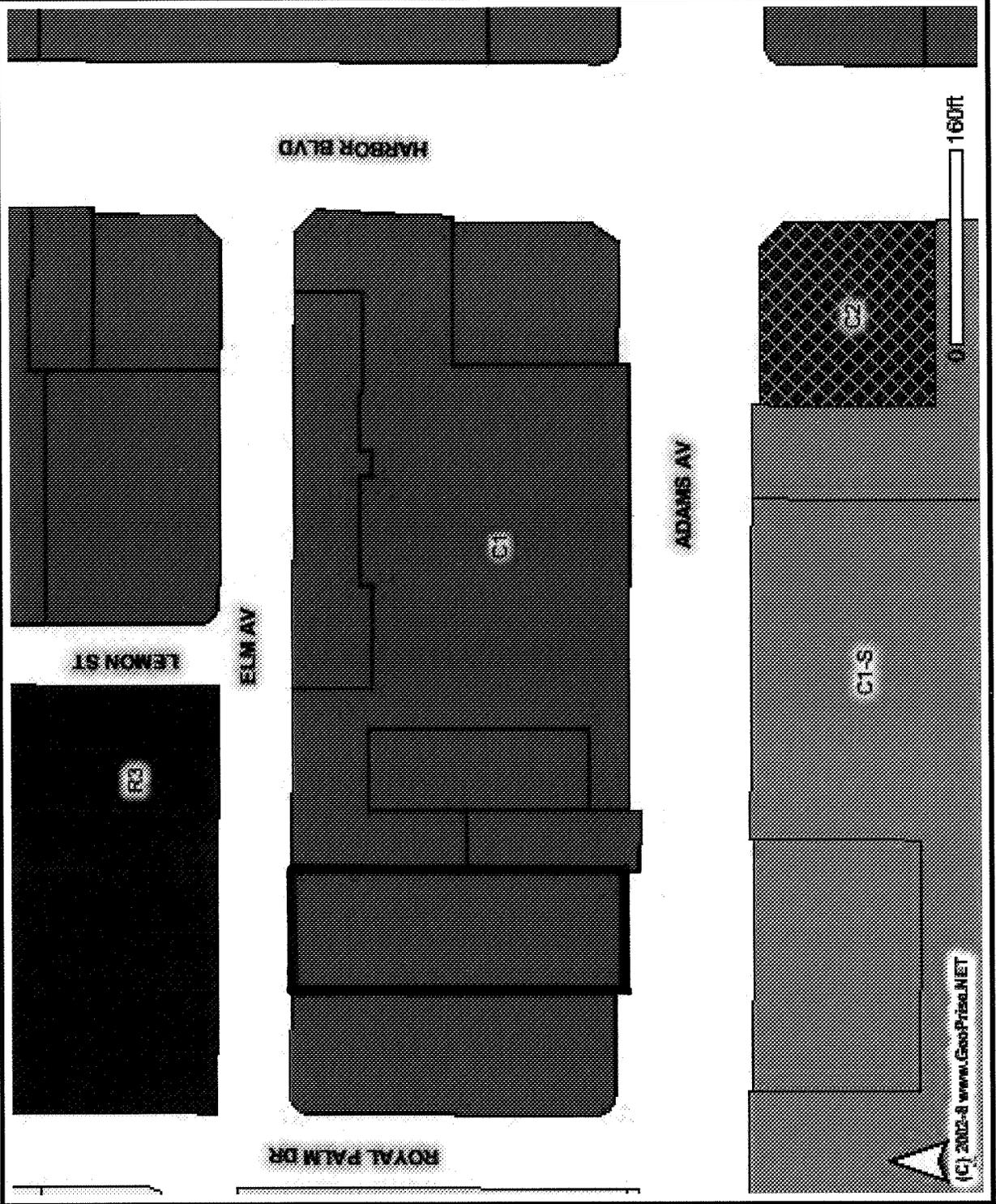
**Overview Map**



**Legend**

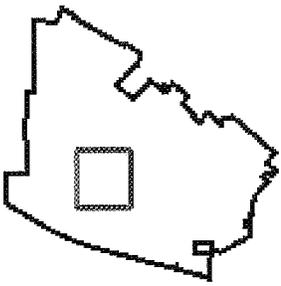
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Parcel Lines	MP
Zoning	P
AP	PDC
C1	PDI
C2	PDR-HD
CL	PDR-LD
IBLR	PDR-MD
IBLR-S (cont)	PDR-NCM
	R1
	R2-HD
	R2-MD
	R3
	(cont)

**Map Display**



(C) 2002-8 www.GeoPrise.NET

**Overview Map**



**Legend**

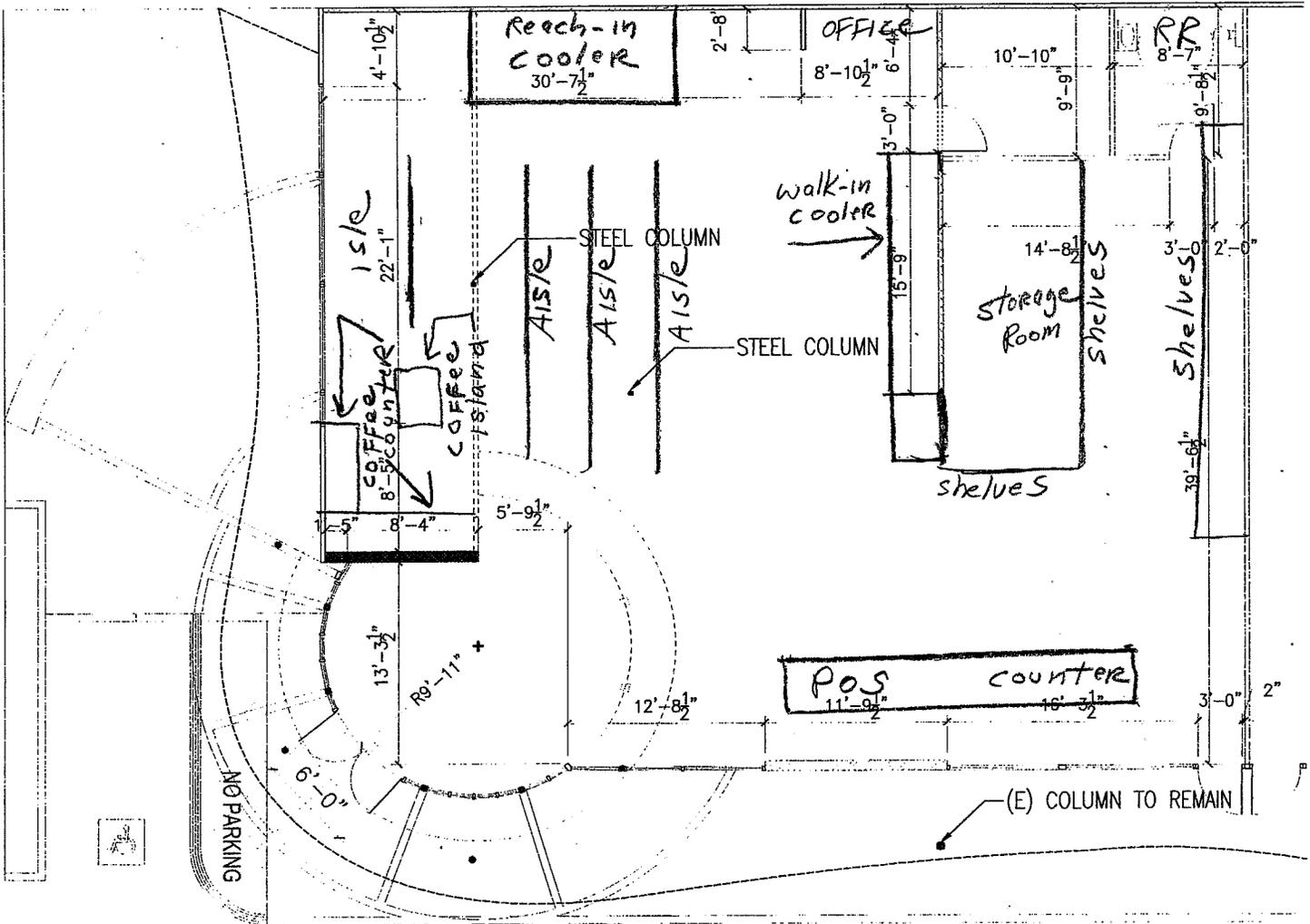
- Street Names
- Parcel Lines
- Level1 Ortho Photo
- Parcels
- ROW
- Polygon-s

**Map Display**









All columns to remain.  
 Dimensions are to lease line and are rounded up to the nearest inch. Area Calculations are based upon lease line.  
 This document identifies the perimeter configuration of the lease space only and shall not be used for construction. It is the responsibility of the Tenant to verify all dimensions and conditions prior to commencement of design drawings. Any discrepancies shall be brought to the attention of the Mall Management.

**1548 Adams Ave.**

1548 Adams Avenue  
 Costa Mesa, California

Tenant:	Sparks Enterprises, LLP		
Suite No.:	A & B + C	Drawn by: EQ	Reviewed by: JH
Project No.:	3SEHA006.C1	Date: 07.09.07	
Area:	2,999 S.F.	Scale: 3/32" = 1'-0"	

robinson hill architecture, inc.  
 p 714.825.8888  
 f 714.825.8889

HA-A/B

All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated.