



PLANNING COMMISSION AGENDA REPORT

VI.5

MEETING DATE: FEBRUARY 11, 2008

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

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.

Handwritten signature of Mel Lee in black ink.

MEL LEE, AICP
Senior Planner

Handwritten signature of Kimberly Brandt in black ink.

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

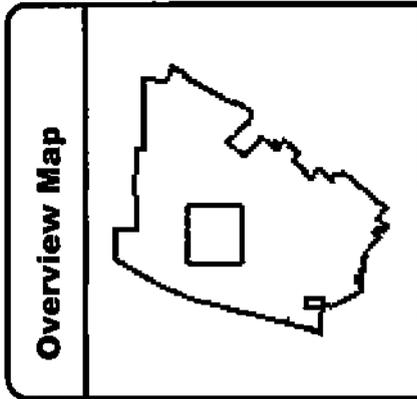
EXHIBIT "A"**FINDINGS**

- 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**

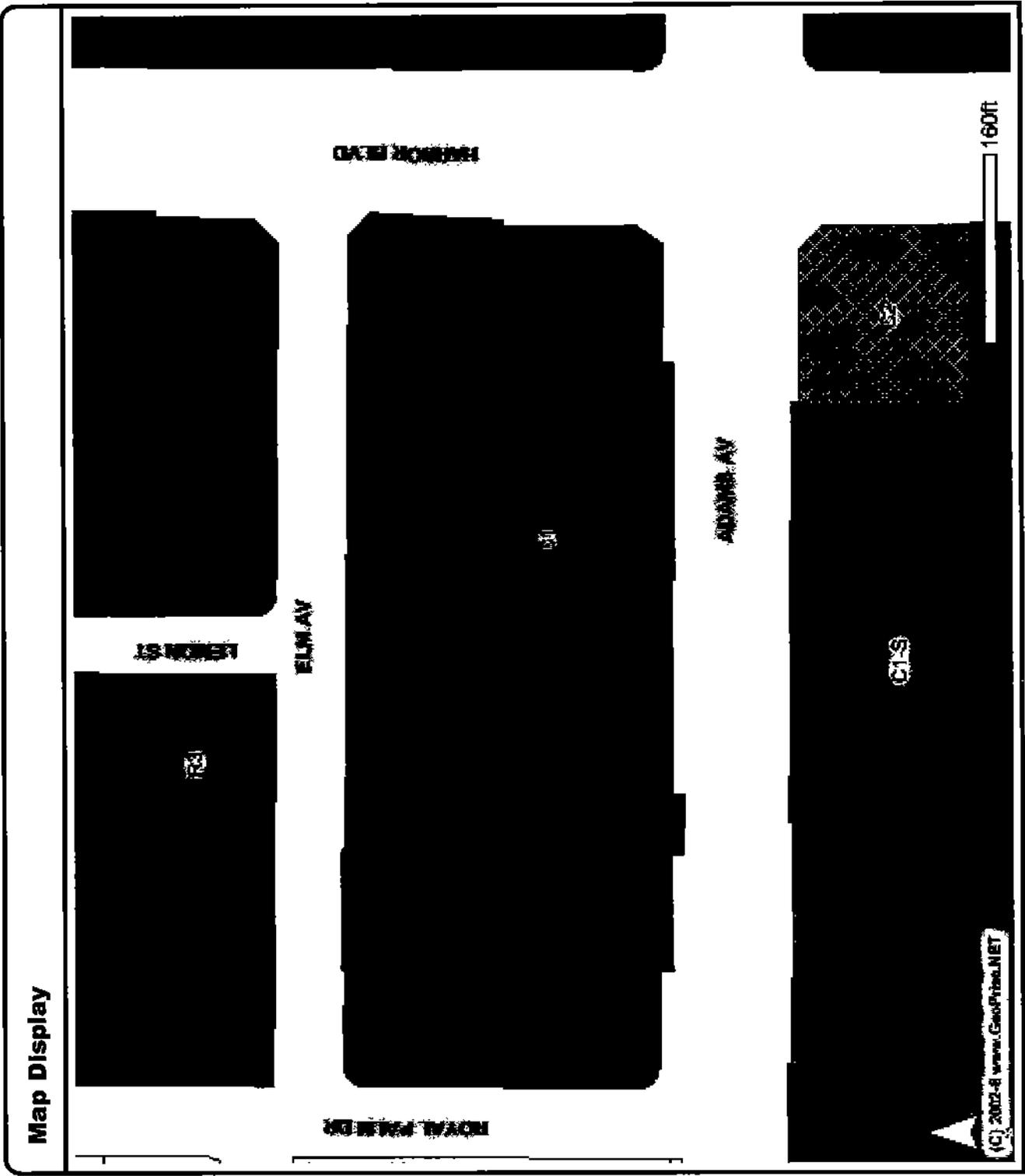
- Ping.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 2. The conditional 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 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.

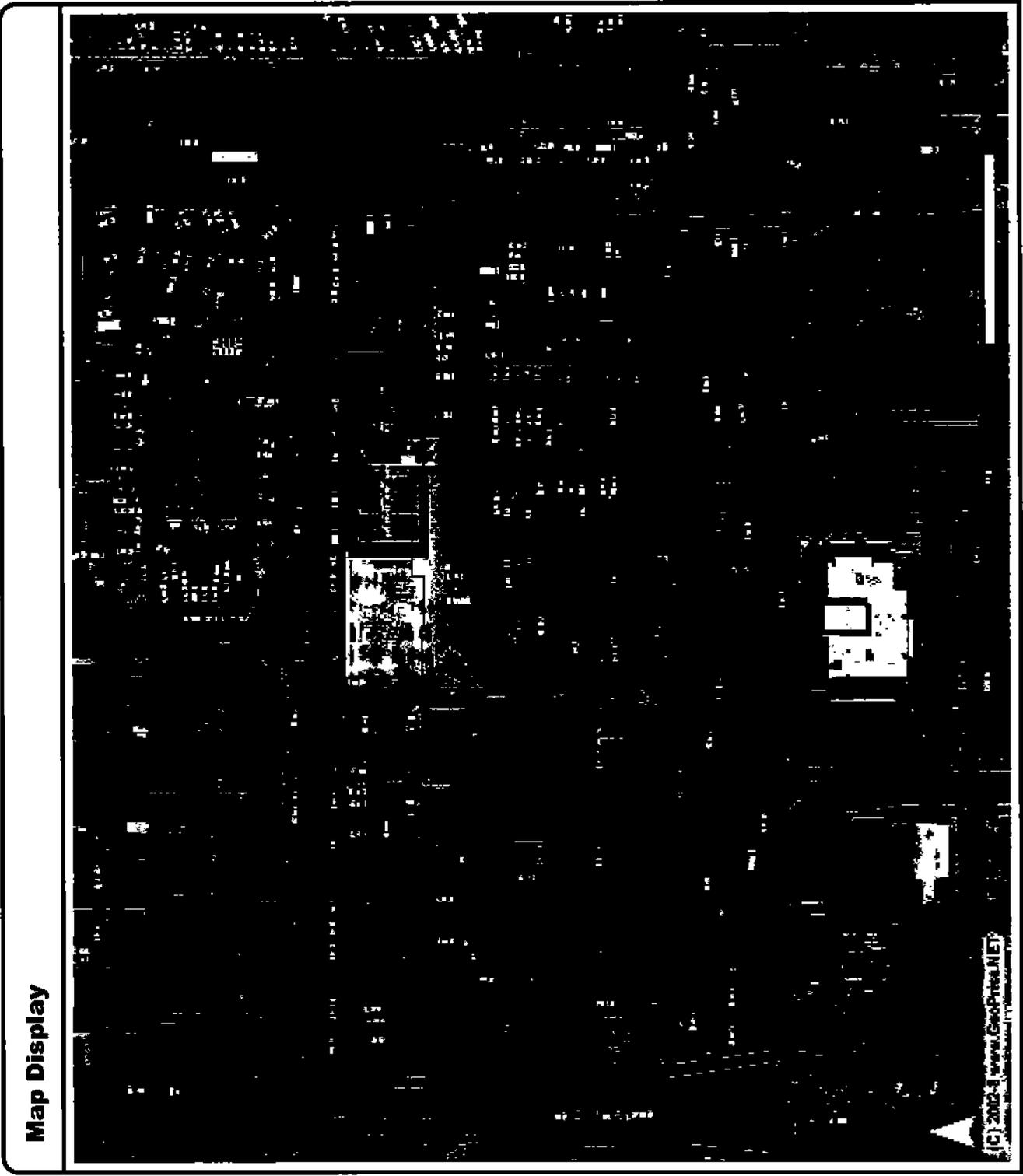
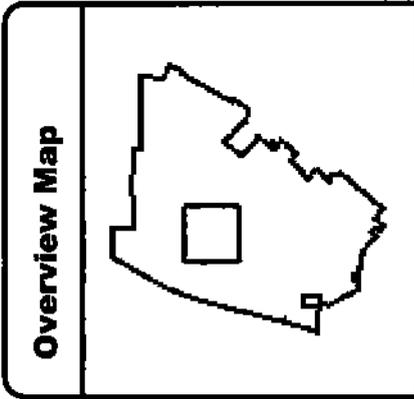
11. The business operator shall post signs inside and outside the premises prohibiting the on-site consumption of alcoholic beverages and loitering.
12. The business operator shall post signs inside and outside the premises in compliance with the City of Costa Mesa Municipal Code notifying the public 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.



Legend

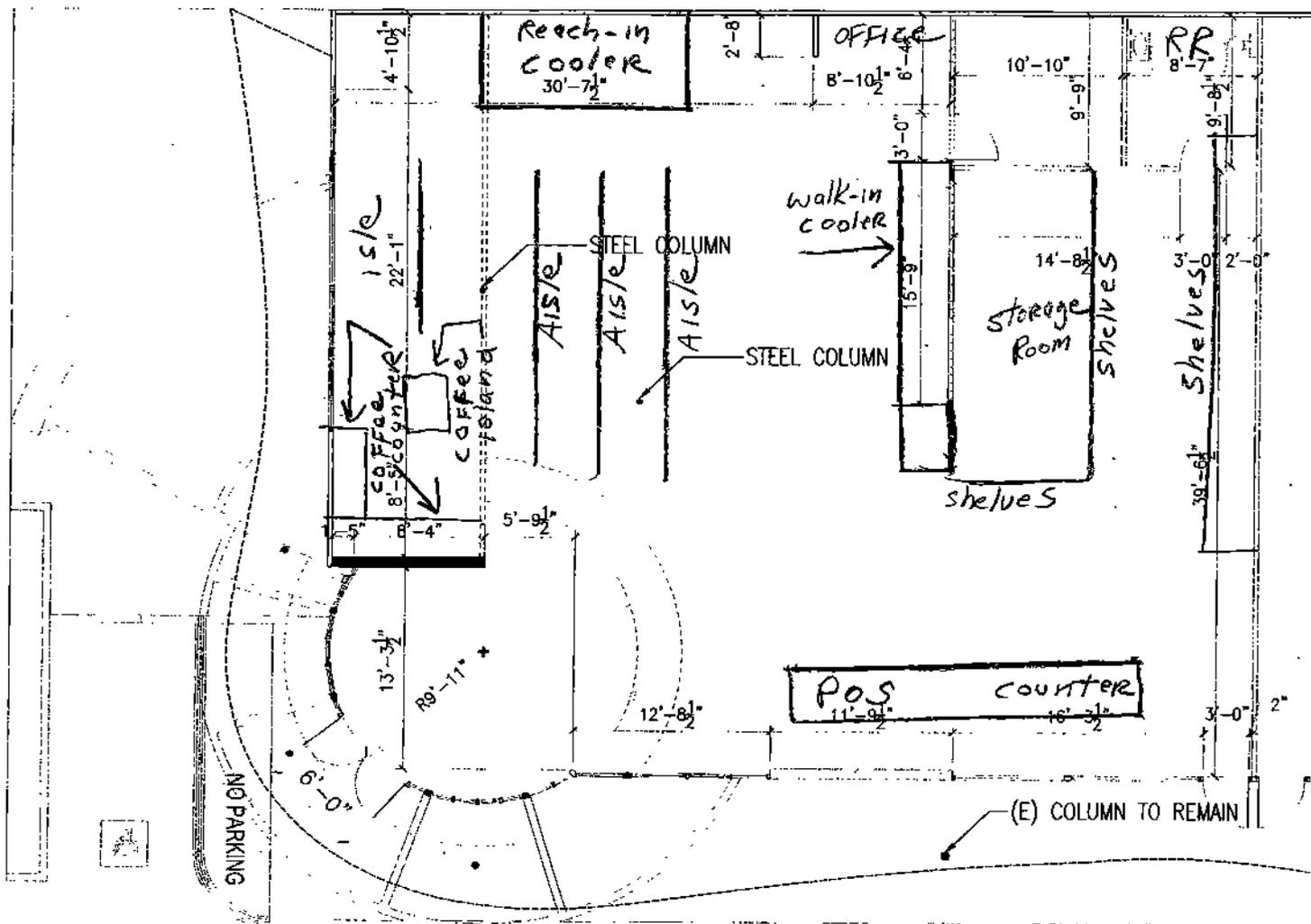
Street Names	MIG
Parcel Lines	MIP
Zoning	P
AP	PDC
C1	PDI
C1-S	PDR-HD
C2	PDR-LD
CL	PDR-MD
MSR	PDR-NCM
MSR-S	R1
(cont)	R2-HD
	R2-MD
	R3
	(cont)





Legend

Street Names
Parcel Lines
Level 1 Ortho Photo
Parcels
ROW
Polygon



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

Date: 07.09.07

Project No.: 3SEHA006.C1

Scale: 3/32" = 1'-0"

robinson hill architecture, inc.
p 714.825.8888
f 714.825.8889

Area: 2,999 S.F.

HA-A/B

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

City of Costa Mesa

Inter Office Memorandum

TO: PLANNING COMMISSION

FROM: MEL LEE, SENIOR PLANNER *MEL*

DATE: FEBRUARY 7, 2008

SUBJECT: SUPPLEMENTAL INFORMATION
PLANNING APPLICATION PA-07-43 (PARTY TIME LIQUOR)
1548 ADAMS AVENUE, UNITS A THROUGH C
PLANNING COMMISSION MEETING OF FEBRUARY 11, 2008

This memo has been prepared in response to a request for additional information as to the proposed expansion of the liquor store and its effect on the number of on-site parking spaces, which are nonconforming. As indicated in the table on handwritten page 2 of the staff report, 43 on-site parking spaces are required for the existing uses in this building per current Code; 37 parking on-site spaces are existing.

Code Section 13-204 (Nonconforming Provisions) allows changes to conforming uses in a nonconforming development as long as the existing use is not replaced by a use requiring more parking. Because liquor stores are parked at the same parking ratio as other retail uses (i.e., 4 spaces per 1,000 square feet of floor area), the proposed expansion does not increase the demand for additional parking spaces under Code. However, for example, if the expansion involved a use that required more than the 4/1,000 parking, such as a sit-down restaurant, a deviation from shared parking would be required.

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

Linda Kenski
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