



PLANNING COMMISSION

AGENDA REPORT

VI. 2

MEETING DATE: MAY 9, 2011

ITEM NUMBER:

SUBJECT: ZONING APPLICATION ZA-11-11
234 EAST 17TH STREET

DATE: APRIL 28, 2011

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609 (rrobbins@ci.costa-mesa.ca.us)

DESCRIPTION

Minor conditional use permits, conditional use permit, and variance for a new sit-down restaurant/market (Greenleaf) proposing the following:

- 1) Deviation from shared parking requirements (118 parking spaces required; 97 parking spaces proposed);
- 2) Valet parking during peak hours of operation;
- 3) Excess compact parking spaces (greater than 10%); and
- 4) Encroachment into required landscape street setback for an outdoor dining patio.

APPLICANT

The applicant is Juanita Fotheringham from Spectrum Space Design on behalf of Burnham Ward, the owners of the property.

RECOMMENDATIONS

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

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REBECCA ROBBINS
Assistant Planner

Handwritten signature of Khanh Nguyen in black ink.

KHANH NGUYEN
Asst. Development Services Director

BACKGROUND

Project Site

The property is a two parcel development on the northwest corner of East 17th Street and Westminster Avenue. The front parcel contains a 22,629 square-foot retail and office building and the rear parcel (across a public alley) contains parking for the building. (Attachment 3).

Conditional Use Permit ZE-77-25 was approved in 1977 to allow the use of the parking lot at the southwest corner of Westminster Avenue and Cabrillo Street for required parking in conjunction with the construction of two commercial buildings at 234 East 17th Street. An application to subdivide 234 East 17th Street into two parcels (A and B) was approved under S-77-04. Parcel A, fronting East 17th Street, was to contain 20 parking spaces and Parcel B was to contain 82 parking spaces (including the back parking lot at Westminster Avenue and Cabrillo Street). Although the properties are under separate ownership, they share a drive aisle for access purposes and the same address.

Review by Planning Commission

Code identifies the Zoning Administrator as the final review authority for Minor Conditional Use Permits. However, in this case, staff referred this request to the Planning Commission due to the high level of community interest. Additionally, as the project was finalized in preparation for the hearing, it was determined a conditional use permit and a variance were required for the valet parking and excess compact parking, respectively. Although the specific application types were not noticed for the project, the requests were included so the application may proceed without revised noticing.

PROJECT DESCRIPTION

Proposed Sit-Down Restaurant/Market

Greenleaf Gourmet Chopshop (Greenleaf) is proposed to contain a 1,948 restaurant with 748 square-foot of outdoor patio dining, a 400 square-foot market, and an 885 square-foot kitchen, storage, and restroom area shared between the restaurant and market. The proposed hours of operation are from 7:00 a.m. to 9:00 p.m., 7 days a week.

With locations in Los Angeles and Beverly Hills, Greenleaf promotes a healthy lifestyle by providing healthy, affordable, fast-casual dining. Greenleaf consults with the United States Green Building Council's (USGBC) guidelines throughout the construction of their restaurants to maintain a high level of green standards. In addition, Greenleaf is proposing seven bicycle racks to encourage customers to use alternative transportation when visiting the restaurant/market.

ANALYSIS

- Conditional Use Permit - Valet Parking and Minor Conditional Use Permit – Deviation from Shared Parking Requirements. The applicant proposes to provide onsite valet parking for the property during peak hours to alleviate possible parking impacts.

The site is currently nonconforming in regards to parking (108 parking spaces required; 85 parking spaces existing). With the addition of the restaurant/market use and the outdoor dining patio, a total of 118 parking spaces are required for the property. The addition of the proposed 16 compact parking spaces (discussed below) will result in an increase of 12 parking spaces for a total of 97 onsite parking spaces.

Staff supports the valet parking request since the proposed valet parking would accommodate an additional 22 vehicles. This will result in the ability for the site to accommodate 119 onsite parking spaces during peak hours. Conditions of approval no. 1, 4, and 6 are included to further minimize parking impacts. These conditions include, but are not limited to, installation of employee bike racks, signs directing customers to park in the rear parking lot, reduction in outdoor dining square footage if parking problems arise, etc.

As an alternative, given the total deficit of parking spaces with the proposed restaurant/market, staff gave an option to the applicant to submit a formal parking study to determine if valet parking is needed or not based on the variety of tenants. The parking study was not completed in time for inclusion in this staff report; however, a supplemental memo containing the parking study and analysis will be distributed prior to the May 9th Planning Commission meeting.

- Variance – Excess Compact Parking Spaces. Code allows a maximum of 10 percent of required parking to be small car parking spaces if authorized by a minor conditional use permit. However, the applicant is proposing 16 compact parking spaces (16 percent) at the rear parking lot to increase the number of overall onsite parking spaces; consequently, a variance is required. Adding the compact parking spaces will provide a net gain of 12 parking spaces.

Staff supports this request since the compact parking stalls are proposed at the rear of the parking lot, also serving as the valet parking area during peak hours of operation. The physical constraints of the parking lot limit where parking can be added to the site given it is a corner lot with two required street landscape setbacks. Condition of approval no. 8 has been including requiring the compact parking spaces be restored to standard stalls if/when the restaurant use is discontinued in the future. In addition, condition of approval no. 7 requires employees to use compact parking stalls first before using the standard parking stalls, subject to availability.

- Minor Conditional Use Permit - Outdoor Dining Patio. The Zoning Code requires a minimum 20-foot front landscaping setback on Westminster Avenue. The applicant has requested to encroach into the required landscape street setback for an outdoor dining patio. To encourage outdoor dining patios, Code requires a minor conditional use permit – versus a variance or administrative adjustment – when a dining patio is proposed within a required street setback area.

Staff considers the proposed outdoor dining patio consistent with the eclectic mix of uses along East 17th Street in that the patio on the street frontage creates an urban edge and encourages higher levels of pedestrian traffic. To soften the appearance of the patio to the public right-of-way, condition of approval no. 3 has been included requiring the remaining landscaped areas and proposed planter boxes within the street setback to be landscaped as densely as possible.

ADDITIONAL DISCUSSION

- Bike Racks as Public Art. The proposed bike racks will be placed within the front setback on decomposed granite – an acceptable landscape treatment. The racks will encourage non-vehicular access to both the property and restaurant. Condition of approval no. 5 has been including requiring the bicycle racks be designed in an artistic manner so they serve as public art. Designing the bike racks as public art and locating them along the Westminster Avenue frontage meets the following General Plan Goals:
 - a) Goal CD-1: Vehicular and Pedestrian Corridors: Strengthen the image of the City as experienced from sidewalks and roadways.
 - b) Goal CD-6, Image: Enhance opportunities for development to contribute to a positive visual image for the City of Costa Mesa by the inclusion of art.
 - c) Goal CD-8, Commercial: Encouraging a high level of quality design by promoting pedestrian amenities.
 - d) Goal CD-12, Public Art: Promoting awareness of the visual arts by providing art in the public environment.
 - e) Goal CIR-1A.1: Incorporate bicycle facilities (circulation and storage) into the design and development of all new commercial and industrial projects.
- The proposed use is compatible with uses in the same general area. The surrounding uses along East 17th Street include a variety of retail, office, and restaurant uses. Staff believes the proposed use will complement the existing uses in the general area and that customers visiting the restaurant/market will also visit other businesses at the site.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve ZA-11-11 to construct the new Greenleaf restaurant/market with the recommended conditions of approval as discussed in this report.
2. Deny ZA-11-11 to construct the new Greenleaf restaurant/market. The applicant could not submit a similar application for six months.

ENVIRONMENTAL DETERMINATION

If approved, the project would be exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is staff's opinion that the new restaurant/market, as conditioned, will comply with the intent of the Zoning Code requirements and will be compatible with the uses in the surrounding area. In addition, staff believes that with the additional parking provided with the compact spaces, provision of valet parking during peak hours of operation, and bike racks, adequate parking will be provided on-site. Therefore, staff recommends approval of the project.

- Attachments:
1. Planning Commission Resolutions
 2. Applicant's Request
 3. Location Map
 4. Submitted Plans

cc: Development Services Director
 Deputy City Attorney
 Assistant City Engineer
 Public Services Director
 Transportation Svs. Mgr.
 Fire Protection Analyst
 Staff (4)
 File (2)

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 Spectrum Space & Design
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 Placentia, CA 92870

Burnham Ward
 1100 Newport Center Drive, Suite 150
 Newport Beach, CA 92660

Peter Buffa
 2824 Nevis Circle
 Costa Mesa, CA 92626

RESOLUTION NO. PC-11-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING ZONING APPLICATION
ZA-11-11.**

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

WHEREAS, an application was filed by Juanita Fotheringham from Spectrum Space Design on behalf of Burnham Ward, owner of real property located at 234 East 17th Street, requesting approval for a new sit-down restaurant/market (Greenleaf Gourmet Chopshop) for the following: 1) minor conditional use permit to deviate from shared parking requirements; 2) conditional use permit for valet parking 3) variance for excess compact parking spaces; and 4) minor conditional use permit to encroach into the required landscape street setback for an outdoor dining patio;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 9, 2011;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** ZA-11-11 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Applications ZA-11-11 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 9th day of May, 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS – APPROVAL (ZA-11-11)

- 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 minor conditional use permit to allow a deviation from shared parking requirements 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, in addition to valet parking provided during peak hours of operation, the use has been limited through conditions (including, but not limited to, installation of bike racks, signs directing customers to park in the rear parking lot, reduction in the patio dining square footage should parking problems arise) to minimize impacts to the surrounding businesses. 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.
- C. The conditional use permit to allow valet parking 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 onsite valet parking for the property during peak hours will alleviate possible parking impacts. 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.
- D. 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 to allow excess compact parking spaces. 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. Physical constraints of the property limit where parking can be added to the site given it is a corner lot with two required street landscape setbacks. The deviation shall be subject to such conditions so as to assure that approval of excess compact parking spaces 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 situation. Specifically, conditions of approval been including requiring the compact parking spaces be restored to standard stalls if/when the restaurant use is discontinued in the future and requiring the employees to use compact parking stalls first before using the standard parking stalls. Additionally, the compact stalls will be used as the valet parking area during peak hours of operation. Granting the variance will not allow a use, density, or intensity, which is not in accordance with the general plan designation for the property.

- E. The minor conditional use permit to allow an outdoor dining patio in the required street setback 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 proposal is consistent with the eclectic mix of uses on East 17th Street area in that the outdoor dining patio on the street frontage creates an urban edge and encourages higher levels of pedestrian traffic. A condition of approval has been included requiring the remaining landscaped areas and planter boxes to be landscaped as densely as possible. 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.
- F. 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.
- G. 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 (ZA-11-11)

- Plng.
1. The property owner or applicant shall install signs directing customers to park in the lot at the rear of the property.
 2. Parking lot restriping and re-slurrying shall be completed prior to final occupancy/start of business.
 3. The remaining landscaped areas and planter boxes within the street setback shall be landscaped as densely as possible, under the direction of the Planning staff.
 4. In addition to the bicycle racks along Westminster Avenue for the restaurant/markets customers, the property owner or applicant shall install additional bike racks for employees elsewhere on the site. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
 5. The bicycle racks shall be decorative in design, placed on decomposed granite or another material approved by the Planning Division, so as to serve as public art. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning.
 6. If parking shortage or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem including, but not limited to, hours of operation, reduction in outdoor dining area, and/or valet parking.
 7. Employees shall use compact parking stalls first before using the standard parking stalls.
 8. Compact parking spaces shall be removed if/when the restaurant use has discontinued.
 9. The conditions of approval for ZA-11-11 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 10. Vehicles being stored in the rear parking lot shall be removed prior to final occupancy/start of business.
 11. 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.
 12. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
 13. The restaurant shall be limited to the operations described in the staff report. 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 minor conditional use permit.

14. Any amendment to the conditions of approval shall be subject to the City's standard public notice procedures and be reviewed and approved by the Zoning Administrator.
15. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.
16. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened upon view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
17. It is recommended that the project incorporate green building design and construction techniques, including but not limited to low impact development (LID), where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
- Trans. 18. Submit a fully dimensioned parking lot plan that complies with City parking design standards.

RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING ZONING APPLICATION ZA-11-11.

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

WHEREAS, an application was filed by Juanita Fotheringham from Spectrum Space Design on behalf of Burnham Ward, owner of real property located at 234 East 17th Street, requesting approval for a new sit-down restaurant/market (Greenleaf Gourmet Chopshop) for the following: 1) minor conditional use permit to deviate from shared parking requirements; 2) conditional use permit for valet parking 3) variance for excess compact parking spaces; and 4) minor conditional use permit to encroach into the required landscape street setback for an outdoor dining patio;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 9, 2011;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the Planning Commission hereby **DENIES** Zoning Application ZA-11-11 with respect to the property described above.

PASSED AND ADOPTED this 9th day of May, 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS – DENIAL (ZA-11-11)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 2. The project is not compatible and harmonious with uses on surrounding properties.
 - 3. The project is not 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. Granting the minor conditional use permit will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-11-11. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



March 18, 2011

City of Costa Mesa
 Development Services Department
 77 Fair Drive – 2nd Floor
 Costa Mesa, California 92628

RE: Minor Conditional Use Permit
 Greenleaf Gourmet Chopshop & Market
 234 East 17th Street #100, Costa Mesa

Greenleaf is applying to establish an approximate 1,948 square foot “community oriented” lunch and dinner restaurant and adjacent 400 square foot Market, with 720 square foot shared kitchen & storage and a 970 square foot patio, at 234 East 17th Street, at the corner of 17th and Westminster Avenue. The patio area will face Westminster Avenue and feature a combination of wood decking, decomposed granite walk ways, landscaping and bike racks to encourage pedestrian and bicycle usage from the neighboring residential community.

We have provided on the attached exhibits all of the tenant names, uses and hours of operation for both the “current” tenants and the “proposed” tenants which includes the Greenleaf operation. Furthermore, we have tabulated the required parking per hour, per code and have physically counted cars in stalls every hour from 9:00 a.m. through 6:00 p.m, Monday thru Friday for the current tenants. With current tenants, the total parking required per code is 94 parking stalls. Our actual count of spaces utilized peaked at noon on Wednesday with 63 parking stalls filled (other days where as low as 53 cars at the peak noon hour). That’s 33% less projected by code actually being utilized by our existing tenants. Though the parking requirement at peak hours per code calculations would be 115 spaces (just 22 spaces less than that which is provided on site) with the Greenleaf restaurant in place, we believe the actual demand will be far less. This is based on our physical counting of used stalls every hour, during peak hours of use, which again leaves a minimum of about 31 stalls unused at peak hours. In addition to the underutilized parking field from low impact tenants, the combination of bike racks and approved street parking adjacent to the property will leave ample available parking with the “proposed” restaurant use.

We believe Greenleaf will be an asset to the community. Currently located in Los Angeles and Beverly Hills, Greenleaf Gourmet Chopshop aims to promote a healthy lifestyle by providing affordable, fast-casual dining experience that features the freshest organic ingredients available every day. Greenleaf serves made-to-order salads, wraps and sandwiches using flame-grilled proteins and organic, locally grown produce in a sleek open-display kitchen and is quickly becoming the preferred healthy restaurant, for health-conscious salad eaters.

From its very inception, Greenleaf Gourmet Chopshop has been seeing green. Making every effort to build and maintain a restaurant that adheres to the highest green standards possible, consulting with the United States Green Building Council’s guidelines throughout the building of their restaurants. Their established architectural style can be described as “Modern Farm Stand”. Scrafano Architects took the natural simplicity and color of local California lettuce farms and combined that feel with materials such as warm wood siding and bench seating, brushed aluminum, stainless steel and earth-toned concrete floors to achieve their vision.

We appreciate your time and consideration and ask that you grant approval for Greenleaf to occupy this building and utilize a portion of the side street setback for outdoor seating.

Respectfully submitted,

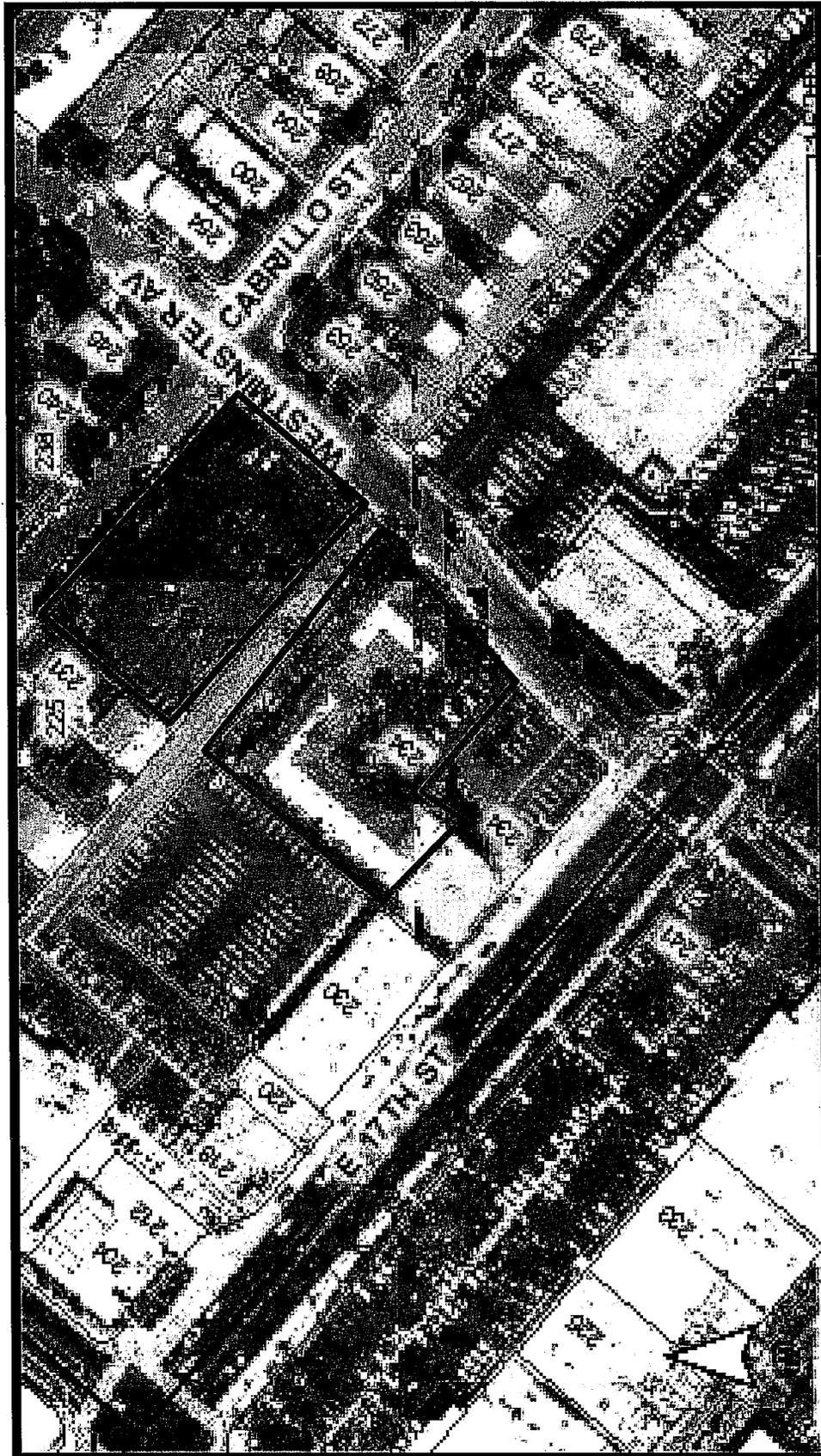
A handwritten signature in black ink that reads 'Juanita Fotheringham'. The signature is fluid and cursive, written over a printed name.

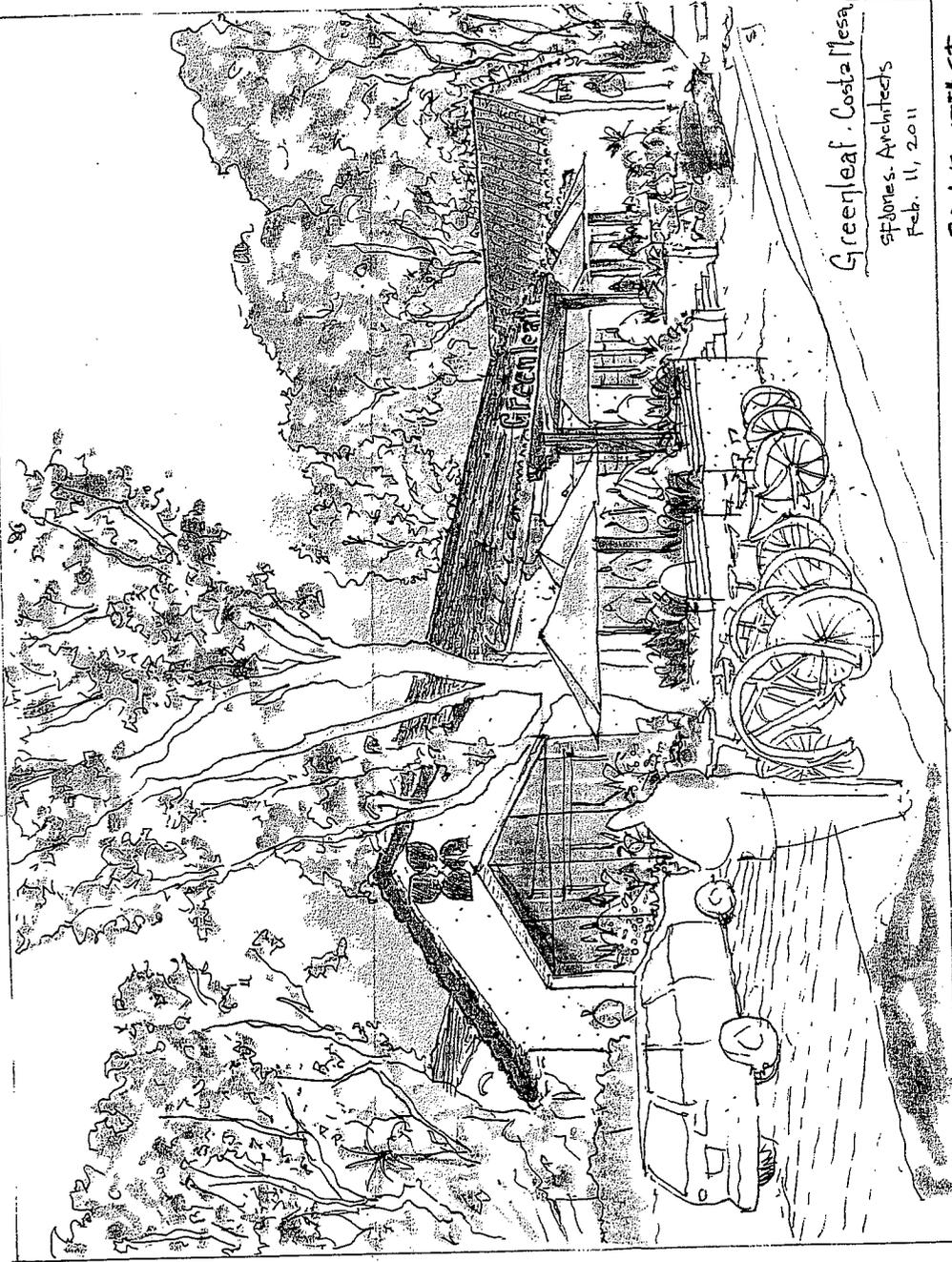
Juanita Fotheringham, CCIDC

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234 East 17th Street

Location Map

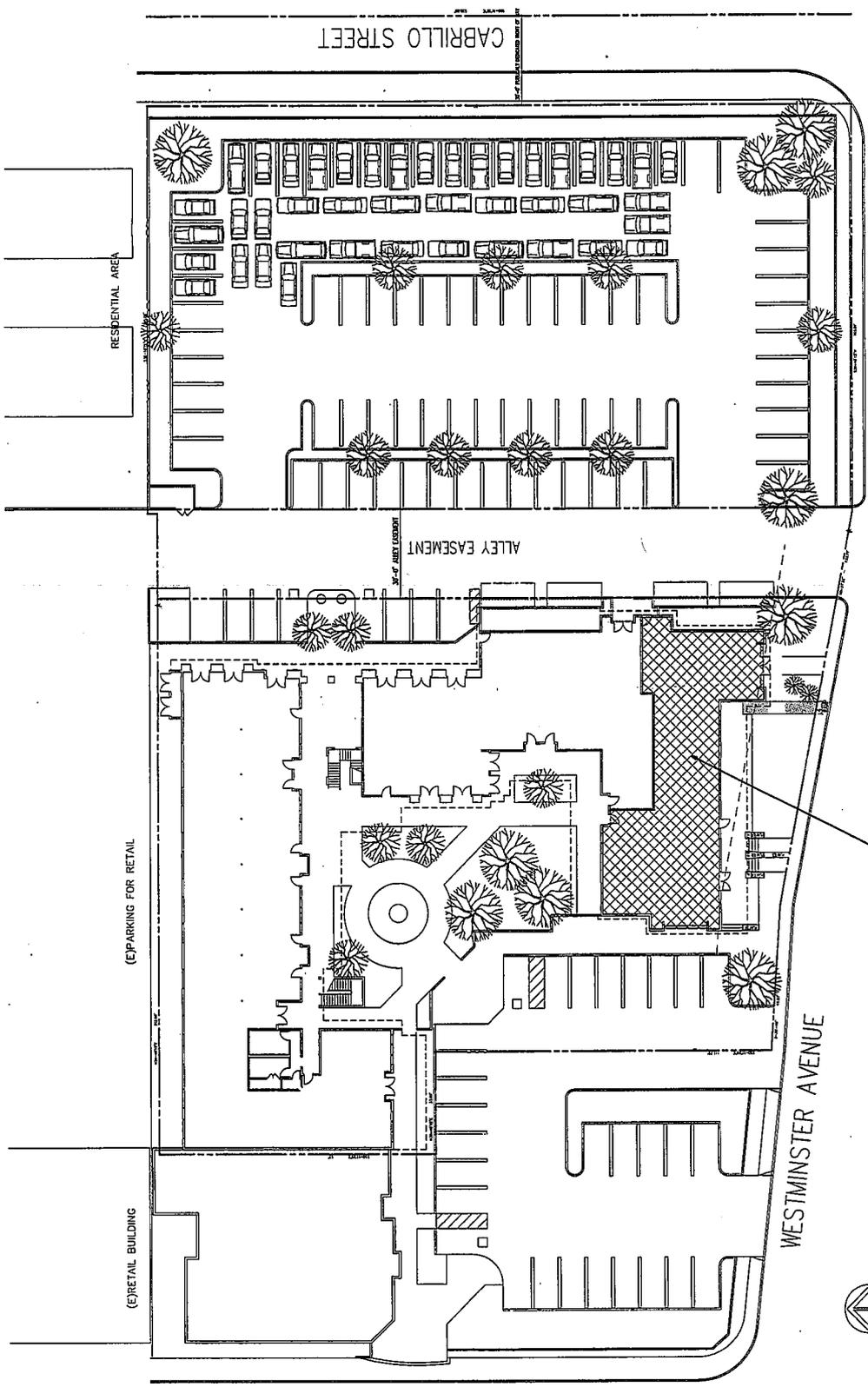




Greenleaf, Costa Mesa
S. Jones Architects
Feb. 11, 2011

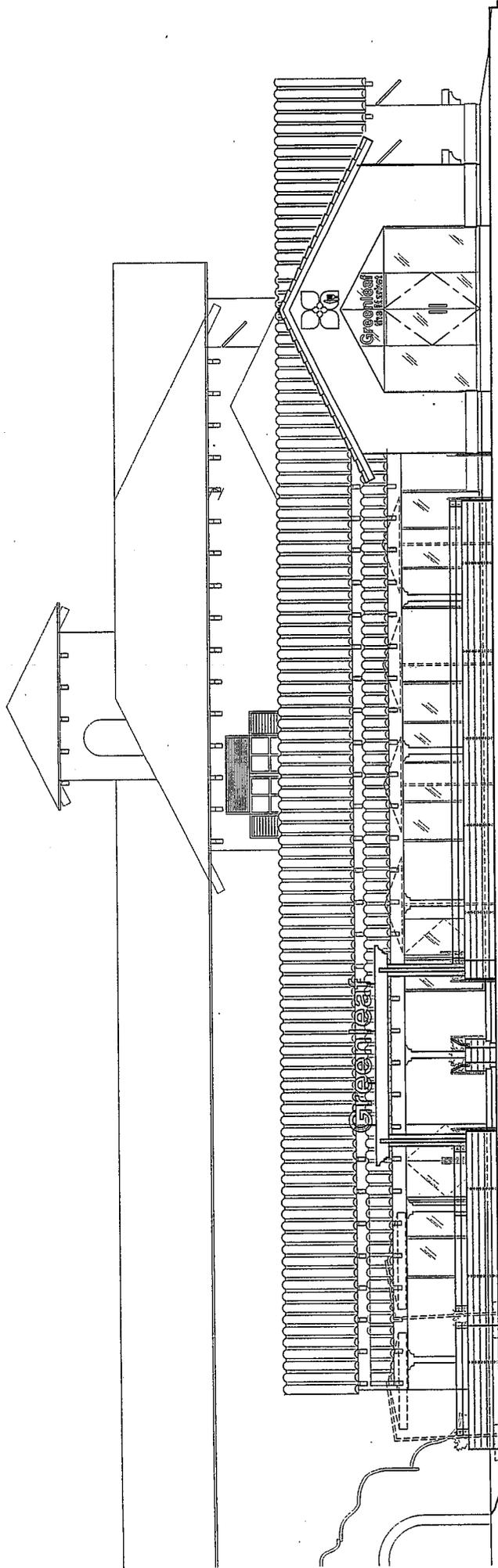
234 E. 17th St.
COSTA MESA
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ZA-11-11 File



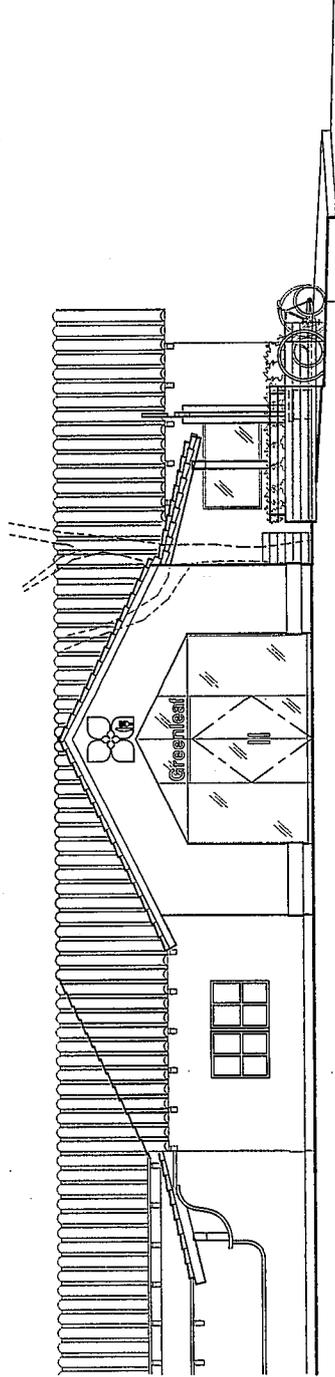
GREENLEAF GOURMET CHOPSHOP & MARKET
 238 EAST 17TH STREET
 COSTA MESA, CALIFORNIA





WESTMINSTER AVENUE - EAST

SF Jones ARCHITECTS <small>1150 CALIFORNIA AVENUE #200 SAN FRANCISCO, CA 94108 TEL: 415.774.2000 FAX: 415.774.2001</small>	Greenleaf - Costa Mesa Pacific Plaza, 234 East 17th St. Costa Mesa, CA. 92627	Sheet Title : EAST EXTERIOR ELEVATION	Date: 03.08.2011 Sketch Number :
	20	Scale :	



Sheet Title :
SOUTH EXTERIOR ELEVATION
 Date: 03.08.2011
 Scale :
 Sketch Number :

21

Greenleaf - Costa Mesa
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