



# **PLANNING COMMISSION**

## **AGENDA REPORT**

MEETING DATE: APRIL 23, 2012

ITEM NUMBER: VI. 2

**SUBJECT: APPEAL AND REVIEW OF ZONING APPLICATION ZA-12-10 MINOR CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH COFFEE SHOP  
450 EAST 17<sup>TH</sup> STREET**

**DATE: APRIL 12, 2012**

**FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: MEL LEE, SENIOR PLANNER**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP (714) 754-5611  
mel.lee@costamesaca.gov**

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### **PROJECT DESCRIPTION**

The applicant is proposing Minor Conditional Use Permit ZA-12-10 to convert a former credit union building containing a drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbucks Coffee and another food use.

The Zoning Administrator's approval of ZA-12-10 was appealed by a property owner and called up for review by a council member.

### **APPLICANT**

The applicant is 450 East 17<sup>th</sup> Street Associates, LLC, who is also the owner of the property.

### **RECOMMENDATION**

Uphold, reverse, or modify the Zoning Administrator's approval by adoption of Planning Commission resolution, subject to conditions.

**PLANNING APPLICATION SUMMARY**

Location: 450 East 17<sup>th</sup> Street Application: ZA-12-10

Request: Convert a former credit union building containing drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbuck's and another food use.

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone: <u>C1</u>	North: <u>R1, single-family residences</u>
General Plan: <u>General Commercial</u>	South: <u>Across East 17<sup>th</sup> St., C1, commercial uses</u>
Lot Dimensions: <u>126 FT x 300 FT</u>	East: <u>C1, commercial uses</u>
Lot Area: <u>35,317 SF</u>	West: <u>C1, commercial uses</u>
Existing Development: <u>Credit union building, drive-through lane, and surface parking</u>	

**DEVELOPMENT STANDARD COMPARISON**

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
<b>Lot Size:</b>		
Lot Area	12,000 SF	35,317 SF
Floor Area Ratio (FAR):	.20	.16
Building Height	2 Stories/30 FT	2 Stories/28 FT, 10 IN
<b>Setbacks (Building)</b>		
Front (East 17 <sup>th</sup> Street)	20 FT	15 FT (1)
Side (left/right)	15 FT/0 FT	25 FT/46 FT
Rear	58 FT	170 FT
<b>Parking:</b>		
Standard	38	40
Handicap	1	2
TOTAL	39 (2)	42 Spaces
Bike Racks	NA	1 (Proposed)
Drive-Through Lane Length	160 FT Min.	160 FT
NA = Not Applicable or No Requirement.		
(1) The property is legal nonconforming.		
(2) Established per shared parking study (see staff report discussion).		
CEQA Status	Exempt, Class 1 (Existing Facilities)	
Final Action	Planning Commission	

## **BACKGROUND**

### ***Project Site/Environs***

The property is located on the north side of East 17<sup>th</sup> Street, between Tustin Avenue and Irvine Avenue, and contains a 5,800 square-foot building (formerly Schools First Federal Credit Union) and 30 on-site parking spaces. The building has an existing 154-foot deep drive-through lane that accommodated a drive-up automated teller machine (since removed). The property is zoned C1 (Local Business District) and has a general plan land use designation of General Commercial.

### ***Minor Conditional Use Permit ZA-12-10***

On March 26, 2012, the Zoning Administrator approved a Minor Conditional Use Permit for a future 2,356 square-foot coffee house with the parking demand and traffic characteristics of a Starbucks Coffee Shop ("coffee shop") with drive-through service. According to the applicant, the remaining portion of the building, approximately 2,185 square feet, has been allocated for a future restaurant tenant use (a specific tenant has not been identified) bringing the total net area to 4,541 square feet. An existing 1,250 square-foot second floor mezzanine within the building will be removed as part of the building remodel. Outdoor patios are also proposed. The applicant also proposes remodeling the exterior of the building with contemporary architecture.

A shared parking analysis dated March 1, 2012, was prepared for the project by Linscott, Law & Greenspan Engineers (LLG), a copy of which is attached to this report (Attachment 5). A shared parking analysis is a tool to identify peak parking demand in multi-tenant commercial centers. In some cases, depending on the different mix of land uses, it may show a lower parking requirement compared to straight "Code-required" parking requirements. This parking study analyzed 2,356 square feet of the building being occupied with a drive-through coffee shop and the balance of the building (2,185 square feet) being occupied by a food service tenant.

In this case, required parking was calculated based on a scenario wherein both spaces are occupied by eating and drinking establishments, which is consistent with the applicant's proposed use of the property. Under the assumption that the building is fully leased and occupied, the study concludes that, based on the proposed mix of uses, there would be a **surplus of 3 parking spaces** (39 spaces required; 42 parking spaces provided) during the PM peak times on the weekdays and weekends. The study concluded that there would be adequate parking. A condition of approval was included requiring that approval for a second food use in the building was contingent upon validation of the parking conclusions of the March 1, 2012 parking study with real-time parking counts conducted within 180 days of the coffee shop being fully operational (Condition no. 7).

The existing drive-through is set back approximately 140 feet from the nearest single-family residences to the north (rear), which is separated by an existing masonry block wall at least six feet in height and an existing 14-foot wide landscape planter, where the existing mature trees were recently removed. A condition of approval was included

requiring this landscape planter to be densely re-planted with trees minimum 24-inch box size and other landscape materials (Condition no. 12). While this landscape area will not buffer noise as effectively as the existing block wall, it will also provide an effective visual barrier from the abutting residences, therefore, minimizing any adverse impacts to the adjacent residences.

On April 2, 2012, an appeal was filed by Toby Walker, an adjoining property owner of the commercial property at 462 East 17<sup>th</sup> Street. A request for review was also filed by Council member Leece (Attachment 3).

## **ANALYSIS**

### ***Appeal and Review of Zoning Application ZA-12-10***

#### **Issues Raised in the Appeal:**

1. *Issue: The owner of 450 East 17<sup>th</sup> Street has never offered the owner of 462 East 17<sup>th</sup> Street a modification to the existing access and parking easement, therefore, if the development is approved in its current configuration, 462 East 17<sup>th</sup> Street tenants will not be able to park in the area specified in the easement and there will be a planter blocking use of the egress lane. No resolution to this issue has been proposed.*

*Response:* Private property easements that exist between property owners are not regulated by the City's Zoning Code; therefore, the City has no authority over how this easement is utilized between the owners. However, it should be noted that on page 2 of the parking study prepared by Linscott, Law & Greenspan Engineers (LLG) for the proposed project, a copy of which is attached to this report, discusses the existing easement and the necessity to make available up to three parking spaces for use of tenants and visitors for the 462 East 17<sup>th</sup> Street property, which is reflected in the design of the parking area for the proposed project.

2. *Issue: Of critical importance, the current site plan causes all of the following ingress-egress activities to simultaneously occur in the same area, thereby causing a confluence of conflicting vehicle movements.*

*Response:* The design of the drive-through lane, parking areas, and other vehicle circulation areas was reviewed by the Transportation Services Division, which confirmed the project as designed meets or exceeds all applicable requirements.

3. *Issue: With the expected traffic generated from the applicant's proposed food service establishments, which have high traffic volumes, it is very likely there will occur a standstill condition and an inability to maneuver.*

*Response:* See response to number 2 above.

4. *Issue: The traffic study does not address the confluence area, which is a critically important consideration for continuing successful use of each parcel.*

Response: The applicant is having LLG prepare a response to this item, which will be forwarded to the Commission once it is received by staff (see email Attachment 4).

5. Issue: Fire Department access and response time is of concern because of the impact of the confluence area.

Response: The project was reviewed by Fire Prevention, which confirmed the project as designed meets or exceeds all applicable requirements.

6. Issue: There is also the possibility that a change of use for 462 East 17<sup>th</sup> Street will increase the demand on the ingress-egress easement and confluence area. Whereas 450 East 17<sup>th</sup> Street is considering a more upscale and active use, the use and traffic study should include parallel improvements to 462 East 17<sup>th</sup> Street.

Response: As of this date a specific project or change of use for the 462 East 17<sup>th</sup> Street property has not been identified by the appellant or submitted to the City.

7. Issue: There is also the possibility that the standstill condition will cause cars and delivery truck to wait on 17<sup>th</sup> Street until space occurs for ingress.

Response: See response to number 2 above.

#### **Issue raised in the Request for Review:**

1. Issue: I would like to pull this decision for review due to the fact there were five opposed. Perhaps we can address some of their concerns.

Response: The developer has indicated that they have been working with the adjacent residential neighbors to address their concerns, which will be forwarded to the Commission once it is received by staff (see email Attachment 4).

#### **ENVIRONMENTAL DETERMINATION**

If the project approval is upheld by the Commission, the project would be exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the project is denied, it would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

#### **GENERAL PLAN CONFORMITY**

With the recommended conditions of approval, the use will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

## ALTERNATIVES

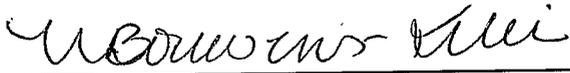
The Planning Commission has the following alternatives:

1. Approve the project, subject to the recommended conditions of approval.
2. Deny the project. If the project were denied, the applicant could not submit substantially the same type of application for six months.

## CONCLUSION

The Zoning Administrator concluded that the proposed project, with the recommended conditions of approval, will not create adverse impacts to surrounding properties or uses. Therefore, staff recommends approval of the project.

  
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MEL LEE, AICP  
Senior Planner

  
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WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

- Attachments:
1. Draft Planning Commission Resolutions
  2. Location Map
  3. Appeal and Review Request
  4. Applicant's Email Response
  5. Approval Letter for ZA-12-10 and Exhibits
  6. Correspondence Received From Public
  7. Plans

cc:

- City Council (5)
- Chief Executive Officer
- Assistant Chief Executive Officer
- Economic Development Director
- Interim Development Services Director
- Deputy City Attorney
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- Staff (4)
- File (2)

Toby Walker  
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Newport Beach, CA 92658

450 East 17th Street Associates, LLC  
1100 Newport Center Drive, #150  
Newport Beach, CA 92660

David Harris  
455 Cabrillo Street

Bob Small  
465 Cabrillo Street  
Costa Mesa, CA 92627

Ardy Hurst  
451 Cabrillo Street  
Costa Mesa, CA 92627

Jaime & Stephen MacLeod  
461 Cabrillo Street  
Costa Mesa, CA 92627

**ATTACHMENT 1  
DRAFT PLANNING COMMISSION  
RESOLUTIONS**

RESOLUTION NO. PC-12-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING ZONING APPLICATION ZA-12-10 TO CONVERT AN EXISTING BUILDING INTO A DRIVE-THROUGH COFFEE SHOP AND ANOTHER FOOD USE**

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

WHEREAS, an application was filed by 450 East 17th Street Associates, LLC, requesting approval of Zoning Application ZA-12-10 to convert a former credit union building containing drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbuck's Coffee and another food use;

WHEREAS, on March 26, 2012, ZA-12-10 was approved by the Zoning Administrator;

WHEREAS, on April 2, 2012 the approval of ZA-12-10 was appealed by a property owner and called up for review by a council member;

WHEREAS, on April 23, 2012, a duly noticed public hearing was held by the Planning Commission with all persons having the opportunity to speak for and against the proposed project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained in Exhibit B, the Planning Commission hereby **APPROVES** Zoning Application ZA-12-10 to convert a former credit union building containing drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbuck's Coffee and another food use 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 Application ZA-12-10 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 23rd day of April, 2012.**

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Colin McCarthy, Chair  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the 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. Granting the minor conditional use permit will not allow a use, density or intensity, that is not in accordance with the general plan designation for the property. Specifically, staff does not anticipate any parking impacts because the parking study prepared for the project has been reviewed by the City's Transportation Services Division, and they concur with the study methodology, suggested parking rates, and the consultant's conclusions regarding adequate parking. If the remaining space is occupied by a food use, zoning approval and business license authorization shall be contingent upon validation of the parking conclusions of the parking study prepared for the project. This validation shall be in the form of real-time parking counts conducted within 180 days of the coffee shop being fully operational. Additionally, if parking shortages or other parking-related problems arise, the landlord shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. Design of the drive-through lane provides adequate vehicle queuing and circulation. The building will be remodeled with contemporary architecture to provide a positive complement to the East 17<sup>th</sup> Street streetscape. Adverse impacts to residential uses will be minimized due to the requirement that the existing landscape planter at the rear of the property (adjacent to residential) be densely replanted with trees to provide an additional buffer for residential properties.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
  2. Safety and compatibility of the design of the buildings, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The use is consistent with the General Plan designation because the project will not exceed the allowable General Plan intensity for the site.
- 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 under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng.
1. The uses shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment subject to approval by the Zoning Administrator.
  2. If parking shortages or other parking-related problems arise, the business operator shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. These measures may include identifying select parking spaces for short-term parking (i.e. 30 minutes, 1 hour, etc.), reserving certain parking spaces for the other tenant, and/or any other measures as deemed appropriate by the Development Services Director.
  3. The use 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 reasonable security and operational measures are necessary to comply with this requirement.
  4. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to commencement of the business. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  5. Prior to the grand opening of the coffee shop, the applicant shall submit an interim parking plan to the Planning Division for review and approval to ensure that adequate employee parking is available on-site or on at an authorized site through an agreement with its property owner. In addition, the plan shall indicate that employees shall be available to minimize any impacts to circulation on the adjacent streets and surrounding properties. This interim plan shall be in place for a minimum of 60 days during the "Grand Opening" and may be extended for an additional 30 days to meet customer demands as deemed appropriate by the Development Services Director. The interim plan shall be approved prior to issuance of certificate of occupancy.
  6. After the Grand Opening period when the interim parking plan is no longer in place, employees of the fast food restaurant shall park on-site. Employee parking shall occur in any of the parking stalls on the property. Employee parking on the public streets fronting residential properties shall be considered a violation of the terms of approval of the minor conditional use permit. If repeated violations occur, the Development Services Director shall have the discretion to require employee parking spaces be assigned on the property, or to require other appropriate measures to ensure on-site employee parking.
  7. Zoning approval and business license authorization for a proposed establishment where food and beverages are served shall be contingent upon validation of the parking conclusions of the March 1, 2012 parking

study. This validation shall be in the form of real-time parking counts conducted within 180 days of the coffee shop being fully operational. As an alternative to real-life parking counts and to expedite negotiations with prospective tenants of the second lease area, the Development Services Director may also elect to approve a revised parking study that addresses the unique customer characteristics of similar coffee shops in lieu of real-time parking counts.

8. The conditions of approval for ZA-12-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
9. 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.
10. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.
11. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
12. The existing landscape planter at the rear of the property shall be densely re-planted in order to provide an additional buffer for the residential properties with minimum 24-inch box size trees, subject to review and approval by the Planning Division.
13. The property owner or applicant shall install bike racks for patrons and employees on the site. The bicycle racks shall be decorative in design. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
14. The applicant shall work with staff to reconfigure the proposed outdoor patios to minimize the encroachment into the required street setback landscape planters, subject to approval by the Planning Division.
15. 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.

RESOLUTION NO. PC-12\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING ZONING APPLICATION ZA-12-10 TO CONVERT AN EXISTING BUILDING INTO A DRIVE-THROUGH COFFEE SHOP AND ANOTHER FOOD USE**

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

WHEREAS, an application was filed by 450 East 17th Street Associates, LLC, requesting approval of Zoning Application ZA-12-10 to convert a former credit union building containing drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbuck's Coffee and another food use;

WHEREAS, on March 26, 2012, ZA-12-10 was approved by the Zoning Administrator;

WHEREAS, on April 2, 2012 the approval of ZA-12-10 was appealed by a property owner and called up for review by a council member;

WHEREAS, on April 23, 2012, a duly noticed public hearing was held by the Planning Commission with all persons having the opportunity to speak for and against the proposed project;

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-12-10 with respect to the property described above.

**PASSED AND ADOPTED this 23rd day of April, 2012.**

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Colin McCarthy, Chair  
Costa Mesa Planning Commission

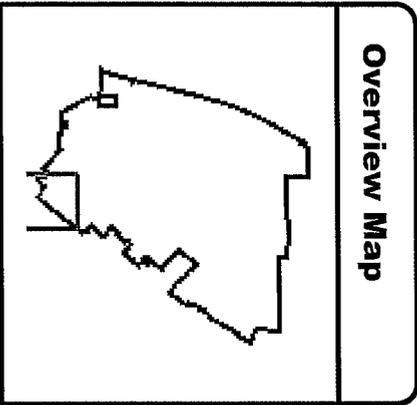
## EXHIBIT A

### FINDINGS (DENIAL)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
  - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
  - 2. The proposed use is not consistent with the General Plan or Redevelopment Plan.
  
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will allow a use, density or intensity that is not in accordance with the general plan designation for the property.
  
- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-12-10. 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 XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**ATTACHMENT 2  
LOCATION MAP**

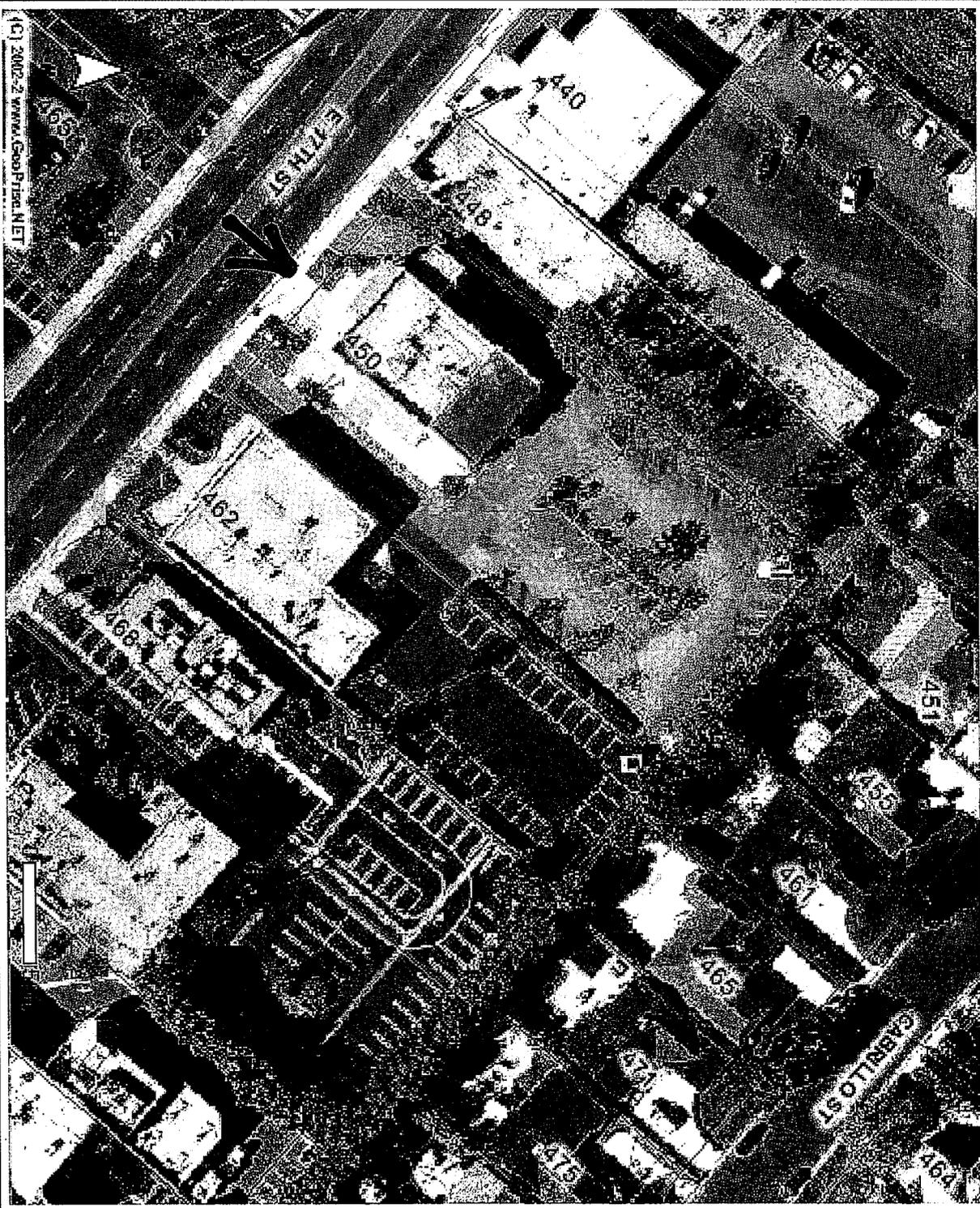
**Overview Map**



**Legend**

- Address Range
- Address Points
- Hydrology Channels
- Street Names
- Parcel Lines
- City Boundary
- Water Ways
- Ortho 2010 Level1
- Ortho 2008 Level1

**Map Display**



**ATTACHMENT 3  
APPEAL AND REVIEW REQUEST**



City of Costa Mesa

Received
City of Costa Mesa
Development Services Department

APR 02 2012

- Appeal of Planning Commission Decision/Rehearing: \$1,220.00
Appeal of Zoning Administrator/ Building Official / Fire Marshal / Staff Decision: \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name\* TOBY WALKER
Address P.O. BOX 8083, NEWPORT BEACH, CA 92658
Phone 949-644-7058 Representing SELF

REQUEST FOR: [ ] REHEARING [x] APPEAL [ ] REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

APPROVAL OF ZONING APPLICATION ZA-12-10, 450 E. 17TH STREET

Decision by:
Reasons for requesting appeal, rehearing, or review:

SEE ATTACHED

Date: 3/30/12 Signature: [Handwritten Signature]

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
\*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

### **Background**

For 30 years, both 450 and 462 E. 17<sup>th</sup> Street have had low demand banking institutions and other low demand activities. In 1982, the two property owners recognized that 462 E. 17<sup>th</sup> Street needed access over 450 E. 17<sup>th</sup> Street and an ingress-egress and parking easement over 450 E. 17<sup>th</sup> Street was granted to 462 E. 17<sup>th</sup> Street by document recorded as Instrument No. 82-297213 of Official Records of Orange County.

According to the easement, ingress and egress is granted through a 20-foot wide strip and the grant also includes the use of three specific parking spaces on 450 E. 17<sup>th</sup> Street. The limits of said easement are shown on the attached copy of the proposed grading plan for 450 E. 17<sup>th</sup> Street.

### **Current Proposal**

The applicant for 450 E. 17<sup>th</sup> Street, Burnham USA, is proposing to convert a bank with drive through into a coffee shop with drive through while converting the remaining building square footage into future restaurant use. The applicant provided a traffic study that concludes there will be three surplus parking spaces with these uses.

### **Grounds for Appeal**

The following issues have not been satisfactorily resolved and it is hereby requested the City withdraw its approval of zoning application ZA-12-10:

1. The owner of 450 E. 17<sup>th</sup> Street has never offered the owner of 462 E. 17<sup>th</sup> Street a modification to the existing access and parking easement, therefore, if the development is approved in its current configuration, 462 E. 17<sup>th</sup> Street tenants will not be able to park in the area specified in the easement and there will be a planter blocking use of the ingress lane. No resolution of this issue has been proposed.



GRANT OF EASEMENTS

This Agreement made this 23rd day of August, 1982 by and between Home Savings of America, a Federal Savings and Loan Association, hereinafter referred to as "Grantor" and Wells Fargo Bank, N.A., a national association, hereinafter referred to as "Grantee."

06/15

800 236

RECITALS

A. Grantee has, contemporaneously with this Grant of Easements, granted to Grantor fee title to that certain real property commonly known as 450 East Seventeenth Street, located in the City of Costa Mesa, County of Orange, State of California, hereinafter referred to as the "Servient Tenement," and described as follows:

The Northwesterly rectangular 126 feet of Lot 98 of "Newport Heights", in the City of Costa Mesa, as shown on a map thereof recorded in Book 4, Page 83, Miscellaneous Maps, Records of said Orange County.

**82-297213**

B. Grantee is the current lessee under that certain ground lease dated June 22, 1962, recorded July 5, 1962, in Book 6168, page 243, Official Records and as amended by two memoranda of amendment to lease, each recorded August 17, 1971. Hereinafter, Grantee's leasehold estate is referred to as the "Dominant Estate."

C. Grantee desires to acquire certain rights in the Servient Tenement.

IN CONSIDERATION of the mutual covenants created herein, Grantor and Grantee agree as follows:

1. Grant of Easements. Grantor hereby grants to Grantee the easements as hereinafter described, which shall be effective until July 31, 2061.

2. Character of Easements. The easements granted herein shall be appurtenant to the Dominant Estate.

3. Description and Location of Easements. The easements granted herein are for ingress, egress and parking, and are more fully described in Exhibits "A" and "B" attached hereto and incorporated herein.

4. Exclusiveness of Easements. The easements granted herein shall be nonexclusive.

5. Secondary Easements. The easements granted herein include incidental rights of maintenance, repair and replacement of the easements.

6. Costs of Maintenance, Repair and Replacement. Grantor shall pay one-half of all costs incurred by Grantee in maintaining, repairing and replacing the easements. Grantor shall make payment to Grantee of its share of such costs within fifteen (15) days of receipt of an itemized statement therefor from Grantee.

7. Purpose of Easements. The purpose of the easements granted herein is to provide Grantee with access to the Dominant Estate and to provide certain parking spaces on the Servient Estate for itself, its customers and all its subtenants, assigns and their customers.

8. Entire Agreement. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

9. Attorneys' Fees. In the event of any controversy, claim or dispute relating to this instrument or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees, and costs.

10. Binding Effect. This instrument shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first written above.

GRANTOR:

HOME SAVINGS OF AMERICA

By: *John Raimist*  
Vice President

By: *Elaine McConnell*  
Assistant Secretary

GRANTEE:

WELLS FARGO BANK, N.A.

By: *W. D. [Signature]*  
Assistant Secretary

By: *[Signature]*  
Vice President

DESCRIPTION OF EASEMENT FOR WELLS FARGO BANK, N.A.

PARCEL 1

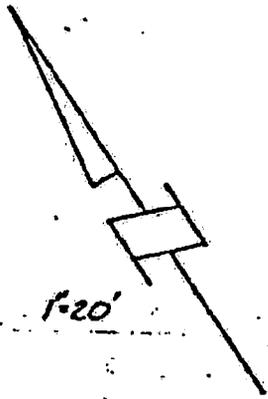
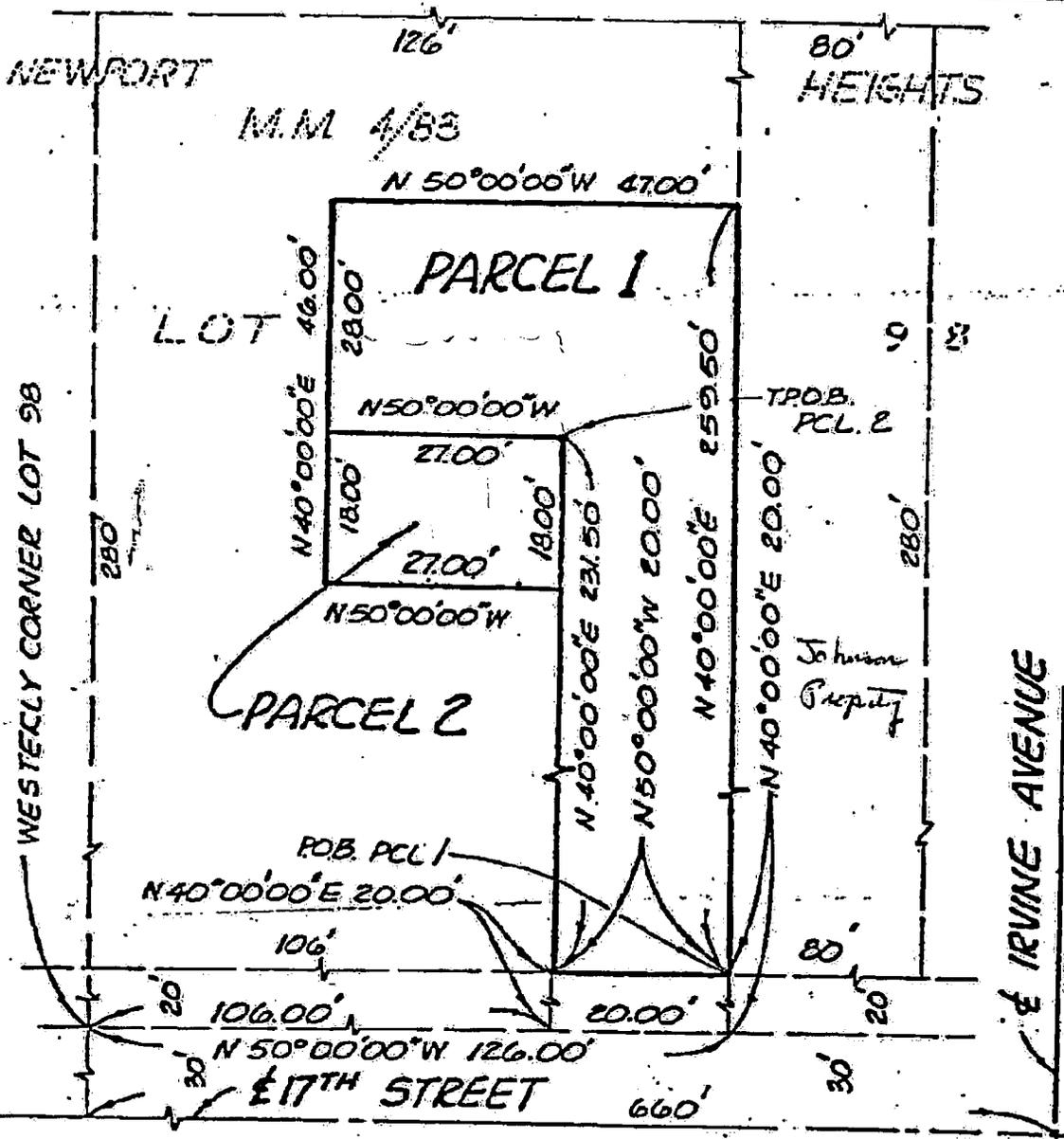
An easement for ingress and egress over that portion of Lot 98 of Newport Heights in the city of Costa Mesa, county of Orange, state of California as shown on a map recorded in Book 4, Page 83 of Miscellaneous Maps in the office of the County Recorder of said county, described as follows:

Beginning at a point that is distant South 50° 00' 00" East 126.00 feet and North 40° 00' 00" East 20.00 feet from the westerly corner of said lot; thence North 40° 00' 00" East 259.50 feet; thence North 50° 00' 00" West 47.00 feet; thence South 40° 00' 00" West 28.00 feet; thence South 50° 00' 00" East 27.00 feet; thence South 40° 00' 00" West 231.50 feet; thence South 50° 00' 00" East 20.00 feet to the point of beginning.

PARCEL 2

An easement for ingress, egress and parking purposes over that portion of Lot 98 of Newport Heights in the city of Costa Mesa, county of Orange, state of California, as shown on a map recorded in Book 4, Page 83 of Miscellaneous Maps in the office of the County Recorder of said county, described as follows:

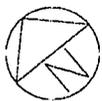
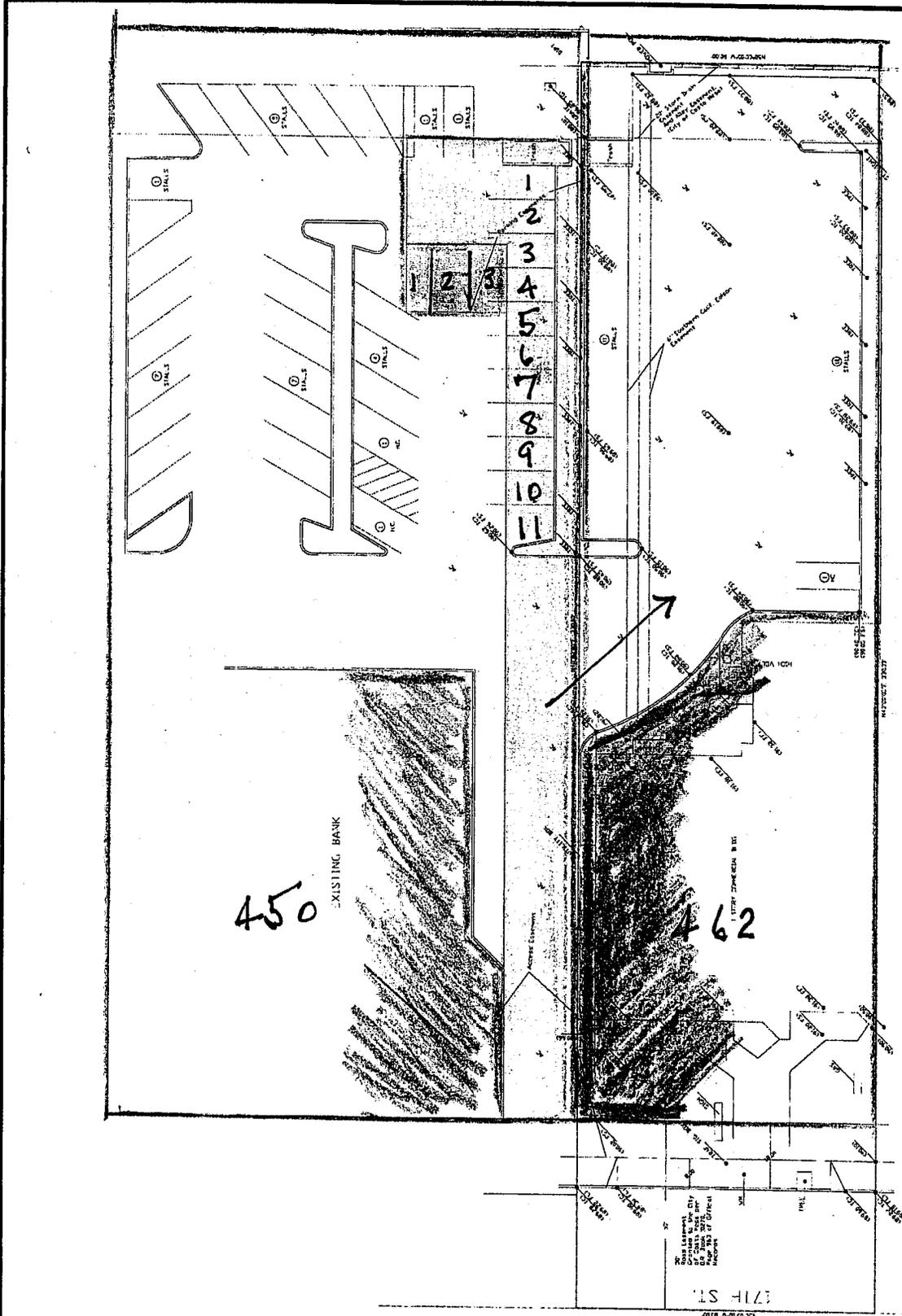
Beginning at a point that is distant South 50° 00' 00" East 106.00 feet and North 40° 00' 00" East 20.00 from the westerly corner of said lot; thence North 40° 00' 00" East 231.50 feet to the TRUE POINT OF BEGINNING; thence North 50° 00' 00" West 27.00 feet; thence South 40° 00' 00" West 18.00 feet; thence South 50° 00' 00" East 27.00 feet; thence North 40° 00' 00" East 18.00 feet to the TRUE POINT OF BEGINNING.



SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR-  
 WELLS FARGO BANK  
 PTN. LOT 98, NEWPORT HEIGHTS M.M. 4/83

**B** Bouie Engineering Corporation  
 consulting engineers / architects

AUG. 5, 1982    508-002-00    W-1280



Scale 1" = 10'

<p><b>SURVEYING, INC.</b>          201 WEST 10TH STREET, SUITE 400          DENVER, COLORADO 80202          PHONE: 303.733.1234          FAX: 303.733.1235</p>	<p><b>T. PHILGRAH, C. SUNVLY</b>          License: 144-23          Date: 4-08-03          JCS: 34-11</p>	<p><b>OWNER</b>          THE BANK OF AMERICA          100 MARKET STREET, 10TH FLOOR          DENVER, CO 80202</p>	<p><b>LEGAL DESCRIPTION</b>          PART OF LOT 11, BLOCK 1, SUBDIVISION 100 OF          THE "MOUNTAIN VIEW" TRACT,          COUNTY OF DENVER, STATE OF COLORADO</p>	<p><b>BENCH MARK</b>          BENCH MARK          ELEVATION: 5281.12          DATE: 11-11-02</p>	<p><b>ADDRESS OF PROJECT</b>          100 MARKET STREET          DENVER, CO 80202</p>
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APR 02 2012

- Appeal of Planning Commission Decision -
- Appeal of Zoning Administrator/Staff Decision -

**APPLICATION FOR APPEAL, REHEARING, OR REVIEW**

Applicant Name\* Wendy Leece  
 Address Costa Mesa City Council  
 Phone \_\_\_\_\_ Representing \_\_\_\_\_

REQUEST FOR:     REHEARING     APPEAL     REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

Zoning Application ZA-12-10 for 450 E. 17<sup>th</sup> Street.

Decision by: Zoning Administrator

Reasons for requesting appeal, rehearing, or review:

I would like to pull this decision for review due to the fact there were five opposed. Perhaps we can address some of their concerns.

Date: April 2, 2012      Signature: Wendy Leece

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.  
 \*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:  
 If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

**ATTACHMENT 4**  
**APPLICANT'S EMAIL RESPONSE**

---

**From:** Stephen Thorp [mailto:sthorp@burnhamusa.com]  
**Sent:** Friday, April 06, 2012 1:24 PM  
**To:** LEE, MEL  
**Cc:** Bryon Ward  
**Subject:** RE: Appeals for ZA-12-10 (450 E. 17th Street)

Mel,

We will have LLG respond to Mr. Walker's issues that were raised in his appeal. I hope to have a formal response by the end of next week.

As for the adjacent neighbors, Bryon and I met in person with both Dave Harris and Bob Small. We have agreed to additional mitigation measures and they will not be appealing the project. We will obtain a letter from both Dave Harris and Bob Small stating their approval of our project.

Best regards,  
Steve

Stephen K. Thorp  
Executive Vice President  
**Burnham USA Equities, Inc.**  
1100 Newport Center Drive, Suite #150  
Newport Beach, CA 92660  
Phn: (949) 760-9150  
Fax: (949) 760-0430  
Eml: [sthorp@burnhamusa.com](mailto:sthorp@burnhamusa.com)

This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC §§ 2510-2521), (b) may contain confidential information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

It is understood that this email and any response hereto or any oral or written communication or any document which may be sent by or on behalf of either party to the other shall not have any binding effect on either party. Further, such understanding shall nullify any claim that either party or its representatives or agents is obligated to perform any act or expend time, money or effort based on this communication.

**ATTACHMENT 5**  
**APPROVAL LETTER AND EXHIBITS**



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

March 26, 2012

Stephen Thorp  
1100 Newport Center Drive. #150  
Newport Beach, CA 92660.

**RE: ZONING APPLICATION ZA-12-10  
MINOR CONDITIONAL USE PERMIT TO CONVERT A PORTION OF A  
BUILDING CONTAINING A DRIVE-THROUGH FOR A FORMER CREDIT  
UNION TO A DRIVE-THROUGH FOR A COFFEE SHOP  
450 EAST 17<sup>TH</sup> STREET, COSTA MESA**

Dear Mr. Thorp:

Staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5 p.m. on April 2, 2012, unless appealed by an affected party including filing of the necessary application and payment of the appropriate fee or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5611, or at [mel.lee@costamesaca.gov](mailto:mel.lee@costamesaca.gov).

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

Attachments:      Project Description  
                         Findings  
                         Conditions of Approval, Code Requirements, and Special District  
                         Requirements  
                         Applicant's Project Description Letter and Parking Study  
                         Approved Conceptual Plans

cc:      Engineering  
         Fire Protection Analyst  
         Building Safety Division

450 East 17th Street Associates, LLC  
1100 Newport Center Drive, #150  
Newport Beach, CA 92660

Toby Walker  
Post Office Box 8083  
Newport Beach, CA 92658

David Harris  
455 Cabrillo Street  
Costa Mesa, CA 92627

Bob Small  
465 Cabrillo Street  
Costa Mesa, CA 92627

## **PROJECT DESCRIPTION**

- The property is located on the north side of East 17<sup>th</sup> Street, between Tustin Avenue and Irvine Avenue, and contains a 5,800 square-foot building (formerly Schools First Federal Credit Union) and 30 on-site parking spaces. The building has an existing 154-foot deep drive-through lane that accommodated a drive-up automated teller machine (since removed). The property is zoned C1 (Local Business District) and has a general plan land use designation of General Commercial.
- The applicant is requesting approval of a Minor Conditional Use Permit for a future 2,356 square-foot coffee house with the parking demand and traffic characteristics of a Starbucks Coffee Shop ("coffee shop") with drive-through service. According to the applicant, the remaining portion of the building, approximately 2,185 square feet, has been allocated for a future restaurant tenant use (a specific tenant has not been identified) bringing the total net rentable area to 4,541 square feet. An existing 1,250 square-foot second floor mezzanine within the building will be removed as part of the building remodel. Outdoor patios are also proposed, which has also been factored into the parking analysis discussed below.

### ***Staff Justifications for Approval***

Staff recommends approval of the MCUP for the following reasons:

- Staff believes that the independent shared parking study prepared for the project, rather than the straight parking requirements in the Code, generally identifies the parking demand for the project, although subsequent parking monitoring shall be required. A shared parking analysis dated March 1, 2012, was prepared for the project by Linscott, Law & Greenspan Engineers (LLG), a copy of which is attached to this letter. A shared parking analysis is a tool to identify peak parking demand in multi-tenant commercial centers. In some cases, depending on the different mix of land uses, it may show a lower parking requirement compared to straight "Code-required" parking requirements. This parking study analyzed 2,356 square feet of the building being occupied with a drive-through coffee shop and the balance of the building (2,185 square feet) being occupied by a food service tenant.

In this case, Code-required parking is calculated based on a scenario wherein both spaces are occupied by eating and drinking establishments, which is consistent with the applicant's proposed use of the property. However, even under the assumption that the building is fully leased and occupied, the study concludes that, based on the proposed mix of uses, there would be a **surplus of 3 parking spaces** (39 spaces required; 42 parking spaces provided) during the PM peak times on the weekdays and weekends. The study concluded that there would be adequate parking.

The parking study has been reviewed by the City's Transportation Services and Planning Divisions, and staff generally concurs with the study methodology, suggested parking rates, and the consultant's conclusions in concept. However, the parking study is based on theoretical assumptions of the parking demand

characteristics of drive-through coffee shops. At this level, the parking study does not take into account that, unique to some coffee shops, some customers may tend to stay/park for longer periods to use the Wi-Fi services for social networking or business purposes. As a result, parking supply may become limited due to the extended duration of customer visits. Therefore, staff believes it is necessary to validate the parking conclusions based on real-time parking counts once the coffee shop is fully operational. Given that the other tenant space is 2,185 square feet and parking shall be in common, staff believes it is important to take into account these customer characteristics to ensure adequate parking is available for both tenants.

Staff recommends the following condition of approval:

- Zoning approval and business license authorization for a proposed establishment where food and beverages are served shall be contingent upon validation of the parking conclusions of the March 1, 2012 parking study. This validation shall be in the form of real-time parking counts conducted within 180 days of the coffee shop being fully operational. As an alternative to real-life parking counts and to expedite negotiations with prospective tenants of the second lease area, the Development Services Director may elect to approve a revised parking study that addresses the unique customer characteristics of similar coffee shops in lieu of real-time parking counts. The intent of this condition is to ensure that the unique characteristics of coffee shop customers (i.e., tendency for extended visits) are taken into account for parking purposes. If parking shortages or other parking-related problems occur during the operations of any coffeehouse use on this property, the landlord shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. These measures may include identifying select parking spaces for short-term parking (i.e. 30 minutes, 1 hour, etc.), reserving certain parking spaces for the other tenant, and/or any other measures as deemed appropriate by the Development Services Director.

A condition of approval also requires an interim parking plan to address the anticipated high surge of customers during the coffee shop grand opening for 90 days. This condition ensures that employees are parked away from the main entrance and adequate parking is available to customers during peak hour traffic. A condition of approval has also been incorporated requiring the property owner or applicant to install bike racks on the site for patrons and employees.

- Design of drive-through lane provides adequate vehicle queueing and circulation. The main entrance to the drive-through lane site is provided via the easterly driveway entrance from East 17<sup>th</sup> Street with a queue for several vehicles exiting from the westerly driveway approach onto East 17<sup>th</sup> Street. Per Code, the minimum length of the drive through lane from the entry to the pickup window is 160 feet; 154 feet is proposed. The design of the queueing lane has been reviewed by the City's Transportation Services Division, and they have no concerns with the design or the length of the lane.

- The building will be remodeled with contemporary architecture to provide a positive complement to the East 17<sup>th</sup> Street streetscape. The building will have contemporary colors and materials that will be an improvement over the existing appearance of the building. Additionally, the landscaping along the street frontage will be required to be planted with appropriate-sized trees and groundcovers per current code requirements.

The conceptual plans show the proposed patio located within the required street landscape setback. Staff has included a condition of approval requiring that the applicant work with staff to reconfigure the proposed outdoor patios to minimize the encroachment into the required street setback landscape planters, subject to approval by the Planning Division.

- Noise impacts to residential uses will be minimized. The existing drive-through is set back approximately 140 feet from the nearest single-family residences to the north (rear), which is separated by an existing masonry block wall at least 6 feet in height and an existing 14-foot wide landscape planter, where the existing mature trees were recently removed. A condition of approval has been incorporated requiring this landscape planter to be densely re-planted with trees minimum 24-inch box size and other landscape materials. While this landscape area will not buffer noise as effectively as the existing block wall, it will also provide an effective visual barrier from the abutting residences, therefore, minimizing any adverse impacts to the adjacent residences.
- The use, as conditioned, is consistent with the Zoning Code and the City's General Plan because, with the proposed conditions, the proposed use should not adversely impact surrounding uses.

## **FINDINGS**

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the 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. Granting the minor conditional use permit will not allow a use, density or intensity, that is not in accordance with the general plan designation for the property. Specifically, staff does not anticipate any parking impacts because the parking study prepared for the project has been reviewed by the City's Transportation Services Division, and they concur with the study methodology, suggested parking rates, and the consultant's conclusions regarding adequate parking. If the remaining space is occupied by a food use, zoning approval and business license authorization shall be contingent upon validation of the parking conclusions of the parking study prepared for the project. This validation shall be in the form of real-time parking counts conducted within 180 days of the coffee shop being fully operational. Additionally, if parking shortages or other parking-related problems arise, the landlord shall institute

whatever reasonable operational measures necessary to minimize or eliminate the problem. Design of the drive-through lane provides adequate vehicle queueing and circulation. The building will be remodeled with contemporary architecture to provide a positive complement to the East 17<sup>th</sup> Street streetscape. Adverse impacts to residential uses will be minimized due to the requirement that the existing landscape planter at the rear of the property (adjacent to residential) be densely re-planted with trees to provide an additional buffer for residential properties.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
1. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
  2. Safety and compatibility of the design of the buildings, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
  3. The use is consistent with the General Plan designation because the project will not exceed the allowable General Plan intensity for the site.
- 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 under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

### **CONDITIONS OF APPROVAL**

- Plng. 1. The uses shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment subject to approval by the Zoning Administrator.
2. If parking shortages or other parking-related problems arise, the business operator shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem. These measures may include identifying select parking spaces for short-term parking (i.e. 30 minutes, 1 hour, etc.), reserving certain parking spaces for the other tenant, and/or any other measures as deemed appropriate by the Development Services Director.
3. The use 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 reasonable security and operational measures are necessary to comply with this requirement.
4. The applicant shall contact the Planning Division to arrange a Planning

inspection of the site prior to commencement of the business. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

5. Prior to the grand opening of the coffee shop, the applicant shall submit an interim parking plan to the Planning Division for review and approval to ensure that adequate employee parking is available on-site or on at an authorized site through an agreement with its property owner. In addition, the plan shall indicate that employees shall be available to minimize any impacts to circulation on the adjacent streets and surrounding properties. This interim plan shall be in place for a minimum of 60 days during the "Grand Opening" and may be extended for an additional 30 days to meet customer demands as deemed appropriate by the Development Services Director. The interim plan shall be approved prior to issuance of certificate of occupancy.
6. After the Grand Opening period when the interim parking plan is no longer in place, employees of the fast food restaurant shall park on-site. Employee parking shall occur in any of the parking stalls on the property. Employee parking on the public streets fronting residential properties shall be considered a violation of the terms of approval of the minor conditional use permit. If repeated violations occur, the Development Services Director shall have the discretion to require employee parking spaces be assigned on the property, or to require other appropriate measures to ensure on-site employee parking.
7. Zoning approval and business license authorization for a proposed establishment where food and beverages are served shall be contingent upon validation of the parking conclusions of the March 1, 2012 parking study. This validation shall be in the form of real-time parking counts conducted within 180 days of the coffee shop being fully operational. As an alternative to real-life parking counts and to expedite negotiations with prospective tenants of the second lease area, the Development Services Director may also elect to approve a revised parking study that addresses the unique customer characteristics of similar coffee shops in lieu of real-time parking counts.
8. The conditions of approval for ZA-12-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
9. 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.
10. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.
11. It is recommended that the project incorporate green building design

- and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
12. The existing landscape planter at the rear of the property shall be densely re-planted in order to provide an additional buffer for the residential properties with minimum 24-inch box size trees, subject to review and approval by the Planning Division.
  13. The property owner or applicant shall install bike racks for patrons and employees on the site. The bicycle racks shall be decorative in design. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
  14. The applicant shall work with staff to reconfigure the proposed outdoor patios to minimize the encroachment into the required street setback landscape planters, subject to approval by the Planning Division.
  15. 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.

### **CODE REQUIREMENTS**

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) obtains building permits for the authorized construction and initiates construction; and/or 2) obtains a business license and/or legally establishes the business. If the applicant is unable to establish the use/obtain building permits within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
  2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
  3. Use shall comply with all requirements of Articles 3 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
  4. Use shall comply with all requirements of Sections 13-49 and 13-50 of the Costa Mesa Municipal Code relating to development standards for establishments within 200 feet of residentially zoned property and development standards for drive-through operations.
  5. Street address shall be visible from the public street and shall be displayed on the freestanding sign. If there is no freestanding sign, the street address may be displayed on the fascia adjacent to the main

entrance or on another prominent location. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.

6. Parking stalls shall be double-striped in accordance with City standards
7. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
9. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
- Bldg. 10. Comply with the requirements of the 2010 California Building Code, 2010 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
11. Provide a plan to the County of Orange Health Dept. for review and approval.
- Bus. Lic. 12. All contractors and subcontractors shall have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
13. Business license(s) shall be obtained prior to the initiation the business(es).
- Eng. 14. For demolition, grading, or building permits involving projects with a valuation of \$10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: \$1,000 or 3% of the total project value, whichever is greater.

**SPECIAL DISTRICT REQUIREMENTS**

The requirement of the following special districts are hereby forwarded to the applicant:

- Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements.
- AQMD 2. Applicant shall contact the Air Quality Management District at 800.288.7664 for potential additional conditions of development or for additional permits required by the district.
- Bldg. 3. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

1100 Newport Center Dr., Suite 150 Newport Beach, CA 92660-6297

February 15, 2012

VIA HAND DELIVERY

Mr. Melvin Lee  
Senior Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

**RE: 450 E. 17<sup>th</sup> Street**  
Costa Mesa, CA 92627

Dear Mel,

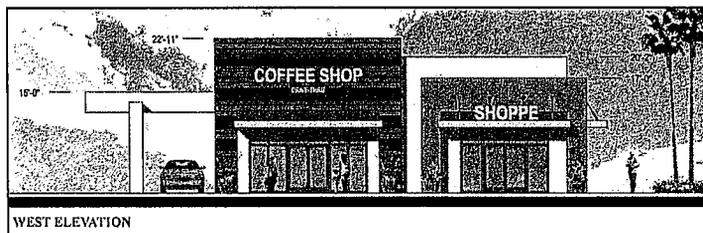
Please accept this letter along with the enclosed documents as our formal submittal for the remodel of the subject property. The property, which was formally occupied by Schools First Federal Credit Union, is an antiquated building that is no longer consistent with the quality of retail properties along the 17<sup>th</sup> Street Promenade. Several years ago the City of Costa Mesa went to great lengths to improve East 17<sup>th</sup> Street, and we are excited that we will be a part of the continued efforts to improve the 17<sup>th</sup> Street Promenade.

As a brief matter of background, Schools First Federal Credit Union formerly occupied the property as a credit union branch that offered an array of services, including a drive-through teller. The property did not undergo any substantial improvements during the past 30 years, and it now shows its age. While the interior improvements of the building are in good condition, the property deserves to be upgraded in order to accommodate new retail uses for the neighboring communities of East Side Costa Mesa.

One of the most important physical transformations that the property will undergo is the creation of a new storefront for each of the new suites (two suites total) that front 17<sup>th</sup> Street. Currently, there are no windows on the westerly elevation fronting 17<sup>th</sup> Street, thus resulting in a poor presence for the property. As you can see in the illustrations below, the planned improvements for the elevation will create a completely new appearance for the property.



Before



After

Mr. Melvin Lee  
City of Costa Mesa  
February 15, 2012  
Page 2 of 3

The current configuration of the elevation facing East 17<sup>th</sup> Street is currently monolithic in nature and does not provide any variation in architectural style. The materials that will be used on the exterior feature sustainable organic materials which include reclaimed wood, natural steel, and smooth stucco. By creating two distinctive storefronts, the building will take on a new life which will lend itself to the transition of unique properties along the 17<sup>th</sup> Street Promenade. The existing drive-through canopy and window system will also be improved in order to accommodate a coffee/food user.

Another very important aspect of the property's remodel is the improvement that will be made to the common patio areas that front 17<sup>th</sup> Street. As the 17<sup>th</sup> Street Promenade continues to become an established pedestrian corridor, it is important to create more "people places" for gathering. As such, the renovation of the property will not only include the rehabilitation of the existing patio area, but it will also address new architectural enhancements such as a water feature or fire pit, sustainable landscaping utilizing drought tolerant plant materials and ornamental grasses, and bicycle racks and stroller parking area - all of which encourage the continued increase in pedestrian traffic and community gathering.

Currently, the building is approximately 5,800 square feet, however, there is a 1,250 square foot mezzanine space that will be abandoned as a part of the remodel of the property. The result will be a leasable area of approximately 4,550 square feet. Following a minor reconfiguration of the on-site parking lot, the property will provide 42 on-site parking spaces which equates to a 9.3:1 parking ratio. Additionally, significant improvements will be made to the ADA accessibility and parking in order to bring the property into compliance with ADA standards.

The proposed use of the property (retail, restaurant, service, etc.) is not only consistent with the past use, but it is also substantially compatible with current uses permitted along the 17<sup>th</sup> Street Promenade. The proposed uses would not be materially detrimental to other properties in the same area.

Mel, we are very excited about this opportunity to re-imagine and improve another property in the City of Costa Mesa and we look forward to working with you and the rest of your team to bring this project to fruition. Should you have any questions, please feel free to contact me anytime.

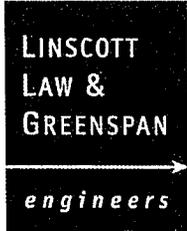
Best regards,

450 E. 17<sup>th</sup> St. Associates, LLC  
By: Burnham-Ward Properties LLC



Stephen Thorp

cc: Bryon Ward



March 1, 2012

Mr. Stephen K. Thorp, Executive Vice President  
Burnham USA  
1100 Newport Center Drive, Suite 150  
Newport Beach, CA 92660

LLG Reference No. 2.12.3265.1

**Subject: Parking Analysis for the Remodel and Tenancy Modification  
Former Orange County Teacher's  
Federal Credit Union (OCTFCU) Site at 450 E. 17<sup>th</sup> Street  
Costa Mesa, California**

**Engineers & Planners**  
Traffic  
Transportation  
Parking

**Linscott, Law &  
Greenspan, Engineers**  
1580 Corporate Drive  
Suite 122  
Costa Mesa, CA 92626  
**714.641.1587** T  
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www.llgengineers.com

Pasadena  
Costa Mesa  
San Diego  
Las Vegas

Dear Mr. Thorp:

As requested, Linscott, Law, & Greenspan, Engineers (LLG) is pleased to submit this Parking Analysis for the proposed "redo" and reuse of the former (and currently 100% vacant) OCTFCU branch at 450 E. 17<sup>th</sup> Street in Costa Mesa. The proposed remodel would make way for a Starbucks Coffee location (with drive-thru) as well as an expected "quick serve" restaurant use. Together, these two tenancies are herein after referred to as the Project.

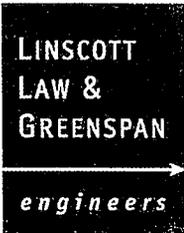
A parking study has been required by the City of Costa Mesa to evaluate the parking requirements and operational needs of the Project site at future full occupancy with the proposed two tenancies in place. This report evaluates those needs based on application of City code, and the further application of the Urban Land Institute's (ULI) *Shared Parking* methodology as adopted by the City of Costa Mesa.

Based on prior field study experience, LLG has concluded that the proposed Starbucks does not quite fit the parking ratio and time-of-day profile associated with a "restaurant" use as carried in the City's code and shared parking methodology. As such, the LLG approach presented below evaluates the total parking needs of the site by applying the City methodology to the expected "quick serve" restaurant component, and further adding an explicit parking ratio and time-of-day profile as derived from prior LLG field study for the Starbucks component.

Our study approach is detailed in the following sections of this report.

Philip M. Linscott, PE (1924-2000)  
Jack M. Greenspan, PE (Ret.)  
William A. Law, PE (Ret.)  
Paul W. Wilkinson, PE  
John P. Keating, PE  
David S. Shender, PE  
John A. Boorman, PE  
Clare M. Look-Jaeger, PE  
Richard E. Barretto, PE  
Keil D. Maberry, PE

An LG2WB Company Founded 1968



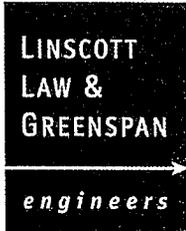
Briefly, we conclude that the “design level” parking demands of the site will peak at 39 spaces. This results from a shared parking evaluation integrating the City’s own procedures, with the further refinement and integration of Starbucks field study data compiled by LLG. The Project proposes a supply of 42 spaces, up to three of which could be utilized by tenants and visitors of the adjoining parcel at 462 E. 17<sup>th</sup> Street. After accounting for that use of up to 3 spaces, the minimum “net” Project-specific supply of 39 spaces will exactly balance with expected “design level” parking needs of the Project.

## PROJECT LOCATION AND DESCRIPTION

The Project site is located on the north side of 17<sup>th</sup> Street generally between Tustin Avenue and Irvine Avenue. *Figure 1*, located at the rear of this letter report, presents the proposed site plan.

An A.L.T.A. survey of the site prepared in 2011 indicates an existing building floor area of 4,619 SF and a parking total of 30 spaces (to include 2 handicap parking spaces). Further review of that survey indicates a nonexclusive easement (dating back to 1982) on the 450 E. 17<sup>th</sup> Street Project site for ingress, egress and parking purposes benefiting the adjoining parcel to the east (462 E. 17<sup>th</sup> Street, where tenancies now include One West Bank, Blonder Salon, and a vacant suite.) The easement area appears to include up to three existing parking spaces at the 450 E. 17<sup>th</sup> Street Project address, and from clarifying conversations with you, it is LLG’s understanding that the net effect of that easement is an obligation of the Project to make available up to three nonexclusive parking spaces for use by tenants of and visitors to the 462 E. 17<sup>th</sup> Street address. As such, the parking calculations that follow track not only the needs of the proposed Starbucks and “quick serve” restaurant, but also presume, as a worst case that the adjoining uses at 462 E. 17<sup>th</sup> Street will add a further demand for three spaces.

When compared to existing development on the site, the proposed Project plan essentially remodels the existing building and divides it to two tenant spaces, the northern-most totaling 2,356 SF and constituting the Starbucks location (with immediate proximity to a remodeled drive-thru lane carried over from the prior financial tenancy), and the southern suite totaling 2,185 SF, for a resulting building area of 4,541 SF. From *Figure 1*, the plan also depicts a square footage total for each of three patio areas. For parking requirement calculation purposes, the City code requires patio area to be included as part of the restaurant floor area. Given that requirement, the floor area input to the “quick serve” parking needs calculation totals 2,535 SF (2,185 SF within the building plus patio areas of 100 SF and 250 SF). The



treatment of the 250 SF of patio immediately adjoining the Starbucks suite is described later in this report.

The *Figure 1* site plan modifies the current provision of 30 spaces on the site, and increases that supply to 42 spaces (including 2 handicap spaces).

### **“CODE” PARKING REQUIREMENTS AND ADAPTIVE METHODOLOGY**

The “code” parking calculation for the Project is based on the City’s requirements as outlined in *Chapter 6 – Off-Street Parking Standards* City of Costa Mesa Municipal Code. For restaurant uses, the City’s Municipal Code requires ten (10) spaces per 1,000 SF of GFA for the first 3,000 SF, and twenty (20) spaces per 1,000 SF of GFA for each additional 1,000 SF.

The City’s code requires patio seating area to be summed as part of the building floor area when performing the “code” calculation. On that basis, the floor area to be input to the code calculation totals 5,141 SF (summed as 2,356 + 2,185 + 250 + 100 + 250). The resulting requirement breaks out as follows:

3,000 SF @ 10 spaces per 1,000 SF	=	30 spaces
<u>5,141 SF – 3,000 SF = 2,141 SF @ 20 spaces per 1,000 SF</u>	=	<u>43 spaces</u>
<b>Total Requirement</b>	=	<b>73 spaces</b>

This 73-space requirement does not reflect the potential use of up to three additional spaces by the adjoining parcel.

For projects with a mix of land use types, the “City of Costa Mesa Procedure for Determining Shared Parking Requirements” typically applies. While LLG’s experience is that coffee uses such as Starbucks do not fit the same “restaurant” ratio and time-of-day parking profiles applicable to the “quick serve” restaurant tenancy of the proposed Project, City procedures do not recognize that distinction. The analysis that follows does make that distinction, and combines a Project-specific Starbucks parking ratio and hourly profile with a “code” calculation and City shared parking application for the “quick serve” restaurant.

### **SHARED PARKING ANALYSIS**

#### **Shared Parking Methodology**

Accumulated experience in parking demand characteristics indicates that a mixing of land uses results in an overall parking need that is less than the sum of the individual

peak requirements for each land use. This is true even for the subtle variation in parking needs for the Starbucks tenancy combined with those of the expected “quick serve” venue. The latter has typically a lunch-time and dinner trade, while Starbucks demand clearly peaks in the early to mid-morning hours in a complimentary pattern when compared to a more traditional “restaurant” use. The objective of this shared parking analysis is to forecast the peak parking requirements for the Project based on the combined demand patterns of these different tenancy types at the site.

Shared parking calculations recognize that different uses often experience individual peak parking demands at different times of day, or days of the week. When uses share common parking footprints, the total number of spaces needed to support the collective whole is determined by adding parking profiles (by time-of-day for weekdays versus weekend days), rather than individual peak ratios as represented in the City of Costa Mesa Zoning Code. In that way, this shared parking approach starts from the City’s own code ratios for restaurants, supplements this with Starbucks-specific characteristics, applies the City’s own procedures for determining shared parking requirements, and results in the “design level” parking supply needs of the Project site.

It should be noted that the “demand” results of this shared parking calculation are intended to be used directly for comparison to the proposed Project site supply, after accounting for the up to 3 spaces that may be used by the adjoining site. No further adjustments or contingency additions are needed because such contingencies are already built into the peak parking ratios and time-of-day profiles used in the calculations.

### **Shared Parking Ratios and Profiles**

The expected “quick serve” restaurant tenancy of the site has been input to the shared parking calculations at the City code ratio of 10 parking spaces per 1,000 SF, an interior plus patio area of 2,535 SF, resulting peak requirement of 25 spaces, and the time-of-day profiles represented in the City’s shared parking methodology.

The Starbucks representation within those calculations is based on prior LLG field study (in year 2000) of two existing Starbucks sites, without drive-thru lanes. The study sites and other findings from the data are as follows:

- Existing Starbucks location of 1,464 SF at 14948 Imperial Highway in La Mirada, adjoining the La Mirada/Imperial intersection (“Site 1”).
- Existing Starbucks location of 1,520 SF at 505 N. State College Boulevard in Fullerton, adjoining the State College/Chapman intersection (“Site 2”).

- Both sites had some patio seating (3-5 tables, 8-16 seats). While the interior floor area of each site was known, the patio area was not. Peak parking ratios calculated from field study data are derived from those interior floor areas as a “blended” factor to be applied only to the interior floor area of a new location, but which also accounts for patio seating at that location.
- The peak observed parking demand on a weekday equated to a demand factor of 11.06 spaces per 1,000 SF of interior (versus interior plus patio) floor area. The peak weekend ratio was 10.05 spaces per 1,000 SF of building area.
- These field studies resulted in a peak parking “design factor” of 12.0 spaces per 1,000 SF of building area, which also accounts for the parking needs of the of the adjoining patio.
- Time-of-day profiles were also derived, and brought forward to the Project calculation based on the anticipated 2,356 SF Starbucks tenancy (noting further that this calculation inherently accounts for the presence of patio seating).

The attached *Appendix Table A-1* and *Table A-2* present the Starbucks ratio and profile derivation as well as its application to the Project site. As indicated, the peak Starbucks requirement tops out at 28 spaces at 8 AM on a weekday. Demand reduces significantly from this peak during other hours of the day. Weekend needs are incrementally less, with a peak focused more to the mid-morning hours.

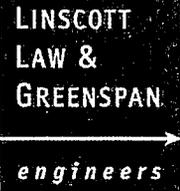
It should be noted that the derived Starbucks peak ratio and parking profiles are rooted in field studies of sites without drive-thru lanes. This is concluded to be a conservative approach. At sites with a drive-thru lane, Starbucks has advised that 40% to 60% of its sales volume uses the drive-thru lane (inferring some corresponding reduction in parking demand). While this drive-thru split does not translate directly to an equivalent reduction in peak parking demand, the peak “design level” ratio of 12.0 spaces per 1,000 SF is concluded to have at least a ten to twenty percent integrated contingency.

#### **Application of Shared Parking Methodology to Proposed Project**

*Tables 1* and *2* present the future weekday and weekend (typically Saturday) parking demand profiles for the proposed Project based on the shared parking methodology. They integrate the “quick serve” and Starbucks calculations as described in the prior section.

Review of *Tables 1* and *2* indicates that the weekday and weekend peak parking demands will occur in the evening hours, with “design level” peak demands of 39 spaces. The minimum Project surplus is 3 spaces, which would off-set the potential

Mr. Stephen K. Thorp  
March 1, 2012  
Page 6



use of up to three spaces by the adjoining site. It will also be noted that the City methodology results in relatively modest calculated restaurant demand levels at midday, with surpluses of at least 15 spaces (18 as shown minus up to 3 spaces being used by the adjoining site). The calculated midday surplus would facilitate stronger parking demand levels by the "quick serve" restaurant than anticipated by the City methodology.

Based on the results of *Tables 1* and *2*, we conclude that the proposed 42-space supply will result in a balanced condition with peak demand, even after accounting for up to three spaces being used by tenants and visitors of the adjoining 462 E. 17<sup>th</sup> Street parcel.

We appreciate the opportunity to prepare this analysis for Pacific Plaza. Should you have any questions or need additional assistance, please do not hesitate to call us at (714) 641-1587.

Very truly yours,  
**Linscott, Law & Greenspan, Engineers**

A handwritten signature in black ink, appearing to read "Paul W. Wilkinson". The signature is written in a cursive style.

Paul W. Wilkinson, P.E.  
Principal

Attachments

cc: file

TABLE 1  
WEEKDAY SHARED PARKING DEMAND ANALYSIS [a]  
450 EAST 17TH STREET, COSTA MESA

USE	Restaurant 1st 3K (Sq. Ft.)	Starbucks Based on Empirical Data [b]	Total Parking Demand by Hour	Comparison with Parking Supply by Hour (surplus)
SIZE	2,535	2,356	-	-
RATIO	0.01	-	-	-
SUPPLY	-	-	-	42
PK DEMAND	25	28	53	-
6:00 AM	0	17	17	25
7:00 AM	1	27	28	14
8:00 AM	1	28	29	13
9:00 AM	3	26	29	13
10:00 AM	5	12	17	25
11:00 AM	8	10	18	24
NOON	13	7	20	22
1:00 PM	18	6	24	18
2:00 PM	15	7	22	20
3:00 PM	15	10	25	17
4:00 PM	13	9	22	20
5:00 PM	18	9	27	15
6:00 PM	23	13	36	6
7:00 PM	25	7	32	10
8:00 PM	25	11	36	6
9:00 PM	25	14	39	3
10:00 PM	23	10	33	9
11:00 PM	18	6	24	18
<b>MAXIMUM WEEKDAY DEMAND</b>				<b>39</b>
<b>NET PARKING SUPPLY [c]</b>				<b>39</b>
<b>PARKING SURPLUS (+) OR DEFICIENCY (-)</b>				<b>0</b>

**Notes:**

[a] Source: Based on City of Costa Mesa adopted procedures

[b] Empirical Data Based on Average Ratios taken from the  
*Parking Study for the Proposed Starbucks Coffee in Harbor Town Square* dated April 3, 2000.

[c] Accounts for 3 spaces on project site required to provide parking to the adjoining  
commercial site at 462 E. 17th Street.

TABLE 2  
WEEKEND SHARED PARKING DEMAND ANALYSIS FOR EXISTING SITE [a]  
450 EAST 17TH STREET, COSTA MESA

USE	Restaurant 1st 3K (Sq. Ft.)	Starbucks Based on Empirical Data [b]	Total Parking Demand by Hour	Comparison with Parking Supply by Hour (surplus)
<b>SIZE</b>	2,535	2,356	-	-
<b>RATIO</b>	0.01	-	-	-
<b>SUPPLY</b>	-	-	-	42
<b>PK DEMAND</b>	25	28	53	-
<b>6:00 AM</b>	0	3	3	39
<b>7:00 AM</b>	1	9	10	32
<b>8:00 AM</b>	1	15	16	26
<b>9:00 AM</b>	2	25	27	15
<b>10:00 AM</b>	2	26	28	14
<b>11:00 AM</b>	3	21	24	18
<b>NOON</b>	8	16	24	18
<b>1:00 PM</b>	11	18	29	13
<b>2:00 PM</b>	11	7	18	24
<b>3:00 PM</b>	11	11	22	20
<b>4:00 PM</b>	11	13	24	18
<b>5:00 PM</b>	15	10	25	17
<b>6:00 PM</b>	23	10	33	9
<b>7:00 PM</b>	24	15	39	3
<b>8:00 PM</b>	25	14	39	3
<b>9:00 PM</b>	25	14	39	3
<b>10:00 PM</b>	24	12	36	6
<b>11:00 PM</b>	22	15	37	5
<b>MAXIMUM WEEKDAY DEMAND</b>				39
<b>NET PARKING SUPPLY [c]</b>				39
<b>PARKING SURPLUS (+) OR DEFICIENCY (-)</b>				0

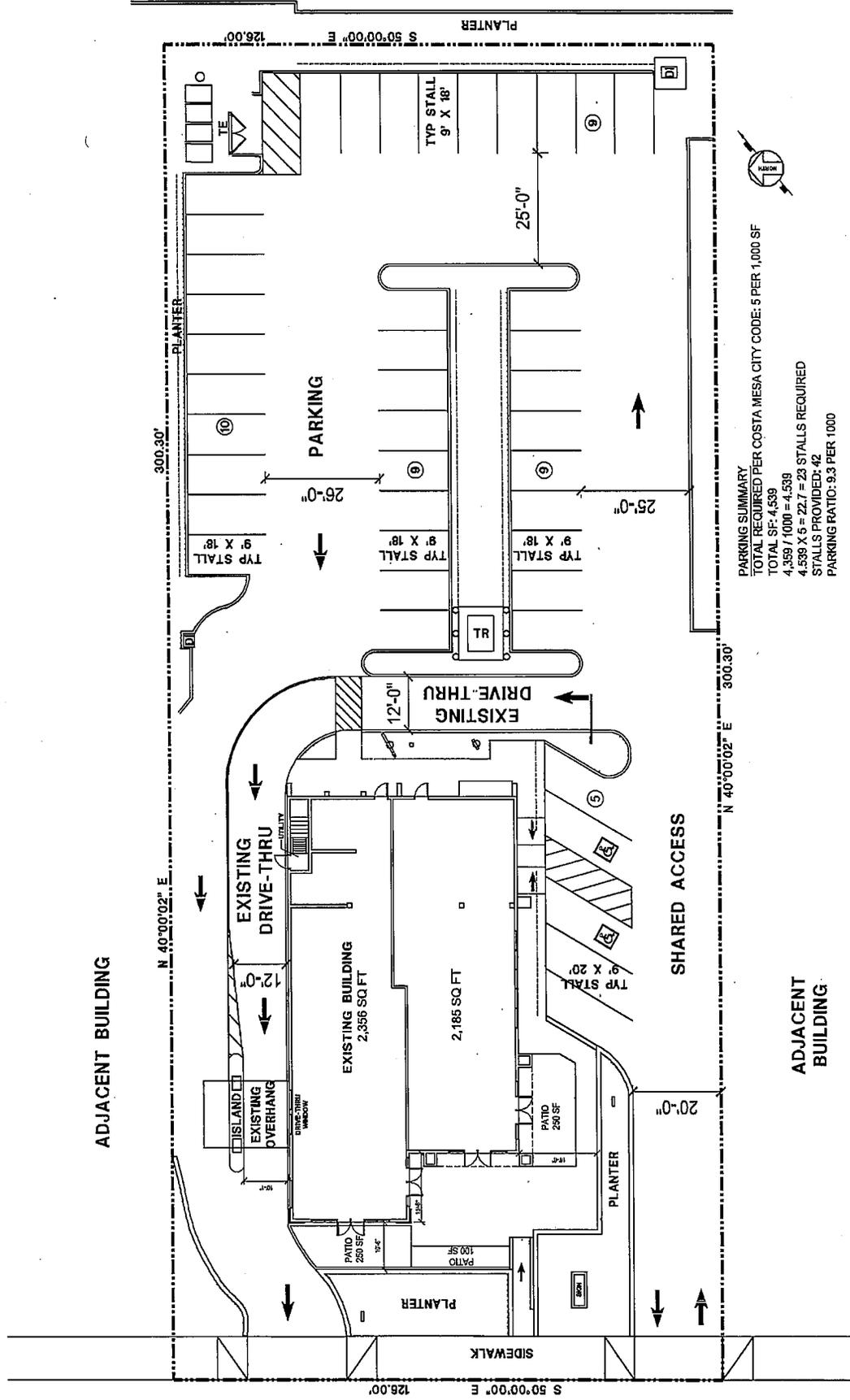
**Notes:**

[a] Source: Based on City of Costa Mesa adopted procedures

[b] Empirical Data Based on Average Ratios taken from the  
*Parking Study for the Proposed Starbucks Coffee in Harbor Town Square* dated April 3, 2000.

[c] Accounts for 3 spaces on project site required to provide parking to the adjoining  
commercial site at 462 E. 17th Street.

Attachment 1



**PARKING SUMMARY**  
 TOTAL REQUIRED PER COSTA MESA CITY CODE: 5 PER 1,000 SF  
 TOTAL SF: 4,539  
 4,539 / 1000 = 4.539  
 4.539 X 5 = 22.7 = 23 STALLS REQUIRED  
 STALLS PROVIDED: 42  
 PARKING RATIO: 9.3 PER 1000

**SITE PLAN**  
 Scale: 1" = 10'-0"  
 February 29, 2012  
 PROJECT: COSTA MESA, CA  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

**BURNHAM**  
 450 E. 17TH STREET  
 COSTA MESA, CALIFORNIA

**BICKEL UNDERWOOD**  
 ARCHITECTS  
 2400 Blvd. Ave., Suite 100, Newport Beach, CA 92660  
 949-779-0411  
 www.bickelunderwood.com

**APPENDIX**

**TABLE A-1**  
**DERIVATION AND APPLICATION OF STARBUCKS PARKING PROFILE - WEEKDAY**

TIME	No. of Spaces Occupied by Starbucks Customers/ Employees		(1)	(2)	(3)	(4)
	Site 1 1,464 SF	Site 2 1,520 SF	Total Occupied Spaces	Actual Parking Ratio (1) Divided by 2.984sf	Actual Parking Ratio Divided by Maximum of 11.06	12x2.356x%
6:00 AM	9	11	20	6.70	61%	17
7:00 AM	11	21	32	10.72	97%	27
8:00 AM	15	18	33	11.06	100%	28
9:00 AM	16	14	30	10.05	91%	26
10:00 AM	6	8	14	4.69	42%	12
11:00 AM	6	6	12	4.02	36%	10
12:00 PM	3	5	8	2.68	24%	7
1:00 PM	2	5	7	2.35	21%	6
2:00 PM	4	4	8	2.68	24%	7
3:00 PM	7	5	12	4.02	36%	10
4:00 PM	4	6	10	3.35	30%	9
5:00 PM	4	7	11	3.69	33%	9
6:00 PM	7	8	15	5.03	45%	13
7:00 PM	4	4	8	2.68	24%	7
8:00 PM	6	7	13	4.36	39%	11
9:00 PM	11	5	16	5.36	48%	14
10:00 PM	6	6	12	4.02	36%	10
11:00 PM	4	3	7	2.35	21%	6

**TABLE A-2**  
**DERIVATION AND APPLICATION OF STARBUCKS PARKING PROFILE - WEEKEND**

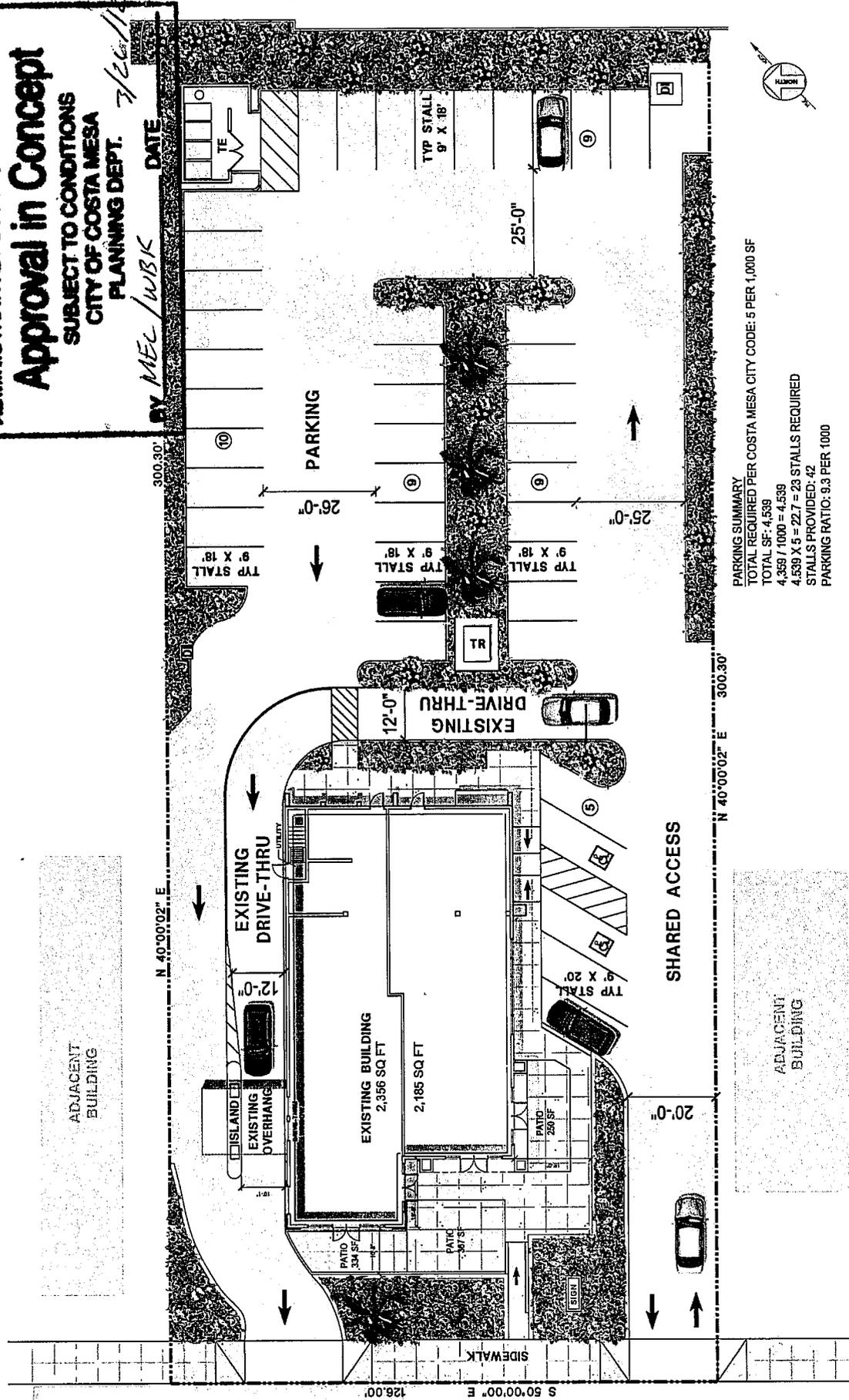
TIME	No. of Spaces Occupied by Starbucks Customers/ Employees		(1)	(2)	(3)	(4)
	Site 1 1,464 SF	Site 2 1,520 SF	Total Occupied Spaces	Actual Parking Ratio (1) Divided by 2.984sf	Actual Parking Ratio Divided by Maximum Weekday of 11.06	12x2.356x%
6:00 AM	4	0	4	1.34	12%	3
7:00 AM	10	0	10	3.35	30%	9
8:00 AM	13	4	17	5.70	52%	15
9:00 AM	17	12	29	9.72	88%	25
10:00 AM	13	17	30	10.05	91%	26
11:00 AM	11	13	24	8.04	73%	21
12:00 PM	7	12	19	6.37	58%	16
1:00 PM	11	10	21	7.04	64%	18
2:00 PM	3	5	8	2.68	24%	7
3:00 PM	6	7	13	4.36	39%	11
4:00 PM	6	9	15	5.03	45%	13
5:00 PM	6	6	12	4.02	36%	10
6:00 PM	5	7	12	4.02	36%	10
7:00 PM	6	11	17	5.70	52%	15
8:00 PM	11	5	16	5.36	48%	14
9:00 PM	11	5	16	5.36	48%	14
10:00 PM	9	5	14	4.69	42%	12
11:00 PM	10	7	17	5.70	52%	15

MINOR CONDITIONAL USE PERMIT/  
ADMINISTRATIVE ADJUSTMENT NO. 2A-10

# Approval in Concept

SUBJECT TO CONDITIONS  
CITY OF COSTA MESA  
PLANNING DEPT. 7/26/11

DATE  
BY MEC/WBK



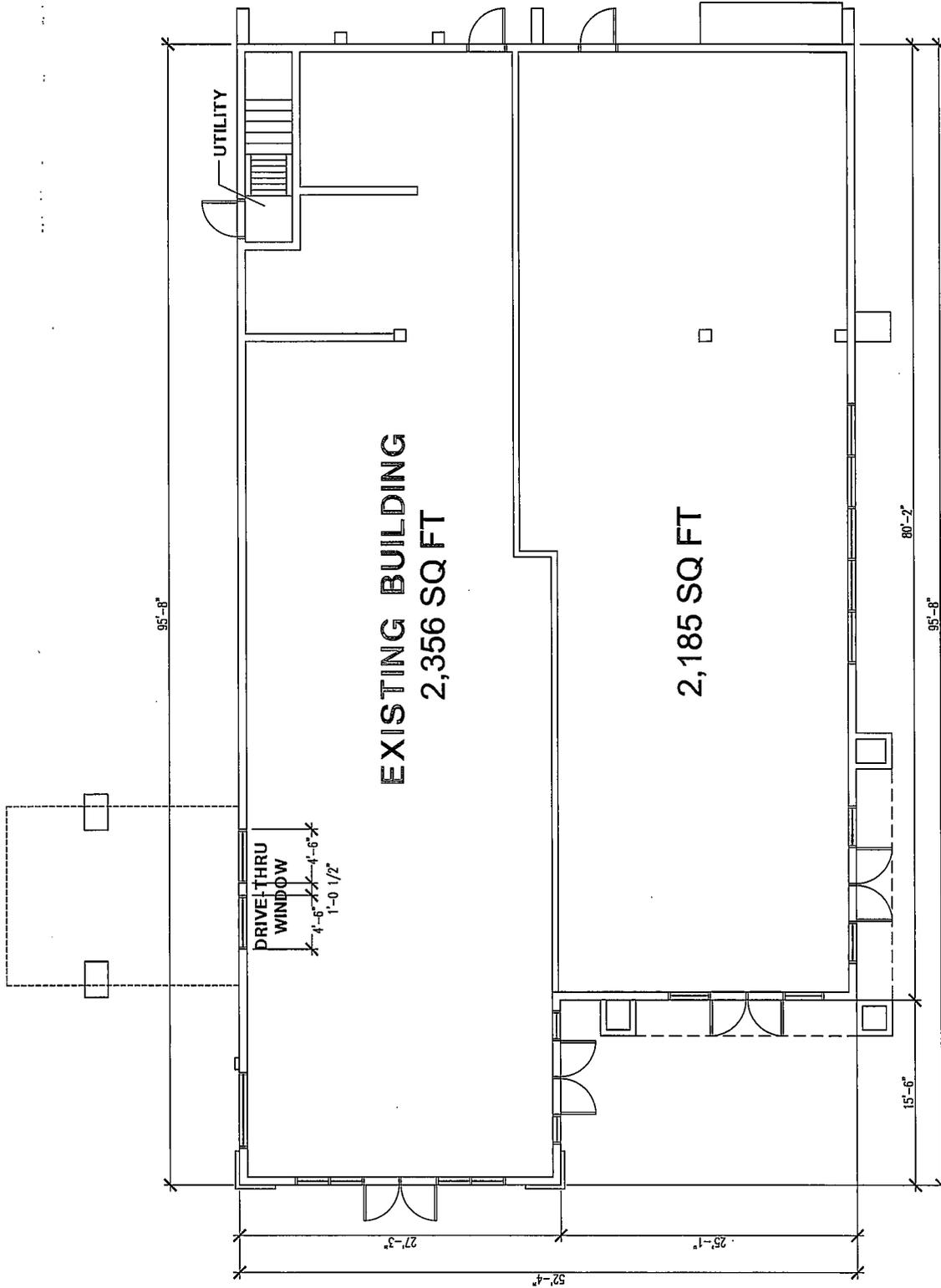
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4.539 X 5 = 22.7 = 23 STALLS REQUIRED  
STALLS PROVIDED: 42  
PARKING RATIO: 9.3 PER 1000

**BURNHAM**  
450 E. 17TH STREET  
COSTA MESA, CALIFORNIA

**SITE PLAN**  
Scale: 1" = 10'  
February 8, 2012  
Mesa Planning Department

*Project Architect:*  
**BICKEL UNDERWOOD**  
10011 JEFFERSON  
SUITE 100, COSTA MESA, CALIFORNIA 92626  
3400 Birch Street, Suite 100, Newport Beach, CA 92660  
949-371-0411  
bickelunderwood.com

17TH STREET



**FLOOR PLAN**

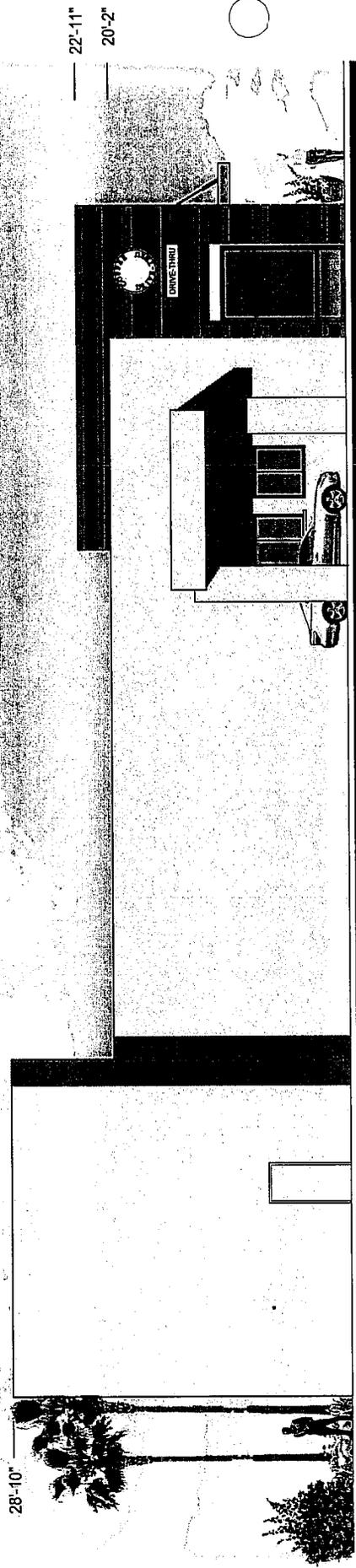
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February 8, 2012

Prepared: Chris Lee, P.E. & Michael Dwyer, P.E.  
Checked: Chris Lee, P.E. & Michael Dwyer, P.E.  
Date: February 8, 2012

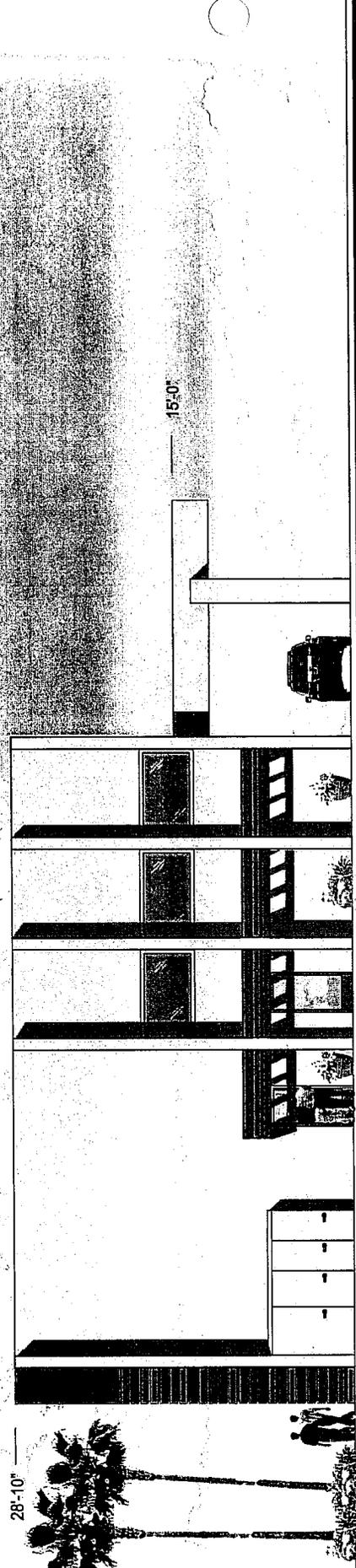
**BURNHAM**  
450 E. 17TH STREET  
COSTA MESA, CALIFORNIA

*Project Architect:*

**BICKEL UNDERWOOD**  
JAMES F. BICKEL, J.L. ARCHITECT  
A CALIFORNIA CORPORATION  
3600 Birch Street, Suite 1201, Newport Beach, CA 92660  
949-757-9411  
architect@bickelunderwood.com



NORTH ELEVATION

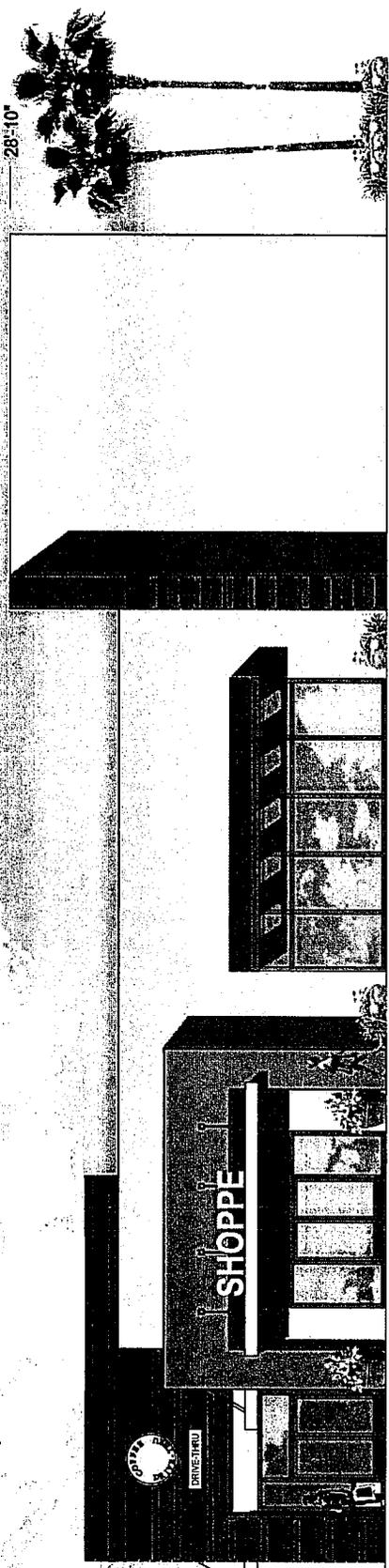


EAST ELEVATION

**BURNHAM**  
 450 E. 17TH STREET  
 COSTA MESA, CALIFORNIA

ELEVATIONS  
 February 8, 2011

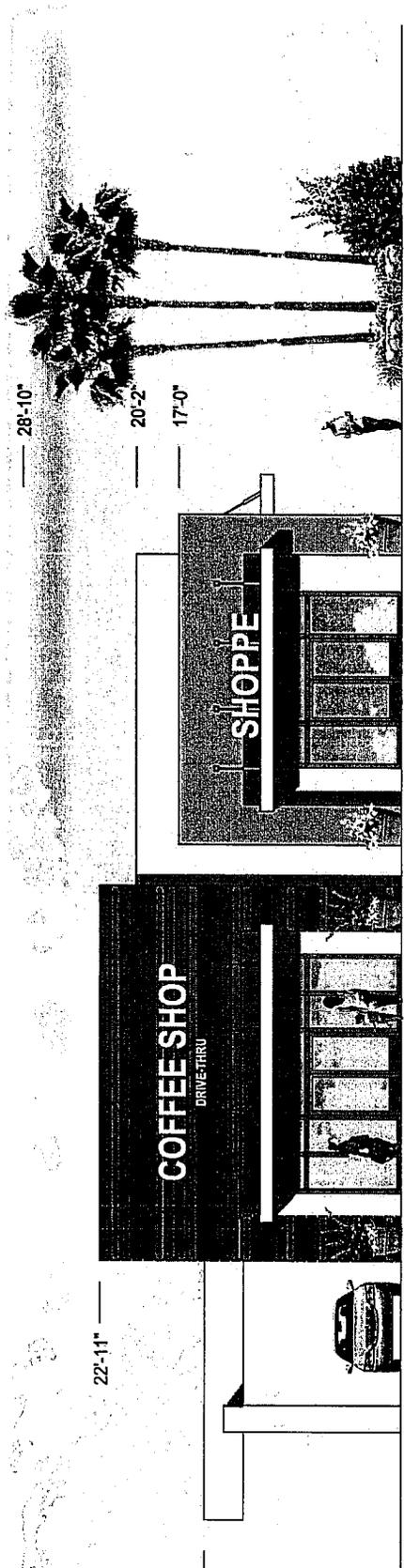
**BICKEL UNDERWOOD**  
 ARCHITECTS  
 5400 East 17th Street, Suite 100 • Newport Beach, CA 92660  
 949 437-6411 FAX 949 751-4511



22'-11"  
20'-2"  
17'-0"

28'-10"

**SOUTH ELEVATION**



22'-11"

15'-0"

20'-2"  
17'-0"

28'-10"

**WEST ELEVATION**

**BICKEL UNDERWOOD**  
ARCHITECTS  
1800 Bickel Street, Suite 125, Newport Beach, CA 92660  
404-377-6811 FAX 949-737-4311

**BURNHAM**  
450 E. 17TH STREET  
COSTA MESA, CALIFORNIA

ELEVATIONS  
February 8, 2012

**ATTACHMENT 6  
CORRESPONDENCE**

**LEE, MEL**

---

**From:** DNGARUS@aol.com  
**Sent:** Friday, March 30, 2012 4:31 PM  
**To:** sthorp@burnhamusa.com  
**Cc:** LEE, MEL; goathillredneck@netzero.net  
**Subject:** 450 E.17th St, Costa Mesa, CA.

Mr. Thorp,

You and I have not met, and I was out of town until today, but I am involved with my neighbor, Mr. David Harris, and share his concern regarding the property that you intend to develop at 450 E.17th Street, in the city of Costa Mesa. I own the residence located at 465 Cabrillo, and, as I stated previously, I share Mr. Harris's concern with your proposed development of this property.

To begin with, I do not feel that we were given adequate forewarning of this proposed development, and since the apparent cutoff date is April 2nd, this coming Monday, we are, apparently, out of luck.

I have read your response to Mr. Lee, the Senior Planner for the City of Costa Mesa, and there are several things that I would very much like to point out to you. In your response to Mr. Lee, you state that you are doing your best to address the neighbor's concerns. If that is, in fact, so, then know this; your initial response regarding Mr. Harris's concern over the location of the trash enclosure, you state that your intention is to heavily landscape the exterior wall of the enclosure to create an additional buffer, and that you will not consider relocation of the enclosure. If this does not perform adequately, and I doubt that it will, and if it turns out to be a health hazard due to rodent infestation, and homeless occupancy, we intend to bring legal proceedings against Burnham USA, and the City of Costa Mesa. We will proceed in the same manner if the performance of your intended order post, and its location, do not live up to expectations. In other words, Mr. Thorp, our intention is to hold you to your promises, and it is my sincere hope that you intend to keep each and every one of them, because, as residents of the adjacent properties, we are the ones that will have to live with the results.

Sincerely,  
Robert Small  
465 Cabrillo Street  
Costa Mesa, CA. 92627

03/30/2012

64

**LEE, MEL**


---

**From:** Stephen Thorp [sthorp@burnhamusa.com]  
**Sent:** Friday, March 30, 2012 8:50 AM  
**To:** LEE, MEL  
**Cc:** Bryon Ward; BOUWENS-KILLEEN, WILLA  
**Subject:** RE: 450 E 17th ST

Mel,

We would be willing to plant a creeping fig or similar vine along that wall.

Best regards,  
 Steve

Stephen K. Thorp  
 Executive Vice President  
**Burnham USA Equities, Inc.**  
 1100 Newport Center Drive, Suite #150  
 Newport Beach, CA 92660  
 Phn: (949) 760-9150  
 Fax: (949) 760-0430  
 Eml: [sthorp@burnhamusa.com](mailto:sthorp@burnhamusa.com)

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---

**From:** LEE, MEL [mailto:MEL.LEE@costamesaca.gov]  
**Sent:** Friday, March 30, 2012 8:37 AM  
**To:** Stephen Thorp  
**Cc:** Bryon Ward; BOUWENS-KILLEEN, WILLA  
**Subject:** RE: 450 E 17th ST

Thanks for the responses, I will forward to Mr. Harris. Regarding the last question, the wall was the rear property line wall (next to Mr. Harris' property).

Thanks again,

Mel Lee, AICP  
 Senior Planner  
 City of Costa Mesa  
 77 Fair Drive, Costa Mesa, 92628  
 Ph. (714) 754-5611 Fax. (714) 754-4856  
[mel.lee@costamesaca.gov](mailto:mel.lee@costamesaca.gov)




---

**From:** Stephen Thorp [mailto:sthorp@burnhamusa.com]  
**Sent:** Thursday, March 29, 2012 4:55 PM  
**To:** LEE, MEL  
**Cc:** Bryon Ward; BOUWENS-KILLEEN, WILLA

03/30/2012

65

**Subject:** RE: 450 E 17th ST

Mel,

Rest assured, we have taken all of these matters into account and we are doing our best to address the neighbor's concerns. Please see my responses below in RED. If you have any other questions, please feel free to call me at anytime.

Best regards,  
Steve

Stephen K. Thorp  
Executive Vice President  
**Burnham USA Equities, Inc.**  
1100 Newport Center Drive, Suite #150  
Newport Beach, CA 92660  
Phn: (949) 760-9150  
Fax: (949) 760-0430  
Eml: [sthorp@burnhamusa.com](mailto:sthorp@burnhamusa.com)

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---

**From:** LEE, MEL [<mailto:MEL.LEE@costamesaca.gov>]  
**Sent:** Thursday, March 29, 2012 10:01 AM  
**To:** Stephen Thorp  
**Cc:** Bryon Ward; BOUWENS-KILLEEN, WILLA  
**Subject:** FW: 450 E 17th ST

Stephen

I know we discussed the items raised by Mr. Harris (neighbor behind the project), but if you could provide written confirmation that would be great.

Thanks,

Mel Lee, AICP  
Senior Planner  
City of Costa Mesa  
77 Fair Drive, Costa Mesa, 92628  
Ph. (714) 754-5611 Fax. (714) 754-4856  
[mel.lee@costamesaca.gov](mailto:mel.lee@costamesaca.gov)




---

**From:** BOUWENS-KILLEEN, WILLA  
**Sent:** Thursday, March 29, 2012 9:53 AM  
**To:** LEE, KASAMA  
**Cc:** 'goathillredneck@netzero.net'  
**Subject:** 450 E 17th ST

Hi, Mel,

David Harris came to the counter this morning; he resides behind 450 E 17<sup>th</sup> St. Some of his concerns were not

03/30/2012

66

addressed by the ZA letter; those items were as follows:

No condition requiring the relocation of the trash enclosure  
No prohibition against after hours parking lot/landscaping maintenance  
Irrigation that could drain into his lot, which is lower than the subject property  
Orientation of the menu board

Additionally, he suggested that the wall be covered with something like a creeping fig to further help deaden the noise.

Please contact Burnham and see if they:

Agree to relocate the trash enclosure We studied the relocation of the trash enclosure, but due to the configuration of the site, we could not create a reasonable location. As such, we plan on keep the trash enclosure in its current location, but we will heavily landscaping the exterior wall of the enclosure to create an additional buffer.

Are aware of our leaf blower ordinance and their intention to comply with those hour restrictions when maintaining the parking lot/landscaping We will comply.

Design the irrigation (drip or soaker suggested) so it won't drain into his or other resident's yards We will comply. Use a touch screen or other technology to guarantee the menu board will not generate noise impacts The order post will be utilizing a new technology called AVC (Automatic Volume Control). This system automatically detects when there are reduced levels of ambient noise (i.e. morning or evening when there is less traffic on 17<sup>th</sup> St.) and the AVC system decreases the volume level accordingly. Additionally, the menu board will be angled towards the adjacent commercial property to the south (One West Bank building) which will further help mitigate such matters. Plant creeping fig or another vine next to the wall Which wall are you talking about?

I'd like to have their response to these items in writing by 5 pm tomorrow and I'd like the information to go to Mr. Harris as well. Burnham's response might make a difference as to whether or not the homeowners either appeal my decision or ask one of the Commissioners to bring it up.

Per Mr. Harris' request for a written confirmation that I have requested these items, he is copied on this email.

Thanks! Willa

March 28, 2012

Willa Bouwens-Killeen, AICP  
Zoning Administrator, City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

RE: 450 E. 17<sup>th</sup> Street

Why did I not receive the information sent to the other neighbors on Cabrillo Street about the Coffee Shop wanting to become a part of 17<sup>th</sup> Street? After all, it will effect me more than any other person on this street. My place backs up directly in back of the property in question. From what I gather, this is a done deal and we have nothing to say about it. As I stated in my first letter to you, when we bought our place there was nothing at 450 17th Street. Did we think twice about residential sitting right next to business? No! Forty years ago I doubt if there was any zoning in Costa Mesa. I rather doubt it the way the city has progressed.

Some business like the bank was good for that location. Business during the day and quiet at night.

Please keep me informed!

Sincerely,



Arabelle (Ardy) Hurst  
451 Cabrillo Street  
Costa Mesa, CA 92627

949-642-6849

Ms. Willa Bouwens-Killeen, AICP

March 21, 2012

Zoning Administrator

City of Costa Mesa, California

77 Fair Drive

P.O. Box 1200

Costa Mesa, CA 92628-1200

**Received**

City of Costa Mesa

Development Services Department

MAR 21 2012

Re: Application No. ZA-12-10

450 E. 17<sup>th</sup> Street

Costa Mesa, CA 92627

Dear Ms. Bouwen-Killeen,

We are very concerned about the possibility of a drive-thru coffee business going into the bank building that backs up against our residential property for a number of reasons, which are:

- 1) Noise = from the drive thru squaw box from 6:00 am - 11:00 pm; from car traffic in back parking lot area; noise from dumping trash in cans placed at the rear of the property by our back yard; and from maintenance and cleaning crews at odd hours when the business is closed.
- 2) Pollution = the prevailing westerly winds will take exhaust fumes straight into our backyard (especially since there are no longer trees along back property line to provide any protection); loose trash from patrons blowing into our backyard.

3) Lighting = from building and parking lot which is no longer blocked by the trees that used to line the back property line

All of these issues need to be addressed successfully if this permit is going to be allowed, and, if they can't be, then the permit should be denied.

Our bottom line is that 450 E. 17<sup>th</sup> Street should remain an office building with 9:00am - 5:00pm hours as was its original intention, not house a drive-thru fast food/coffee business that operated 17 hours a day with residential properties right next door! And beside that, there are already plenty of these types of business on this block of 17<sup>th</sup> Street.

Thank you for your time and consideration.

Sincerely,  
Jammie & Stephen MacLeod  
461 Cabrillo Street  
Costa Mesa, CA 92626

cc: Melvin E. Lee, ADCP, Senior Planner

**Received**  
City of Costa Mesa  
Development Services Department

MAR 20 2012

March 19, 2012

Willa Bouwens-Killeen, AICP  
Zoning Administrator, City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

RE: 450 E, 17<sup>th</sup> Street Official Notice

I live directly behind the parcel in question. Since the trees have been removed, the buffer zone is non-existent between business and homes. When Cabrillo Street was zoned residential, the city should have made sure there would be protection from every day activity of running a business so close to housing. The Schools First Federal Credit Union was a wonderful neighbor. The hours were great and the place was kept up very nicely.

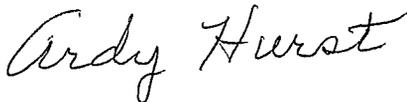
Nothing is forever, I realize that but another fast food restaurant of 17<sup>th</sup> Street? And has anyone tested how the exit line onto 17<sup>th</sup> Street will be? During heavy traffic it is a chore to get out of there. And there will be more parking there, as I understand it. Where? Have any of you ever tried to get into the business place at the corner of 17<sup>th</sup> Street and Irvine?

Maybe the new clients to 450 17<sup>th</sup> Street would be kind enough to plant fast growing trees to separate our parcels. Funny how 40 years ago, when we bought our house here on Cabrillo Street, I never even thought about any problem. Then again, there certainly wasn't much on 17<sup>th</sup> Street then. In fact, there was no building at 450!

In 1979 a letter from Bruce D. Mattern (Director of Public Services) to the City Council recommending several ways to take care of the flooding problem to Cabrillo Street caused by the way the lots were graded on 17<sup>th</sup> Street. I believe after a drain was installed, the Council elected to deed the abandoned alley back to the home-owners and business. Is that correct?

I have always tried to be a good neighbor. Just the thought of hearing "Make that a double-Latte and french fries" near midnight will be pushing it a bit!

Sincerely,



Ardy Hurst  
451 Cabrillo Street  
Costa Mesa, CA 92627

cc: Melvin Lee, Sr. Planner

Enc: 1



# CITY OF COSTA MESA

CALIFORNIA 92626 P. O. BOX 1200

FROM THE OFFICE OF PUBLIC SERVICES/ENGINEERING DIVISION

September 13, 1979

The Honorable City Council  
City of Costa Mesa  
Post Office Box 1200  
Costa Mesa, Ca 92626

Re: Alley N/O 17th Street between Irvine Avenue and Tustin Avenue: Petition of Cabrillo Avenue property owners.

Recommendations: Design and construct a gravity storm drain system then abandon existing alley dedications back to property owners.

Dear Council Members:

The City adopted a precise plan for the subject alley in 1965(See Exhibit A). Since that time the City has only acquired one additional piece of dedication, leaving approximately 50% of the alley undedicated and the entire alley unimproved.

In 1969 some of the commercial property owners which front on 17th Street, petitioned the City to create an assessment district to improve the alley. The purpose of the alley was to provide the commercial properties with rear access to their businesses and alleviate the existing drainage problem. A feasibility study was done at that time by a private engineering firm. The Public Services Department then recommended the enclosed Study B(Exhibit B). The estimated cost of this alternative in 1970 was about \$86,000.00. At current prices an assessment district would now cost approximately \$175,000.00. Sometime in 1970 the project was apparently dropped, possibly due to a lessening of interest by the property owners when they discovered the potential price tag of the project. Also, due to the grade differential and a row of large Eucalyptus trees any alley would be unable to provide access to the residential property owners. Their only benefits would be the cleanup of the area and a solution to their drainage problem.

Of the items mentioned in the Cabrillo Street Residents petition, we believe the drainage problem to be the most serious concern. The commercial properties fronting on 17th Street drain most of their land to the rear of their lots. Over the years, as the commercially zoned properties developed, the runoff toward the potential alley continued to increase. This coupled with the fact that even though some of the developments were required to install sump pumps at the rear of their properties, they have not been maintained causing serious flooding problems for the residents on Cabrillo Street.

Our departments current policy (Exhibit C) is to not encourage the construction of new alleys and if feasible, abandoning excess alley dedications back to the property owners. If the drainage problem could be resolved this would seem to be an ideal instance for abandonment. Our maintenance forces have no legitimate access to the portions of the alley we own due to lack of dedication by the properties at either Tustin Avenue or Irvine Avenue. If we abandon the alley dedications back to the commercial property owners all maintenance responsibilities would then clearly be theirs.

77 FAIR DRIVE (714) 754-5323

To alleviate the drainage problem the City could either install an additional sump pump at an estimated cost of about \$2,500.00 or we could study the feasibility of a gravity storm drain system that would connect into the storm drain in Irvine Avenue. We estimate that gravity line could be extended from Irvine Avenue Northerly about 400 to 500 feet up the alley alignment. This would involve obtaining drainage easements, constructing 400 to 500 feet of 27 inch reinforced concrete pipe, constructing several hundred feet of curb or gutter and miscellaneous grading and paving. An accurate cost estimate is difficult at this time without a more detailed study of this option, however our best guess is between \$30,000.00 and \$40,000.00. This cost would include the hiring of a consultant to design the project.

In summary the City has four basic options:

- I. Design and construct an alley with a gravity storm drain system at an estimated cost of \$175,000.00. Financing could be an assessment district, City funds or a combination of both.
- II. Design and construct a gravity storm drain system only and abandon existing dedicated portions of alley. The estimated cost would be between \$30,000.00 and \$40,000.00 with Financing by City funds.
- III. Construct an additional sump pump and abandon existing dedicated portions of alley. The estimated cost would be approximately \$2,500.00 with financing by City funds.
- IV. Do Nothing.

Recommendation,

Option II is recommended;

- 1) It provides a permanent solution to the drainage problem,
- 2) It is more affordable than Option I,
- 3) It relieves the City of any presumed maintenance liability in the dedicated portions of the alley,
- 4) It is consistent with the intent of the current City policy with regard to the abandonment of unnecessary alleys.

Should the Council agree with the staff recommendations it should authorize \$10,000.00 now for the opening of a project account for us to receive proposals and hire a consultant. Once the design is completed we would then again approach the Council with specific recommendations and a more accurate construction cost estimate, based on our detailed design.

Very truly yours,

Bruce D.Mattern  
Director of Public Services/  
City Engineer

JGR/bw  
Attachments  
CC:City Manager  
City Attorney

March 19, 2012

VIA HAND DELIVERY

Ms. Willa Bouwens-Killeen, AICP  
Zoning Administrator  
City of Costa Mesa, California  
77 Fair Drive  
P. O. Box 1200  
Costa Mesa, CA 92628-1200

**Received**  
City of Costa Mesa  
Development Services Department

MAR 20 2012

Re: Application No. ZA-12-10  
450 E. 17<sup>th</sup> Street  
Costa Mesa, CA 92627

Dear Ms. Bouwens-Killeen:

My first reaction is more fast food with the associated problems is the last thing 17<sup>th</sup> Street needs, not to mention behind my house and upwind.

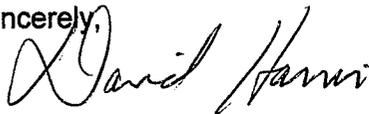
Allow me to point out some of my concerns with any possible scenario, besides and including, 8 a.m. to 5 p.m. office or other logical retail use.

**Noise:** Obviously, the thought of "*May I take your order please*" starting at 6:00 a.m. is not something that I find attractive. A line of idling cars, trucks, motorcycles, etc. with exhaust systems spewing and radios playing will add to the standard noise, smoke and dirt already provided by 17<sup>th</sup> Street traffic. Daily customers are unknowing and uncaring of adjacent properties' quality of life. The current location of the trash containers is also of concern. It seems human nature precludes any thought of slamming gates and trash container lids to be annoying. Time of day is irrelevant to hourly employees and the homeless. Annoying odors and pests are certainly something else to be considered. After hours building and parking lot maintenance is frequently accomplished at the contractor's convenience, typically after 11:00 p.m. and before 6:00 a.m. Since all trees have been eliminated behind the 8 foot wall behind my house and along Morri's Flowers property line, there is nothing to attenuate wind, noise and dirt carried by prevailing winds. Wind driven loose trash, ending up in my backyard is already an issue.

**Lighting:** The loss of trees obviously is an issue as regards to parking lot lights (typically on from dusk to dawn) and visual privacy considerations.

In closing, I leave you with these thoughts. How would you protect your quality of life and largest investment? How could any planning and zoning authority even consider allowing food service or a saloon behind and upwind, from a long pre-existing residential area? The precedent has been set, but that doesn't make it acceptable. I realize there are existing rules and regulations, regarding these issues. However, enforcement is typically not a priority. It is my hope that all issues in question, can be worked out before, and not after the fact.

Sincerely,



David Harris  
455 Cabrillo Street  
Costa Mesa, CA 92627

cc: Melvin E. Lee, AICP, Senior Planner

March 19, 2012

Ms. Willa Bouwens-Killeen, AICP  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA. 92626

**Received**  
City of Costa Mesa  
Development Services Department

MAR 20 2012

RE: Proposed Redevelopment  
Of 450 E.17<sup>th</sup> Street  
Costa Mesa, CA. 92627  
Application # ZA-12-10

Dear Mr. Lee,

As a longtime resident of 465 Cabrillo Street (38+ years), I feel that I must object, in the strongest possible terms, the proposed redevelopment for the property where the Schools First Federal Credit Union was formerly located. There are a number of issues that need to be considered, not the least of which, when the Credit Union occupied these premises, they did not have nearly the amount of daily traffic that a fast food restaurant type of entity would have. Additionally, the operating hours of most fast food types of businesses are not consistent with the hours of the majority of the residents on Cabrillo Street. This, coupled with the noise factor generated by service vehicles, employees using the dumpsters, vehicles entering and leaving the parking lot, etc.

There are already shopping centers at both ends of Cabrillo Street, one is located directly across Irvine Avenue, and is known as Westcliff Plaza, the other one is located on the corner of West 17<sup>th</sup> Street and Tustin Avenue, and West 17<sup>th</sup> Street already has a surplus of fast food eateries located up and down the street as is, and we have Wendy's directly behind us, so it's not like we don't already have a surplus of these types of businesses in our neighborhood. With the proposed usage that Burnham USA is envisioning, we would have the added nuisance of a dumpster enclosure immediately adjacent to a residence, plus, the dumpster enclosures are a favorite with the homeless, who use them for a temporary residence. Add to this the fact that with the absence of the trees behind our properties, and the prevailing afternoon winds, we already have enough of a problem with the noise and dirt generated by 17<sup>th</sup> Street traffic, but then we would have, in addition, the noise of the dumpsters, the 'squawk boxes' for drive in vehicular traffic, and the odor emanating from the dumpster enclosures.

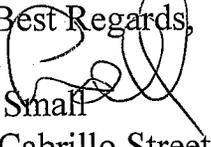
As stated previously, I am a longtime resident of Cabrillo Street, and the majority of the residents are longtime property owners as well, and we take great pride in the ownership of these homes, which I think that, if you were to see them first hand, you would agree, and we were there long before most all of the businesses now located on West 17<sup>th</sup> Street. As property owners, we deserve some consideration in this matter, and to re-design or improve the property at 450 West 17<sup>th</sup> Street is a worthwhile endeavor, but specifically what type of business is going to be allowed in there, needs to be carefully considered.

I have serious reservations as to whether I would be able to agree with Mr. Thorp's assessment, in his letter to you dated February 15<sup>th</sup> of this year, that his proposed use of the property would not be detrimental to the surrounding properties in the area.

There are several things that need to be kept in mind when deciding what type of business will ultimately be in this location. When the Credit Union was there, they did not have a great deal of traffic on a daily basis, a situation that will be quite the opposite with a retail food court type of operation, which encourages a great deal of daily vehicular traffic of all kinds, as well as additional foot traffic.

Again, I am in favor of improvement of the existing buildings at this location, but not at the expense of the neighborhood that I, and my neighbors, live in.

My Best Regards,

  
Bob Small  
465 Cabrillo Street  
Costa Mesa, CA. 92627

**LEE, MEL**

---

**From:** Toby Walker [tawalker@cox.net]  
**Sent:** Friday, March 16, 2012 8:51 AM  
**To:** LEE, MEL  
**Cc:** fanny@nvla.net  
**Subject:** RE: Application No. ZA-12-10

Mel – Thank you again for taking the time to review the site plan for the above referenced Application. AS promised I will enumerate the items we discuss

1. Mutual Ingress and Egress Easement. The site plan does not overlay this easement as indicated. If so then the parking in the easement requires the removal of parts of the median and reorienting the way the cars are parked, that is facing back toward the street. Additionally the requirement of clear ingress and egress lanes over the length of the easement is not provided
2. The plan calls for additional angled parking to be created off the easement but when these cars back out they will have to back out against and across the egress lanes and then continue all the way around the building to exit. I know of other other parking scheme in the city that allows this.
3. The spaces are very close to the beginning of the **drive-through** lanes and I can only imagine the problems that poses when cars are backed up for any reason. We have numerous examples of that happening all over the city (Pollo Loco, Carl's Jr., In N Out, etc) ars are out on the street and blocking access to adjacent businesses.
4. The Mutual Easement referred to above is the "only" access to my adjacent property. The entry which is directly across from where the site plan indicates the Drive Through lane is to begin. That will not work

Please let me have your response

Toby Walker

---

**From:** LEE, MEL [mailto:MEL.LEE@costamesaca.gov]  
**Sent:** Thursday, March 15, 2012 8:55 AM  
**To:** Toby Walker  
**Cc:** BOUWENS-KILLEEN, WILLA  
**Subject:** RE: Application No. ZA-12-10

I'm available anytime this morning (before noon) or after 3:00 pm today, and all day Friday.

Thanks,

**Mel Lee, AICP**  
**Senior Planner**  
**City of Costa Mesa**  
 77 Fair Drive, Costa Mesa, 92628  
 Ph. (714) 754-5611 Fax. (714) 754-4856  
 mel.lee@costamesaca.gov




---

**From:** Toby Walker [mailto:tawalker@cox.net]  
**Sent:** Thursday, March 15, 2012 7:52 AM  
**To:** LEE, MEL  
**Cc:** fanny@nvla.net  
**Subject:** Application No. ZA-12-10

03/20/2012

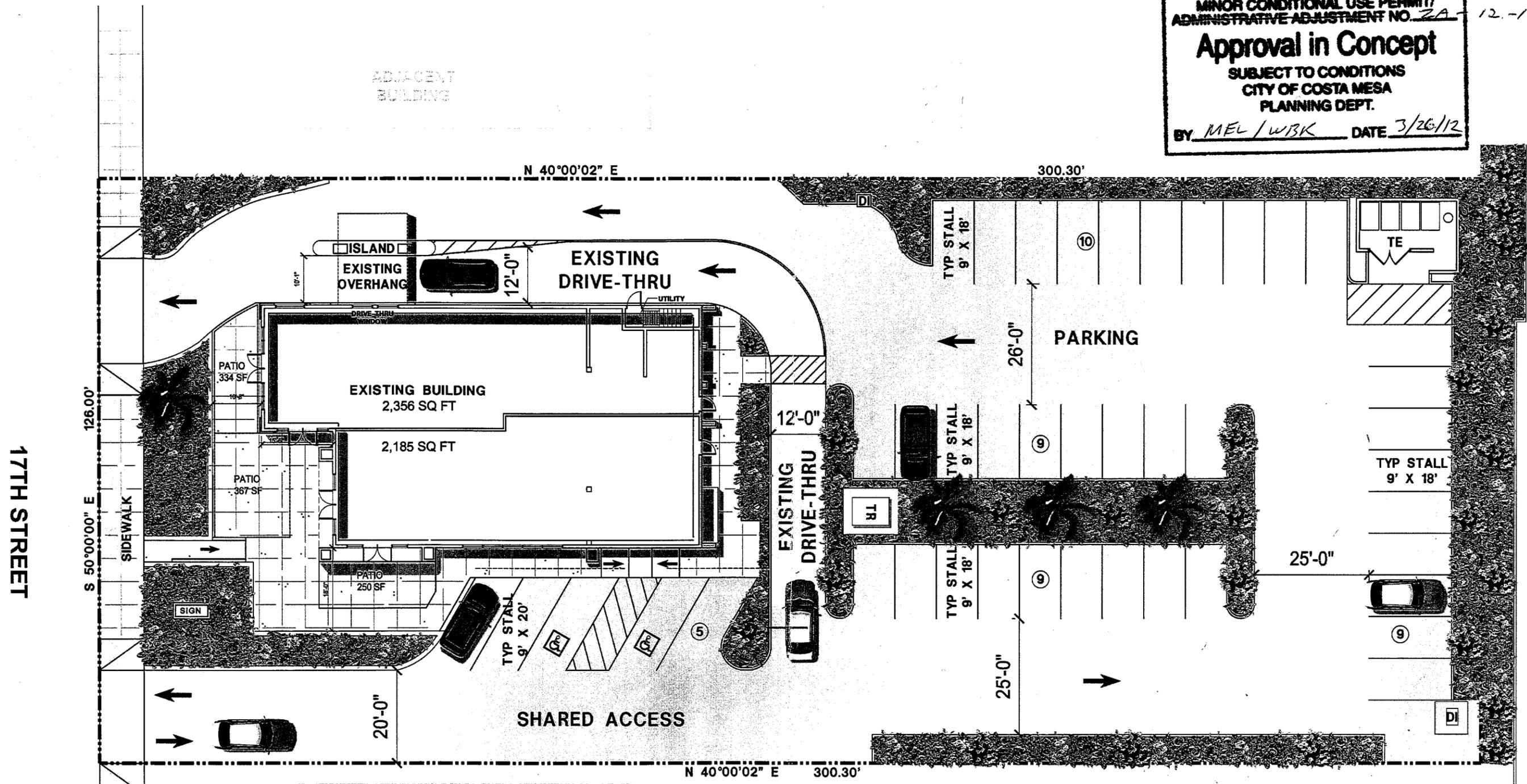
Mel – Thanks for taking the time to meet with me yesterday. I have had a chance to review the site map re the above application and would like to find a convenient time to come back and visit with you once more. There are several things that adversely impact my property next door. I am available at your convenience to discuss them.  
Thanks - Toby

\*\*\*\*\*

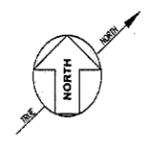
Toby Walker  
PO Box 8083  
Newport Beach, CA 92658  
(949) 644-7058 T  
(949) 271-2387 F

**ATTACHMENT 7  
PLANS**

MINOR CONDITIONAL USE PERMIT/  
 ADMINISTRATIVE ADJUSTMENT NO. 2A-12-10  
**Approval in Concept**  
 SUBJECT TO CONDITIONS  
 CITY OF COSTA MESA  
 PLANNING DEPT.  
 BY MEL/WBK DATE 3/26/12



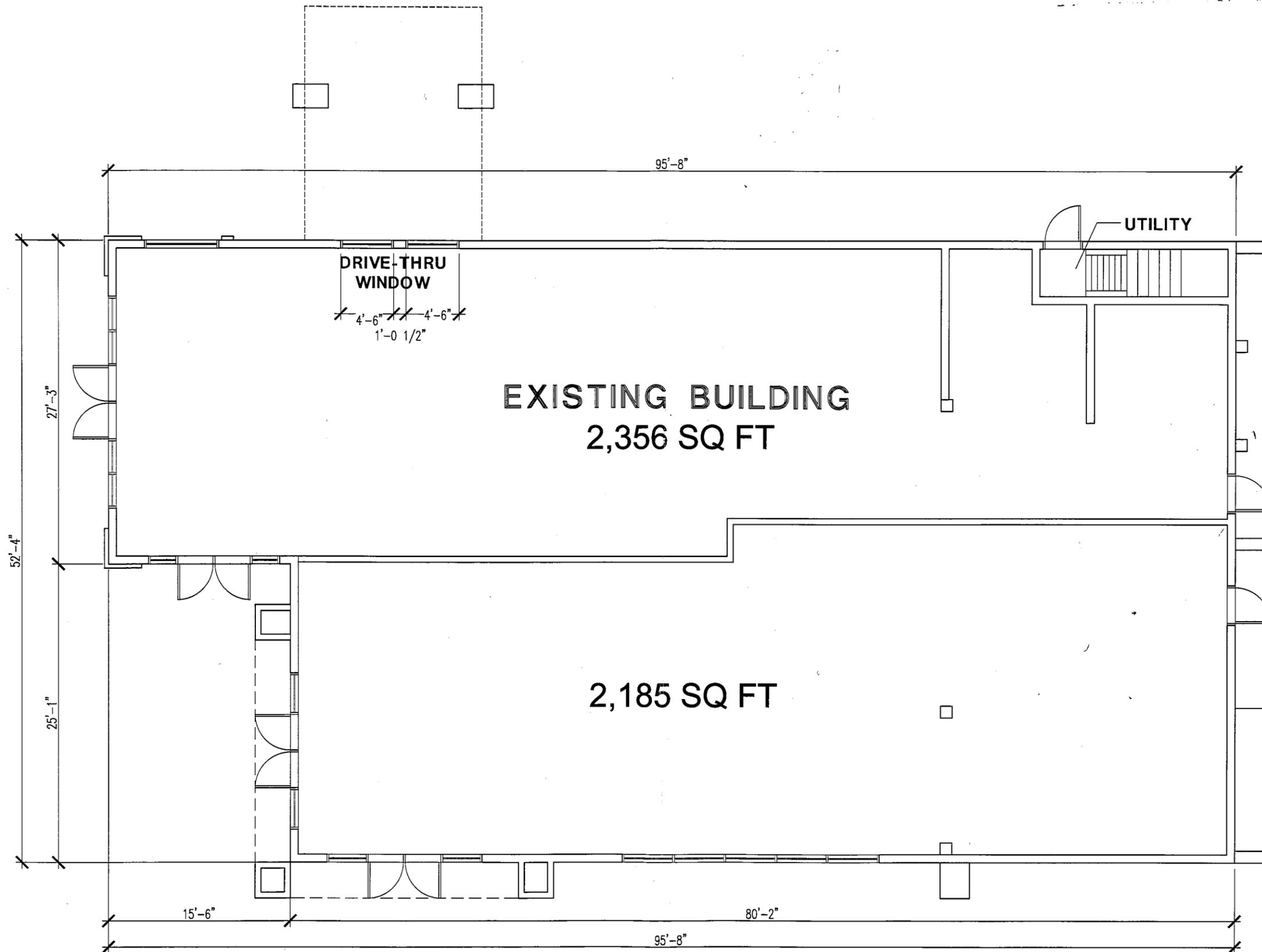
**PARKING SUMMARY**  
 TOTAL REQUIRED PER COSTA MESA CITY CODE: 5 PER 1,000 SF  
 TOTAL SF: 4,539  
 $4,539 / 1000 = 4.539$   
 $4.539 \times 5 = 22.7 = 23$  STALLS REQUIRED  
 STALLS PROVIDED: 42  
 PARKING RATIO: 9.3 PER 1000



**BICKEL UNDERWOOD**  
 JAMES S. BICKEL, J.L. ARCHITECT  
 A CALIFORNIA CORPORATION  
 3600 Birch Street, Suite 120, Newport Beach, CA 92660  
 949-757-0411 architecture@bickelunderwood.com

**BURNHAM**  
 450 E. 17TH STREET  
 COSTA MESA, CALIFORNIA

**SITE PLAN**  
 Scale: 1" = 10'  
 February 8, 2012  
 E:\111320 - Costa Mesa, 17th St.  
The plans, specifications and all other documents are the property of BICKEL UNDERWOOD and shall remain the property of BICKEL UNDERWOOD. No part of these plans, specifications and all other documents shall be used, copied, or reproduced in any form without the written permission of BICKEL UNDERWOOD. © 2012.



Project Architect:  
**BICKEL UNDERWOOD**  
 JAMES S. BICKEL, JR., ARCHITECT  
 A CALIFORNIA CORPORATION  
 3600 Birch Street, Suite 120, Newport Beach, CA 92660  
 949-757-0411 architecture@bickelunderwood.com

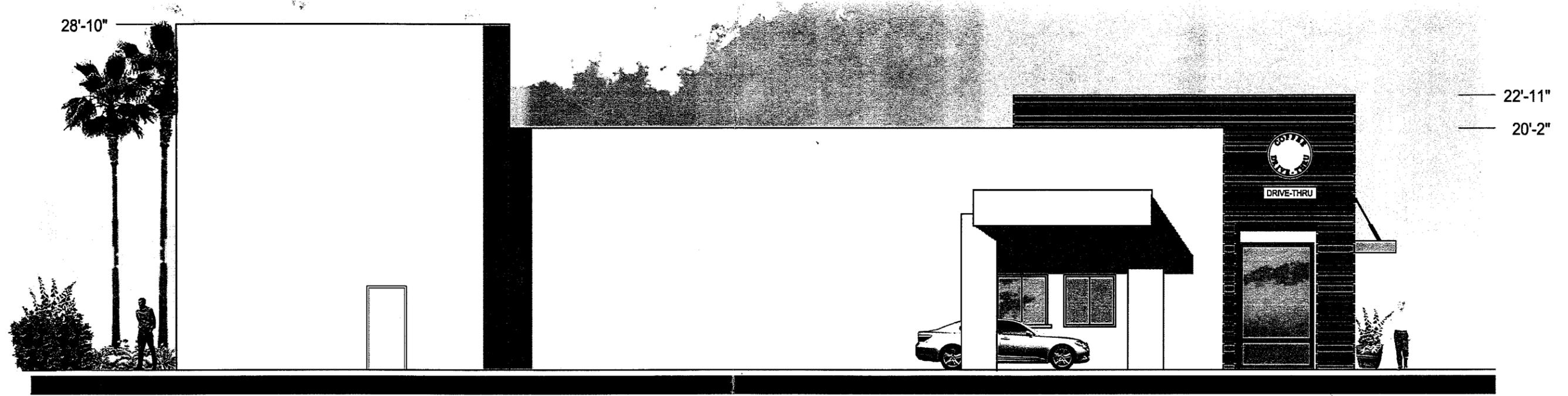
**BURNHAM**  
 450 E. 17TH STREET  
 COSTA MESA, CALIFORNIA

**FLOOR PLAN**

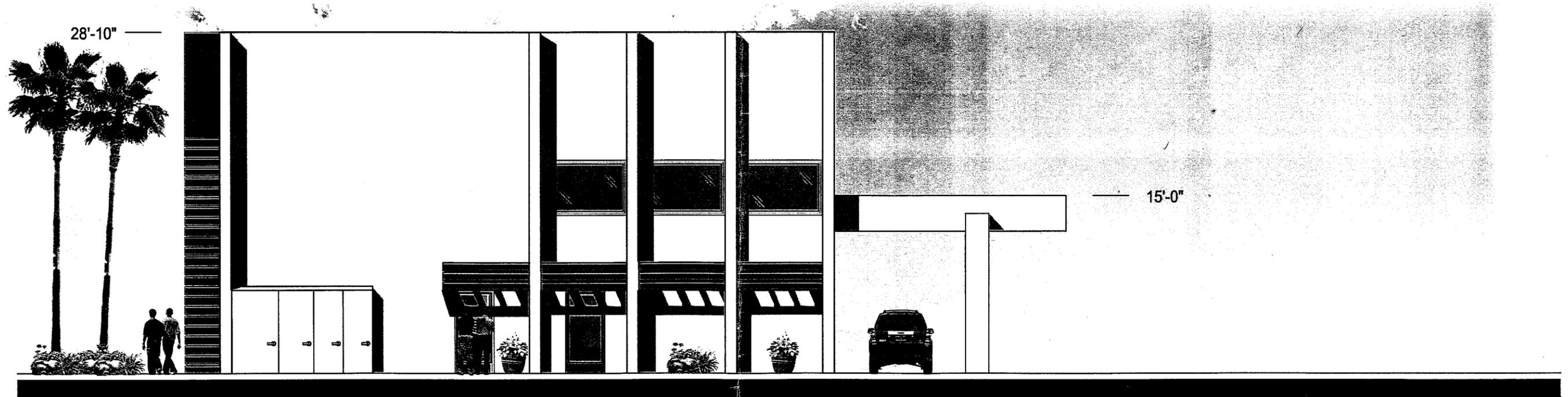
Scale: 1/4" = 1'-0"  
 February 8, 2012

P:\11\11320 - Costa Mesa 17th St Burnham\Design\Floor

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**NORTH ELEVATION**



**EAST ELEVATION**

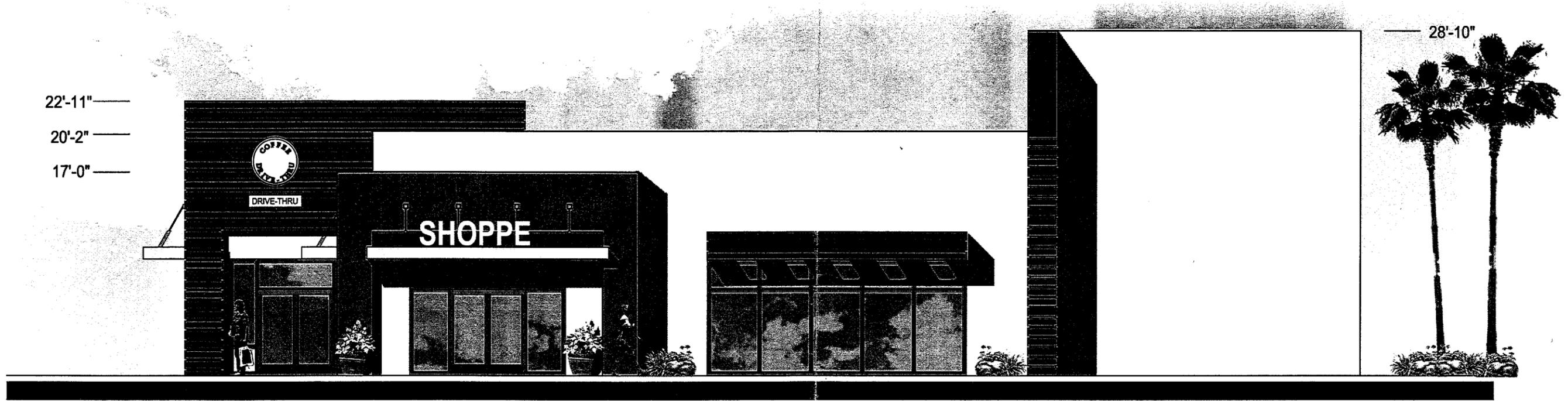
82

**BICKEL UNDERWOOD**  
 JAMES S. BICKEL JR. ARCHITECT  
 A CALIFORNIA CORPORATION  
 3600 Birch Street, Suite 120, Newport Beach, CA 92660  
 949.757.0411 FAX 949.757.0511

**BURNHAM**  
 450 E. 17TH STREET  
 COSTA MESA, CALIFORNIA

**ELEVATIONS**  
 February 8, 2011

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**SOUTH ELEVATION**



**WEST ELEVATION**

**BURNHAM**  
 450 E. 17TH STREET  
 COSTA MESA, CALIFORNIA

**BICKEL UNDERWOOD**  
 JAMES S. BICKEL JR., ARCHITECT  
 A CALIFORNIA CORPORATION  
 3600 Birch Street, Suite 120, Newport Beach, CA 92660  
 949.757.0411 FAX 949.757.0511

**ELEVATIONS**  
 February 8, 2012

This plan was prepared by the undersigned architect for the purpose of showing the general appearance of the proposed building. It is not intended to be used for construction purposes. The architect assumes no responsibility for the accuracy of the information shown hereon, and the user of this plan should verify the accuracy of the information shown hereon. BICKEL UNDERWOOD



# **PLANNING COMMISSION**

## **SUPPLEMENTAL MEMORANDUM**

MEETING DATE: APRIL 23, 2012

ITEM NUMBER: VI. 2a

**SUBJECT:** APPEAL AND REVIEW OF ZONING APPLICATION ZA-12-10 MINOR CONDITIONAL  
USE PERMIT FOR A DRIVE-THROUGH COFFEE SHOP  
450 EAST 17<sup>TH</sup> STREET

**DATE:** APRIL 19, 2012

**FROM:** PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

**PRESENTATION BY:** MEL LEE, SENIOR PLANNER *ME*

**FOR FURTHER INFORMATION CONTACT:** MEL LEE, AICP (714) 754-5611  
mel.lee@costamesaca.gov

---

Attached is the following supplemental information related to the above project:

1. Request by the appellant (Toby Walker) to continue the item to the May 14, 2012 meeting.
2. Two additional letters from residents.
3. Response to appeal prepared by Linscott, Law and Greenspan Engineers (LLG) also referenced on Page 5 of the original staff report.

With regard to the appellant's request for continuance, the appellant was informed by staff that granting the request was at the discretion of the Planning Commission.

### ***Additional condition of approval***

If the Planning Commission upholds the Zoning Administrator's approval, the following additional condition of approval is recommended with regard to the issue with the existing easement:

16. City understands that the adjacent property may hold certain easement rights over the property that is the subject of this decision. The city is not in a position to determine the legal rights between the two parcels with respect to this easement. Accordingly, the City's approval is made expressly subject to the project being in full compliance with any existing duties, rights and obligations set forth in any easements or other encumbrances recorded against the property. Any construction initiated by applicant is performed at applicant's own risk that it may be inconsistent with existing easements and encumbrances.

Attachments

cc:

City Council  
Chief Executive Officer  
Assistant Chief Executive Officer  
Interim Development Services Director  
Deputy City Attorney  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
Staff (4)  
File (2)

Toby Walker  
P.O. Box 8083  
Newport Beach, CA 92658

450 East 17th Street Associates, LLC  
1100 Newport Center Drive, #150  
Newport Beach, CA 92660

David Harris  
455 Cabrillo Street  
Costa Mesa, CA 92627

Bob Small  
465 Cabrillo Street  
Costa Mesa, CA 92627

Ardy Hurst  
451 Cabrillo Street  
Costa Mesa, CA 92627

Jaime & Stephen MacLeod  
461 Cabrillo Street  
Costa Mesa, CA 92627

---

**From:** Toby Walker [mailto:tawalker@cox.net]  
**Sent:** Wednesday, April 18, 2012 12:56 PM  
**To:** LEE, MEL  
**Cc:** BOUWENS-KILLEEN, WILLA; Wendy Leece; 'Rob Hamers'; 'Fanny Chen'  
**Subject:** [BULK]  
**Importance:** Low

Mel –

I am writing you at Willa's instruction to my engineer, Rob Hamers. I am unfortunately already committed to be in Florida the early part of next week and have respectfully asked for a continuance of the referenced matter.

That notwithstanding we will be prepared to present to the commission that the developer's approval for the 450 E. 17<sup>th</sup> is in violation of a recorded Mutual Egress and Ingress Easement as of 1982. That developer's proposal severely abridges the rights granted in that easement with respect not only to the demarcated parking spaces in Lot 2 of that easement but also with respect to both the physical ingress and easement of Lot 1 of that same easement (see attached).

As was outlined in our appeal, no attention was paid by the developer to what is the sole access over this easement to the adjoining property ( 462 E. 17<sup>th</sup> St.,) – how it is affected by the additional angled parking spaces, the drive thru lane as well as the circulation of the 450 property which now requires a vastly different and more complicated access to its own parking and as I pointed out the negative affect on Lot 2 of the easement.

Thank you for your attention in this matter. We will wait to hear from you.

Toby Walker

**Received**  
City of Costa Mesa  
Development Services Department

APR 18 2012

April 17, 2012

**VIA HAND DELIVERED**

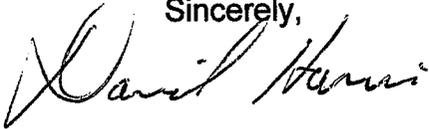
Mr. Melvin Lee  
Senior Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Re: Zoning application ZA-12-10  
450 E. 17<sup>th</sup> Street  
Costa Mesa, CA 92727

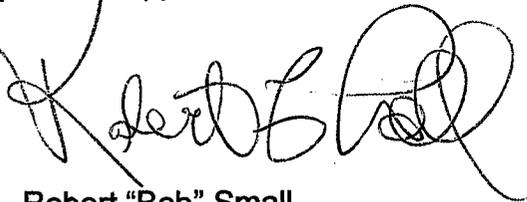
Dear Mr. Lee:

Regarding the above zoning application and its potential impact on the surrounding area, as you know, Mr. Bob Small and I had a productive meeting with Mr. Bryon Ward regarding our concerns about this project. Via a gentleman's agreement, follow by an e-mail containing the details of our agreement we decided not to appeal this application.

Sincerely,



David Harris



Robert "Bob" Small

**Received**

City of Costa Mesa  
Development Services Department

APR 19 2012

TO: Planning commission  
City of Costa Mesa

Attn: Mel Lee, AICP  
Senior Planner

Subject: 650 E. 17<sup>th</sup> Street

Forty years ago we purchased our home here at 451 Cabrillo Street. There was no building behind us on E. 17<sup>th</sup> Street. I realize that is zoned for business. I also know this street was zoned single-residential. There is no buffer between the two. Mistake #1 !

The bank was ideal as there was no activity after 6:00 P.M. Now, the owner wants to convert the building to 2 restaurants – one a coffee “drive-thru” with the order box pointed my way. The hours will be from 6:00 A.M. To 11:00 P.M. Can you imagine the noise and smells from the cars and ordering from a “drive-thru” on warm summer nights when we are trying to sleep with our windows open?

That is a very small lot for so much activity and the driveway is inadequate for all the business' there.

Please consider this carefully and I'm hoping you say NO to this particular business. To say yes would be like a thorn in our side. Also, the valuation of our property would no doubt go down. We are all very proud of our street!

Sincerely,



Ardy Hurst  
451 Cabrillo St.  
Costa Mesa, CA 92627

949-642-6849

**LEE, MEL**

---

**From:** Stephen Thorp [sthorp@burnhamusa.com]  
**Sent:** Tuesday, April 17, 2012 3:07 PM  
**To:** LEE, MEL  
**Cc:** Bryon Ward  
**Subject:** 450 E 17th St. - LLG Responses - 1 of 2  
**Attachments:** Response to Comments 2 123265 1 4-17-12 .pdf

Mel,

Please find attached LLG's responses to Toby Walker's comments that were identified in his appeal. As you will find, Toby Walker's claims are without merit, and furthermore, he provides no factual evidence for his claims. Notwithstanding, LLG has concluded that our plans approved by the City will have little to no impact on the easement area as Toby Walker projects. Nevertheless, please rest assured that the civil matters mentioned in Toby Walker's appeal, more particularly the non-exclusive ingress/egress easement and parking easement, have been taken into careful consideration in our plans and we will continue to fulfill our obligations as set forth in the easement agreements until they expire.

**Please note that the attached is LLG's narrative, and a second e-mail will follow that will contain the exhibits.**

Should you have any questions, please feel free to call me at anytime. Thank you.

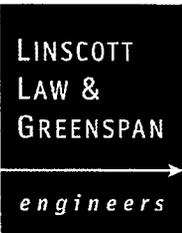
Best regards,  
Steve

Stephen K. Thorp  
Executive Vice President  
**Burnham USA Equities, Inc.**  
1100 Newport Center Drive, Suite #150  
Newport Beach, CA 92660  
Phn: (949) 760-9150  
Fax: (949) 760-0430  
Eml: [sthorp@burnhamusa.com](mailto:sthorp@burnhamusa.com)

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04/17/2012



Engineers & Planners  
Traffic  
Transportation  
Parking

**Linscott, Law & Greenspan, Engineers**  
1580 Corporate Drive  
Suite 122  
Costa Mesa, CA 92626  
**714.641.1587** T  
714.641.0139 F  
www.llgengineers.com

Pasadena  
Costa Mesa  
San Diego  
Las Vegas

April 17, 2012

Mr. Stephen K. Thorp, Executive Vice President  
Burnham USA  
1100 Newport Center Drive, Suite 150  
Newport Beach, CA 92660

LLG Reference No. 2.12.3265.1

Subject: **Response to Appeal Comments by Toby Walker  
Approval of Zoning Application ZA-12-10  
Remodel and Tenancy Modification for Former Orange County  
Teacher's Federal Credit Union (OCTFCU) Site  
450 E. 17<sup>th</sup> Street  
Costa Mesa, California**

Dear Mr. Thorp:

At your request, we have reviewed the subject appeal package submitted by Toby Walker, representing the property at 462 E. 17<sup>th</sup> Street ("462"). That property lies immediately east of your property at 450 E. 17<sup>th</sup> Street ("450"), the latter being the subject of a recent Zoning Application approval by the City of Costa Mesa.

The ZA-12-10 application addressed the remodel of your site, and re-tenancy with a Starbucks drive-thru as well as unspecified future quick serve food use. The parking aspects of the proposed plan were the subject of a parking analysis prepared by Linscott, Law & Greenspan, Engineers (LLG) and dated March 1, 2012. That study concluded a parking balance for the proposed plan based on the parking supply revisions/increase at "450", the parking needs of the proposed tenancy types at "450", and after accounting for a 3-space supply component on "450" (responding to a non-exclusive easement agreement executed in 1982 between the two property owners) for the benefit of parkers attributable to "462".

Mr. Walker has cited seven grounds ("comments") as the basis of his appeal. This letter was prepared to address each of those in anticipation of a future Planning Commission hearing on the appeal. Each of Mr. Walker's comments is repeated below followed by LLG's response. Additionally, Mr. Walker included attachments to his appeal (generally without explanation) that have also been extracted and attached to this response package for further discussion by LLG.

Philip M. Linscott, PE (1924-2000)  
Jack M. Greenspan, PE (Ret.)  
William A. Law, PE (Ret.)  
Paul W. Wilkinson, PE  
John P. Keating, PE  
David S. Shender, PE  
John A. Boarman, PE  
Clare M. Look-Jaeger, PE  
Richard E. Barretto, PE  
Keil D. Maberry, PE

An LG2WB Company Founded 1966

LLG's prior submittal of March 1 was focused to future parking demand, supply, and balance at the "450" site. Mr. Walker's current comments go beyond the scope of that prior analysis and include a focus to easement and site circulation issues. To facilitate our responses, and to provide supporting technical information, attached to this letter are the following:

- **Figure 1:** Using an existing aerial photo as its base, provides a snapshot of current traffic volumes along the easement area and at the existing "shared driveway" serving both "450" and "462". It comes from a March 10, 2012 (Tuesday) field study during the morning and afternoon periods when the traffic for the combined sites would generally experience its peak. What turned out to be incidental traffic using the "450" exit-only driveway (Location E) is also shown. The tabular summary further presents parking demand by hour for the survey period, sorted between the "450" and "462" addresses. From *Figure 1*, it is evident that existing "shared driveway" traffic volumes are very light, and peak at 25 vehicles/hour in the AM period and 34 vehicles per hour in the PM period. Because "450" is now vacant, all of this traffic can be attributed to "462". Additionally, parking demand peaked at 28 spaces (9AM and 4PM), again all presumably related to "462". It is interesting to note that while all 28 spaces of peak demand can be attributed to "462", only 19 of these parked vehicles were actually in the "462" lot (which provides an inventoried supply of 29 spaces). "462" parking in the "450" lot ranged from 3 to 13 spaces, depending on time of day. Coincidentally, the aerial photo base of this figure illustrates the typical location of "462" parking demand in the "450" lot.
- **Exhibits 1 through 4:** Given Mr. Walker's concerns relative to the easement, these ground-level photos illustrate the existing actual condition at photo locations as referenced in *Figure 1*. *Exhibit 1* is the "long view" looking northward from 17<sup>th</sup> Street along the easement area; the "450" building is to the left and the "462" building is to the right. *Exhibit 2* coincides with the portion of "450" towards the end of that "long view", with the camera location adjoining the access connection to the "462" lot. *Exhibit 3* is the *Exhibit 2* view from a slightly different angle. *Exhibits 2* and *3* illustrate an existing pavement arrow near the "450"- "462" property line indicating an intended one-way northbound flow passing to the right (east) of the 3 specific spaces intended (by easement) for use by "462" parkers. Those three spaces are "carved out" by the three parking stops appearing in the middle of the image. *Exhibit 4* shows the area of those three spaces in greater detail, and further illustrates the mounting brackets for four surface-mounted bollards, which would presumably "call out" these spaces in the midst of what appears to most drivers as a travel aisle, although the actual bollards are missing. It is worth noting that *Exhibits 2* and *3* further illustrate "blacked out" pavement

markings of a previous northbound directional arrow (near the left edge of the aisle) and angled parking (near the aisle's right edge).

- **Exhibits 5 and 6:** These were attached to Mr. Walker's appeal without additional explanation, and have been brought forward to this response package for further discussion. *Exhibit 5* is the original easement "sketch" from the 1982 Grant of Easements document. Parcel 1 of that "sketch" is, in essence, the intended access and circulation area. Parcel 2 is the parking "footprint". Relative to Parcel 2, the actual spaces are not shown, but the 18' x 27' rectangle provides for three standard spaces, side-by-side, with north-south orientation.

The actual field location of the 3 spaces in Parcel 2 (see *Figure 4*) is consistent with the easement sketch of *Figure 5*. The Parcel 1 footprint is also consistent between "sketch" and field except for an existing planter on the "450" site along its eastern property line with "462".

The timing of the easement recordation versus the construction of this planter is unknown. Its presence, however, reduces the aisle width immediately east of the 3 easement spaces to 14 feet, making it conducive to only one-way travel. Viewed in the context of the existing parking lot plan for "450", the Parcel 2 spaces make for a "tough fit", and their presence adversely impacts the parking and circulation continuity of the immediately surrounding area. The parking and circulation improvements of the proposed site plan will resolve that difficulty.

*Figure 6* is also from Mr. Walker's package with the mark-up of the plan presumably by Mr. Walker. The figure uses an unknown base which appears consistent with the existing parking and circulation configuration of the site. The area in green exactly corresponds to Parcel 1 of the easement. The location of the 3 spaces in the red-shaded area corresponds to Parcel 2 of the easement.

From Exhibit "A" of the Grant of Easements document, Parcel 1 is described as "An easement for ingress and egress over that portion of ...". No mention of parking is included in the Parcel 1 description. Parcel 2 is described in the same document as "An easement for ingress, egress and parking purposes over that portion of ...".

Referring back to *Exhibit 6*, and based on the excerpted Grant wording above, the 3 spaces shown in the red area are consistent with the easement description. The spaces in the green area are not consistent with the Grant wording, so the intent of the 11 spaces (in green) near the eastern border of "450" is not known. They do not correspond with the existing condition, and

they are not shown on the proposed plan. If the spaces in green were added, "red" spaces 1 through 3 would be in direct conflict with "green" spaces 3 through 5; they could not function together. Additionally, it is important to note that the areas depicted in red and green are not exclusive easements. So while the easement details are important, the easement and adjoining areas should function cohesively, and the proposed site plan will take steps to correct the shortcomings of the existing configuration.

- **Table 1:** Provides a traffic generation summary for both "450" and "462". The top of the table presents generation factors for estimating likely future trips in the AM and PM peak hours for each of the indicated uses. At the middle of the table is a summary for the "450" project, indicating "zero" trips for the current vacant condition, and the potential trips to be generated if reoccupied at its current square footage with a "drive-in" bank use. The proposed plan is also considered, and it will be noted that the Starbucks has a dominant AM peak hour trip generation potential which amounts to roughly 80 vehicles arriving and then departing in the same hour (typically involving a short stay for drive-thru as well as many counter-service customers); the PM peak hour trip-making potential is much less.

The bottom of *Table 1* focuses to "462", and pulls forward the actual counted volumes from *Figure 1*. From aerial images, "462" is estimated to have a building area of about 7,000 sf. Field review indicates existing bank, salon, and Pilates studio tenancies using an estimate 90% of floor area, with the remaining 10% an existing vacancy. To represent a full occupancy condition, that table presents an "Existing (Full Occupancy)" line item. The mix of uses now at "462" are not well represented in source information for trip generation factors (like those at the top of the table), but a "benchmark" calculation is presented to illustrate a total bank versus total specialty retail characteristic. Other permutations would be possible in keeping with an indication from Mr. Walker that a change of use for "462" may increase demand on the ingress-egress ("shared driveway") easement.

- **Figure 2:** Using the proposed site plan and count or forecast-based traffic characteristics of *Table 1*, this figure presents a "snapshot" of future/full occupancy peak hour traffic volumes at key locations in the plan. The stacking capacity of the drive-thru lane, between the service window and the lane entry point, is also illustrated. That equates to a total storage length of eight vehicles before the cross aisle at the entry point would be affected.

The above materials are referred to in the responses that follow.

Comment No. 1

*The owner of 450 E. 17th Street has never offered the owner of 462 E. 17th Street a modification to the existing access and parking easement, therefore, if the development is approved in its current configuration, 462 E. 17th Street tenants will not be able to park in the area specified in the easement and there will be a planter blocking use of the ingress lane. No resolution of this issue has been proposed.*

Response to Comment No. 1

The easements established the right of "462" to circulate and park 3 vehicles on the "450" site. The owners of "450" will continue to be obligated to that requirement, and have given thoughtful consideration to the access and parking rights of "462" employees and visitors throughout the remaining term of the easement.

The proposed site plan will greatly enhance the flow of traffic and parking for the "450" site and the "462" property. The parking "retrofit" configuration illustrated on the proposed site plan anticipates that "462" parkers (that would otherwise use the 3 explicit but non-exclusive spaces within the existing recorded easement) would be entitled to use 3 spaces anywhere in the "450" plan.

While the easement has been in place for many years, our technical review concludes that it is an outdated arrangement and not a workable "footprint". Its literal incorporation within a remodel/update plan at "450" is not advised. Taken literally, the existing arrangement of these 3 spaces within the easement (at a perpendicular to the long axis of the easement) permits residual width for only a one-way northbound travel lane to extend past them so as to access the 3 spaces in the easement. A turn from that access lane to one of the 3 spaces requires a "button hook" movement or three-point turn, and once parked, there is no way for these vehicles to leave their space without travelling the wrong way in that northbound access lane, or travelling outside the easement. Additionally, the existing depiction of this configuration "on the ground" is confusing to motorists (parking stops at mid aisle, missing bollards, conflicting pavement markings). Only regular visitors to the site seem to sort things out, and the *Figure 1* data and aerial photo as well as *Exhibit 1* through *4* images illustrate that those visitors routinely prefer the angled spaces outside the easement to the 3 perpendicular spaces within it.

As such, the parking arrangement of the proposed site plan is the technical solution to a challenging existing condition that would be made worse by re-occupancy of the "450" site without the proposed parking and circulation enhancements.

Comment No. 2

*Of critical importance, the current site plan causes all of the following ingress-egress activities to simultaneously occur in the same area, thereby causing a confluence" of conflicting vehicle movements:*

- a. *Two-way ingress and egress in the 20-foot wide easement*
- b. *Cars and delivery trucks entering the 450 E. 17th Street site crossing to the left through the egress lane to enter angled parking.*
- c. *Cars and delivery trucks backing out of the angled parking spaces through the egress lane.*
- d. *Cars in the drive-thru lane queue standing and occupying the middle of the confluence area.*
- e. *Cars and delivery trucks entering and exiting 462 E. 17th Street in this same confluence area in the limited area allocated for this use. This is the only means of ingress and egress for cars and other vehicles to access the parking area for 462 E. 17th Street.*

Response to Comment No. 2

It is common for a mix of internal traffic flow patterns to “share” a common “footprint” within an on-site circulation configuration. While referred to as a confluence, the area described in the comment is really an internal “T” intersection (there are three “legs” with approaching traffic) with a fourth leg carrying only “leaving” intersection traffic as it enters the drive-thru lane. In this case, the “stem” of the “T” would be the exiting movement from the “462” parking lot, and as the side approach, that movement would normally be subject to STOP control. It is expected that the north-south movements along the aisle would not be subject to STOP control.

*Figure 2* illustrates forecast future volumes based on the existing traffic counts plus adjustment for full occupancy at “462” as well a full future occupancy at “450”. In considering the above comment, it is important to understand not just the pattern of flows but the expected volume on each movement. Based on the *Figure 2* peak hour volume projections, it can be concluded that future traffic volumes at this internal intersection will be consistent with its overall design configuration including the presence of a possible STOP control on the “462 side street” approach.

Responding to the above individual comments by letter:

- a) The *Figure 2* volumes along the easement are consistent with a two-lane parking lot drive aisle including one with 20’ overall width. The *peak hour* northbound (entering) volume equates to an average flow rate of roughly 1 to 2 vehicles per minute. The *peak hour* southbound (exiting) movement equates to a rate of less than 1 vehicle per minute. While clearly measurable, these volumes are not large and clearly within the capabilities of this traffic configuration.

- b) The angled parking spaces on the entering driver's left (west side of the aisle) total three regular spaces and two handicapped (HC). The location of the latter is consistent with ADA and Title 24 expectations related to building proximity and path of travel, noting further that HC spaces tend to be used less frequently (and have lower turnover) than regular spaces. The lower turnover characteristic is a favorable one in reducing the potential for conflicts as expressed in the comment. Related to the three regular spaces, parking to both sides of a two-way parking lot aisle, carrying traffic with flow rates described in a), above, is a normal condition. Additionally, in our experience, delivery vehicles will only rarely, if ever, use a conventional parking space. Thus use of these spaces will be by employee and visitor traffic in conventional vehicles.
- c) Given the volume projections discussed above, with the further clarification in *Response a* above, significant issues are not anticipated.
- d) The *Figure 2* "snapshot" indicates an AM peak hour drive-thru lane volume of 24 vehicles per hour (representing the morning "surge" of Starbucks customer traffic). All of these vehicles would arrive in the drive-thru lane by making a left turn within the site. That left turn would have an "opposing" southbound volume (leaving the "450" parking lot and headed towards 17<sup>th</sup> Street) of 30 vehicles per hour. On a volume basis alone, we conclude that the potential for conflict is minimal.

Also from *Figure 2*, the overall stacking (queuing) capabilities of the drive-thru lane totals eight vehicles (three to the order board and five vehicles from the order board to the service window). From prior research of "fast food" sites, this stacking length provides sufficient storage distance for at least the 85<sup>th</sup> percentile confidence level. On that basis, a standing queue as stated in the comment is unlikely and would certainly not represent a common condition. It is acknowledged that the available storage at the order board might be infrequently exceeded, but enough periods of lesser demand would permit those instantaneous peak demands to clear. Additionally, it has been observed that queuing at drive-thru lanes tends to be self regulating. That is, arriving customers at the site will evaluate whether it would be faster to enter the drive-thru, or park their car and walk in. Further, operators like Starbucks are keenly aware of the experiences at their competition, and are therefore focused to delivering the best possible service times to their guests, which in turn translates to managed queue lengths.

For all of the above reasons, standing queues within the confluence area are expected to be very limited in nature if they occur at all.

- e) Please see responses, above.

**Comment No. 3**

*With the expected traffic generated from the applicant's proposed food service establishments, which have high traffic volumes, it is likely there will occur a standstill condition and an inability to maneuver.*

**Response to Comment No. 3**

Based on the site analysis details presented above, which consider the explicit trip-making potential of the proposed "450" tenancies in the presence of existing/full occupancy "462" traffic, a "standstill condition" is extremely unlikely. Conversely, the on-site traffic volume conditions during peak hours are concluded to be within the operating capabilities of the "450" remodel and enhancement plan.

**Comment No. 4**

*The traffic study does not address the confluence area, which is a critically important consideration for continuing successful use of each parcel.*

**Response to Comment No. 4**

The prior LLG submittal of March 1 was focused to a demand-supply parking analysis of the combined "450" and "462" sites. It did not include a traffic assessment. This letter provides that assessment, with conclusions as stated above.

**Comment No. 5**

*Fire department access and response time is of concern because of the impact of the confluence area.*

**Response to Comment No. 5**

The confluence area conditions described/presumed above by the commenter were not validated by the analysis that accompanies this response package. Reasonable operating conditions are expected on site, and the potential impact on fire department response times is expected to be negligible.

**Comment No. 6**

*There is also the possibility that a change of use for 462 E. 17th Street will **increase** the demand on the ingress-egress easement and confluence area. Whereas 450 E. 17th Street is considering a more upscale and active use, the use and traffic study should include parallel improvements to 462 E. 17th Street.*

**Response to Comment No. 6**

A modest/reasonable increase (to full "462" building occupancy) is anticipated by the above analysis. We can also conclude that further reasonable increases in traffic focused to the "462" site could also be possible in conjunction with the pending

Mr. Stephen K. Thorp  
April 17, 2012  
Page 9



"450" improvement plan, but in the absence of further "462" site plan details, analysis of an intensification and/or change of use on the "462" site is not possible.

It is noted, however, that existing observed site parking needs for "462" peak at 28 spaces. Parking supply available to "462" includes its own lot of 29 spaces plus 3 "easement" spaces at "450", for a total supply of 32 spaces. Expanding the current peak observed demand of 28 spaces by an assumed factor of 10% to account for full building occupancy infers a need of 31 spaces, for a theoretical surplus of 1 space.

**Comment No. 7**

*There is the possibility that the standstill condition will cause cars and delivery trucks to wait on 17th Street until space occurs for ingress.*

**Response to Comment No. 7**

From the above analysis, we conclude that the indicated scenario is extremely unlikely. Again, the traffic forecasting and analysis presented above leads us to conclude that the traffic generating potential of the combined "450"/"462" site would be reasonably well served by the proposed traffic and parking changes reflected in the pending "450" site plan.

We appreciate the opportunity to prepare this supplemental traffic analysis and response package for your "450" site. Should you have any questions or need additional assistance, please do not hesitate to call us at (714) 641-1587.

Very truly yours,  
**Linscott, Law & Greenspan, Engineers**

A handwritten signature in black ink, appearing to read "Paul W. Wilkinson".

Paul W. Wilkinson, P.E.  
Principal

Attachments

cc: file

**TABLE 1  
TRIP GENERATION CHARACTERISTICS<sup>1</sup>**

ITE Land Use Code / Project Description	AM Peak Hour			PM Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
<i>Generation Factors:</i>						
• 814: Specialty Retail Center (TE/1,000 SF)	0.61	0.39	1.00 <sup>2</sup>	1.19	1.52	2.71
• 911: Walk-in Bank (TE/1,000 SF)	--	--	--	5.34	6.79	12.13
• 912: Drive-in Bank (TE/1,000 SF)	6.92	5.43	12.35	12.91	12.91	25.82
• 932: High Turnover Restaurant (TE/1,000 SF)	5.99	5.53	11.52	6.58	4.57	11.15
• Starbucks <sup>3</sup> (TE/1,000 SF)	34.62	34.61	69.23	15.39	15.38	30.77
<i>Generation Forecast:</i>						
<b>450 E. 17<sup>th</sup> Street (Site)</b>						
○ Existing (Vacant)	0	0	0	0	0	0
○ Existing/Reoccupied Financial (4,619 SF)	32	25	57	60	59	119
<i>Proposed</i>						
○ Coffee/Starbucks (2,356 SF)	82	81	163	36	36	72
○ Quick Service Food (2,185 SF)	13	12	25	14	10	24
<i>Proposed Subtotal:</i>	<b>95</b>	<b>93</b>	<b>188</b>	<b>50</b>	<b>46</b>	<b>96</b>
<b>462 E. 17<sup>th</sup> Street (Neighbor)</b>						
○ Existing (Counted)	25	1	26	17	18	35
○ Existing (Full Occupancy) <sup>4</sup>	28	1	29	19	20	39
<i>Benchmark</i>						
○ Specialty Retail (7,000 SF)	4	3	7	8	11	19
○ Financial (7,000 SF)	--	--	--	37	48	85

Notes:

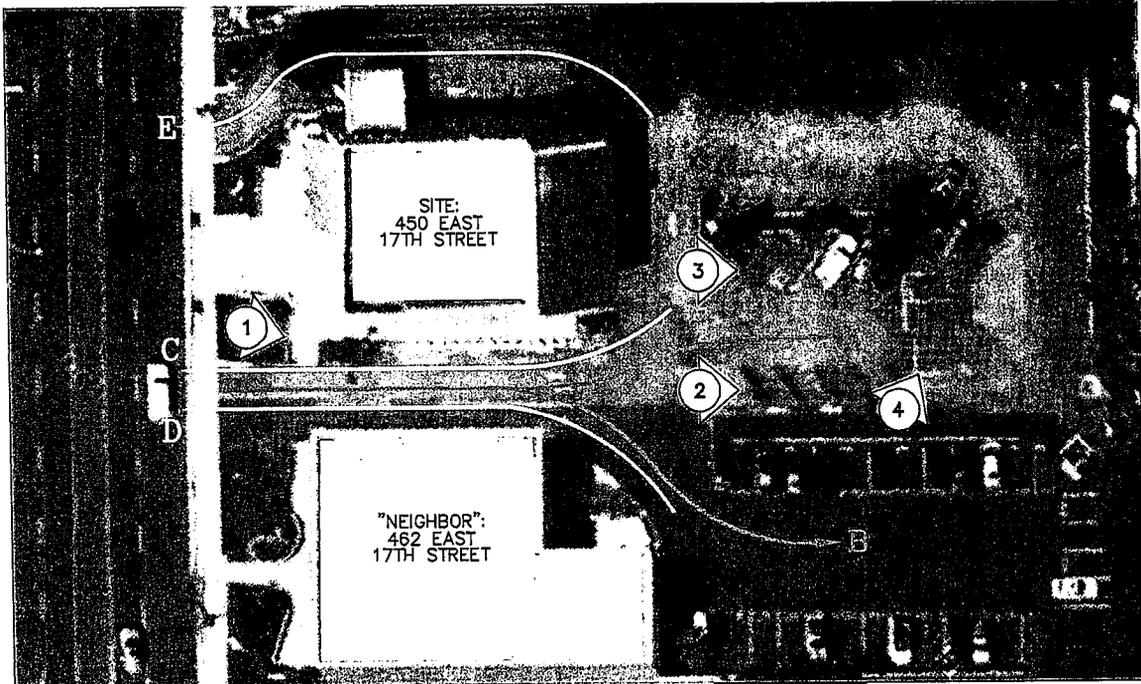
- TE/1,000 SF = Trip ends per 1,000 square foot of development

<sup>1</sup> Source: *Trip Generation*, 8<sup>th</sup> Edition, Institute of Transportation Engineers (ITE), Washington, D.C. (2008).

<sup>2</sup> AM trip rates are from ITE: 820 Shopping Center.

<sup>3</sup> Source: *Trip Generation Study for the Proposed Starbucks at 8<sup>th</sup> Street/Pacific Coast Highway* prepared by LLG (2000).

<sup>4</sup> The floor area vacancy was estimated to be 10%, so existing counts have been increased by 10% to reflect a full occupancy condition.



**EXISTING SITE TRAFFIC SUMMARY**

TIME	"SHARED DRIVEWAY"						2-WAY TOTAL	"EXIT ONLY" DRIVEWAY (MOVEMENT E)
	INBOUND MOVEMENT			OUTBOUND MOVEMENT				
	A	B	DWY SUBTOTAL	C	D	DWY SUBTOTAL		
7AM-8AM	3	3	6	0	0	0	6	0
8AM-9AM	8	13	21	0	1	1	22	1
AM PEAK HOUR	11	14	25	0	0	0	25	1
3PM-4PM	3	13	16	3	11	14	30	1
4PM-5PM	0	6	6	2	13	15	21	0
5PM-6PM	2	3	5	2	11	13	18	2
PM PEAK HOUR	3	14	17	3	14	17	34	1

**EXISTING PARKING SUMMARY**

TIME	SITE (450) PARKING (SUPPLY = 30)	NEIGHBOR (462) PARKING (SUPPLY = 29)	PARKING TOTAL (SUPPLY = 59)
7AM	3	0	3
8AM	6	3	9
9AM	13	15	28
3PM	8	19	27
4PM	7	21	28
5PM	5	14	19
6PM	3	6	9

n:\3200\2123265 - 450 east 17th street, costa mesa\dwg\3265-1.dwg LDP 13:20:22 04-12-2012 ogular

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engineers



NO SCALE

SOURCE: GOOGLE EARTH  
 PHOTO DATE: 3/7/11  
 COUNT DATE: TUESDAY, 4/10/12

**KEY**

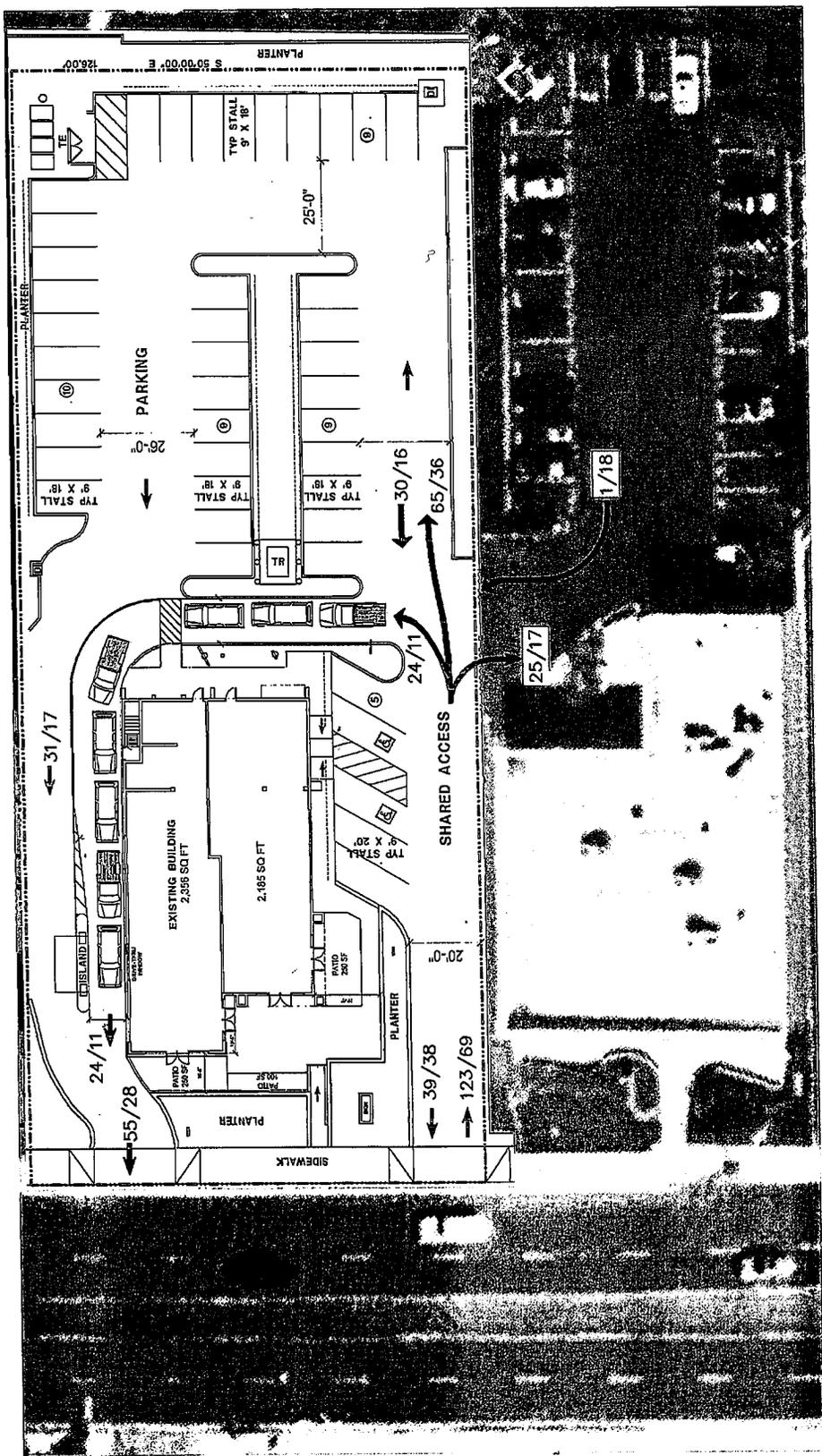


= PHOTO LOCATION

**FIGURE 1**

**EXISTING TRAFFIC VOLUMES  
AND PARKING DEMAND**

450 AND 462 EAST 17TH STREET, COSTA MESA



SOURCE: GOOGLE EARTH

KEY

XX/YY = AM/PM PEAK HOUR TRIPS

= DRIVE-THRU QUEUING POSITION



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## FIGURE 2

FUTURE CONDITIONS "SNAPSHOT"  
450 AND 462 EAST 17TH STREET, COSTA MESA

Exhibit 1  
Photo Date 12/13/11  
Approx. 3:30 pm

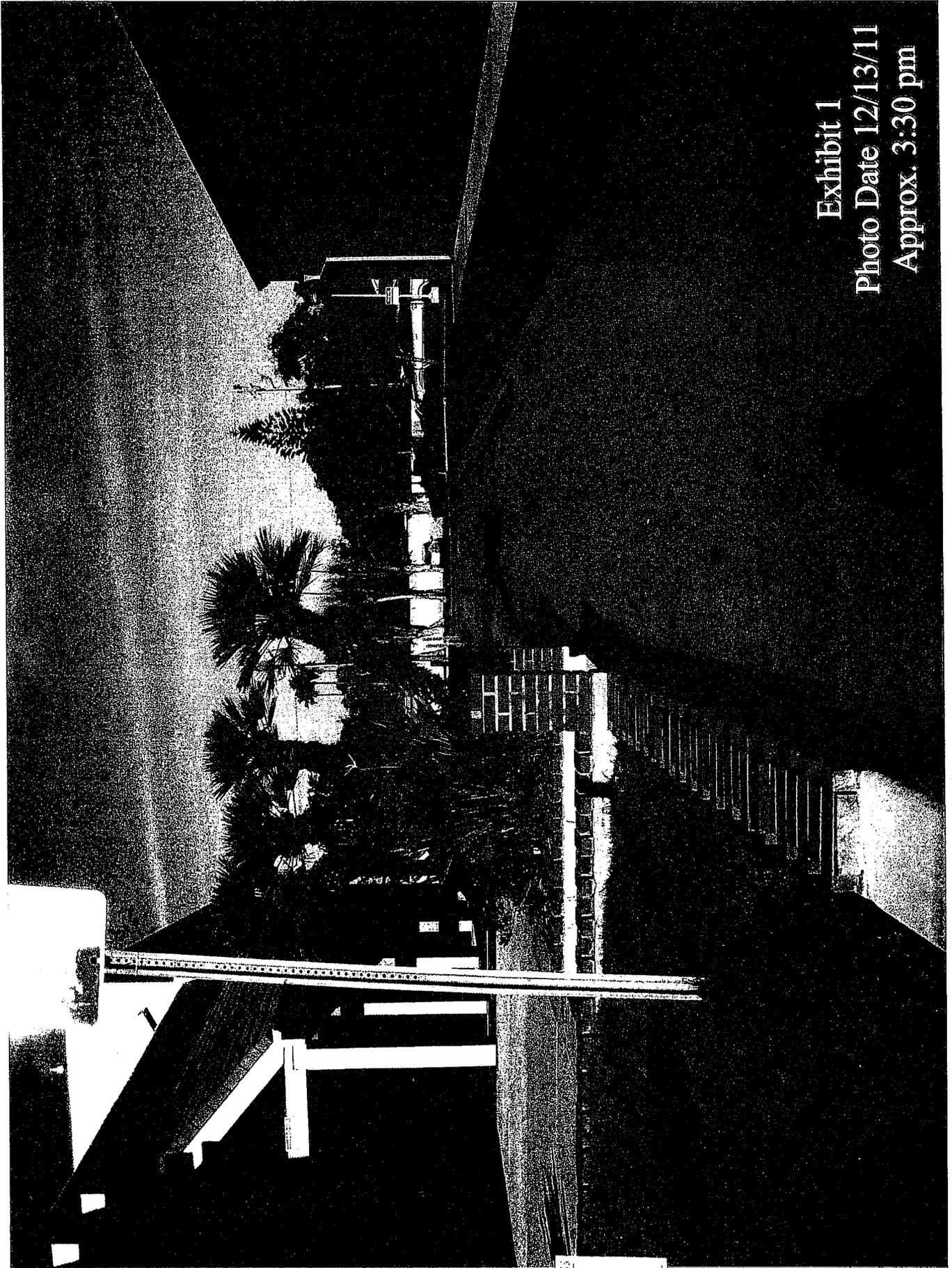


Exhibit 2  
Photo Date 12/13/11  
Approx. 3:30 pm

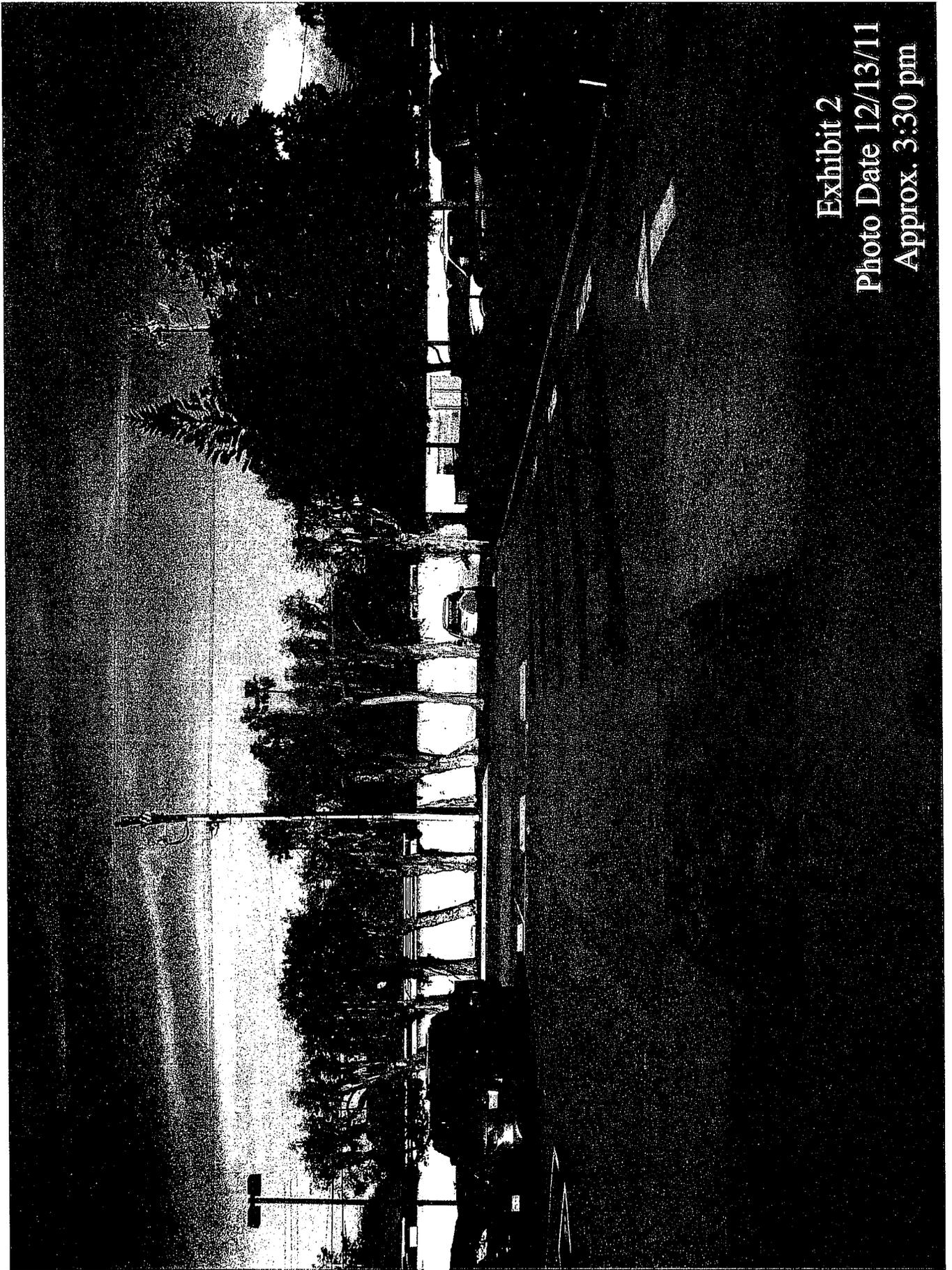


Exhibit 3  
Photo Date 12/13/11  
Approx. 3:30 pm

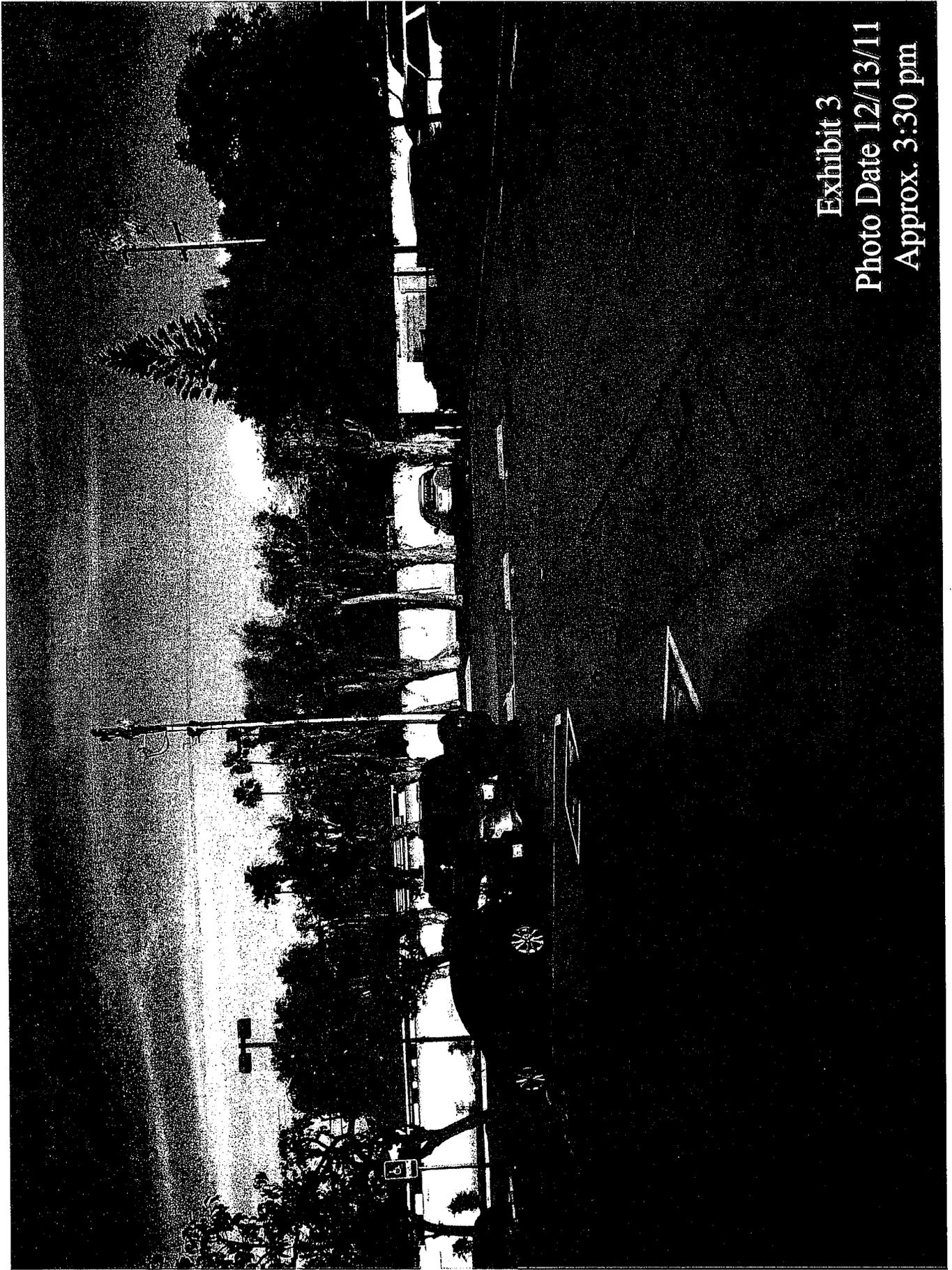
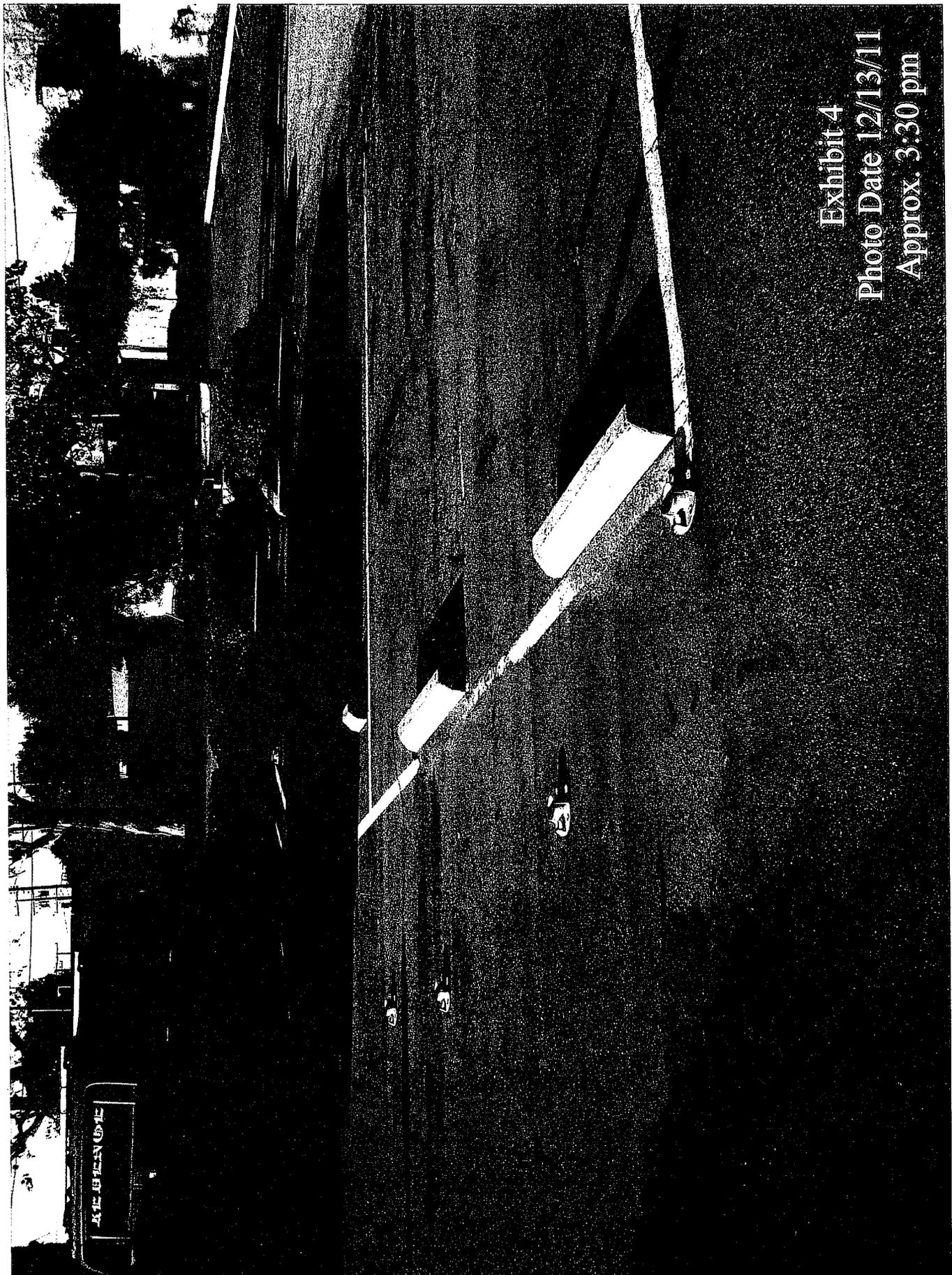


Exhibit 4  
Photo Date 12/13/11  
Approx. 3:30 pm





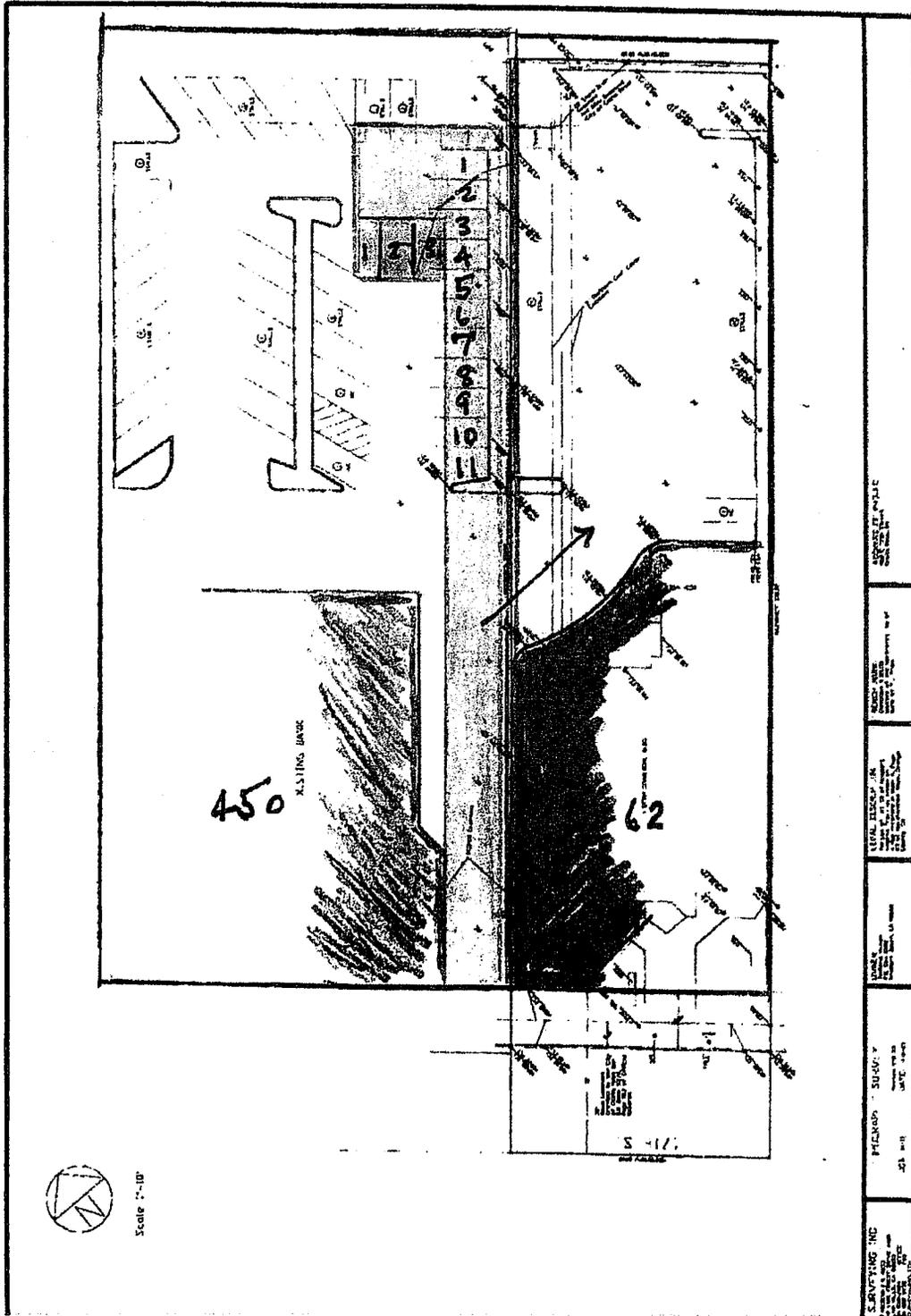


Exhibit 6

Source: Walker Appeal