



PLANNING COMMISSION

AGENDA REPORT

MEETING DATE: OCTOBER 26, 2015

ITEM NUMBER:

PH-2

SUBJECT: PLANNING APPLICATION PA-15-27 FOR A NEW TWO-STORY RETAIL BUILDING AT 350 E. 17TH STREET

DATE: OCTOBER 15, 2015

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

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

The proposed project involves the following:

Design review to demolish an existing two-story, 15,185 square foot, multi-tenant medical office building and construct a new two-story, 9,835 square foot, multi-tenant building with restaurant uses and outdoor patios on the first floor and non-medical office uses on the second floor, including the following:

1. Deviation from maximum allowable Floor Area Ratio (FAR) (.30 FAR allowed; .33 FAR proposed);
2. ~~Variance from maximum building height (30 feet required; 33 feet proposed);*~~
3. Variance from front and street side setbacks (20 foot front setback required; 2.5 feet proposed based on required dedication along E. 17th Street for street widening purposes; 15 foot street side setback required; 4 feet proposed);
4. Minor conditional use permit to allow a reduction in shared parking requirements due to unique operational characteristics (63 spaces required; 60 spaces proposed); and to allow outdoor patios to encroach into required street setbacks (2.5 to 14 feet on E. 17th Street; 10 feet on Raymond Avenue); and
5. Valet parking program is included in the CUP on an as needed basis.

**Note: The project has been modified since the public notification and the building height variance was removed.*

APPLICANT

The applicant is John Hill, representing KORU Property Management, the property owner.

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution to approve the project, subject to conditions of approval.

classification within reasonable land use intensity limits; and to ensure the long term viability and productivity of the community's natural and man-made environments.

Consistency: The infill nature of the proposed commercial project protects the balance of land uses satisfying the needs of the community as it pertains to commercial retail uses. The project will ensure the long-term viability of the natural and man-made environment and decreases the need for significant infrastructure improvements. The project is consistent with this General Plan goal.

- **Objective LU-1A.3:** *Locate high-intensity developments or high traffic generating uses away from low-density residential in order to buffer the more sensitive land uses from the potentially adverse impacts of the more intense developments or uses.*

Consistency: The project is a commercial development located along East 17th Street, a Major Street (± 104 feet in width) in the City. The project site does not abut low-density residential properties. Adequate infrastructure is available to serve the proposed project. Therefore, the project is consistent with this General Plan objective.

- **Objective LU-1E.1(a):** *Limited deviations from the graduated floor area ratio standards for the commercial and industrial land use designations may be approved through a discretionary review process. No deviation shall exceed a 0.05 increase in the FAR in the moderate traffic category, and no deviation shall be allowed in the very-low, low, and high traffic categories. Deviations from the FAR standards shall not cause the daily trip generation for the property to be exceeded when compared to the existing daily trip generation for the site without the proposed project or the maximum allowable traffic generation for the Moderate Traffic FAR category, whichever is greater.*

Consistency: The total area of the project site is 29,937 SF (.69 AC). In accordance with the above General Plan Objective, the project is subject to a maximum Floor Area Ratio (FAR) of 0.35. Because the FAR for the project would be 0.33, the project will not exceed the City's FAR requirements. The table below indicates that the proposal would involve an increase in the daily trip generation compared to the existing uses; however, this General Plan objective allows the proposed 0.33 FAR to promote redevelopment provided that the maximum allowable traffic generation for the moderate FAR is not exceeded.

Below is the trip generation table for the proposed project, prepared by the City's Transportation Services Division. Based on the number of net trips generated by the project (less than 50 peak hour trips), additional traffic analysis is not required. The developer will have to pay traffic impact fees based on the net daily trips generated by the project.

Table 1: 350 E. 17th Street - Trip Generation

Existing Uses				
Office	8,347	92	13	12
Medical Office	6,838	247	16	24
Total	15,185	339	29	37
Proposed Uses				
Restaurant	4,790	609	52	47
Retail	1,610	69	2	6
Office	3,435	38	5	5
Total	9,835	716	59	58
Net Trips		377	29	21

Source: Transportation Services Division

- **Goal LU-2: Development:** *It is the goal of the City of Costa Mesa to establish development policies that will create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical and social resources.*

Consistency: The project would allow for the redevelopment of a commercially-zoned property. On-site vegetation is minimal. The proposed project would enhance the visual appearance of the site through the construction of new buildings and implementation of the proposed landscape plan. In addition, the project would provide a high-quality architectural design to the community. As a result, the proposed project is consistent with this General Plan goal.

- **Objective LU-2A:** *Encourage new development and redevelopment to improve and maintain the quality of the environment.*

Consistency: Because the project is an infill development, it would not result in the loss of any habitat, or require extensive infrastructure improvements to provide service to the site. The project is consistent with this objective.

Conformance with the Zoning Code

As discussed in the following section, several deviations from the Zoning Code are requested for this project; however, it is staff's opinion that the proposed project meets or exceeds the intent of the City's Zoning Code with regard to the development standards for the C1 zone.

PLANNING APPLICATION SUMMARY

Location: 350 East 17th Street Application: PA-15-27

Request: New 2-story retail building with deviations.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	<u>C1</u>	North:	<u>Acr. 17th Pl.: R3, Residences</u>
General Plan:	<u>General Commercial</u>	South:	<u>Acr. E. 17th St.: C1, Commercial Uses</u>
Lot Dimensions:	<u>Irregular</u>	East:	<u>Acr. Raymond Ave.: C1, Commercial Uses</u>
Lot Area:	Front Parcel: 10,780 SF (.25 AC) Rear Parcel: 19,157 SF (.44 AC) Total: 29,937 SF (.69 AC)	West:	<u>C1, Commercial Uses</u>

Existing Development: 2-story office building (to be demolished) and separate parcel containing paved parking area (to remain).

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:		
Lot Width	120 FT	Front Parcel: 100 FT (1) Rear Parcel: 150 FT
Lot Area	12,000 SF	Front Parcel: 10,780 SF (.25 AC) (1) Rear Parcel: 19,157 SF (.44 AC) Total: 29,937 SF (.69 AC)
FAR (Floor Area Ratio)	.30 (8,981 SF)	.33 (9,835 SF) (2)
No. of Stories/Building Height	2 Stories/30 FT	2 Stories/33 FT (3)
Interior Landscaping (Parking Area)	1,500 SF	1,417 SF (1)
Setbacks (Building):		
Front (E. 17th St.)	20 FT	2.5 FT (4)
Side (left/right – Raymond Ave.)	0 FT/ 15 FT	0 FT/4 FT (4)
Rear (alley)	0 FT	5 FT
Setbacks (Landscaping):		
E. 17th St.	20 FT	0 FT-6FT (4)
Raymond Ave.	15 FT	4 FT-8FT (4)
Parking		
Standard	60	57
Handicap	3	3
TOTAL	63 Spaces (5)	60 Spaces (6)
NA = Not Applicable or No Requirement (1) The property is legal nonconforming. (2) .33 FAR allowed per 2000 Costa Mesa General Plan Policy LU-1E.1(a) (see staff report discussion). (3) Applicant has agreed to reduce the building height to 30 feet to meet Code. (4) Variance requested for building setbacks from streets (see staff report discussion). (5) Includes credit for 1 parking space for existing bike rack per Code Section 13-89. (6) Parking reduction requested (see staff report discussion).		
CEQA Status	Exempt per Section 15302, Replacement or Reconstruction	
Final Action	Planning Commission	

BACKGROUND

Project Site/Environs

The project site is located on the northwest corner of East 17th Street and Raymond Avenue. The front parcel is .25 acres and contains an existing two-story, 15,185 square foot medical office building, originally constructed in the late 1960's. The rear parcel, which is separated by a 15-foot wide public alley, is .44 acres in size and contains the parking spaces (60 total) for the office building. Both properties are zoned C1 (Local Business District) and have a General Plan Land Use Designation of General Commercial.

Surrounding land uses include: 2-story multiple-family residential uses to the north (across 17th Place); and commercial uses to the west, east and south.

Prior Land Use Approvals

A summary of the previous entitlements granted for the office building is summarized below.

Zone Exception Permit ZE-77-17

A conditional use permit to conduct classes for acupuncture and massage (a maximum of 20 students per class) with a reduction in required parking (10 parking spaces required; 7 spaces permitted) was approved by the Planning Commission on February 28, 1977, by a 5-0 vote.

Zone Exception Permit ZE-81-142

A conditional use permit to allow classes for hypnosis was approved by the Planning Commission on August 10, 1981, by a 4-0 vote (one Commissioner was absent).

ANALYSIS

Project Description

The applicant is proposing to demolish the existing office building and construct a new two-story commercial building. The existing and proposed building square footages are summarized in the table below:

Summary of Building Sq. Ft. for Property (Not Including Patios and Decks)

	EXISTING	PROPOSED
First Floor	9,471 SF	6,865 SF
Second Floor	5,714 SF	2,970 SF
Total	15,185 SF	9,835 SF
Floor Area Ratio (FAR)	.51	.33

Proposed Uses

Unlike the current medical office building, the applicant is proposing to utilize the new building for the following uses:

PROPOSED USES		
First Floor	Restaurant 1:	2,290 SF
	Restaurant 2:	1,400 SF
	Restaurant 3:	1,100 SF
	Retail 1:	720 SF
	Entry Lobby & Restrooms:	1,335 SF
	Patios (3):	2,260 SF
Second Floor	Office (Non-Medical):	2,690 SF
	Reception:	300 SF
	Deck:	620 SF

All eating and drinking establishments are required to comply with the provisions of CMMC Section 13-49 (Development Standards for Establishments within 200 Feet of Residentially-Zoned Property), unless approved through a separate Minor Conditional Use Permit or Conditional Use Permit.

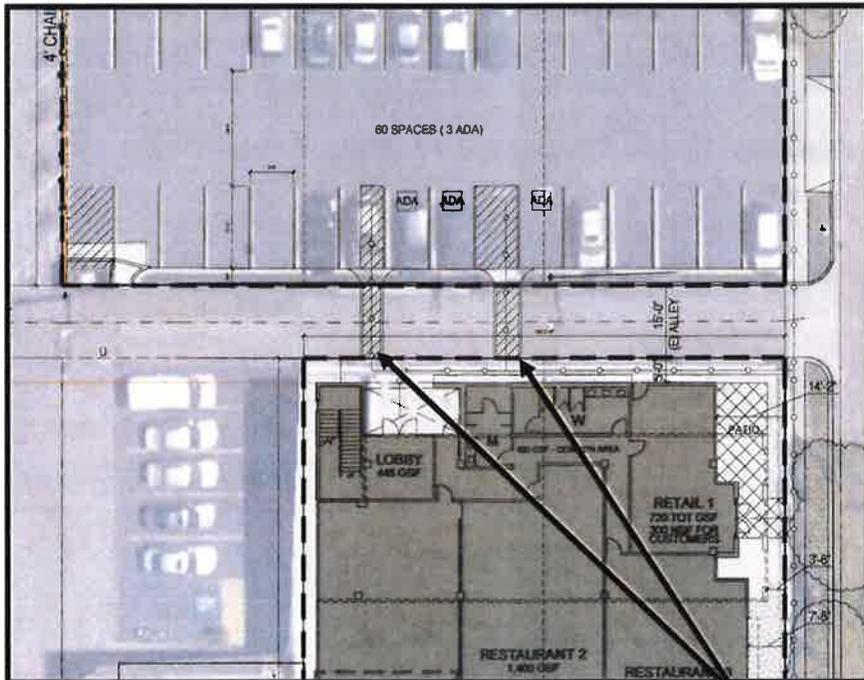
Parking

The property provides a total of 60 parking spaces on a separate parcel at the rear of the property, adjacent to the public alley. Both properties are owned by the same entity (KORU Property Management) and has always been utilized as the parking area for the existing office building. Access to the parking area is provided via two drive approaches from Raymond Avenue (the parking spaces cannot be accessed from the public alley). Based upon the mix of uses proposed by the applicant in the table above, a total of 64 parking spaces would be required based upon the City's shared parking analysis (Attachment 6). Additionally, CMMC Code Section 13-89 allows one (1) parking space credit if bicycle racks are provided (there is an existing bicycle rack in in the parking lot next to the existing trash enclosure, thereby reducing the number of required parking spaces to 63). The minor conditional use permit to accommodate the parking reduction is discussed later in this report.

The project complies with the requirements of the Americans with Disabilities Act (ADA) for providing access to handicap spaces because a dedicated path of travel is required to be provided across the public alley to the proposed building. A condition of approval has been incorporated requiring a land use restriction be executed by and between the property owner and the City of Costa Mesa to inform future property owners that ADA path of travel across the alley is permitted as long as the parking lot parcel is not sold separately from the building parcel.



Existing parking area at rear of property (separated by public alley).



Proposed ADA Path of Travel Across Public Alley

Building Architecture, Outdoor Patios, Site Landscaping, and Fencing

The proposed architecture is a contemporary design. Specific materials have not yet been identified. The elevations facing the streets are enhanced with glass storefronts and the proposed outdoor patios, which are allowed within landscape setback areas visible from the street via a minor conditional use permit. The outdoor patios, as proposed, will provide an attractive appearance from the street. The outdoor patio adjacent to Restaurant 1 encroaches within a portion of the public right-of-way on East 17th Street, which is discussed later in this report.

Staff has also incorporated, as a condition of approval, that landscaping along the street frontages shall be planted with trees and vegetation and shall contain additional 24-inch box trees above the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.

Staff has also incorporated, as a condition of approval, that the developer replace the chain link fencing along the westerly and northerly boundaries of the parcel containing the parking area with decorative wrought iron fencing or an equivalent decorative fencing material. The fencing is required to be submitted for review and approval by the Planning Division.

GENERAL PLAN AND ZONING CODE CONFORMANCE

The proposed project involves a Master Plan for a mixed-use development which is considered a conditional use. Pursuant to an approved Master Plan, the proposed project would be in conformance with the following planning documents:

- General Plan
- Zoning Code

Conformance with the City of Costa Mesa General Plan

Future development of all land within the City of Costa Mesa is guided by the General Plan adopted in 2002. The Land Use Element of the General Plan directs long-range development in the City by indicating the location and extent of development to be allowed. The General Plan sets forth land use goals, policies, and objectives that guide new development. The General Plan land use designation for the project area is General Commercial.

The following analysis evaluates the proposed project's consistency with specific goals, and objectives of the General Plan, Land Use Element.

- **Goal LU-1: Land Use:** *It is the goal of the City of Costa Mesa to provide its citizens with a balanced community of residential, commercial, industrial, recreational, and institutional uses to satisfy the needs of the social and economic segments of the population and to retain the residential character of the City; to meet the competing demands for alternative developments within each land use*

Justifications for Approval

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of facts and findings which are also reflected in the draft resolution.

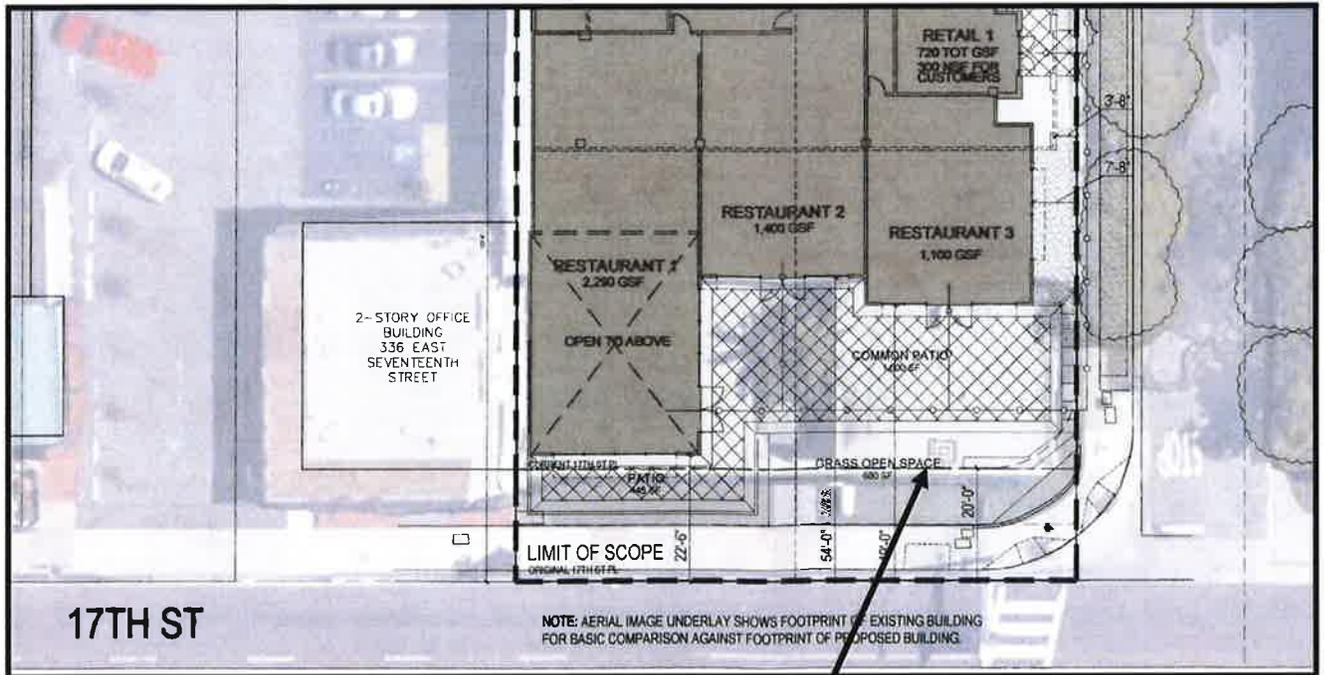
Variance

Code Section 13-29(g)(1) requires the following findings for variances:

1. Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.
2. The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
3. The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

Despite the request for deviations from Code requirements for front and street side setbacks (20 foot front setback required; 2.5 feet proposed; 15 foot street side setback required; 4 feet proposed), staff believes that approval of the variances is justified based on the following:

- *Because of special circumstances related to the unique location of this property on E. 17th Street, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.* Because the existing building will be completely demolished, the legal nonconforming status of the existing building setbacks is not preserved; therefore, the setback variances are required although the proposed setbacks are incrementally greater than the existing setbacks. With regard to the building setbacks, the existing building has a 0-foot front setback from East 17th Street, to accommodate a street dedication for future widening of East 17th Street, and a 3-foot, 2-inch, street side setback from Raymond Avenue, which is consistent with other the commercial properties in this area. For example, the commercial building abutting this site to the west (336 East 17th Street) actually encroaches into the public right-of-way for future street widening. The reduced setback enjoyed by the properties along the street frontages creates a special circumstance applicable to the property where the strict application of the 20-foot landscape setback would deprive the property of privileges enjoyed by others in the vicinity.



**ULTIMATE PROPERTY LINE
EAST 17TH ST. (19 FEET FROM CURB FACE)**



Existing building on subject property with 0-foot front (East 17th Street) setback from ultimate property line (legal nonconforming). Adjacent building in the background (336 East 17th Street) encroaches into the public right-of-way (also legal nonconforming).



Existing street side (Raymond Avenue) setback is 3 feet, 2 inches from property line (legal nonconforming).

- The deviations will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property. The granting of the deviations will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity. The development is consistent with the General Plan goals and policies as discussed earlier in this report, and will be required to comply with all applicable Building and Fire Safety regulations to ensure that no adverse impact to the public health, safety, or welfare is created as a result of this project.
- Minor Conditional Use Permit for the parking deviation is justified due to the expanded parking supply provided by the valet parking program (63 spaces required, 77 spaces (14 additional parking spaces) proposed with valet parking). Staff has incorporated, as a condition of approval, that customer and employee parking shall occur on-site and not on surrounding properties or streets. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, removing the outdoor dining patios and/or the provision of free valet parking during peak operating hours for the eating and drinking establishments. According to the applicant, valet parking will result in 14 additional on-site spaces (the complete valet plan will be submitted prior to the meeting under separate cover).

Public Right-Of-Way Dedications

As noted on the site diagram on the previous pages, the existing publically-dedicated right-of-way on East 17th Street (19 feet from curb face) results in a 2.5-foot setback from the building to the ultimate property line. However, it also results in a portion of the outdoor patio encroaching into the public right-of-way. A similar condition exists at the rear of the property, where a 5-foot public alley dedication (2.5-feet on either side of the alley) will be required for future alley widening, where private property improvements, including sidewalk access to the building, are proposed to be constructed.

Staff has incorporated, as a condition of approval, that the applicant obtain an encroachment permit(s) for the patio and any private property improvements proposed within the alley, subject to approval by the Public Services Director. The applicant, as part of the encroachment permit, will be required to indemnify the City and fully be responsible for any accident and liability. It also means the City can remove any improvements within the dedicated areas if the City chooses to do so.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15302 (Class 2), Replacement and Reconstruction. The Class 2 exemption consists of the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure being replaced and will have substantially the same size, purpose and capacity as the structure being replaced.

LEGAL REVIEW

The draft resolutions have been reviewed and approved as to form by the City Attorney's Office.

PUBLIC NOTICE

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. Mailed notice. A public notice was mailed to all property owners within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map.)
2. On-site posting. A public notice was posted on each street frontage of the project site.
3. Newspaper publication. A public notice was published once in the Daily Pilot newspaper.

ALTERNATIVES

1. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.
2. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, Planning Commission must deny the application and provide facts in support of denial to be included in the attached draft resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

The overall design reflects a quality project that is consistent with the intent of the Zoning Code and General Plan. Therefore, staff supports the proposed project.



MEL LEE, AICP
Senior Planner



CLAIRE FLYNN, AICP
Asst. Development Services Director

- Attachments:
1. Location Map and Radius Map
 2. Site Photos
 3. Applicant's Project Description
 4. Draft Resolutions
 5. Plans
 6. Shared Parking Analysis

Distribution: Director of Economic & Development Services/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

Robinson Hill Architecture, Inc.
c/o John Hill
3195-B Airport Loop Drive
Costa Mesa, CA 92626

KORU Property Management
350 E. 17th Street, Suite 216
Costa Mesa, CA 92627

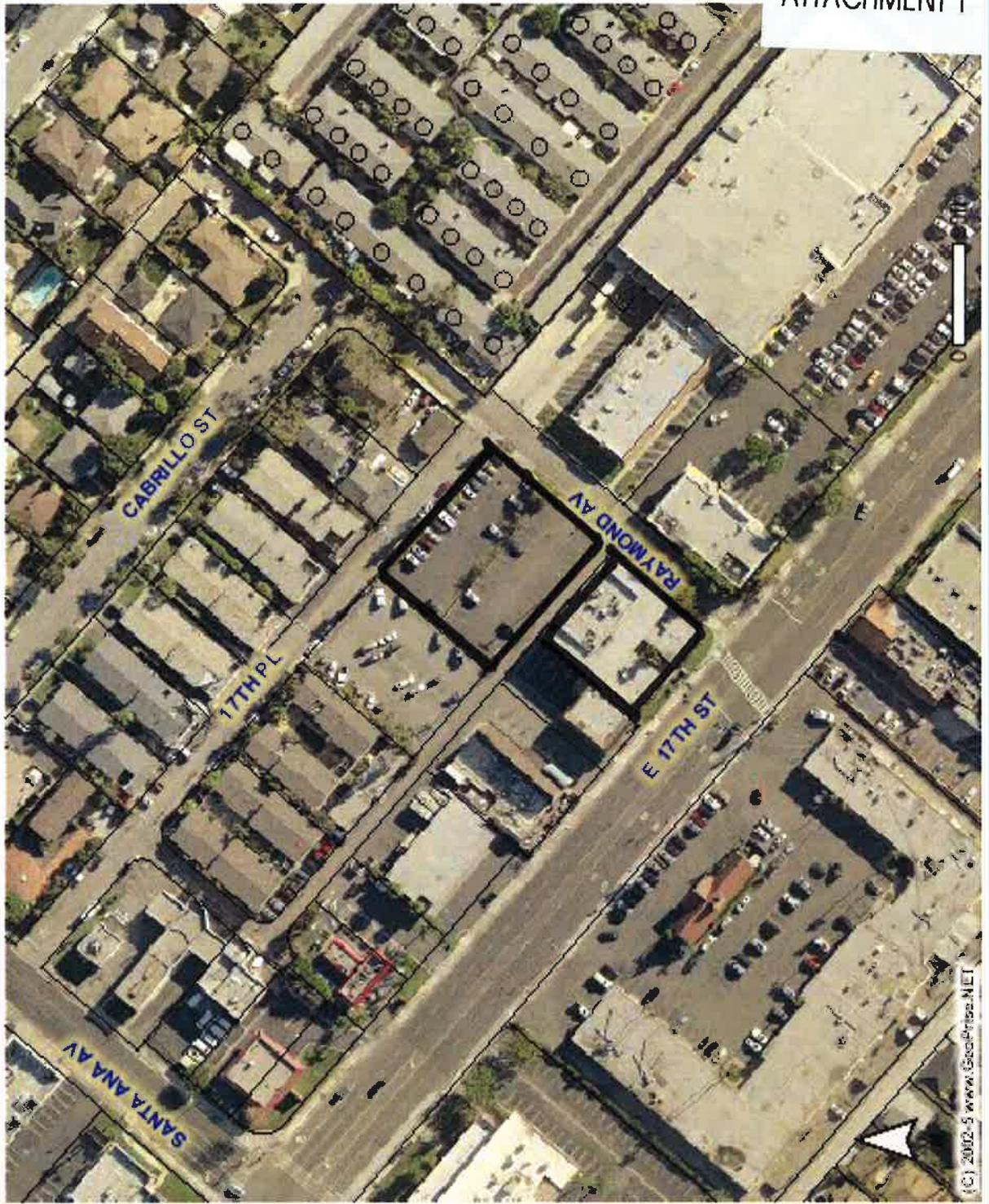
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Overview Map



Map Display

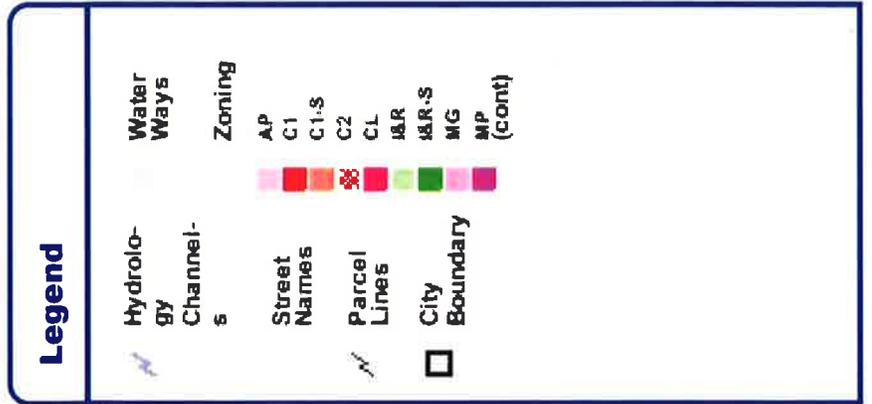
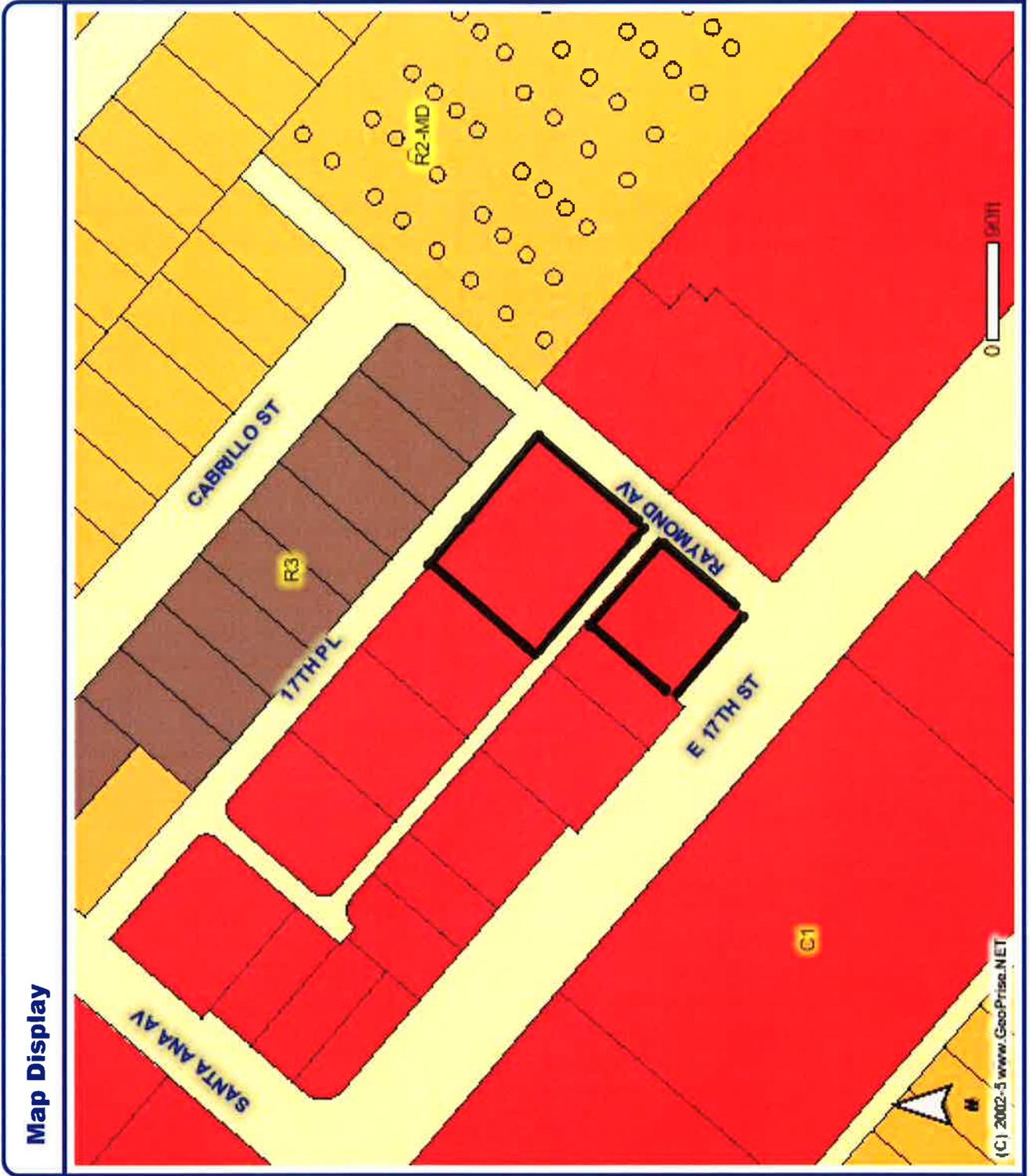
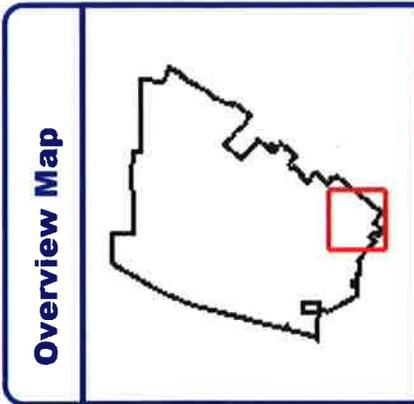


Legend

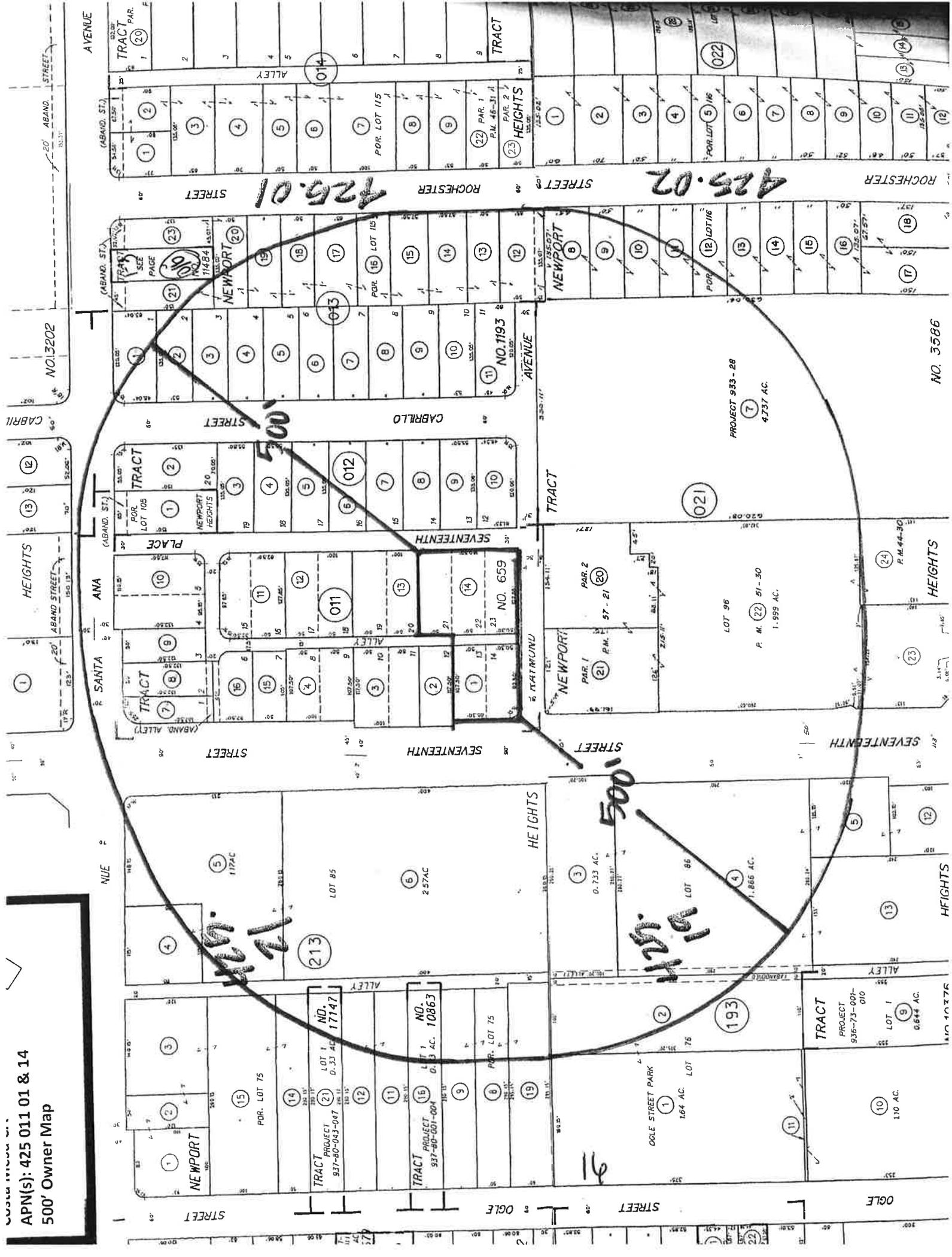
- Hydrology Channels
- Street Names
- Parcel Lines
- City Boundary
- Water Ways
- Ortho 2010 Level2
- Ortho 2008 Level2
- Ortho 2006 Level2
- Parcels

City of Costa Mesa

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APN(s): 425 011 01 & 14
500' Owner Map



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PROJECT 933-28

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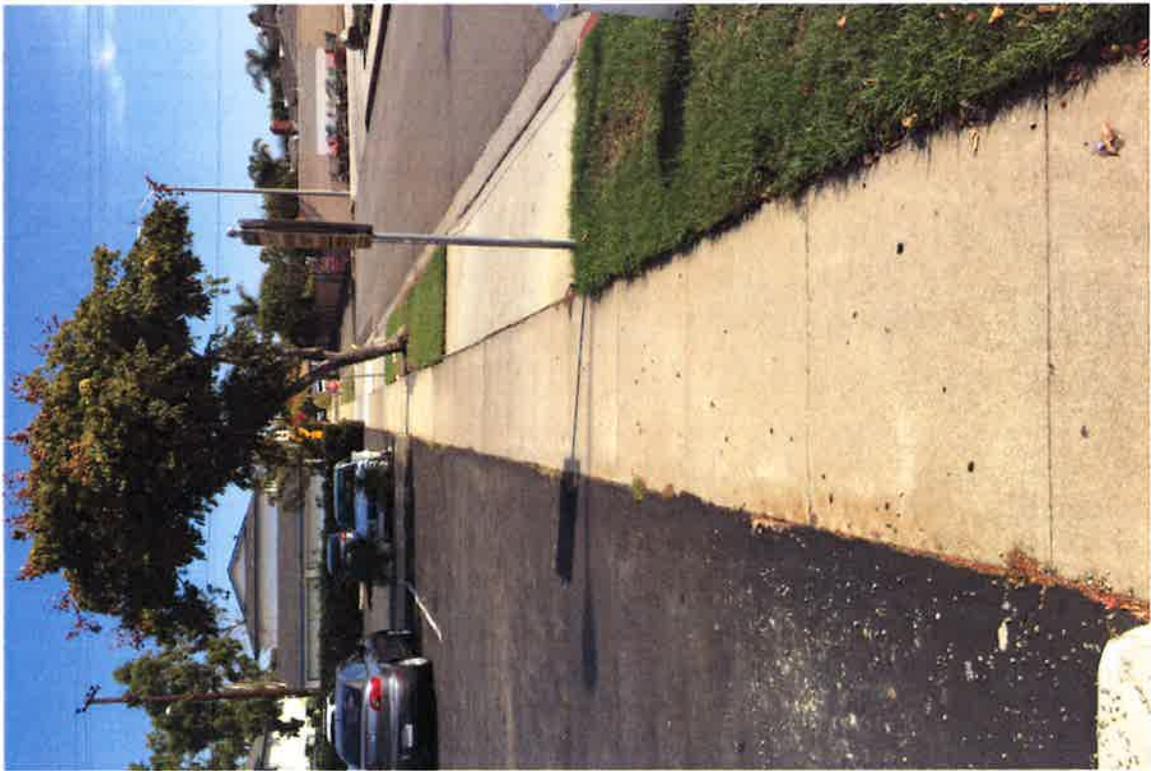
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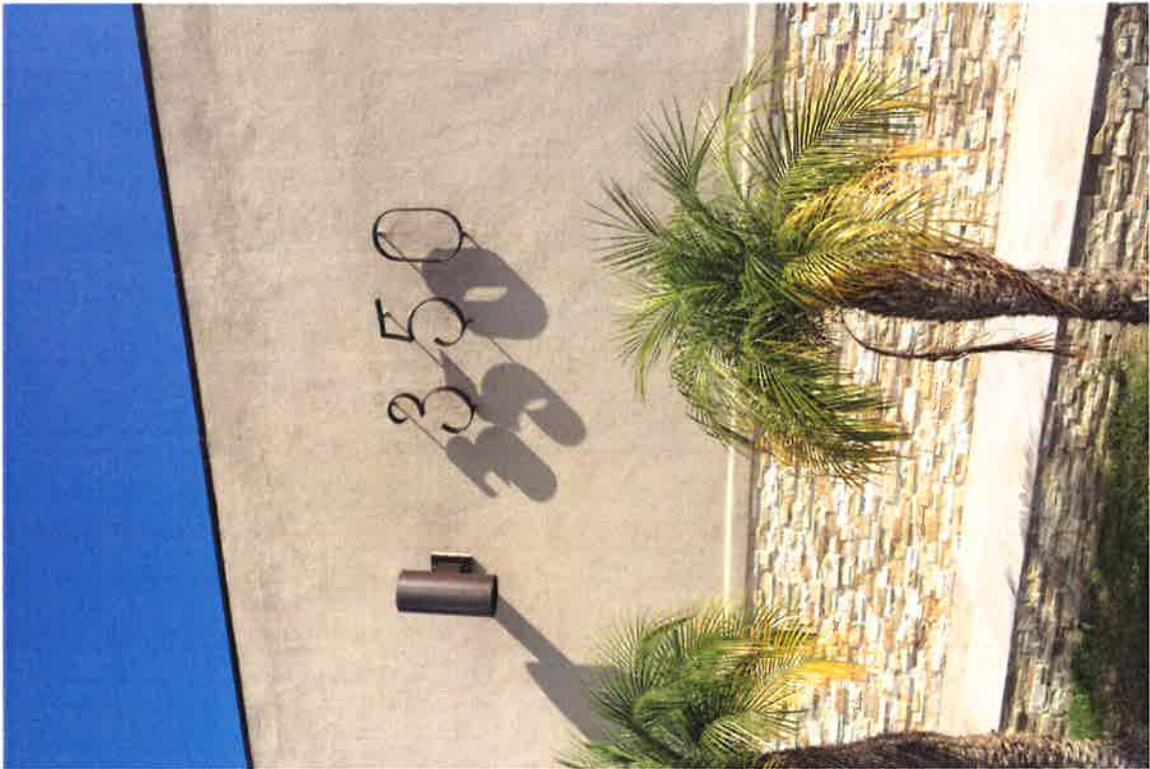
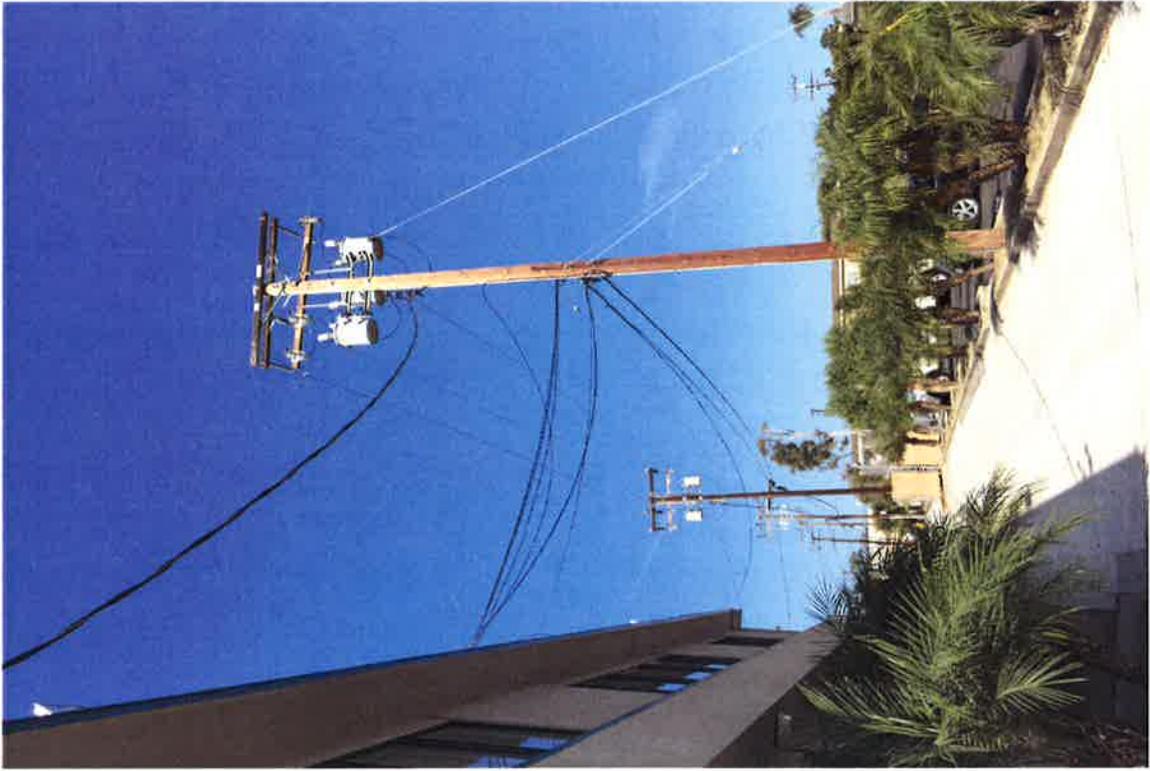


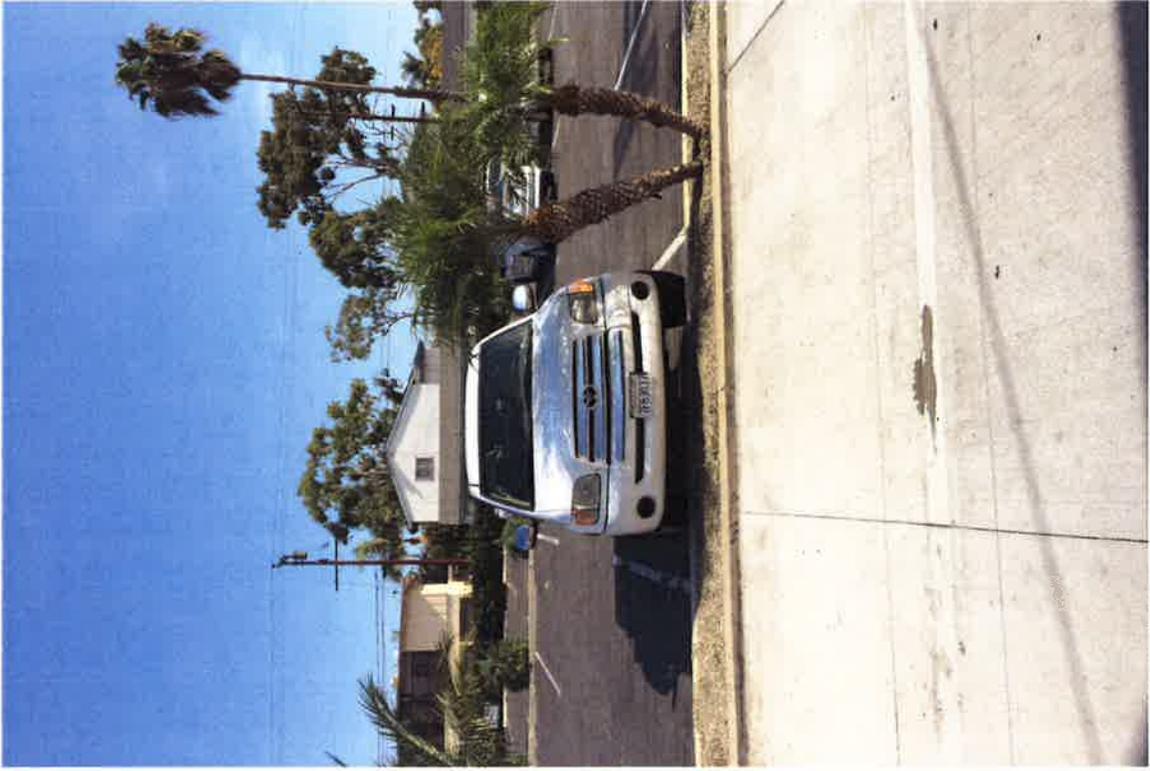




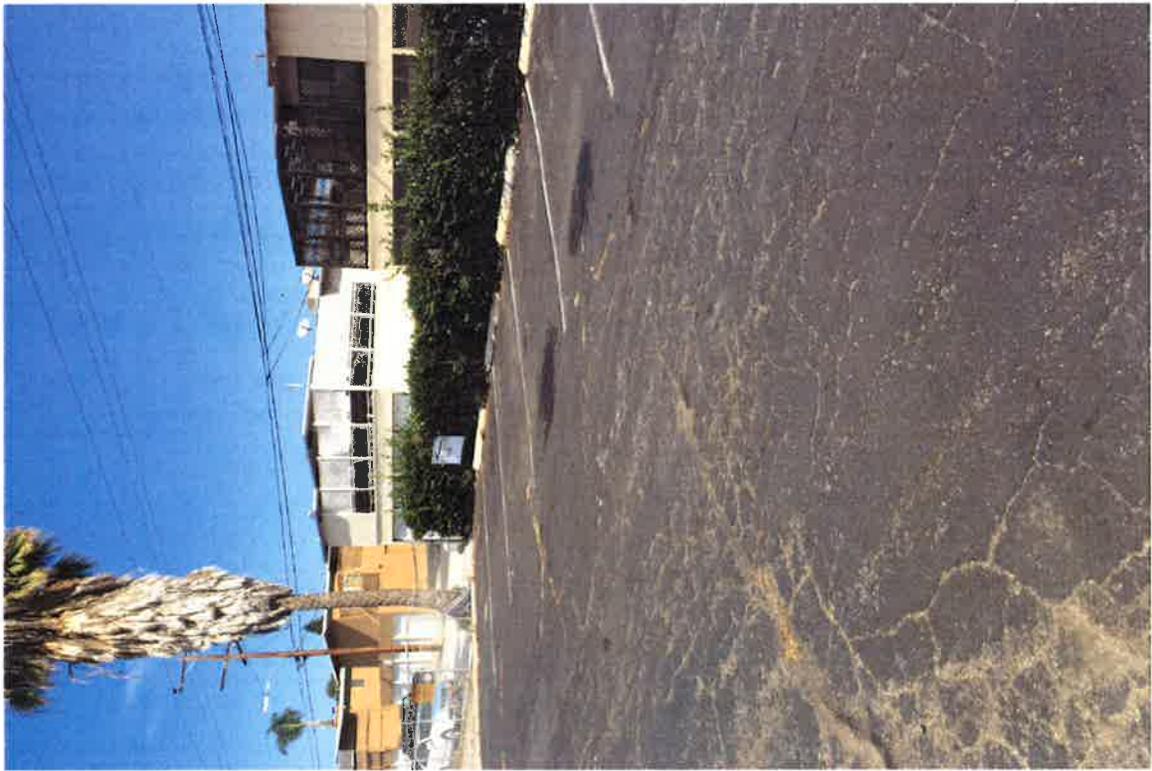










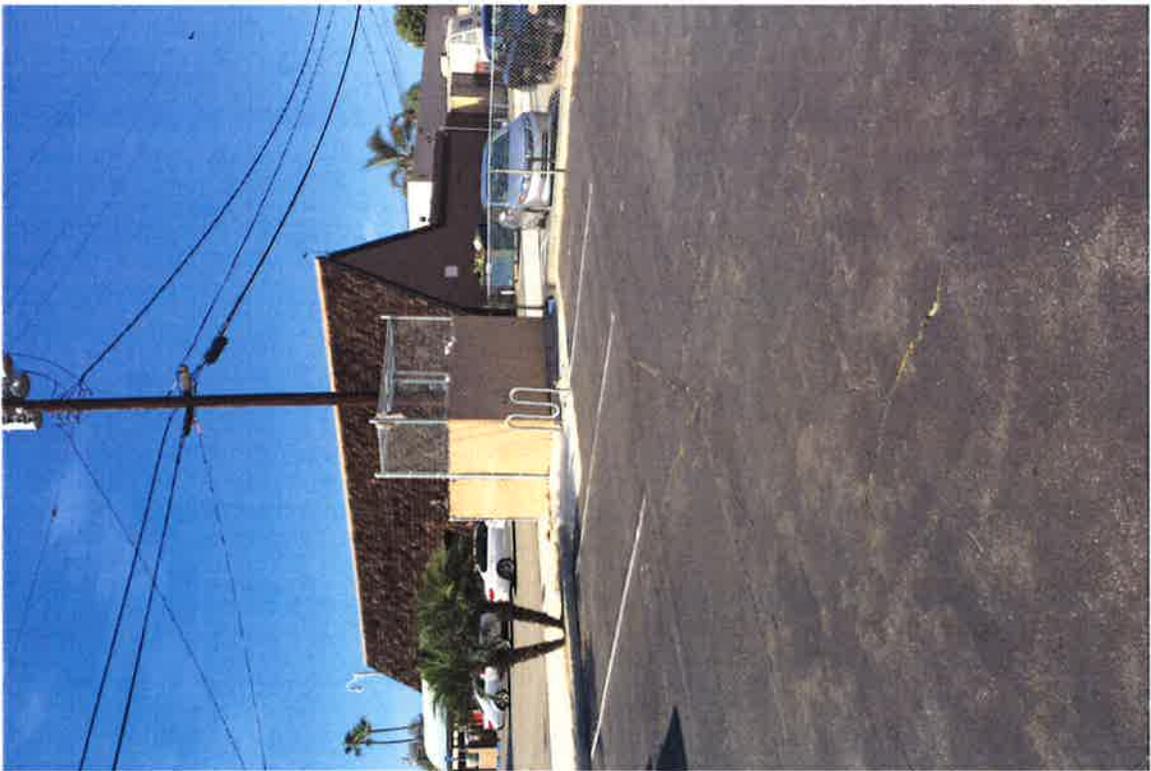












robinson hill architecture, inc.



September 16, 2015

Mr. Mel Lee, Senior Planner
City of Costa Mesa, Planning Department
77 Fair Drive
Costa Mesa, CA 92628

Re: Letter of Justification
Planning Application PA-15-27
350 E. 17th Street, Costa Mesa

Mr. Lee,

On behalf of Koru Property Management, we are pleased to submit the Planning Application PA-15-27, for the proposed redevelopment of 350 E. 17th Street, Costa Mesa, CA. As described in the submittal package, the existing property consists of a 2 story Medical Office Building consisting of 15,185 s.f. of GLA. The existing parking lot, at the rear of the property consists of 60 available parking stalls, based upon current code requirements.

The proposed redevelopment reduces this gross square footage down from 15,185 s.f. to a smaller 9,835 s.f., a reduction of 5,350 s.f. (35% reduction in building size). This reduction will effectively reduce the current FAR of 0.51, down to a revised FAR of 0.33. Due to the smaller building size and proposed mixed uses, the project has been deemed a Medium Traffic Impact, thus having a required FAR of 0.30; however, the Zoning Ordinance allows for an 0.05 FAR variance request, of which we are requesting, to allow the project to increase to an FAR of 0.33.

As stated above, the existing parking lot provides 60 existing code compliant parking stalls. Based upon current zoning regulations, the existing Medical Office Building parking demand is calculated at 78 required parking stalls, thus having a current parking deficit of 18 parking stalls. Our proposed application indicates a new parking demand of 70 parking stalls, thus having a proposed parking deficit of 10 parking stalls, thus having a lesser parking deficit than the current condition. This proposed parking calculation is based upon the review meeting we had with the City Departments on July 31st.

The proposed building setbacks also intrude upon the required setbacks; however, the proposed setbacks are more compliant than the current building setbacks.

In the review meeting of July 31st, Public Works requested that the Alley be widened to 20 feet, from the current 15 feet. We have allowed a 5 foot buffer zone along the rear of the building, for the future widening. It is our understanding that this buffer zone will not be acquired by the City until the neighboring properties are ready for the same dedication.

A California Corporation
3195-B Airport Loop Drive
Costa Mesa, CA 92626
www.rhainc.net

Telephone: 714-825-8888 – Facsimile: 714-825-8889

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Public Works also questioned the proposed front patio area at the southwest corner of our property. There was concern that we had a patio within the public Right-of-Way. According to our records, there are two 10 foot easements along the front of the property. These easements are recorded, and according to our records, these are easements, not encroachments; therefore this front setback area is still under ownership of the Property Owner. Based upon my discussions with the City, we should be allowed to utilize this front area; however, we are restricted from building any permanent physical structures, such as walls or covered patios. The proposed application limits this area to landscape hedges and permeable pavers. All furniture will be removable, in the event that Public Works needed access to the subgrade, for utilities.

Lastly, we are requesting food uses in the ground floor lease space of the property. Since this proposed building is within 200 feet of residential units, we are requesting the proposed use to be allowed, per the Zoning Code. The Zoning Code does not forbid food uses from being located within 200 feet of residential units; rather the Zoning Code simply requires approval of any such uses. Out of respect for the neighboring residents, we have oriented all of the restaurant uses to face south, and be located in the furthest distance from the residential units. Furthermore, we have retained the entire 60 stall parking lot as a buffer between the homes and the proposed building, thus maximizing open space and distance between the two uses.

In conclusion, we respectfully request support from the City for the proposed application. We understand that the proposed development deviates from some of the current zoning restrictions; however, the proposed variances are essentially a lesser nonconforming impact than the current grandfathered condition. Based upon the current character of 17th Street, and the City Vision for this district, we feel the proposed use and impact are in keeping with the City's intent, and therefore warrants approval, as proposed.

Given the current calendar, we are hopeful that the proposed application can be calendared for the October 26th public hearing. We remain available for any additional information, adjustments or further coordination. Thank you for your assistance.

Respectfully,

Robinson Hill Architecture, Inc.



John Hill
Principal

cc: Ms. Claire Flynn – City of Costa Mesa
Mr. Greg Gabriel – Property Owner

RESOLUTION NO. PC-15-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-27 FOR A NEW TWO-STORY RETAIL BUILDING AT 350 E. 17TH STREET**

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

WHEREAS, an application was filed John Hill, representing KORU Property Management, the property owner, requesting approval of the following:

Design review to demolish an existing two-story, 15,185 square foot, multi-tenant medical office building and construct a new two-story, 9,835 square foot, multi-tenant building with restaurant uses and outdoor patios on the first floor and non-medical office uses on the second floor, including the following:

1. Deviation from maximum allowable Floor Area Ratio (FAR) (.30 FAR allowed; .33 FAR proposed);
2. Variance from front and street side setbacks (20 foot front setback required; 2.5 feet proposed based on required dedication along E. 17th Street for street widening purposes; 15 foot street side setback required; 4 feet proposed);
3. Minor conditional use permit to allow a reduction in shared parking requirements due to unique operational characteristics (63 spaces required; 60 spaces proposed); and to allow outdoor patios to encroach into required street setbacks (2.5 to 14 feet on E. 17th Street; 10 feet on Raymond Avenue); and
4. Valet parking program is included in the CUP on an as needed basis.

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines, and has been found to be categorically exempt from CEQA under Section 15302 (Class 2), Replacement and Reconstruction.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 26, 2015 with all persons having the opportunity to speak for and against the proposal.

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 within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-15-27.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-15-27 and upon the applicant's compliance with each and all of the conditions in Exhibits B, and 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 and/or mitigation measures.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 26th day of October, 2015.

Robert L. Dickson Jr., Chair,
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (APPROVAL)

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: The proposed development is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings: The proposed use, with the recommended conditions of approval, will be consistent with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses.

Finding: Granting the minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Findings: With the exception of the building setback as discussed above, the development is a commercial project consistent with the C1 zoning of the property and the other commercially-zoned properties in the vicinity. Compliance with the applicable Building and Fire Safety Codes will ensure that the project is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Minor Conditional Use Permit for the parking deviation is justified due to the expanded parking supply provided by the valet parking program (63 spaces required, 77 spaces (14 additional parking spaces) proposed with valet parking). Staff has incorporated, as a condition of approval, that customer and employee parking shall occur on-site and not on surrounding properties or streets. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, removing the outdoor dining patios and/or the provision of free valet parking during peak operating hours for the eating and drinking establishments. According to the applicant, valet parking will result in 14 additional on-site spaces.

Finding: Granting the minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.

Facts in Support of Findings: The project site is zoned C1 (Local Business District) and has a General Plan Designation of General Commercial. The project, as conditioned, is consistent with the applicable provisions of the General Commercial General Plan Designation.

The following describes the proposed project's consistency with specific goals and

objectives of the General Plan, Land Use Element.

- **Goal LU-1: Land Use:** *It is the goal of the City of Costa Mesa to provide its citizens with a balanced community of residential, commercial, industrial, recreational, and institutional uses to satisfy the needs of the social and economic segments of the population and to retain the residential character of the City; to meet the competing demands for alternative developments within each land use classification within reasonable land use intensity limits; and to ensure the long term viability and productivity of the community's natural and man-made environments.*

Consistency: The infill nature of the proposed commercial project protects the balance of land uses satisfying the needs of the community as it pertains to commercial retail uses. The project will ensure the long-term viability of the natural and man-made environment and decreases the need for significant infrastructure improvements. The project is consistent with this General Plan goal.

- **Objective LU-1A.3:** *Locate high-intensity developments or high traffic generating uses away from low-density residential in order to buffer the more sensitive land uses from the potentially adverse impacts of the more intense developments or uses.*

Consistency: The project is a commercial development located along East 17th Street, a major traffic arterial in the City. The project site does not abut residential properties. Adequate infrastructure is available to serve the proposed project. Therefore, the project is consistent with this General Plan objective.

- **Objective LU-1E.1(a):** *Limited deviations from the graduated floor area ratio standards for the commercial and industrial land use designations may be approved through a discretionary review process. No deviation shall exceed a 0.05 increase in the FAR in the moderate traffic category, and no deviation shall be allowed in the very-low, low, and high traffic categories. Deviations from the FAR standards shall not cause the daily trip generation for the property to be exceeded when compared to the existing daily trip generation for the site without the proposed project or the maximum allowable traffic generation for the Moderate Traffic FAR category, whichever is greater.*

Consistency: The total area of the project site is 29,937 SF (.69 AC). In accordance with the above General Plan Objective, the project is subject to a maximum Floor Area Ratio (FAR) of 0.35. Because the FAR for the project would be 0.33, the project will not exceed the City's FAR requirements.

- **Goal LU-2: Development:** *It is the goal of the City of Costa Mesa to establish development policies that will create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical and social resources.*

Consistency: The project would allow for the redevelopment of a commercially-zoned property constructed in the late 1960's. On-site vegetation is minimal. The proposed project would enhance the visual appearance of the site through the construction of new buildings and implementation of the proposed landscape plan. In addition, the project would provide a high-quality architectural design to the community. As a result, the proposed project is consistent with this General Plan goal.

- **Objective LU-2A:** *Encourage new development and redevelopment to improve and maintain the quality of the environment.*

Consistency: Because the project is an infill development, it would not result in the loss of any habitat, or require extensive infrastructure improvements to provide service to the site. The project is consistent with this objective.

- B. The requested variances substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

Findings:

- Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity.
- The deviation shall not constitute a grant of special privileges inconsistent with other properties in the vicinity.
- The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

Facts in Support of Findings:

- Because of special circumstances applicable to the property, the strict application of development standards deprives the property of privileges enjoyed by others in the vicinity. With regard to the building setbacks, the existing building has a 0-foot front setback from East 17th Street, to accommodate a street dedication for future widening of East 17th Street, and a 3-foot, 2-inch, street side setback from Raymond Avenue, which is consistent with other the commercial properties in this area. In fact, the commercial building abutting this site to the west (336 East 17th Street) actually encroaches into the public right-of-way for future street widening. The reduced setback enjoyed by the properties along the street frontages creates a special circumstance applicable to the property where the strict application of the 20-foot landscape setback would deprive the property of privileges enjoyed by others in the vicinity.
- The deviations will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property. The granting of the deviations will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity. The development is consistent with the General Plan goals and policies as discussed earlier in this report, and will be required to comply

with all applicable Building and Fire Safety regulations to ensure that no adverse impact to the public health, safety, or welfare is created as a result of this project.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. The project is exempt from the provisions of the California Environmental Quality Act under Section 15302 (Class 2), Replacement and Reconstruction. The Class 2 exemption consists of the replacement or reconstruction of existing structures where the new structure will be located on the same site as the structure being replaced and will have substantially the same size, purpose and capacity as the structure being replaced.
- D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.

EXHIBIT B

CONDITIONS OF APPROVAL

- P1ng.
1. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation indicated, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. Customer and employee parking shall occur on-site and not on surrounding properties or streets. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, removing the outdoor dining patios and/or the provision of free valet parking during peak operating hours for the eating and drinking establishments.
 3. The parking area shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
 4. The business operator shall provide bike racks for employees on the site. This condition shall be completed prior to final occupancy/start of business, under the direction of the Development Services Department.
 5. The conditions of approval, code requirements, and special district requirements of PA-15-27 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 6. Prior to issuance of building permits, a final landscape plan indicating the landscape palette and the design/material of paved areas shall be submitted for review and approval by the Planning Division.
 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 8. Landscaping along the street frontages shall be planted with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees above the minimum Code requirements to the satisfaction of the Development Services Director. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.
 9. Developer shall replace the chain link fencing along the westerly and northerly boundaries of the parcel containing the parking area with decorative wrought iron fencing or an equivalent decorative fencing material. The fencing shall be submitted for review and approval by the Planning Division.
 10. Prior to issuance of building permits, developer shall contact the U.S. Postal Service with regard to location and design of mail delivery

facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.

11. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, 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 or a variance, or in the requirement to modify the construction to reflect the approved plans.
12. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
13. All eating and drinking establishments shall comply with the provisions within CMMC Section 13-49 (Development Standards for Establishments within 200 Feet of Residentially-Zoned Property), unless approved through either a Minor Conditional Use Permit or Conditional Use Permit.
14. A land use restriction executed by and between the property owner and the City of Costa Mesa shall be recorded prior to the issuance of building permits, to inform future property owners that ADA path of travel across the alley is permitted as the parking lot parcel cannot be sold separately. Property owner shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
15. The existing parking lot shall be resurfaced and restriped in accordance with the City's parking lot design standards.
16. Prior to the issuance of building permits, the applicant shall submit a Lighting Plan and Photometric Study for the approval of the City's Development Services Department. The Lighting Plan shall demonstrate compliance with the following:
 - All site lighting fixtures shall be provided with a flat glass lens. Photometric calculations shall indicate the effect of the flat glass lens fixture efficiency.
 - Lighting design and layout shall limit spill light to no more than 0.5 foot-candle at the property line of the surrounding properties, consistent with the level of lighting that is determined necessary for safety and security purposes on site.

17. 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. CAL Green Code or higher as determined by applicant.
18. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
19. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring residential uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption to residents during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager.
20. The subject property's ultimate finished grade level may not be filled/raised in excess of 36 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
21. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
22. 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 from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
23. Permits shall be obtained for all signs and shall comply with the provisions of the Costa Mesa Sign Ordinance. Freestanding signs shall be subject to review and approval by the Planning Division/Development Services Director to ensure compatibility in terms of size, height, and location with the proposed/existing development, and existing freestanding signs in the

vicinity.

24. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approvals granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
- Eng.
25. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
 26. Applicant shall obtain an encroachment permit(s) for the patio and any private property improvements proposed within the alley, subject to approval by the Public Services Director. The applicant, as part of the encroachment permit, will be required to indemnify the City and fully be responsible for any accident and liability. The City can remove any improvements within the dedicated areas in the event the City right-of-way is needed to complete public improvements.

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. All contractors and subcontractors must 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.
 2. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 3. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
 4. Parking stalls shall be double-striped in accordance with City standards.

5. 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 and the City's Water Efficient Landscape Guidelines, 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.
6. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
7. All on-site utility services shall be installed underground.
8. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
9. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg. 10. Comply with the requirements of the 2013 California Building Code, 2013 California Electrical Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Green Building Standards Code and 2013 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.
11. Requirements for accessibility to sites, facilities, buildings, and elements by individuals with disability shall comply with chapter 11B of the 2013 California Building Code.
 - a. Accessibility shall be to and through the front door and to the commercial space from the public sidewalk.
 - b. Accessible restrooms/bathrooms in the commercial space.
 - c. Accessible parking.
 - d. Accessible entry doors, ramps, landings, sidewalks, hallways, strike edge clearances, and elevation changes.
 - e. Additional accessible features maybe required as per Chapter 11B.
12. Submit precise grading plans, an erosion control plan and a hydrology study.
13. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.

14. The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than 5% for a minimum distance of 10 feet measured perpendicular to the face of the wall per CB Section 1804.3
15. On graded sites the top of exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved discharge device a minimum of 12 inches plus 2 percent 2013 California Building Code sec. 1808.7.4.
16. All construction contractors shall comply with South Coast Air Quality Management District (SCAQMD) regulations, including Rule 403, Fugitive Dust. All grading (regardless of acreage) shall apply best available control measures for fugitive dust in accordance with Rule 403. To ensure that the project is in full compliance with applicable SCAQMD dust regulations and that there is no nuisance impact off the site, the contractor would implement each of the following:
 - a. Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
 - b. Apply chemical stabilizers to disturbed surface areas (completed grading areas) within five days of completing grading or apply dust suppressants or vegetation sufficient to maintain a stabilized surface.
 - c. Water excavated soil piles hourly or covered with temporary coverings.
 - d. Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per day or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
 - e. Wash mud-covered tired and under-carriages of trucks leaving construction sites.
 - f. Provide for street sweeping, as needed, on adjacent roadways to remove dirt dropped by construction vehicles or mud, which would otherwise be carried off by trucks departing project sites.
 - g. Securely cover loads with a tight fitting tarp on any truck leaving the construction sites to dispose of debris.
 - h. Cease grading during period when winds exceed 25 miles per hour.

- Trans.
17. Construct all proposed driveway approaches to comply with city standards.
 18. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of building permit/certificate of occupancy based upon any changes in the prevailing schedule of charges adopted by the

City Council and in effect at that time.

- Eng. 19. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows Sewer, Water, Existing Parkway Improvements and the limits of work on the site, and hydrology calculations, both prepared by a registered Civil Engineer or Architect. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
20. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
21. Obtain an encroachment permit from the Engineering Division for any work in the City public right-of-way. Pay required permit fee & cash deposit or surety bond to guarantee construction of off-site street improvements at time of permit per section 15-31 & 15-32, C.C.M.M.C. as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.
22. Dedicate a 5-foot wide easement for public alley right-of-way purposes.
23. In order to comply with the 2003 Drainage Area Management Plan (DAMP), the proposed Project shall prepare a Water Quality Management Plan conforming to the Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Works for review and approval.
- a. A WQMP (Priority or Non-Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
 - b. Location of BMPs shall not be within the public right-of-way.
- Fire 24. Provide a fire sprinkler system per California Fire Code, 2013.

SPECIAL DISTRICT REQUIREMENTS

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

- Sani. 1. Applicant will be required to construct sewers to serve this project, at his own expense, meeting the approval of the Costa Mesa Sanitary District.
2. County Sanitation District fees, fixture fees, inspection fees, and sewer permit are required prior to installation of sewer.
3. Applicant shall submit a plan showing sewer improvements that meets

the District Engineer's approval to the Building Division as part of the plans submitted for plan check.

4. The applicant is required to contact the Costa Mesa Sanitary District at (714) 754-5307 to arrange final sign-off prior to certificate of occupancy being released.
5. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements.
- AQMD 6. Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- Water 7. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.
- School 8. Pay applicable Newport Mesa Unified School District fees to the Building Division prior is issuance of building permits.
- State 9. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-15-27 FOR A NEW TWO-STORY RETAIL BUILDING AT 350 E. 17TH STREET

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

WHEREAS, an application was filed John Hill, representing KORU Property Management, the property owner, requesting approval of the following:

Design review to demolish an existing two-story, 15,185 square foot, multi-tenant medical office building and construct a new two-story, 9,835 square foot, multi-tenant building with restaurant uses and outdoor patios on the first floor and non-medical office uses on the second floor, including the following:

1. Deviation from maximum allowable Floor Area Ratio (FAR) (.30 FAR allowed; .33 FAR proposed);
2. Variance from front and street side setbacks (20 foot front setback required; 2.5 feet proposed based on required dedication along E. 17th Street for street widening purposes; 15 foot street side setback required; 4 feet proposed);
3. Minor conditional use permit to allow a reduction in shared parking requirements due to unique operational characteristics (63 spaces required; 60 spaces proposed); and to allow outdoor patios to encroach into required street setbacks (2.5 to 14 feet on E. 17th Street; 10 feet on Raymond Avenue); and
4. Valet parking program is included in the CUP on an as needed basis.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 26, 2015 with all persons having the opportunity to speak for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** Planning Application PA-15-27.

PASSED AND ADOPTED this 26th day of October, 2015.

Robert L. Dickson Jr., Chair
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (DENIAL)

- A. The requested variances do not comply with Costa Mesa Municipal Code Section 13-29(g)(1) in that:

Findings:

- Because of special circumstances applicable to the property, the strict application of development standards does not deprive the property of privileges enjoyed by others in the vicinity.
- The deviations constitute a grant of special privileges inconsistent with other properties in the vicinity.
- The granting of the deviations will allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

- B. The requested minor conditional use permit does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: The proposed development is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

Finding: Granting the minor conditional use permit will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Finding: Granting the minor conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation for the property.

- C. The Costa Mesa Planning Commission has denied Planning Application PA-15-27. Pursuant to Public Resources Code Section 21080(b) (5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



INTERIOR COURTYARD LOOKING NORTH



SOUTH ELEVATION ON 17TH STREET



NORTH WEST CORNER (SHARED PROPERTY LINE ON WEST ELEV.)



EAST ELEVATION ON RAYMOND AVE.

52

rehabson hill architecture, inc.
 A California Corporation
 3195-B Airport Loop Dr.
 Costa Mesa, CA 92626
 tel: 714-825-8888
 fax: 714-825-8889
 web: www.rhainc.net

Michael David Rehabson C-20731
 John Steven Hill C-23553

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This document has been prepared in accordance with the applicable laws and regulations of the State of California and the City of Costa Mesa. It is intended to provide information and guidance to the client and the public. It is not intended to constitute an offer of any financial product or service, and it is not intended to be used as a basis for any investment decision. The client is advised to consult with their own legal and financial advisors before making any investment decision.

Project Name/Type

ENTITLEMENT PACKAGE
350 17TH STREET
 350 E. 17TH STREET
 COSTA MESA, CA 92627

Client
KORU
 PROPERTY MANAGEMENT
 350 E. 17TH ST., STE. 216
 COSTA MESA, CA 92627

Stamp

Submitted Dates	
ENTITLEMENT SUBMITTAL 1	06.15.15
ENTITLEMENT REVISION 1	07.02.15
ENTITLEMENT REVISION 2	08.18.15

Rev.	Description	Date

Job Number:
 14RH4551.C1
 Date:
 06.15.15
 Sheet Title:
 PROJECT IMAGES

Sheet NO
T020

robinson hill architecture, inc.
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The documents have been prepared to describe proposed work and are not intended to constitute a contract or warranty. The architect does not warrant, in any way, the accuracy of the information and shall not be responsible for any discrepancy between the documents and the existing conditions.

EXISTING SITE AREAS

344 E. 17th ST. 19,157 SF
 350 E. 17th ST. 10,780 SF NEW - (12,783 SF OLD) *

TOTAL SITE AREA 29,937 SF *

EXISTING OFFICE BUILDING
 (MEDICAL OFFICE USE ALLOWED)

FIRST FLOOR AREAS
 GROSS AREA 9,471 GSF (INCL'D 427 SF BASEMT)
 RENTABLE AREA 7,178 SF (INCL'D % COMMON AREA)
 PARKING AREA 5,770 SF (ONLY OFFICE SPACE)

SECOND FLOOR AREAS
 GROSS AREA 5,714 GSF
 RENTABLE AREA 6,729 SF (INCL'D % COMMON AREA)
 PARKING AREA 5,410 SF (ONLY OFFICE SPACE)

TOTAL BUILDING AREAS
 GROSS AREA 15,185 GSF
 RENTABLE AREA 13,907 SF (INCL'D % COMMON AREA)
 PARKING AREA 11,180 SF (ONLY OFFICE SPACE)

EXISTING FAR (BASED ON GROSS BLD'G AREA)

15,185 GSF / 29,937 SF = 0.507 FAR
 (CLOSEST COSTA MESA COMMERCIAL DEVELOPMENT STANDARD FAR CATEGORY THAT IS CLOSE TO (EX) FAR LEVEL: COMMERCIAL CENTER, LOW TRAFFIC = 0.45 FAR)

EXISTING PARKING CONDITIONS

60 CONVENTIONAL SPACES
 1 ADA VAN ACCESSIBLE SPACE
 61 TOTAL SPACES PROVIDED

NOTE: ADA RATIO NOT CONFORMING. REQUIRES ADD'L 2 SPACES AND REMOVAL OF 1 PROVIDED SPACE TO ACHIEVE. THUS, TECHNICALLY THERE SHOULD BE

60 TOTAL SPACES PROVIDED

PROVIDED PARKING RATIO (USES PARKING AREA #)
 5.36 SPACES PER 1,000 GSF

COSTA MESA NONRESIDENTIAL PARKING STANDARD REQUIREMENTS

RETAIL / OFFICES	4 PER 1,000 SF
COMMON SPACE	4 PER 1,000 SF
MEDICAL OFFICE	6 PER 1,000 SF

SINCE BUILDING ENTITLED FOR MEDICAL OFFICE ASSUME 100% OCCUPANCY AS MEDICAL OFFICE TO DETERMINE MAXIMUM PARKING LOAD.

PARKING REQUIRED TO SUPPORT USE AS MEDICAL OFFICE: 67 SPACES

PARKING REQUIRED TO SUPPORT COMMON AREA: 11 SPACES

78 TOTAL SPACES REQUIRED

EST. EX. DEFICIENCY 18 SPACES

EXISTING SETBACKS VS COSTA MESA REQS.

17th ST.	22'-6.5" VS 20'-0" REQ. *
RAYMOND	3'-2" VS 15'-0" REQ.
ALLEY	5'-0" VS 0'-0" REQ.
INNER LOT	0'-0" VS 0'-0" REQ.

* ASSUMES ORIGINAL PL ALONG 17TH FROM WHICH THE SETBACK REQUIREMENT IS CALCULATED.

EXISTING LANDSCAPE PROVISION ON 350 17th.

EST. LANDSCAPING 1,685 SF

Project Name/Type

ENTITLEMENT PACKAGE
350 17TH STREET
 350 E. 17TH STREET
 COSTA MESA, CA 92627

Client

KORU
 PROPERTY MANAGEMENT
 350 E. 17TH ST. STE. 216
 COSTA MESA, CA 92627

Stamp

Submit Dates

ENTITLEMENT SUBMITAL 1	06/15/15
ENTITLEMENT REVISION 1	07/02/15
ENTITLEMENT REVISION 2	08/15/15

Rev	Description	Date

Job Number
 14RHAS51.C1
 Date
 06.15.15
 Sheet Title
 EXISTING SITE PLAN
 Sheet No

A001





17TH STREET ELEV.
SOUTH
 200 SF OF PROPOSED SIGNAGE



RAYMOND ELEV.
EAST
 100 SF OF PROPOSED SIGNAGE



ALLEY ELEV.
NORTH
 40 SF OF PROPOSED SIGNAGE



SHARED PARKING LOT ELEV.
WEST
 50 SF OF PROPOSED SIGNAGE

NOTE: WEST ELEVATION IS CONCEPTUAL IN PLACES AS IT CURRENTLY SHARES A ZERO LOT LINE WITH THE ADJACENT PROPERTY. THIS ELEVATION SHOWS WHAT A CONCEPT MIGHT LOOK LIKE IF THE ADJACENT PROPERTY WERE NOT PRESENT. SHOULD THIS BUILDING REMAIN, THE ELEVATION WOULD BE ALTERED TO ASSUME A PORTION THAT IS NOT VISIBLE DUE TO ITS PRESENCE.

TOTAL PROPOSED SIGNAGE = 390 SF

661

Project Name/ Type

ENTITLEMENT PACKAGE
350 17TH STREET
 350 E. 17TH STREET
 COSTA MESA, CA 92627

Client
KORU
 PROPERTY MANAGEMENT
 350 E. 17TH ST. STE. 216
 COSTA MESA, CA 92627

Stamp

Submittal Dates	
ENTITLEMENT SUBMITTAL 1	06/15/15
ENTITLEMENT REVISION 1	07/02/15
ENTITLEMENT REVISION 2	08/15/15

Rev.	Description	Date

Job Number:
 14RHASS1.C1
 Date:
 06/15/15
 Sheet Title:
 PROPOSED EXTERIOR ELEVATIONS
 Sheet No.:

SHARED PARKING DEMAND
MIXED USE DEVELOPMENT

USE	Office		Banks	Medical Office	Retail	Restaurant		Theaters and Cinemas	Guest Rooms	Hotel/Motel		Conferences/Convention		Residential			Total Parking Demand by Hour
	<100,000	>100,000				1st 3K	>3K			1st 3K	>3K	1 bedroom	2 bedroom	3+ Bedroom	Guest (total units)		
	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(seats)	(units)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(units)	(units)	(units)	(units)
PEAK DEMA	14.44	0.00	0.00	0.00	17.26	47.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	79.60
WEEKDAY																	
6:00 AM	0.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.43
7:00 AM	2.89	0.00	0.00	0.00	1.38	0.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.23
8:00 AM	9.10	0.00	0.00	0.00	2.93	2.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.43
9:00 AM	13.43	0.00	0.00	0.00	6.90	4.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25.12
10:00 AM	14.44	0.00	0.00	0.00	11.22	9.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35.24
11:00 AM	14.44	0.00	0.00	0.00	14.33	14.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	43.14
NOON	13.00	0.00	0.00	0.00	15.88	23.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52.83
1:00 PM	13.00	0.00	0.00	0.00	16.40	33.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	62.92
2:00 PM	14.01	0.00	0.00	0.00	15.88	28.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	58.63
3:00 PM	13.43	0.00	0.00	0.00	15.53	28.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	57.70
4:00 PM	11.12	0.00	0.00	0.00	14.33	23.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	49.39
5:00 PM	6.79	0.00	0.00	0.00	12.95	33.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53.26
6:00 PM	3.32	0.00	0.00	0.00	13.46	43.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	59.89
7:00 PM	1.01	0.00	0.00	0.00	14.67	47.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	65.58
8:00 PM	1.01	0.00	0.00	0.00	14.33	47.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	63.24
9:00 PM	0.43	0.00	0.00	0.00	10.01	47.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	58.34
10:00 PM	0.43	0.00	0.00	0.00	5.18	43.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	48.72
11:00 PM	0.00	0.00	0.00	0.00	2.07	33.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35.60
MIDNIGHT	0.00	0.00	0.00	0.00	0.00	23.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23.95

62

MAXIMUM WEEKDAY DEMAND 63.58

WEEKEND	Office		Banks	Medical Office	Retail	Restaurant		Theaters and Cinemas	Guest Rooms	Hotel/Motel		Conferences/Convention		Residential			Total Parking Demand by Hour
	<100,000	>100,000				1st 3K	>3K			1st 3K	>3K	1 bedroom	2 bedroom	3+ Bedroom	Guest (total units)		
	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(seats)	(units)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(Sq. Ft.)	(units)	(units)	(units)	(units)
WEEKEND																	
6:00 AM	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7:00 AM	0.43	0.00	0.00	0.00	0.52	0.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.91
8:00 AM	1.44	0.00	0.00	0.00	1.73	1.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.61
9:00 AM	1.88	0.00	0.00	0.00	5.18	2.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.93
10:00 AM	1.88	0.00	0.00	0.00	7.77	3.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.48
11:00 AM	2.45	0.00	0.00	0.00	12.60	4.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19.84
NOON	2.45	0.00	0.00	0.00	14.67	14.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31.50
1:00 PM	1.88	0.00	0.00	0.00	16.40	21.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	39.83
2:00 PM	1.44	0.00	0.00	0.00	17.26	21.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40.26
3:00 PM	1.01	0.00	0.00	0.00	15.53	21.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	39.83
4:00 PM	1.01	0.00	0.00	0.00	12.95	21.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	38.10
5:00 PM	0.43	0.00	0.00	0.00	12.95	28.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	42.12
6:00 PM	0.43	0.00	0.00	0.00	11.22	43.11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	54.76
7:00 PM	0.43	0.00	0.00	0.00	10.36	45.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	56.29
8:00 PM	0.43	0.00	0.00	0.00	9.49	47.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	57.83
9:00 PM	0.00	0.00	0.00	0.00	6.90	47.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	54.80
10:00 PM	0.00	0.00	0.00	0.00	6.56	45.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52.06
11:00 PM	0.00	0.00	0.00	0.00	2.24	40.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	42.96
MIDNIGHT	0.00	0.00	0.00	0.00	0.00	33.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	33.53

57.83

MAXIMUM WEEKEND DEMAND 57.83

REQUIRED PARKING 63.58



PLANNING COMMISSION

SUPPLEMENTAL MEMORANDUM

MEETING DATE: OCTOBER 26, 2015

ITEM NUMBER: PH-2

SUBJECT: PLANNING APPLICATION PA-15-27 FOR A NEW TWO-STORY RETAIL BUILDING AT 350 E. 17TH STREET

DATE: OCTOBER 23, 2015

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER *MEL*

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

The purpose of this memo is to provide additional information with regard to the proposed project.

Community Outreach and Feedback

On October 20, 2015, the applicant conducted a neighborhood meeting at the site from 6:00 pm to 8:00 pm. Three residents attended. The primary concern was related to the lights on the existing building that are used to illuminate the parking area and that they should be directed so as not to shine into windows in the abutting residential properties, which is already incorporated as a condition of approval (No. 16).

Valet Parking Plan

Attached is the valet parking plan that will be implemented if overflow parking problems occur. The green colored stalls (14) are the primary valet stalls, the blue colored stalls (4) can also be incorporated if needed, resulting in an additional 18 parking stalls for the property. Condition of approval No. 2 requires the valet service to be available free of charge.

Other Existing Conditions Along E. 17th Street Where Patios and/or Buildings Encroach Within Required Street Setbacks

Attached for reference is a photo exhibit showing similar properties (4) along E. 17th Street where patios and/or building encroach into the existing street setbacks.

- Attachments:**
1. Valet Parking Plan
 2. Aerial Photos Showing Other Properties Along E. 17 Street with Encroaching Patios and Buildings

Distribution: Director of Economic & Development Services/Deputy CEO

Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

Robinson Hill Architecture, Inc.
c/o John Hill
3195-B Airport Loop Drive
Costa Mesa, CA 92626

KORU Property Management
350 E. 17th Street, Suite 216
Costa Mesa, CA 92627

LEE, MEL

Subject: FW: 350 E. 17th Street - Valet Parking Study
Attachments: Valet 03r.pdf

From: John Hill [<mailto:hill@rhainc.net>]
Sent: Monday, October 19, 2015 3:57 PM
To: LEE, MEL <MEL.LEE@costamesaca.gov>
Cc: FLYNN, CLAIRE <CLAIRE.FLYNN@costamesaca.gov>
Subject: 350 E. 17th Street - Valet Parking Study

Mel,

As discussed, here is our proposed Valet Parking study.

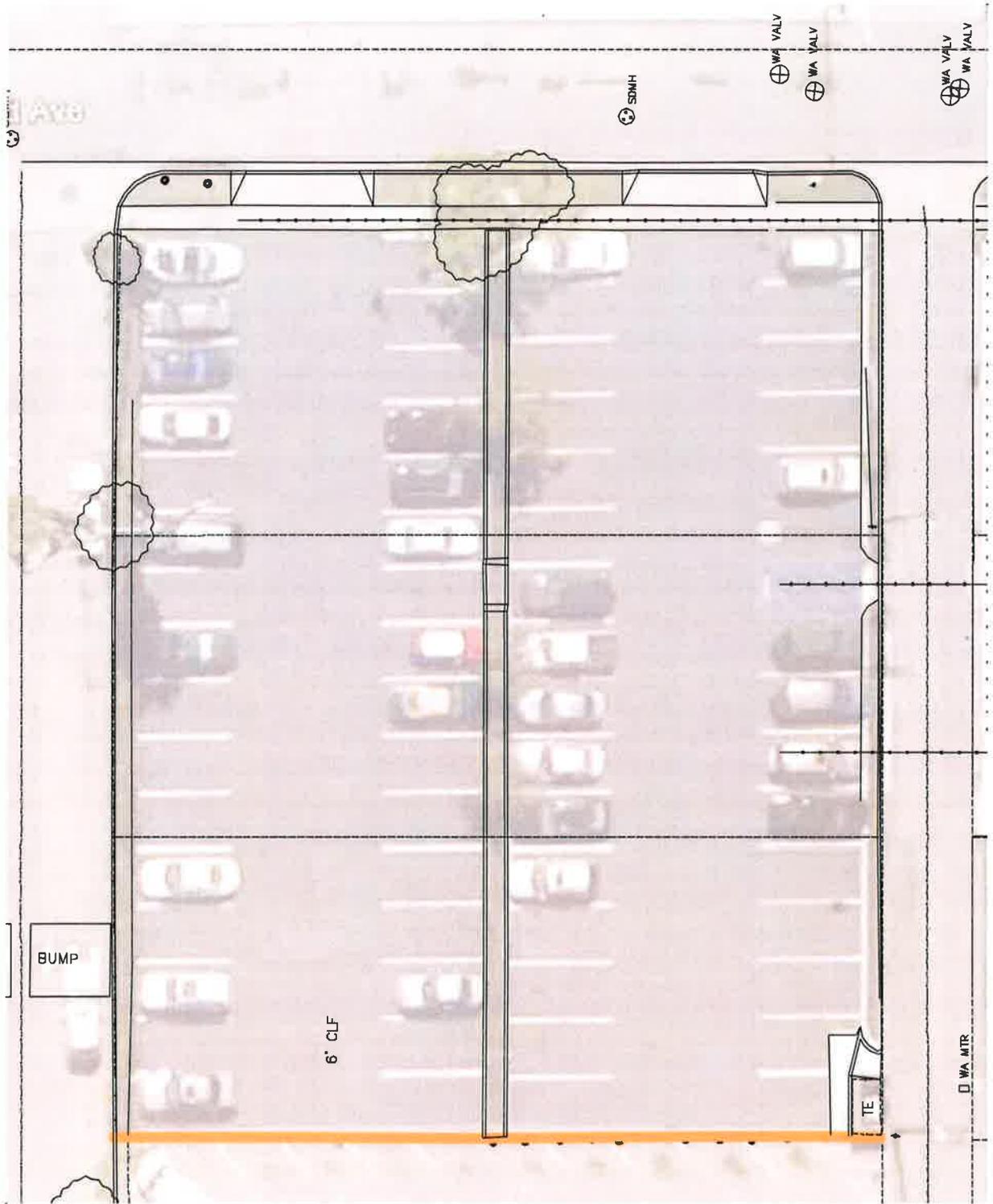
Page 1 is the Existing Parking Lot, the way it is today.

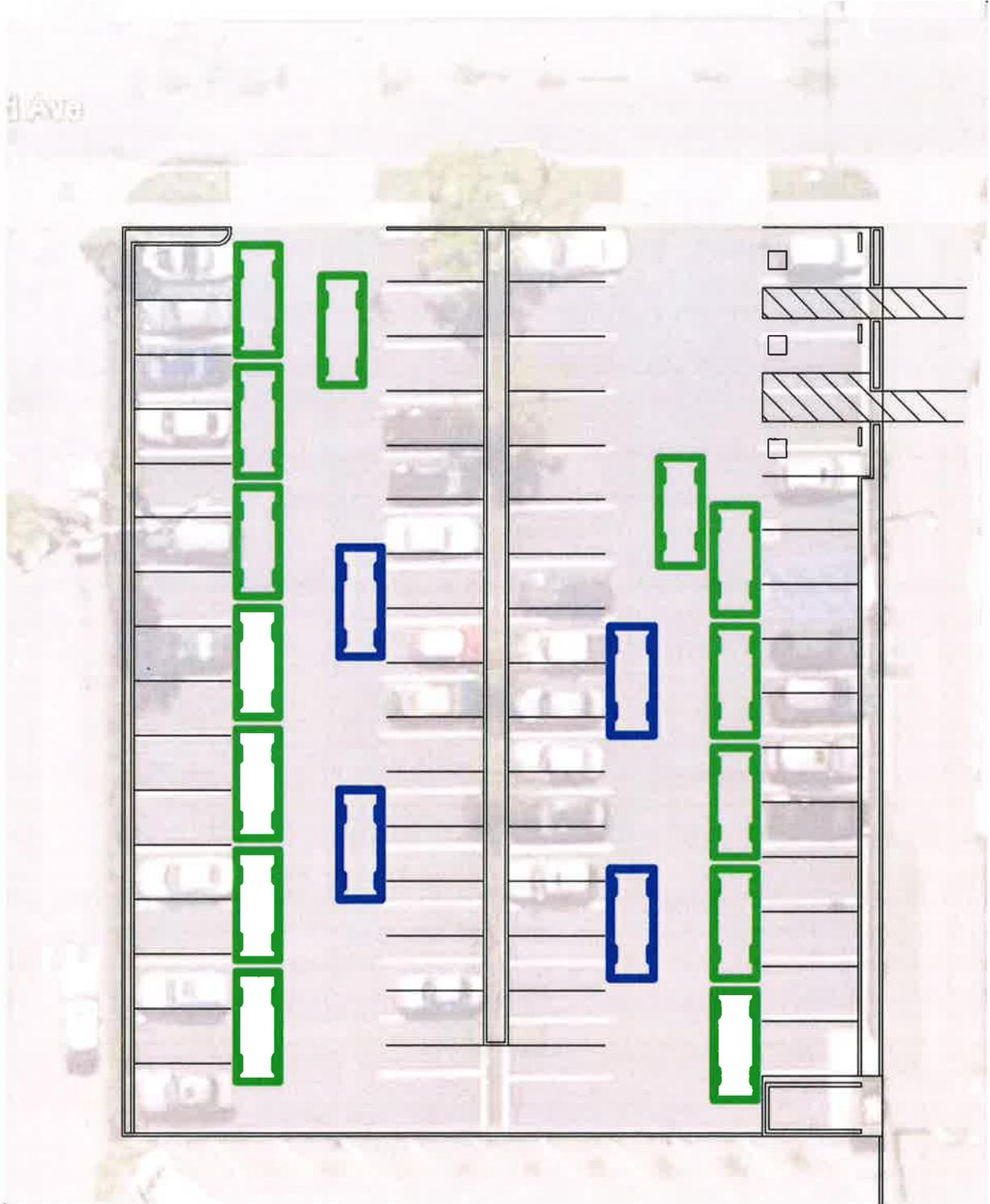
Page 2 is the proposed Valet Circulation. The green stalls are the primary Valet Parking ; which produces 14 stalls. The blue are overflow Valet, if needed, which produces another 4 stalls, thus getting us to the 18 stall requirement. I've seen tighter Valet Designs, so I believe this layout is functional. I don't believe it will be required; however, it provides the needed overage, if we were to have a parking problem.

Let me know if you have any questions, or further needs.

Sincerely,

John Hill *Principal* *Lead* ap
robinson hill architecture, inc.
design · planning · graphics
1195 B Airport Loop Drive
Costa Mesa, California 92626
714.825.8888 x107/Voice www.rhainc.net





PROPOSED VALET PARKING

Setbacks along E 17th Street

Address	Front Setback (patio)	Front Setback (building)
Starbucks (250 E 17 th)	~5 ft.	~12 ft.
Pierce St. Annex (330 E 17 th)	0 ft.	~13 ft.
Peet's Coffee & Tea (424 E 17 th)	~5 ft.	~10 ft.
Wild Goose Tavern (436 E 17 th)	~5 ft.	~15 ft.





