PLANNING COMMISSION AGENDA REPORT

MEETING DATE: DECEMBER 14, 2015 **ITEM NUMBER:** PH-4

SUBJECT: **APPEAL OF THE ZONING ADMINSTRATOR'S DENIAL OF ZONING APPLICATION ZA-15-30, A MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM HOURS OF OPERATION FOR A 1,410 SQUARE-FOOT RESTAURANT AT 3033 BRISTOL STREET, SUITE E**

DATE: **DECEMBER 4, 2015**

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

PRESENTATION BY: **RYAN LOOMIS, ASSOCIATE PLANNER**

FOR FURTHER INFORMATION CONTACT: **RYAN LOOMIS, (714) 754-5608**
ryan.loomis@costamesaca.gov

DESCRIPTION

This item was continued from the Planning Commission meeting of October 26, 2015 and re-noticed. The item includes an appeal of the Zoning Administrator's denial of a minor conditional use permit for a 1,440 square-foot restaurant tenant space (Halal Guys) that originally requested to extend the hours of operation to 3AM Sunday through Saturday, within 200 feet of residential zoned property, in the C1 zone. Pursuant to the appeal by the business owner, the request has been modified to reflect the following:

Existing Hours	Original Request Denied by Zoning Administrator (ZA-15-30)	Revised Proposal
11AM – 11PM Daily	11AM – 3AM Daily	11AM – 12AM, Sun – Wed 11AM – 1AM, Thu – Sat
No Security Plan	No Security Plan	Security provided (11PM - 1:30AM)

No live entertainment, dancing or sales/service of alcoholic beverages is proposed.

APPLICANT

The applicant is Steven Smith, authorized agent of 3033 Bristol Street LLC, the property owner, and business owner of Halal Guys.

RECOMMENDATION

Uphold or reverse the Zoning Administrator's denial of ZA-15-30, by adoption of a Planning Commission resolution.

BACKGROUND

Project Site/Environs

The project site is located near the southwest corner of Bristol Street and Paularino Avenue, and contains a one-story, 39,153 square-foot commercial retail center. The property is zoned C1 (Local Business District) and has a General Plan land use designation of General Commercial. The subject tenant space is a 1,410 square-foot space located in the southern portion of the L-shaped building (Suite D). The property is bounded by a C1 commercially-zoned property to the south, R3 multiple-family residentially-zoned property to the west, and C1 commercially-zoned properties to the north and west, across Paularino Avenue and Bristol Street, respectively.

Halal Guys restaurant is currently located within a portion of the former Orchid restaurant and occupies 1,410 square-feet. Since closing, the previous Orchid restaurant has been separated into three new suites. Halal Guys is located in a portion of previous Suite "D"; however, it has been remodeled and is now considered Suite "E". The balance of the former Orchid restaurant, including Suite "C" (3,300 SF), and remaining portion of Suite "D" (2,100 SF), have already been leased to two other restaurants under construction, including Capital Noodle and Hachi Asian Fusion restaurant.

The Halal Guys is a restaurant chain from New York City and is one of the top rated restaurants in the City. According to the owner, lines of 100 people or more are common throughout the day in New York City. The new location at 3033 Bristol Street is the first location on the west coast, and is considered the flagship store. Halal Guy's decided to locate in Costa Mesa for the following reasons:

- 3 out of 5 partners were raised in Costa Mesa, have family and friends in Costa Mesa, and have market knowledge of the area.
- The site is a central location between Los Angeles and San Diego, and a good central location in Orange County near South Coast Plaza.
- There are a wide range of restaurants in the area, as well as a large population of food enthusiasts.

Since opening the store in Costa Mesa, Halal Guys has two additional stores in leases (Long Beach and Los Angeles), and are planning to open three additional stores throughout Southern California. The new Long Beach store is expected to open on December 21st. With these new locations opening soon, the amount of patrons visiting the Costa Mesa store is expected to diminish.

ANALYSIS

Project Description

The appeal for Zoning Application ZA-15-30 was continued off calendar pursuant to the Planning Commission's action at the October 26, 2015 meeting. Planning Commission decided to continue the item to December 14, 2015, to observe the popularity of the new restaurant business lessening, allow for new franchises to open in the region, and allow the appellant to

address concerns brought forward by the neighboring community and public concerns. Staff's recommendation for approval, subject to conditions, has not changed. A link to the original October 26, 2015 staff report is provided at following link:

http://www.costamesaca.gov/ftp/planningcommission/agenda/2015/2015-10-26/PH-3.pdf

New information and clarifications for the record are included in this report. The following is a brief summary of the issues:

Summary of ZA-15-30 Action (Denial) Based on Old Project Description

As part of original review for ZA-15-30, it was determined the extended hours requested by Halal Guys would not adversely affect the other businesses with regard to noise or parking, since most will already be closed; however it was determined the late closure would potentially adversely affect nearby residential properties. The property for the restaurant abuts residentially-zoned properties to the west. Staff received twelve public responses opposing the project, which are discussed in the original October 26, 2015 staff report. The Zoning Administrator denied the request based on the lack of any proposed security measures at the time of the Zoning Administrator's decision.

Appeal of Minor Conditional Use Permit ZA-15-30

Revised Proposal

The applicant has formally requested an appeal regarding the denial of Minor Conditional Use Permit ZA-15-30. One reason for requesting the appeal is to modify the hours of operation from the originally requested 3AM daily closure, to an 11AM- 12AM closure, Sunday through Wednesday, and to 1AM, Thursday through Saturday, as shown in table below; the restaurant would not open before 11AM. No alcohol sales or live entertainment are proposed. The applicant believes the amended hours of operation are consistent with the past approvals for the other three restaurants within the existing shopping center; will be compatible with development of the area; and remove any adverse impact to immediate neighborhood.

Existing Hours	Original Request Denied by Zoning Administrator (ZA-15-30)	**Revised Proposal**
11AM – 11PM Daily	11AM – 3AM Daily	11AM – 12AM, Sun – Wed 11AM – 1AM, Thu – Sat
No Security Plan	No Security Plan	Security provided (11PM - 1:30AM)

Measures For Reducing Impacts on Neighboring Community

Since the October 26, 2015 Planning Commission, Planning staff met with the property owners and Halal Guys ownership to discuss public concerns discussed at the hearing. The purpose of the meeting was for Halal Guys and property owners to provide a 'roadmap' on how they are going to address public concerns, including trash, security and parking. The following includes measures taken by Halal Guys and the property owners to address public concerns:

- Trash concerns: The Halal Guys ownership indicated they have 3 General Managers (GM's) who will survey nearby neighborhoods at beginning/end of shift to monitor trash in nearby neighborhoods. A trash log and supporting email has been provided (see Attachment 4) showing the dates and times of trash monitoring.

- Security concerns: The property owner has agreed to provide on-site security/patrol service for both daytime and evening hours, including Tuesday thru Saturday, 10AM thru 4PM, and Thursday thru Saturday, 9PM to 1:30AM. A letter confirmation regarding security and emails stating final security hours is found in Attachment 3; a security log from OC Patrol is also included in Attachment 3.

- Communication efforts: Staff suggested the property owners and Halal Guys ownership reach out to the neighboring community, specifically those who provided public comment, to discuss their concerns. Halal Guys ownership has indicated they have reached out to the neighboring community (See Attachment 4). In addition, the property owners of the retail center have communicated with neighboring residents regarding trash concerns in the nearby neighborhood. Based on an email from a local resident on December 2nd (see Attachment 3), no trash from the retail center has been found on nearby streets.

Significant Changes to Original Application

The original request for extended hours involved a closure time of 3AM for the Halal Guys. The Zoning Administrator's denial of the application was based on security concerns and impacts to residential uses at this late hour. However, this request for extended hours has been significantly revised in the following ways to address the original concerns of the Zoning Administrator:

- Requested for Extended Hours of Operation to 12 AM closing time (Sun-Wed) and 1AM closing time (Thurs-Sat);
- Additional on-site security added from 9PM to 1:30AM
- Monitoring/clean-up of off-site trash and litter along Trinity Drive

Based on the revised proposal and new information submitted by the applicant, Planning Commission may choose to approve or deny their revised request. Staff believes that the improvements to the original request would merit reconsideration of their application.

The Zoning Administrator's analytical thought process and justifications for denial (based on the original proposal to 3AM) can be found at the following link:

http://www.costamesaca.gov/modules/showdocument.aspx?documentid=19498

Justifications for Approval (Based on Revised Application)

The following supplemental information may justify approval of the request:

- *With security measures in place, the proposed hours are compatible with developments in the general area and would not be detrimental to other properties within the area.* As mentioned, three restaurants in the retail center at 3033 Bristol Street are permitted to stay open up to 1AM. With the security measures provided, staff believes the amended hours for Halal Guys (12AM, Sun-Wed and 1AM, Thu-Sat) would be compatible with developments in the general area, and would not be detrimental to other properties within the area because the security measures in would help mitigate the potential noise and public nuisance concerns.

- *With recent communication efforts and trash monitoring and removal by Halal Guys staff, the proposed hours after 11PM are compatible with developments in the general area and would not be detrimental to other properties within the area.* Staff has received documentation that Halal Guys and the property owners have reached out to the neighboring community to listen to concerns and see if any problems are still occurring in the community related to Halal Guys operation. Based on recent communications, no trash from the retail center has been found on nearby streets. The Halal Guys has indicated they have three General Managers (GM's) who survey nearby neighborhoods at beginning/end of shift to monitor trash disposed by patrons. As such, staff believes the amended hours for Halal Guys (12AM, Sun-Wed and 1AM, Thu-Sat) would be compatible with developments in the general area, and would not be detrimental to other properties within the area because the security measures in would help mitigate the potential noise and loitering concerns.

- *With security measures in place, the request is consistent with the following goals and objectives of the General Plan.* The proposed restaurant expansion conforms to the general commercial general plan designation of site which promotes the provision of a variety of services for the community. Restaurants are allowed by right in the Local Business District (C1 zone). The proposed extended hours of operation for Halal Guys (12AM, Sun-Wed, and 1AM, Thu-Sat) would be consistent with other restaurants in the area. The presence of security patrol would mitigate concerns regarding excessive noise levels and public nuisance from late night patrons visiting Halal Guys after 11PM, as well as other uses permitted to be open after 11PM. Therefore with the addition of security measures, the proposed restaurant use after 11PM would be consistent with General Plan Policy LU-1F.1 and N-1A.

- *The proposed project would not increase parking demand above zoning code requirements.* Recently, a parking analysis was performed for ZA-15-22 (minor conditional use permit) for the neighboring Hachi Asian Fusion restaurant. The parking analysis showed 46 spaces required at the retail center after 11PM during the weekday, and 69 spaces during weekend. The retail center has 167 parking spaces, creating surplus of 121 spaces after 11PM during weekday, and 98 spaces after 11PM during the weekend. As such, the retail center has adequate parking after 11PM; therefore the extended hours of operation for Halal Guys would not create additional parking problems.

GENERAL PLAN CONFORMITY

Future development of all land uses within the City of Costa Mesa is guided by the General Plan adopted in 2002. The General Plan sets forth land use goals, policies, and objectives that guide new development and uses.

Based on the issues discussed in the previous sections, the request is either inconsistent (without security measures) or consistent (with security measures) with the following goals and objectives of the General Plan:

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

- **Objective N-1A:** *Control noise levels within the City for the protection of residential areas and other sensitive land uses from excessive and unhealthful noise.*

ENVIRONMENTAL DETERMINATION

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

LEGAL REVIEW

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

ALTERNATIVES

The Commission has the following alternatives:

1. *Reverse the Zoning Administrator's denial and 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 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. *Uphold the Zoning Administrators denial*. If the Planning Commission believes that there are insufficient facts to support the findings for reversing the Zoning Administrator's denial, Planning Commission must uphold the Zoning Administrator's decision and provide facts in support of upholding the decision to be included in the attached draft resolution. If the project were upheld, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

The Zoning Administrator denied the request to extend business hours to 3AM for Halal Guys based on the determination that the proposed used would adversely impact adjacent properties, in relation to public concerns. However, the project has been significantly modified; the appellant has revised extended hours of operation per the appeal, and the property owner will provide security measures after 11PM. In addition, communication efforts between Halal Guys and the neighboring community have occurred to address any trash or public nuisance concerns. Therefore, staff recommends Planning Commission deny (uphold) or approve (reverse) the Zoning Administrator's denial of ZA-15-30 of the project.

RYAN LOOMIS
Associate Planner

CLAIRE FLYNN, AICP
Asst. Development Services Director

Attachments:

1. Vicinity Map, Zoning Map and 500' Radius Map
2. Draft Planning Commission Resolution and Exhibits
3. Property Owner's Security Plan/OC Patrol Report/Email Correspondence
4. Halal Guys Response Letter/Trash Log/Email Correspondence

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

Applicant: Steven Smith
LandShark Development Services
1641 W. Collins Avenue
Orange, CA 92867

Property Owner: Jason Ball
3033 Bristol Street, LLC
PO Box 1233
Cardiff, CA 92007

ATTACHMENT 1

City of Costa Mesa

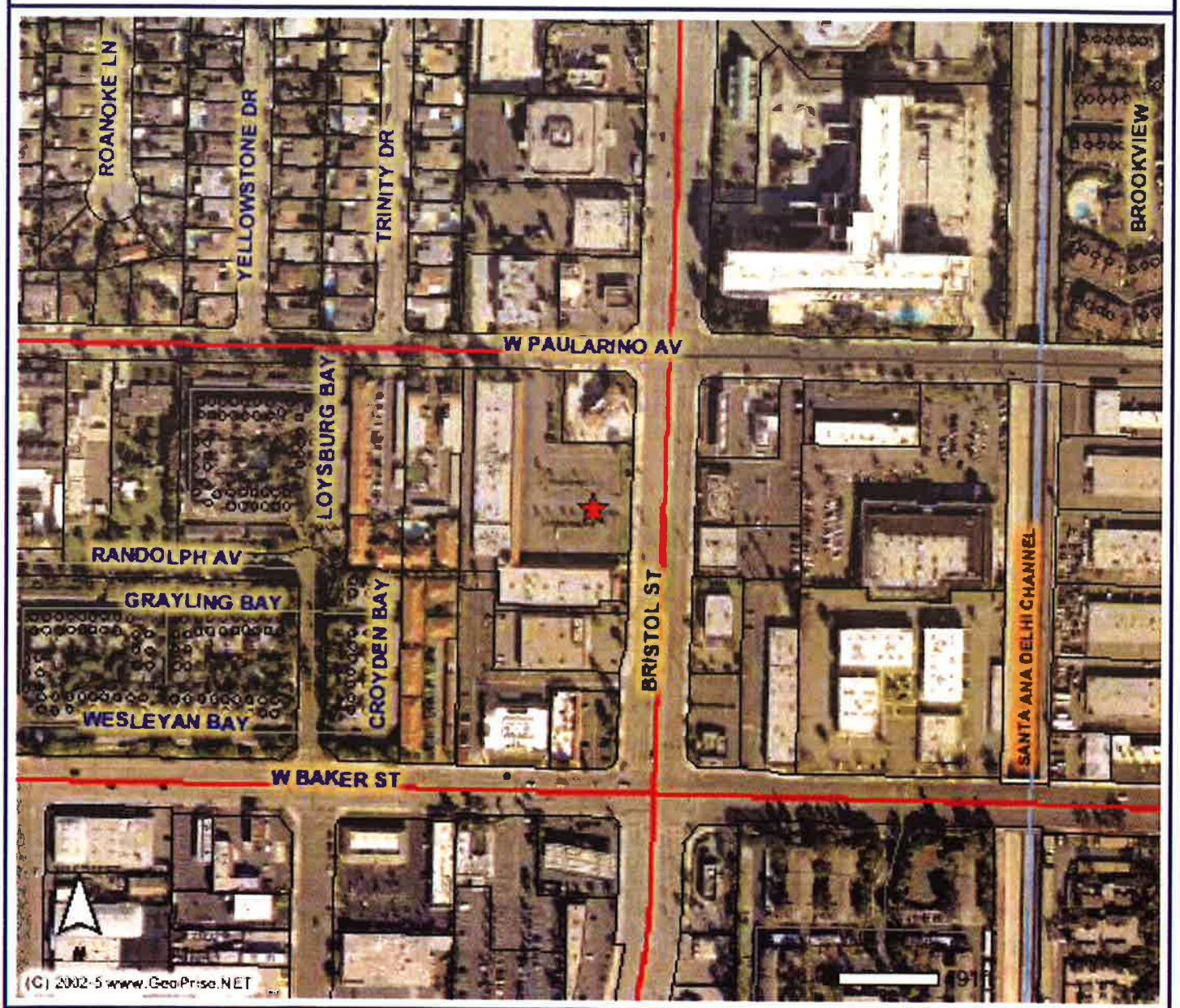
VICINITY MAP: 3033 BRISTOL STREET - [Created: 12/2/2015 10:00:11 AM] [Scale: 367.61] [Page: 8.5 x 11 / Portrait]

Overview Map

Legend

- Address Points
- Freeway
- Roads
- Collector
- Freeway (cont)
- Major
- Newport BLVD
- Primary (cont)
- SECONDARY
- Hydrology Channels

Map Display



City of Costa Mesa

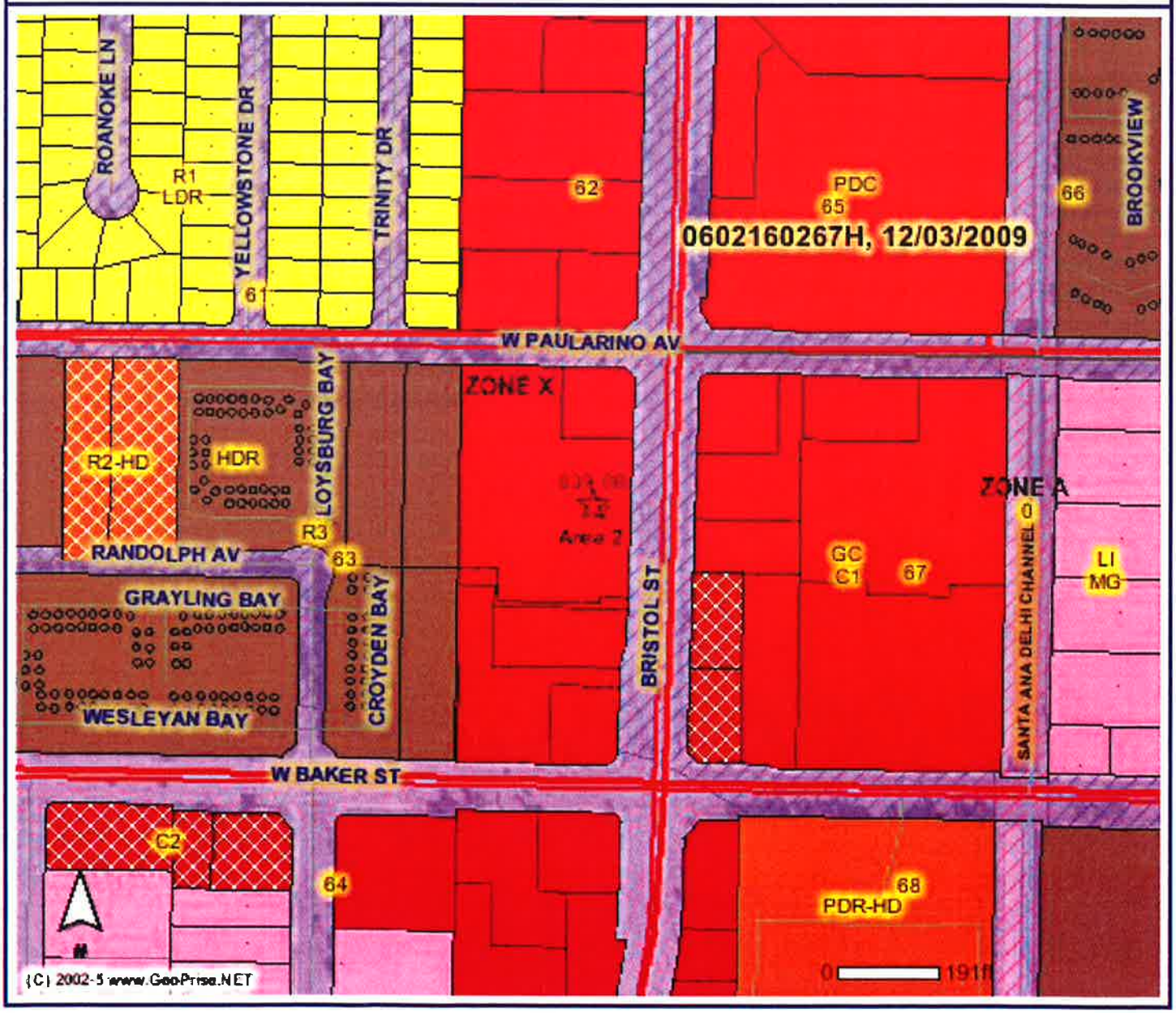
ZONING/GENERAL PLAN MAP: 3033 BRISTOL STREET - [Created: 12/2/2015 10:01:17 AM] [Scale: 367.6] [Page: 8.5 x 11 / Portra

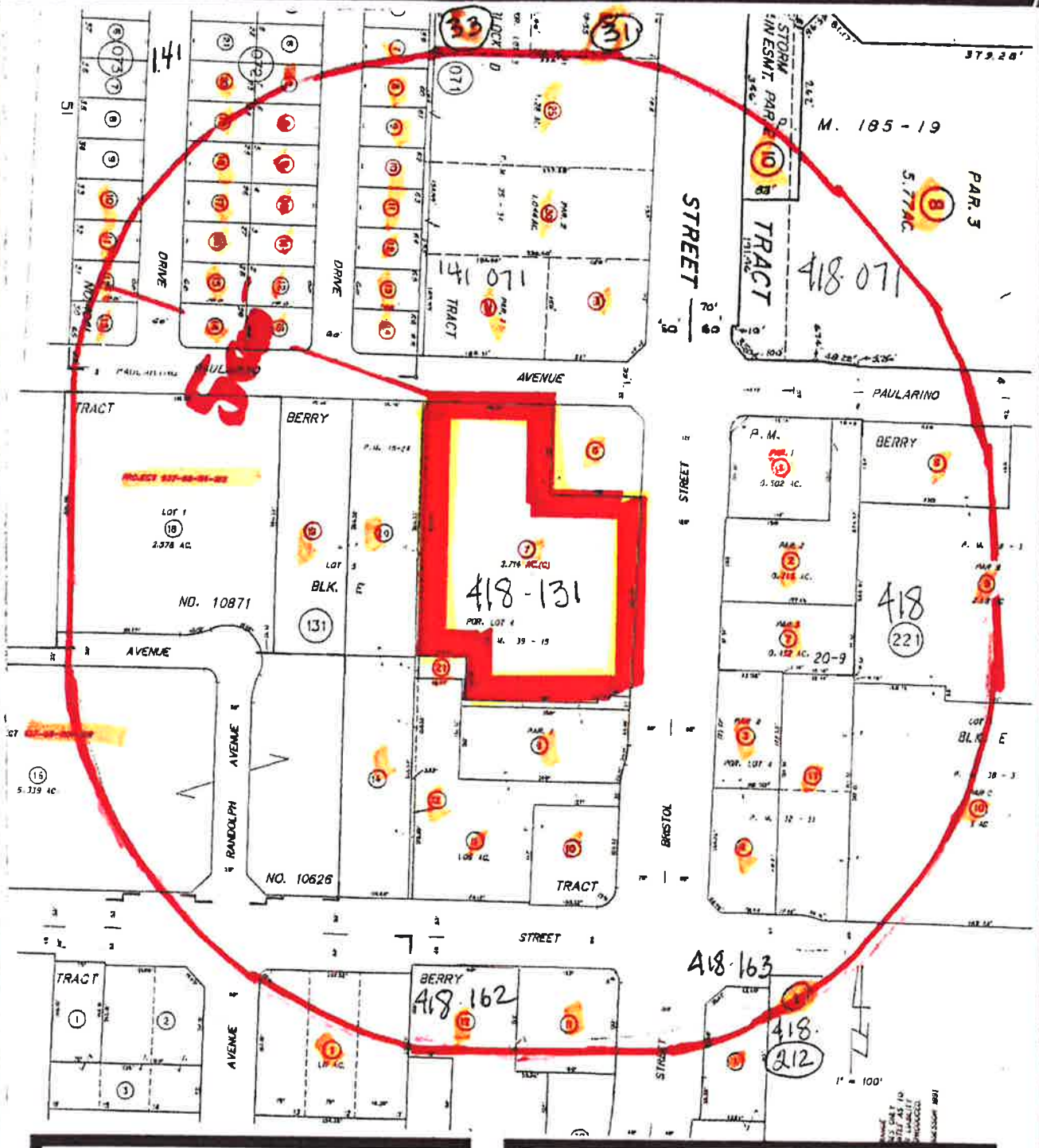
Overview Map

Legend

- Address Points
- Freeway
- Roads
- Collector
- Freeway
- Major (cont)
- Newport BLVD
- Primary
- SECONDARY
- Hydrology Channels
- Street Names
- Street Centerlines
- Parcel Lines
- City Boundary
- Water Ways
- Zoning
- AP
- C1 (cont)
- C1-S
- C2
- CL
- I&R
- I&R-S
- MG
- MP
- P
- PDC (cont)

Map Display





Map Preparer:
SUSAN W. CASE, INC.
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LAGUNA BEACH CA 92651
949 494 6105
susancaseinc@yahoo.com

FILE # 151969
3033 BRISTOL ST
COSTA MESA CA
JUNE 1 2015
500' OWNERS
418 131 07

NORTH

RESOLUTION NO. PC-15-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DENIAL OF ZONING APPLICATION ZA-15-30, A MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM HOURS OF OPERATION FOR A 1,410 SQUARE-FOOT RESTAURANT AT 3033 BRISTOL STREET, SUITE E

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

WHEREAS, an appeal application was filed by Steven Smith of LandShark Development Services, authorized agent of 3033 Bristol Street LLC, the property owner, and business owner of Halal Guys, requesting the appeal of the Zoning Administrator's denial of Zoning Application ZA-15-30, based on amending the originally requested extended business hours of 3AM, daily, to revised hours of 11AM -12AM, Sunday through Wednesday, and to 1AM, Thursday through Saturday. No live entertainment, dancing or sales/service of alcoholic beverages is proposed.

WHEREAS, on September 11, 2015, the Zoning Administrator denied the request; and

WHEREAS, on September 18, 2015, the Zoning Administrator's decision was appealed by the applicant; and

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 proposed project; and

WHEREAS, a duly noticed public hearing was continued by the Planning Commission to December 14, 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 **UPHOLDS** Zoning Administrator's denial of ZA-15-30.

PASSED AND ADOPTED this 14th day of December, 2015.

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

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 14th, 2015 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (UPHOLDING)

A. The proposed minor conditional use permit is not consistent with the City's General Plan and Zoning Code.

B. The proposed project does not comply with Title 13, Section 13-29(g)(2), Minor Conditional Use Permit, of the Municipal Code due to the following:

   a. The proposed development or use is substantially incompatible with developments in the same general area and would be materially detrimental to other properties within the area.

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

   c. Granting the conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

C. The Costa Mesa Planning Commission has upheld Zoning Administrator's decision on Zoning Application ZA-15-30. 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.

RESOLUTION NO. PC-15-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING THE ZONING ADMINISTRATOR'S DENIAL OF ZONING APPLICATION ZA-15-30, AND APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM HOURS OF OPERATION FOR A 1,410 SQUARE-FOOT RESTAURANT AT 3033 BRISTOL STREET, SUITE E.

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

WHEREAS, an appeal application was filed by Steven Smith, authorized agent of 3033 Bristol Street LLC, the property owner, and business owner of Halal Guys, requesting the appeal of the Zoning Administrator's denial of Zoning Application ZA-15-30, based on amending the originally requested extended business hours of 3AM, daily, to revised hours of 11AM -12AM, Sunday through Wednesday, and to 1AM, Thursday through Saturday. No live entertainment, dancing or sales/service of alcoholic beverages is proposed.

WHEREAS, on September 11, 2015, the Zoning Administrator denied the request; and

WHEREAS, on September 18, 2015, the Zoning Administrator's decision was appealed by the applicant; and

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 proposed project; and

WHEREAS, a duly noticed public hearing was continued by the Planning Commission to December 14, 2015 with all persons having the opportunity to speak for and against the proposal.

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities; and

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

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the condition of approval contained within Exhibit "B", the Planning Commission hereby APPROVES Zoning Application ZA-15-30.

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 ZA-15-30 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.

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 14th day of December, 2015.

_____

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

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on December 14th, 2015 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Claire L. Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the minor conditional use permit because:

Finding: The proposed use 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 Finding: The proposed 12am closure, Sunday through Wednesday, and 1AM closure, Thursday through Saturday, is compatible with developments in the general area and would not be detrimental to other properties within the area. The existing retail center has three restaurants permitted to be open up to 1AM. PA-99-43 is a conditional use permit which allows extended restaurant hours from 5pm-1am for Suite N, which is currently occupied by Anjin restaurant. PA-01-47 is a conditional use permit which allows extended restaurant hours from 8pm to 1am with alcohol sales in Suite O, which is currently occupied by Oiki Doki restaurant. Most recently, ZA-15-22 amended PA-00-45, allowing the proposed Hachi Asian Fusion restaurant to operate to 1AM, Friday and Saturday only. As such, extending hours of operation for Halal Guys (12AM, Sun-Wed, and 1AM, Thu-Sat) would be consistent with other restaurants in the area. With respect to other uses within the area, residential zoned property abuts the property where Halal Guys is located. Staff has received eleven responses in opposition to the originally planned 3AM closure for Halal Guys, citing concerns related to noise, traffic, and potential precedence for other establishments to establish extended operating hours. A condition of approval requires security/patrol service to be provided, therefore staff believes the amended hours for Halal Guys (12AM, Sun-Wed and 1AM, Thu-Sat) is compatible with developments in the general area, and would not be detrimental to other properties within the area, due to increased security.

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 Finding: Granting the minor conditional use permit to allow extended hours 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. The proposed extended hours of operation for Halal Guys (12AM, Sun-Wed, and 1AM, Thu-Sat) would be consistent with other restaurants in the area. With respect to other uses within the area, residential zoned property abuts the property where Halal Guys is located. Although Staff received eleven responses in opposition to the originally planned 3AM closure for Halal Guys, a condition of approval requires security/patrol service to be provided. Therefore staff believes the amended hours for Halal Guys (12AM, Sun-Wed and 1AM, Thu-Sat) is compatible with developments in the general area, and would not be detrimental to other properties within the area, due to increased security.

Required 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 and any applicable specific plan for the property.

Facts in Support of Finding: The proposed restaurant expansion conforms to the general commercial general plan designation of site which promotes the provision of a variety of services for the community. Restaurants are allowed by right in the Local Business District (C1 zone). The proposed extended hours of operation for Halal Guys (12AM, Sun-Wed, and 1AM, Thu-Sat) would be consistent with other restaurants in the area.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.

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 use shall be limited to the type of operation as described in the applicant's letter of description and staff report. Any change in the operational characteristics 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 to the minor 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)]. The approved hours are 11AM to 12AM, Sunday thru Wednesday, and 11AM to 1AM, Thursday thru Saturday.
2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
4. The property owner shall maintain a contract for security on the property. Any amendment or change to on-site security shall be reviewed by the Planning Division. The on-site security shall include the following (at a minimum):
    a) One uniformed security officer shall be physically stationed on-site from 10:00 a.m. to 4:00 p.m., Tuesday thru Saturday, and evening hours Thursday thru Saturday, 9:00 p.m. to 1:30 a.m.
    b) The security officer shall patrol the property by walking throughout the parking lot area and engage with employees and patrons of the shopping center, as necessary.
    c) Loitering and noise disturbances in the parking areas shall be expressly prohibited and appropriately managed by the security officer.
    d) Security officer shall also ensure that businesses operating past 11PM do not have amplified noise streaming from their place of business.
5. No patrons shall be allowed to park in the parking spaces behind the retail center after 11PM. The property owner shall be responsible for providing signs that indicate employee parking only in this area after 11PM.
6. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing the dining area, modification to the operational hours of the restaurant, or providing valet parking subject to the approval of the Transportation Services Manager, and/or acquisition of off-site parking area.
7. The business operator shall use carts with rubberized tires to transport trash bins to the container(s).
8. Employee parking shall occur on-site and not within surrounding streets. Employees shall park in the spaces at the rear of the building in order to ensure availability of parking at the front parking lot.

9. The business operator shall control litter originating from the site (i.e. paper/plastic goods, food items, drink containers, etc.) on a daily basis. In addition, the business owner shall require manager of Halal Guys, or his/her designee, monitor trash in nearby neighborhoods, specifically Trinity Drive.
10. The property owner shall provide abutting residential property owners with a phone contact to report any concerns related to security, noise, or trash disposal within surrounding neighborhoods. The contact shall be the manager of Halal Guys or his/her designee during business hours. Concerns shall be left on an automated voicemail system for after hours. The business operator shall retrieve the messages the following business day and address each complaint in a timely manner. Failure to address complaints from the abutting residents in a timely manner, as deemed appropriate by the Development Services Director, shall be considered a violation of this condition.
11. 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.

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 planning application is valid for one year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining a business license and legally establishes the business. If the applicant is unable to establish the use 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 planning 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 5 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to industrial development standards.
4. Parking stalls shall be double-striped in accordance with City standards.

5. Trash enclosure(s) or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform with City standards. Standard drawings are available from the Planning Division.
6. All exits shall be clearly marked with "EXIT" signs.
7. All conditions of the California Alcoholic Beverage Control Board shall be complied with.

Bus. Lic. 8. 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.

Bldg. 9. Comply with the requirements of the 2013 California Building Code, 2013 California Residential Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code and 2013 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 or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

ATTACHMENT 3

3033 BRISTOL STREET, LLC

October 16, 2015

City of Costa Mesa
Development Services Department
77 Fair Drive, P.O. 1200
Costa Mesa, CA 92628-1200

RE: 3033 Bristol Street. Suite E
The Halal Guys
Landlord's plan for evening Security

To whom this may concern,

3033 Bristol Street is a 39,153 Sq.Ft. Shopping Center located at the intersection of Bristol Street and Paularino Avenue.

In connection with The Halal Guys request to remain open to 1:00 am 7 days per week, the Landlord will contract with a professional security service. The security guard will be contracted to remain on the property in uniform between the hours of 11:00 pm - 1:30 am. Security service will commence 11/1/2015

The Landlord has made a significant capital investment into the Shopping Center and has upgraded the Tenancy and building infrastructure. We believe this is a significant improvement from the prior Tenants and replaced with quality multi-store operators.

We are requesting your consideration to allow The Halal Guys to remain open for business until 1:00 am 7 days per week.

I look forward to your feedback. Please let me know of any questions. Thank you in advance for your consideration.

Sincerely,

Jason Ball
Managing Member
3033 Bristol Street, LLC

3033 BRISTOL STREET, LLC
P.O. BOX 1233
CARDIFF, CA 92007
310 755-5262

LOOMIS, RYAN

Subject: FW: 3033 Bristol - Security Report

From: Jason Ball [mailto:jball@emeraldpg.com]
Sent: Tuesday, December 01, 2015 12:38 PM
To: LOOMIS, RYAN <RYAN.LOOMIS@costamesaca.gov>
Cc: Kevin Maguire <kevinsmaguire@gmail.com>
Subject: RE: 3033 Bristol - Security Report

10:00 am - 4:00 pm Tuesday - Saturday

Jason Ball
Emerald Property Group, LLC
P.O. Box 1233
Cardiff, CA 92007
(310) 755-5262

On Dec 1, 2015 12:04 PM, "LOOMIS, RYAN" <RYAN.LOOMIS@costamesaca.gov> wrote:

Thanks. Is there still daytime security? If so, what are those hours?

Ryan

From: Jason Ball [mailto:jball@emeraldpg.com]
Sent: Tuesday, December 01, 2015 11:53 AM
To: LOOMIS, RYAN <RYAN.LOOMIS@costamesaca.gov>
Cc: Kevin Maguire <kevinsmaguire@gmail.com>
Subject: RE: 3033 Bristol - Security Report

Thursday thru Saturday 9:00 pm - 1:30 am.

Jason Ball
Emerald Property Group, LLC
P.O. Box 1233
Cardiff, CA 92007
(310) 755-5262

On Dec 1, 2015 11:51 AM, "LOOMIS, RYAN" <RYAN.LOOMIS@costamesaca.gov> wrote:

Hi Jason,

Can you provide me email stating the time and days of week for security patrol?

Thanks

Ryan

LOOMIS, RYAN

Subject: FW: 3033 Bristol - Security Report
Attachments: Scan 2015-11-20 0002 (dragged).pdf

From: Jason Ball [mailto:jball@emeraldpg.com]
Sent: Friday, November 20, 2015 3:34 PM
To: LOOMIS, RYAN <RYAN.LOOMIS@costamesaca.gov>; Kevin Maguire <kevinsmaguire@gmail.com>
Subject: 3033 Bristol - Security Report

Ryan,

Attached please find the report from OC patrol. I will send to you as we obtain more. Let me know of any questions.

Thank you,

Jason D. Ball

EMERALD PROPERTY GROUP
P.O. Box 1233
Cardiff by the Sea, CA 92007
Phone: 310-755-5262
Email: jball@emeraldpg.com
CA Broker Identification Number: 01275569

Reports for Wed 10/21/15

8:00am

At this time there were 11 cars parked in customer Parking.

- 9 were employees and 2 were interviewees for The Halal Guys.

- Made contact w/Allen, one of the owners of The Halal Guys, and enforced employee Parking.

- Contact w/ David, manager @ the Advanced 4 Dental Care and enforced Employee Parking.

9:00am

6 cars in customer parking

- 3 were employees for Advanced Dental Care, who hadn't moved their vehicles yet.
- 3 customers parked for business.
- Made contact w/ Andy from Creative Nail &Spa and enforced Employee Parking. Andy said that a Beige Lexus E350 was Cleared by Jason Ball to be parked anywhere on property. I continued to enforce employee parking to all employees.

10am-4pm

Enforced Employee parking as well as customer parking only

- 10:30am made contact w/ watch connection GM. Who said that the outer ring spaces located south of employee parking were reserved as well as the two spaces in front of there store. I told him that I am only aware of the two reserved spots in front of the Watch Connection. I then enforced employee parking for all employees that were not parked in the designated area. The general manager was very hesitant about moving the vehicle to the employee parking, but said that they would move their vehicles. One employee questioned why I was telling them to move their vehicles, adding that he didn't see a point to doing that. He lter asked me what it was that I did that cleared up the problem and thanked me.
- Made contact w/ employees from all tenants as they arrived and enforced employee parking.

Reports for Thursday 10/22

- 8:00am, The following are cars already on property:
  White Toyota Sienna Lic# 5WAM903
  Red Toyota Sedan lic#5X10981

Black Honda Civic lic#7ALM773
White Nissan xtera lic#6EOU962
Capitol noodle bar contractors

- 9:00am, these vehicles are the only vehicles not parked in employee parking.
  Photos are attached in email to jared.

Reports for Friday 10/23/15

- 8:00am, The following are already on property in customer parking
  Mini cooper (Red) no lic. Plate
  Grey Infiniti Lic# 5SDP197
  Both vehicles are moved to employee parking by 8:30am.

- 9:00am there are 3 contractor Vehicles parked in customer parking
  Loading and unloading @ capitol noodle bar.

Reports for Saturday 10/24/2015

- 8:00am, the following are already on property:
  Black Honda Civic lic#7AIM773
  Contractor @ capitol noodle bar

- 3 white pickup trucks loading / unloading @ Hashigo

- 9:00am, enforced customer parking only for 3 vehicles.

  9:04am Silver Volkswagon Lic# new York plates GVE9678
  9:02am Silver 2dr lic# 4NUR894
  9:18am Red Toyota Yans Lic# 7CBY800

- At 10:18am 3 tow trucks from Southside Towing arrived, for the three above vehicles for customer parking only.
  Red Toyota- towed
  Silver VW- drop fee
  Silver 2dr- attempted

- 12:35pm, Blue Ford Fuision vin# 5YFBURHE2FP229649. No license plate

Towed for customer parking only, first observed on property @ 11:35am.

- The manager at Advanced Dental Care asked for assistance in towing a White Toyota Corolla Lic# 7JLD635 that was parked in their reserved parking space. I called my supervisor for approval for towing and I was told that the vehicle could only be towed at the discretion of and by the tenant. The manager at the dental office was given the information to Southside Towing for further assistance. I gathered the information on the vehicle and was unable to locate the owner of the vehicle.

Reports for Tuesday 10/27/2015

- 8:00 am , Capital noodle contactors have a vehicle parked in front of their store.
- 8:00am, Hakata restaurant has two plumbing trucks in front of their store
  R. S Plumbing solutions Lic # 62320L1 covenant Pipeline 07L3215.
- 10:25am, Capital contractor request roof access to install a cooler. I called my supervisor who instructed me to refer the contractor to property management for access.
- 12:30pm, made contact with female for customer parking, she then left property.
- 1:10pm, Made contact with employee @ Halal guys in a black Toyota Camry lic# 6MKA446 and enforced employee parking. The driver then moved his vehicle into parking behind the 3033 building

Reports for Wednesday 10/28/2015

- 9:00 am, Capitol Noodle Bar has 3 vehicles in front of their store. All three are contractors working inside.
- Halal Guys has one vehicle parked in front of their store driver is working inside.
- 10:30 am, Made contact with driver who improperly parked their car and is blocking parked vehicles
- 11:00 am, Made contact with customer attempting to leave their vehicle parked on property while they walked across the street. The driver complied.
- 12:10 pm, Made contact with male riding his skateboard on the walkway near Tapioca Express. He then got off of his skateboard and went to The Halal Guys.
- 12:50 pm, enforced customer only parking off property. He then got in his vehicle and left property.

Reports for Thursday 10/29/201

- ALL EMPLOYEES PARKED IN EMPLOYEE PARKING
- 9:55 am, customer parking only, Blue Scion FRS 6YGH124 at 10:50 am. Owner of vehicle arrived back at their vehicle. I made contact with them and enforced customer parking only for future reference.

Reports for Friday 10/30/2015

- 9:00am, Contractors @ Capital Noodle with Lic# 45950M1 Chevy Van.
  Halal Guys: Red GMC 1600 Lic# A68·IHG,
  Ford Lic. # 97211C1,
  Toyota Sequoih 5TLW261

- 12:45pm, Made contact with female for Stopping and blocking Traffic. Silver Toyota Corolla Lic # 7JFZ745 Black Honda Civic

- 12:53, 6BFU314 Halal

- 1:26pm, towed customer parking only.

- 4:58pm, Informed male of customer only parking

REPORTS FOR SATURDAY 10/31/15

Customer parking only

- White Ford f150 8R70708 owner returned at 10:00am and I noticed him of customer parking.
- 12:01pm black BMW 7AFP522
- 1:53pm white Mercades SLK200 Nevadalic# MPBENZ made contact with driver inside of Halal guys for parking in California wok reserved space the driver moved vehicle.

Correct employee

2:00pm

- Beige Toyota Camry 5MLR022 Halal Guys

4:30pm

- Informed owner of towed vehicle of the location of Southside Towing.

REPORTS FOR TUESDAY 11/03/2015

9:00am

- Parking lot and building lights are still on.

9:22am

- Orange Honda - 5RZR980 Customer parking only at 9:53am
  The owner of the vehicle returned to their vehicle. I made contact with the driver and enforced customer parking only. They then got into their vehicle and left property 04871W1 Toyota Tacoma.

10:54am

- Silver Mercedes – 6GFU967 C380 Off prop. Female walking across Paulanno on Bristol Green shirt, black yoga pants. Vehicle was towed at 12:10pm by Southside Towing. The driver of the vehicle then became aggressive. I asked her if she needed anything else. I then handed her the phone number to the towing company. She then walked off property.

10:59 pm

- BMW 3281 5ZEE013 Southside towing never showed up for 2nd tow. Vehicle remained on property until the owner returned at 12:00pm called Southside Towing at 12:22pm and the dispatcher told me that the same driver would be coming back after he dropped off his vehicle that he had just picked up. The driver showed up at 1:30pm no tow on the grey BMW.

12:00pm

- Parking lot and building lights are still on.

2:30pm

- White delivery truck 76313H1 Idea lease truck parked in employee parking space in front of suite R Truck driver is delivering to Acceptance Auto Insurance and is putting together office furniture alongside the truck equipment is not blocking any vehicles and is being kept.

2:45pm

- Parking lot and building lights are off.

REPORTS FOR WEDNESDAY 11/04/2015

9:00am

- Two contractor vehicles for Capital Noodle Bar are parked in front of the restaurant. All other vehicles are parked correctly.

9:47am

- Enforced customer parking only on a Black Dodge 2DR 6ZXZ919. Southside Towing was notified at 9:50 am. At 10:20am the driver returned to his vehicle and I told him that he could not park on property unless he is a customer. He then got inside of his vehicle and left property Southside Towing was canceled at 10:22am.

10:56am

- VIN # 5NPEB4ACOBH272652 Driver of above info parked vehicle in a reserved parking space for Creative Nails and went into The Halal Guys. Located the driver inside of Halal Guys and asked to move her vehicle she then moved her care vehicle into an open parking space. I was asked to assist the creative nails and spa by the salon manager.

10:58am

- Assisted Capital Noodle Bar contractors in crowed control for The Halal Guys line that was blocking their doors Capital Noodle Bar was delivering large heavy equipment into the space.

11:59am

The Fallowing occurred in front of The Halal Guys

- Flagged down by customer requesting assistant with a minor traffic collision. No injuries involved. Vehicles involved a Black Mercedes C250 no license plate that had backed into a parked Black Yamaha motorcycle 22R1930 and had attempted to leave property. I remained on standby with the driver of the Mercedes until the motorcycle owner was located. Both drivers exchanged information I told the driver of the Yamaha to park his vehicle in a proper parking space. Both parties then left property.

12:15pm

Roof

- H.V.A.C Mechanical 714)937-5305 made contact was soon on roof working for 3033.

12:18pm

- Made contact with an Acceptance Auto for having reserved sign blocking the parking space.

3:47pm

- Assisted an owner of The Halal Guys by showing them location of employee parking.

3:50pm

- Provided directions to a customer that asked me for the location of the nearest wine store.

REPORTS FOR 11/5/15

9:00am

- 3 contractor vehicles are parked in front of capitol Noodle Bar. The drivers are working inside of the space. There are no other vehicles parked in customer parking.

10:35am

- Grey Mercedes 2 door- paper plates- 1 male / 1 female were seen soliciting to the restaurants. I made contact w/ the individuals and told them that they cannot solicit as it can disrupt business they then got in their vehicle and left property.

11:49am

- 7FVT551 black Honda fit working at Hashigo.

12:06pm

- Made contact w/ driver silver Mercedes improper parking.

1:32pm

- 6CMT021 Mazda parking in the no parking zone in front of The Halal Guys male seen coming out of Villain Vapors.
- 9:00AM

2:10pm

- Nana Threading contractor working on sign asked to put yellow caution tape around work area. He then sealed the area.

2:12pm

- Workers at Capitol Noodles Bar on the roof installing fan for restroom.

3:00pm

- Made contract with driver for customer only parking. At 3:08pm left property.

3:52pm

- Contractor for Nanu Threading sign still working on the building sign.

4:32pm

- Are in front of Nana threading is now clear.

REPORTS FOR 11/6/15

9:31am

- White Ford Explorer lic# 5BDZ061 parked in costumer parking only. 10:16am the owner returned to their vehicle and I enforced customer parking only. They then got into their vehicle and left property .

9:42am

- White Acura MDX #7BAV736 costumer parking only. Made contact with the owner asked to move vehicle.

10:27am

- Made contact with US Foods truck driver who was delivering at The Halal Guys. I told the driver to park his truck near suit R while he delivered 2 boxes to the store.

12:21pm

- Purple Mercedes CLA250 parked in costumer parking only. Asked owner to move vehicle. They moved the vehicle.
- VIN#wddst4eb4fn170600 parked along white curb. Vehicle was blocking traffic.
  PICTURE

12:50pm

- General Manager at Watch Connection made contact with me to relay over a concern regarding improperly parked vehicles, That are parked alongside the white curbs which block traffic.

1:35pm

- Improper parking. The veichles are as fallow for customer parking only.
  Grey Toyota Prius 6YER338 Black Lexus
  Black Lexus 15250 #7DRR246
  Grey Toyota Camry #5YXS128

REPORTS FOR 11/7/15

9:00am

- One wehicle parked in customer area for sutomer only parking. Grey lexus RX330 #5YNP470.

9:30AM

- Beige lexus ES300 #5CLS379 is parked in front of the nail salon. The owner of the vehicle is a manager at Creative Nail & Spa. She says that the spot she is parked in is for a customer at her salon. Then her customer arrived she moved her vehicle to employee parking behind the building.

10:41am

- Enforced customer parking only to the driver of a red ford F150 attempting to park their vehicle and leave property. They then got into their vehicle and left property.

12:36pm

- Remained on sight.

2:07pm

- Many employees are parked in the back hospital parking.

2:15pm

- Lic#7CEZ250 Grey Honda Civic The Halal Guys. PARKED INCORRECT

3:55pm

- Black BMW 3281 Lic # 6ZGE272. PARKED INCORRECT

4:00pm

- Suspicious male sitting at White curb at 1st Island of parking outside of Watch Connection station. Description of male: Middle Eastern male wearing black "pharmacy hat and black pharmacy t- shirt. Light blue jeans. Male said he was waiting for his ride. He was seen walking off property.

REPORTS FOR 11/10/15

9:00am

- There were two contractor vehicles parking in front of Capital Noodle Bar.

2:40pm

- Black vehicle lic# 4SGU553 customer parking only.

LOOMIS, RYAN

Subject: FW: 3033 Bristol

From: Kevin Maguire [mailto:kevinsmaguire@gmail.com]
Sent: Wednesday, December 02, 2015 10:01 AM
To: LOOMIS, RYAN <RYAN.LOOMIS@costamesaca.gov>; Jason Ball <jball@emeraldpg.com>
Subject: Fwd: 3033 Bristol

Ryan,

See response from Susan Thompson below regarding her Neighborhood by 3033.

Kevin
---------- Forwarded message ----------
From: **Susan Thompson** <susanthompson@earthlink.net>
Date: Wed, Dec 2, 2015 at 8:29 AM
Subject: RE: 3033 Bristol
To: Kevin Maguire <kevinsmaguire@gmail.com>

Hi Kevin,

Sorry for my late response. Thank you for following up with us, it is appreciated. I haven't seen any trash in my area of the street so, that is great!

Susan

From: Kevin Maguire [mailto:kevinsmaguire@gmail.com]
Sent: Friday, November 20, 2015 12:17 PM
To: susanthompson@earthlink.net; danwiegandt@aol.com; Jason Ball
Subject: 3033 Bristol

Hi Susan and Lynne,

I hope all is well. We have started the valet program at 3033, as well as security on site.

Halal says they have been policing your neighborhood for trash.

Please let me know if you are seen progress.

Sincerely,

Kevin

--

Kevin Maguire
Maguire Associates
567 San Nicolas Drive, Suite 130
Newport Beach, CA 92660
Cell: (949) 922-5864
kevinsmaguire@gmail.com

Broker License #00869541

--
Kevin Maguire
Maguire Associates
567 San Nicolas Drive, Suite 130
Newport Beach, CA 92660
Cell: (949) 922-5864
kevinsmaguire@gmail.com

Broker License #00869541

Dear City Staff,

Thank you for working with us to improve our business, local neighborhood, and city as a whole. Not many government organizations can be hailed by their citizens as pro- small business like you are, and your teamwork further validates why we chose Costa Mesa as the brand's 1st West Coast location.

The Halal Guys

The Halal Guys is New York City's #1 restaurant, and in 2014 it was the country's #3 restaurant on Yelp. Some will compare its prestige to our In-n-Out Burger - if it were to ever open on the East Coast. In New York, lines of 100 people or more are common throughout the day as every single tourist that visits New York City must stop and try it. We've been working for over a year to get this restaurant ready, and we're so excited to be open here on Bristol.

Our operations have increased, and our customer flow has continued to move quickly, leaving no impact on the parking lot or any surrounding neighborhoods. Working with the landlord, we have security and valet throughout opening hours. We've communicated through social media to thank our customers for parking in the designated parking lot and to not litter. Furthermore, with our new location opening up shortly, a lot of heat has already been taken off of this Costa Mesa Location.

Why Costa Mesa?

To expand on the above point, we wanted to share the other rationale behind why we chose Costa Mesa as the chain's flagship branch in Southern California. We had a choice to build in Los Angeles first - where we also have territory rights to develop, a larger community of consumers, and where our biggest fans had assumed we'd go first - but we made the decision to be on Bristol and Baker, for the following reasons:

3 out of 5 of our partners were raised in Costa Mesa. We grew up here, went to school here, have family and friends here, live/work/play/eat here, had jobs here, run businesses here...and from it, know the market very well.

Costa Mesa is arguably the strongest hub for shopping (South Coast Plaza being the highest-grossing mall on the West Coast), food, and being centrally located in Orange County - which is why the hottest national and even global brands are here.

The people here love food. There are a wide range of restaurants in the area that are very good. We feel that we compliment what is already going on here in Costa Mesa and are striving to elevate it further.

Our investment into the city has paid off. Not only have The Halal Guys given Orange County a new restaurant to support, but people from San Diego and Los Angeles have met in the middle and are appreciating what Costa Mesa has to offer, and it has facilitated our growth. Since we opened, we've already put 2 more stores in leases (Long Beach and Los Angeles), and we are in discussions for another 3 stores in developments.

Again - we appreciate the willingness to help, expertise, and care for your city's small businesses - and believe we are better together. Please don't hesitate to reach out with any questions you may have, or ideas on how we can contribute.

The Halal Guys - Restaurant Opening Schedule
Our next location is in Long Beach, and will open on Dec 21. We have already begun training and are very excited for its opening. We believe it will take off a lot of the crowd from Costa Mesa.

Following that will be another location further North. This is expected to open first quarter of 2016. We are looking to continue to expand following that, but do not have any dates.

HOA Conversations
We have spoken with Marice H. DePasquale, a nearby HOA Principle that has reached out to us, and there are no concerns or impacts on their neighborhood.

Trash Log

DATE	TIME	MANAGER	NOTES
11/3/2015	6:00 AM	Tony Chewsuebpong	
11/3/2015	12:00 AM	Marc Giarratano	
11/4/2015	8:00 AM	Tony Chewsuebpong	
11/4/2015	4:00 PM	Marc Giarratano	
11/5/2015	6:00 AM	Tony Chewsuebpong	
11/5/2015	12:00 AM	Marc Giarratano	
11/6/2015	8:00 AM	Ecatherina Bailey	
11/6/2015	4:00 PM	Tony Chewsuebpong	
11/7/2015	8:00 AM	Ecatherina Bailey	
11/7/2015	12:00 AM	Marc Giarratano	
11/8/2015	6:00 AM	Ecatherina Bailey	
11/8/2015	4:00 PM	Tony Chewsuebpong	
11/9/2015	6:00 AM	Ecatherina Bailey	
11/9/2015	12:00 AM	Marc Giarratano	
11/10/2015	6:00 AM	Ecatherina Bailey	
11/10/2015	4:00 PM	Marc Giarratano	
11/11/2015	6:00 AM	Ecatherina Bailey	
11/11/2015	12:00 AM	Marc Giarratano	
11/12/2015	8:00 AM	Ecatherina Bailey	
11/12/2015	4:00 PM	Tony Chewsuebpong	
11/13/2015	8:00 AM	Ecatherina Bailey	
11/13/2015	12:00 AM	Marc Giarratano	
11/14/2015	8:00 AM	Ecatherina Bailey	
11/14/2015	4:00 PM	Marc Giarratano	
11/15/2015	6:00 AM	Tony Chewsuebpong	
11/15/2015	12:00 AM	Marc Giarratano	
11/16/2015	6:00 AM	Ecatherina Bailey	
11/16/2015	4:00 PM	Marc Giarratano	
11/17/2015	6:00 AM	Tony Chewsuebpong	

11/17/2015	4:00 PM	Marc Giarratano	
11/18/2015	6:00 AM	Ecatherina Bailey	
11/18/2015	12:00 AM	Marc Giarratano	
11/19/2015	8:00 AM	Tony Chewsuebpong	
11/19/2015	4:00 PM	Ecatherina Bailey	
11/20/2015	8:00 AM	Marc Giarratano	
11/20/2015	12:00 AM	Tony Chewsuebpong	
11/21/2015	8:00 AM	Ecatherina Bailey	
11/21/2015	4:00 PM	Tony Chewsuebpong	
11/22/2015	6:00 AM	Ecatherina Bailey	
11/22/2015	12:00 AM	Tony Chewsuebpong	
11/23/2015	6:00 AM	Marc Giarratano	
11/23/2015	12:00 AM	Ecatherina Bailey	
11/24/2015	8:00 AM	Marc Giarratano	
11/24/2015	4:00 PM	Ecatherina Bailey	

LOOMIS, RYAN

Subject: FW: Meeting Minutes and Needed Follow Up Items

From: Thomas Pham [mailto:thomas@halalornothing.com]
Sent: Thursday, December 03, 2015 2:49 PM
To: LOOMIS, RYAN <RYAN.LOOMIS@costamesaca.gov>
Cc: Thomas Pham <thomas@sliquemedia.com>; Paul T Tran <paul@halalornothing.com>; Jason Smith - LandShark Dev. Svs. <jsmith@landsharkdevelopment.com>; Jason Ball <jball@emeraldpg.com>; kevinsmaguire@gmail.com
Subject: Re: Meeting Minutes and Needed Follow Up Items

Ryan,

There were no sightings. Addtionally, we've had neighbors that have also confirmed they have not seen anything. During the ABC interview with Greg Lee, they also mentioned no sightings. Please let me know if there is anything else I can clarify for you. Thanks Ryan.

Thomas Pham
CEO - Halal or Nothing
Franchisee of The Halal Guys
Phone: 408-781-2466
Email: thomas@halalornothing.com
www.thehalalguys.com

Have you liked us on Facebook?
Follow us on Instagram
THE HALAL GUYS

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On Thu, Dec 3, 2015 at 2:27 PM, LOOMIS, RYAN <RYAN.LOOMIS@costamesaca.gov> wrote:

Hi Thomas,

Thank you for providing the information. Regarding the trash log, were there any siting's of trash in the neighborhoods?

Thanks

Ryan

PH-4

COLGAN, JULIE

From: Krista Farmer <krista.farmer14@gmail.com>
Sent: Wednesday, December 09, 2015 9:22 AM
To: PLANNING COMMISSION
Cc: brian.farmer@twcable.com
Subject: ZA-15-30 (Appeal)

Hello. My name is Krista Farmer and I live at 3100 Trinity Dr in Costa Mesa with my husband and two small children. I'm writing you regarding ZA-15-30 (Appeal) to extend the hours of Halal Guys. Please do NOT pass this hours of operation extention. Us residents are already experiencing issues with opening of this restaurant. Here are our concerns:
1. Non residents are parking on our street and walking over to the restaurant. This has created major parking issues for us; especially since we have one of the homes, there are other homes too, on the street that has a short driveway. Parking in our driveway would mean blocking the sidewalk, which we avoid. We rely on the parking in front of our own home.

2. Because of #1... we are experiencing loud noise from people parking in our community and loudly talking, and yes, even yelling, as they walk their way to the restaurant. Also, loud music and base coming from cars as they drive up and down the street to find parking and when they do park, they sit in their cars with the music still blasting. This is happening during the day and late at night already. And this has actually been loud enough to wake us up and our kids late at night. Extending the hours will only continue the noise disturbance

3. Do to the popularity of the restaurant, people are taking their food to go and doing two things: A) eating in their cars - while doing this they blast their music and base causing a major disturbance. This happens during the day and late at night. B) They eat on our property! Lining our front yard is brick. The brick sits low and people are sitting on it and eating. This is our property! Not a public place for people to eat their food!

4) Because of what is going on in what I've outlined in #3, there has been tons of trash, from the restaurant (we know because of the bags) all over our property and throughout the neighborhood. And, apparently the restaurant's solution is to send their workers out late at night to pickup the trash to hide the fact that it's going on. Which is NOT the proper way to handle this, not to mention they are now going on our property and neighbors property, without permission to do this. And they've created noise late at night as well because we've heard them, saw what was going on, and that's how we knew they were doing this.

We are a family of 4, with two small children. My husband and I have lived in Costa Mesa for quite some time, him longer than me. We moved from a town home in Mesa Verde, to this house and this street in 2010, because we liked the home and the community and thought it would be great place to start our family. Having businesses open so late at night creates such a major disturbance; noise from people, cars, trash, trespassing on our property, extra traffic on our street. We are not against businesses opening and thriving. However, their business and customers should not have a negative impact towards the neighborhood it resides next to. My family means everything to me! And we are already having issues that will only get worse with extended ours of operation. Please do NOT approve this!

Thank you for your time!
Krista and Brian Farmer

PH-4

COLGAN, JULIE

From: Frank Masciale <frank@southcoastprop.com>
Sent: Friday, December 11, 2015 10:57 AM
To: PLANNING COMMISSION
Subject: [BULK] Application #ZA-15-30 (Appeal)

Importance: Low

Dear Planning Commission Members,
Please review my attached letter regarding the above referenced application.

Thank you,
Frank Masciale
South Coast Construction
South Coast Properties
frank@southcoastprop.com
(714) 612-3875
(714) 549-0175 fax

Frank Masciale
3067 Trinity Drive
Costa Mesa, CA 92626
(714) 612-3875

December 11, 2015

To: City of Costa Mesa Planning Commission

Re: Application #ZA-15-30 (Appeal)

This application should be DENIED. The fact that there are residential properties directly adjacent to this complex should be the determining factor in this situation.

To date, The Halal Guys, have not been good stewards of their existing establishment. The parking problems, the trash and the congestion both in the complex and in the surrounding neighborhood are a testament to their lack of concern for their neighbors.

Now they want to extend this bad behavior to later hours, where people will congregate and cause even more disruptions until 1pm. Their success is wonderful, however the other tenants in the complex and the adjacent neighborhood are paying the price for their success.

That particular complex is ready to open 2 more food establishments very shortly. I am certain that there is NOT enough legal parking spaces to accommodate all these food establishments. If there are problems now, what will happen in the near future when these other businesses are opened? The overflow coming from this center ends up in the adjacent neighborhood.

The Planning Commission should seriously look into the number of food establishments, parking requirements and available parking spaces before allowing, extended hours or additional food establishments in that complex.

"PLEASE" do not approve extended business hours for "The Halal Guys". The problems that have been experienced in the past will only get worse with later hours of operation.

Sincerely,

Frank Masciale

Frank Masciale

PH-4

COLGAN, JULIE

From: Wiegandt, Dan <Dan.Wiegandt@theaustin.com>
Sent: Sunday, December 13, 2015 7:56 PM
To: PLANNING COMMISSION
Subject: ZA-15-30 (Appeal)

I am a resident in the adjacent neighborhood.
I am against allowing the Halal Guys extended hours beyond 11AM.

This restaurant continues to adversely impact my neighborhood.
Parking continues to be an issue especially on the weekends.
Just this evening 2 cars parked in front of my neighbor's home and walked over to The Halal Guys.
This does not to continue to be taking place after 11 PM.

The Halal Guys continue to claim their staff are checking the neighborhood but I have yet to observe this supposed activity.

Fundamentally, the Halal Guys claim to be a "quick food" restaurant in the local papers but their inability to provide quick service continues to be the problem. Perhaps they should focus on getting that right first.

They have clearly caused problems for the neighborhood and the other buisnesses within their complex.
They need to solve their slow service and poor quality issues before expanding their hours.

PH-4

COLGAN, JULIE

From: Susan Thompson <susanthompson@earthlink.net>
Sent: Sunday, December 13, 2015 8:22 PM
To: PLANNING COMMISSION
Subject: ZA-15-30 (Appeal)

To Whom it May Concern,

I would like to express my concern with allowing the extension of the hours of operation of Halal Guys to 12am Sunday through Wednesday and to 1am on Thursday through Saturday. I live in the housing track adjacent to the center in which Halal Guys is located. Our street is the first street that any patron will use to park their car when there is no parking at the center. We currently still experience many parking and walking to the center from our street at night. This is still happening even AFTER the Long Beach location has opened. While I understand that Valet Parking is supposed to be offered, I am not sure of the number of patrons that would take advantage of the service given the "To Go" option at the restaurant. I for one would NOT valet park if I were to want to pick up food to go. Also, the type of patron that would be visiting the restaurant at the later hour would be those coming from a late night "party" or "bar" atmosphere and may not be as considerate (or aware) of others living /sleeping in the homes close to the center.

The litter/trash issue that had been an issue has been improved since the restaurant employees have been patrolling our street for trash. I would like to thank the store for that. While I appreciate that the store and landlord are working with the neighborhood, I do not believe that extending the hours of operation will be good for our neighborhood and our home life. I ask that the City deny this request.

S.A. Thompson