



# **PLANNING COMMISSION**

## **AGENDA REPORT**

MEETING DATE: FEBRUARY 8, 2016

ITEM NUMBER: PH-2

**SUBJECT:** FIRST AMENDMENT TO PLANNING APPLICATION PA-10-30 A1 TO PROVIDE ADDITIONAL RESTAURANT SPACE IN A RETAIL SHOPPING CENTER WITH AN ON-SITE VALET PARKING AT 1534 ADAMS AVENUE, SUITE B

**DATE:** JANUARY 28, 2016

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

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

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

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### **DESCRIPTION**

First amendment to previously approved master plan for an existing retail shopping center to allow the following:

1. Conversion of a 2,334 square foot tenant space located at 1534 Adams Avenue, Suite B, from a retail to a restaurant space;
2. A deviation from shared parking requirements for the proposed restaurant space (240 spaces existing; 248 spaces required); and
3. Proposed valet parking plan to provide 12 valet spaces to offset increased parking demand for the new restaurant space. The original master plan required 240 parking spaces based on unique operational characteristics and adjusted shared parking. The net increase in parking for the new restaurant space is 8 spaces (248 spaces required; 252 spaces proposed by valet).

### **AUTHORIZED AGENT**

The authorized agent is John Hill, representing Sparks Enterprises, L.P., the property owner.

### **RECOMMENDATION**

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

## **BACKGROUND**

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

The subject property is located on the north side of Adams Avenue, between Harbor Boulevard and Royal Palm Drive. The majority of the buildings in the center are oriented towards Adams Avenue; the backs of the buildings face towards Elm Avenue. The retail center was originally constructed in the 1960's. The property is zoned C1 and has a General Plan designation of General Commercial.

### ***Previous Entitlements***

#### **PA-10-30**

On December 13, 2010, Planning Commission approved Planning Application PA-10-30, a master plan for the remodel of the existing retail center consisting of the following elements:

#### ***New Construction, Remodel, and Demolition***

##### **1500 and 1510 Adams Avenue**

- Construction of a new one-story, 4,000 square foot retail pad building in the southeast corner of the existing shopping center parking area, abutting the existing one-story retail building at 2801 Harbor Boulevard (this building was not part of the subject retail center property).

##### **1534 and 1536 Adams Avenue**

- Demolition of 3,457 square feet of the former Paul Mitchell building (1534 Adams Avenue) and removal of the existing 29-foot deep landscape planter between the building and the front property line;
- Construction of a 2,350 square foot addition to the former Paul Mitchell building on the currently vacant 1536 Adams Avenue property;
- Installation of new parking areas and drive aisles that will provide vehicle circulation throughout the property;
- A Lot Line Adjustment to shift the easterly side property line for the vacant 1536 Adams Avenue property 30 feet to the west to accommodate the 2,350 square foot addition to the former Paul Mitchell building as described above;
- A Variance for a new 3-10 foot deep landscape planter along the Adams Avenue street frontage.

##### **1548 Adams Avenue**

- Demolition of 2,062 square feet of second story office space at the rear of the building (toward Elm Avenue);
- The addition of two rows of on-site parking backing into a central drive aisle between the existing building and the reconfigured building at 1534 Adams Avenue.

## *Shared Access and Parking*

The proposal included the following parking-related components:

- *Reciprocal access and parking for the entire retail center.* The vacant property at 1536 Adams Avenue was paved to provide additional vehicle parking and access. The new parking area created a connection among the parcels at this retail center; essentially providing an opportunity for reciprocal access and parking for all visitors at the center.
- *Requested deviation from shared parking requirements.* The request was for a reduction in on-site parking spaces based on the City's shared parking requirements (272 parking spaces required; 240 spaces approved).

A time extension for the approval was granted by the Planning Commission on March 12, 2012. Building permits were issued in June, 2012 and construction completed in February, 2013.

## **ANALYSIS**

### ***Project Description***

As noted above, the current development was approved with 240 on-site parking spaces for the mix of retail, office, and restaurant uses allowed within the center. Specifically, the square footage for the tenant mix for 1534 Adams Avenue was approved as follows:

#### *1534 Adams Avenue*

#### ***EXISTING:***

Retail = 7,350 sf  
Restaurant = 4,000 SF  
Total = 11,350 SF

The purpose of the master plan amendment is to convert 2,334 square feet of space (Suite B, located between Chocxo Coffee and Cacao, and Kickin' Crab), previously approved for retail space, to a restaurant space. The updated square footage for the tenant mix is included below:

#### ***PROPOSED (With 2,334 SF of Additional Restaurant Space):***

Retail = 5,016 SF  
Restaurant = 6,334 SF  
Total = 11,350 SF

As noted in the comparison of the existing and proposed shared parking analysis for the entire center as provided in the applicant's site plan package (Attachment 5), a net

increase of 8 parking spaces will be created by the addition of the proposed restaurant space.

## **GENERAL PLAN AND ZONING CODE CONFORMANCE**

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***

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 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 recommended conditions of approval protects the balance of land uses satisfying the needs of the community as it pertains to commercial retail uses without adversely impacting the adjoining residential neighborhood. Therefore, the project is consistent with this General Plan goal.

### ***Conformance with the Zoning Code***

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, including parking.

### ***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.

- *The existing parking supply (240 spaces) has been found to be adequate for the shopping center during peak demand times.* A parking survey of the shopping center was conducted by Linscott, Law and Greenspan (LLG) over a three-day period in August of 2015 from 8:00 am to 9:00 pm (Thursday, 8/13/15; Friday, 8/14/15, and Saturday, 8/15/15). According to the survey (Attachment 5), even at

the peak parking period (7:00 pm Friday, 8/14/15), there was a surplus of 39 spaces within the center (240 spaces provided; 207 spaces occupied).

**Summary of LLG Parking Survey from August 13, 2015 to August 15, 2015**

	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
Peak Parking Utilized (240 Spaces Provided)	169 Spaces (12:30 pm) 71 Space Surplus	207 Spaces (7:00 pm) 33 Space Surplus	154 Spaces (4:00 pm) 86 Space Surplus

Source: LLG

Although the parking survey noted above would appear to indicate that the 240 spaces appears to be adequate to accommodate the proposed restaurant, the applicant is proposing to offset the 8 space parking reduction by providing valet parking spaces within the center. The valet parking spaces would be provided in the parking area at the rear of the building (toward Elm Avenue) (Attachment 5). The green spaces shown on the plan represent a standard valet parking option, which produces the 8 parking stalls needed; the blue spaces reflect overflow valet, if needed.

Staff has incorporated, as a condition of approval, that the plan include the following:

- The valet station(s) shall be located on private property in areas that do not interfere with parking for other properties, drive aisles, public alleys, or public streets.
- Valet parking shall occur in the areas shown in the approved site plan only. No valet parking may occur on any other property or in any public alley or public street.
- Valet parking shall specify the hours it will take place.
- To minimize impacts to adjacent residential properties, drop-off and pick-up of customer cars shall not occur within the parking area at the rear of the property (along the Elm Avenue frontage). This area shall be used for the parking of valet vehicles only as shown on the proposed valet parking plan.
- There shall be no charge for valet at any time.
- Parking spaces not reserved for valet parking shall remain open and unobstructed for customer self-parking.

Additionally, the following additional conditions of approval are recommended:

- Applicant shall provide a parking assessment after the proposed restaurant has been open for six months. Planning staff will complete field observations of the parking utilization during peak periods in the shopping center at that time. Based on the parking assessment, the Development Services Director shall require that the valet parking plan be implemented or defer valet parking for a future specified period.
- A parking attendant and adequate signage shall direct customers to park in underutilized areas of the parking lot during peak periods. The parking signs shall be installed prior to the grand opening of the restaurant. The parking attendant shall be employed during peak periods during the first 60 days of operation of the

business. The Development Services Director shall defer the need for a parking attendant after the 60 day period if the applicant demonstrates that there are no impacts in the shopping center and if there are no parking-related complaints received from the public. The Development Services Director shall reserve the right to require a parking attendant on an as needed basis in the future if parking problems occur.

- The Transportation Services staff has determined that the valet parking plan is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. 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.
- Granting the request 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. Compliance with the applicable Building and Fire Safety Codes will ensure that the proposed use 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.
- Granting the request 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. The property has a General Plan Designation of Commercial Center. The project, as conditioned, is consistent with the property's general plan designation. The request, as conditioned, is consistent with the following goals and objectives of the General Plan. The property is not located within a specific plan area.
  - **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

## **ENVIRONMENTAL DETERMINATION**

If the Planning Commission approves the project, it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. The project site contains an existing commercial building. If the Planning Commission denies the project, the denial is exempt from the provisions of CEQA Section 15270(a) for projects which are disapproved.

## **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 affected properties (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 proposed restaurant expansion, as conditioned, will not adversely affect surrounding properties and uses. Therefore, staff supports the proposed project.

  
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MEL LEE, AICP  
Senior Planner

  
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CLAIRE FLYNN, AICP  
Asst. Development Services Director

Attachments: 

1. Location Map, Zoning Map, and Radius Map
2. Site Photos
3. Applicant's Project Description
4. Draft Resolutions
5. Site Plan, Parking Survey, and Valet Parking Plan

Distribution: Director of Economic & Development Services/Deputy CEO  
Senior Deputy City Attorney

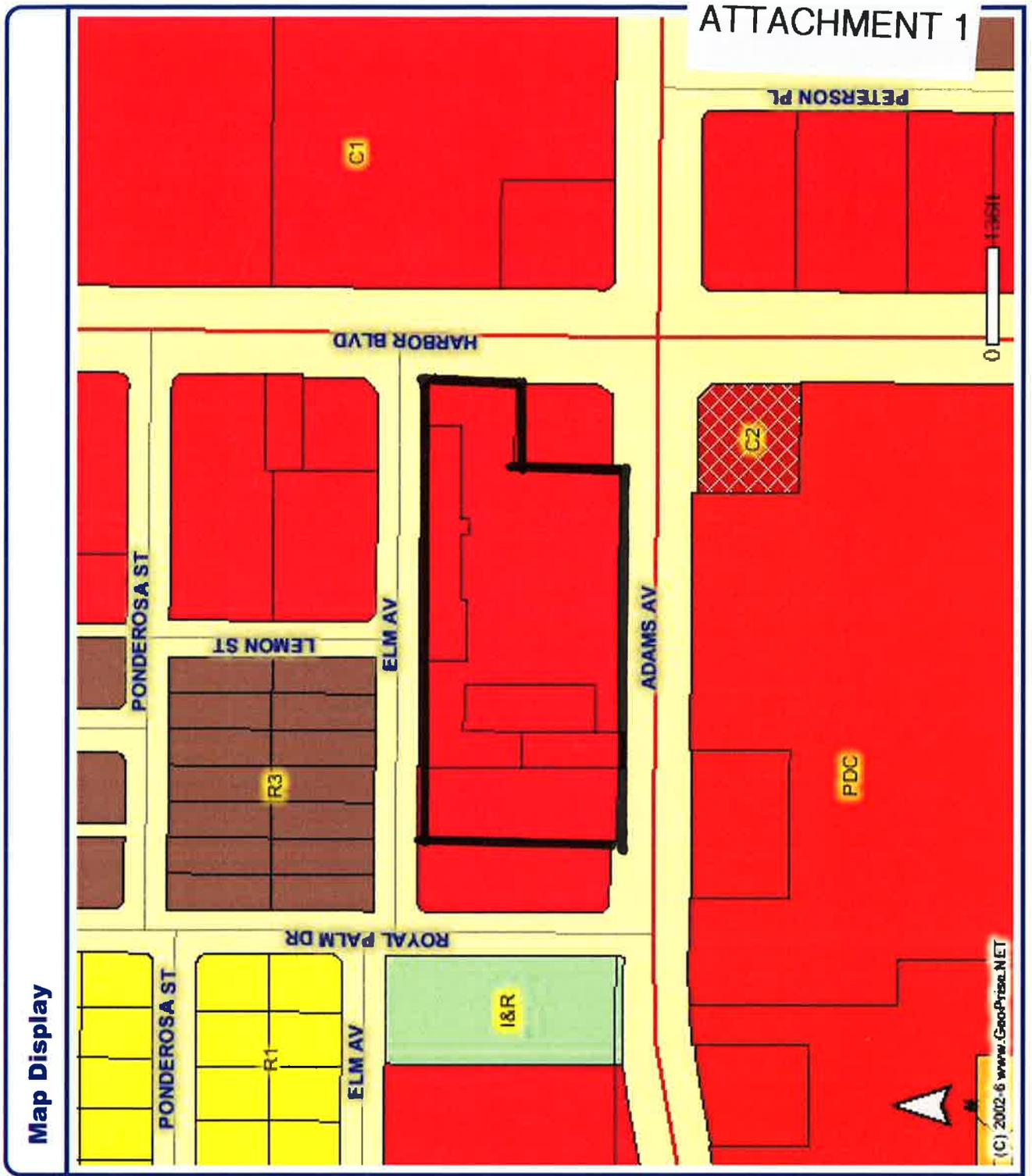
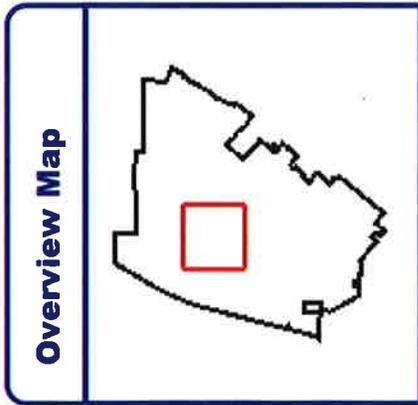
Public Services Director  
City Engineer  
Transportation Services Manager  
Fire Protection Analyst  
File (2)

John S. Hill  
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Costa Mesa, CA 92626

Tom Sparks  
1500 Adams, Suite 300  
Costa Mesa, CA 92626

# City of Costa Mesa

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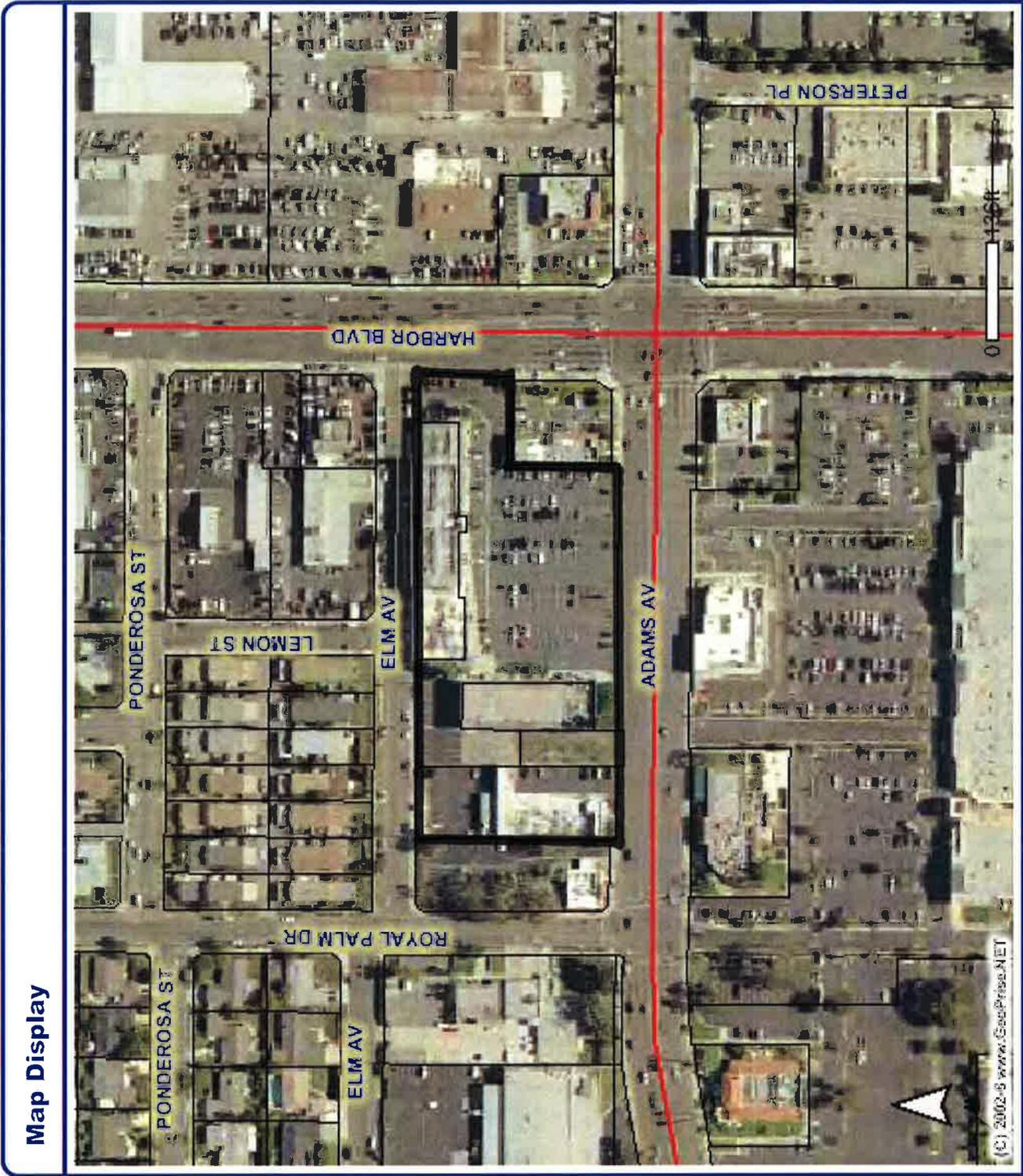
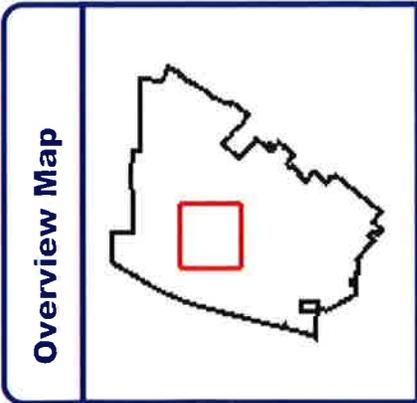


### Legend

	Freeway		Street Names
	Roads		Street Centerlines
	Collector Freeway		Parcel Lines
	Major Freeway		City Boundary
	Newport Blvd		Water Ways
	Primary Freeway		
	SECONDARY Freeway		
	Hydrology		
	Channels		

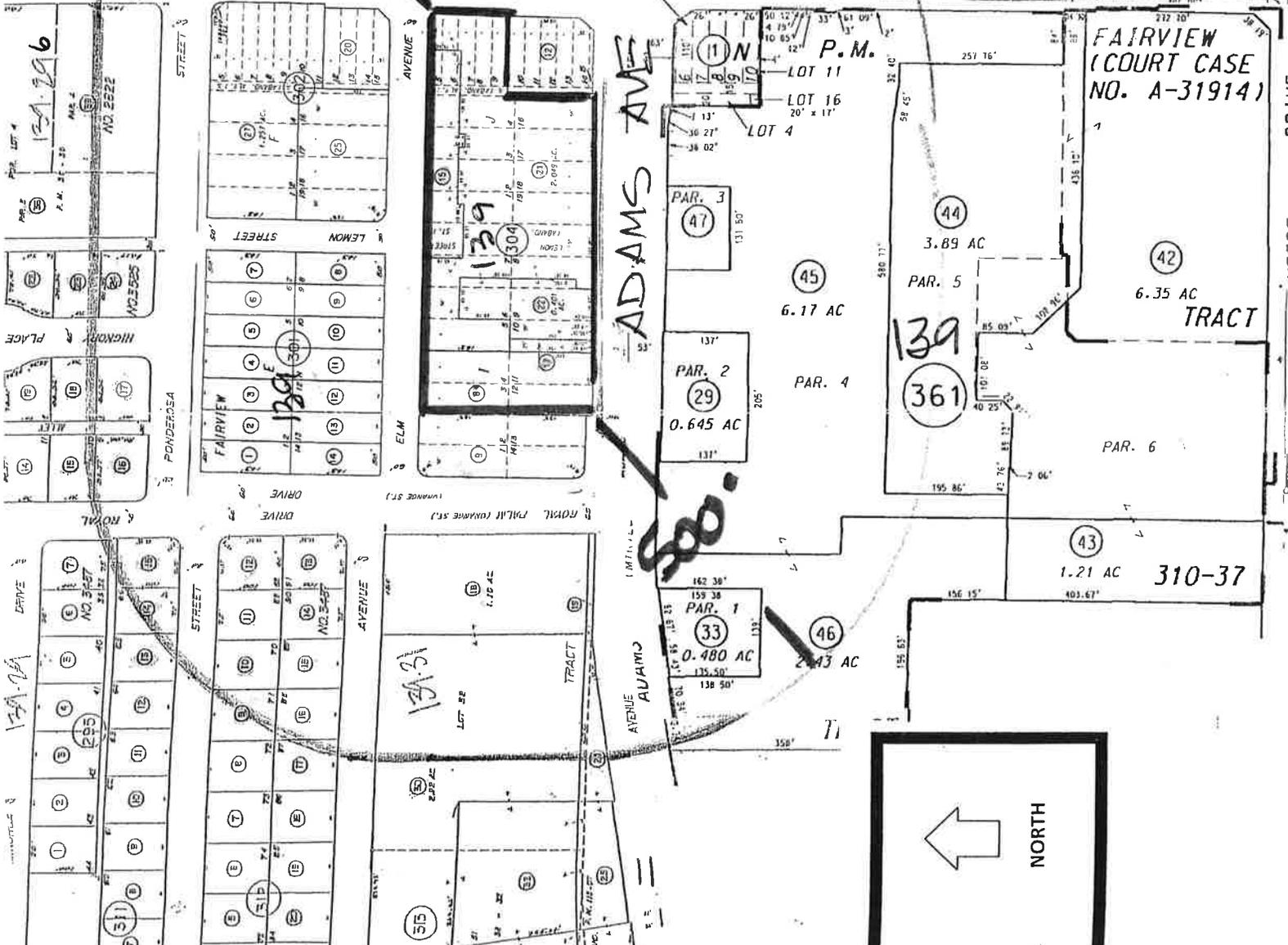
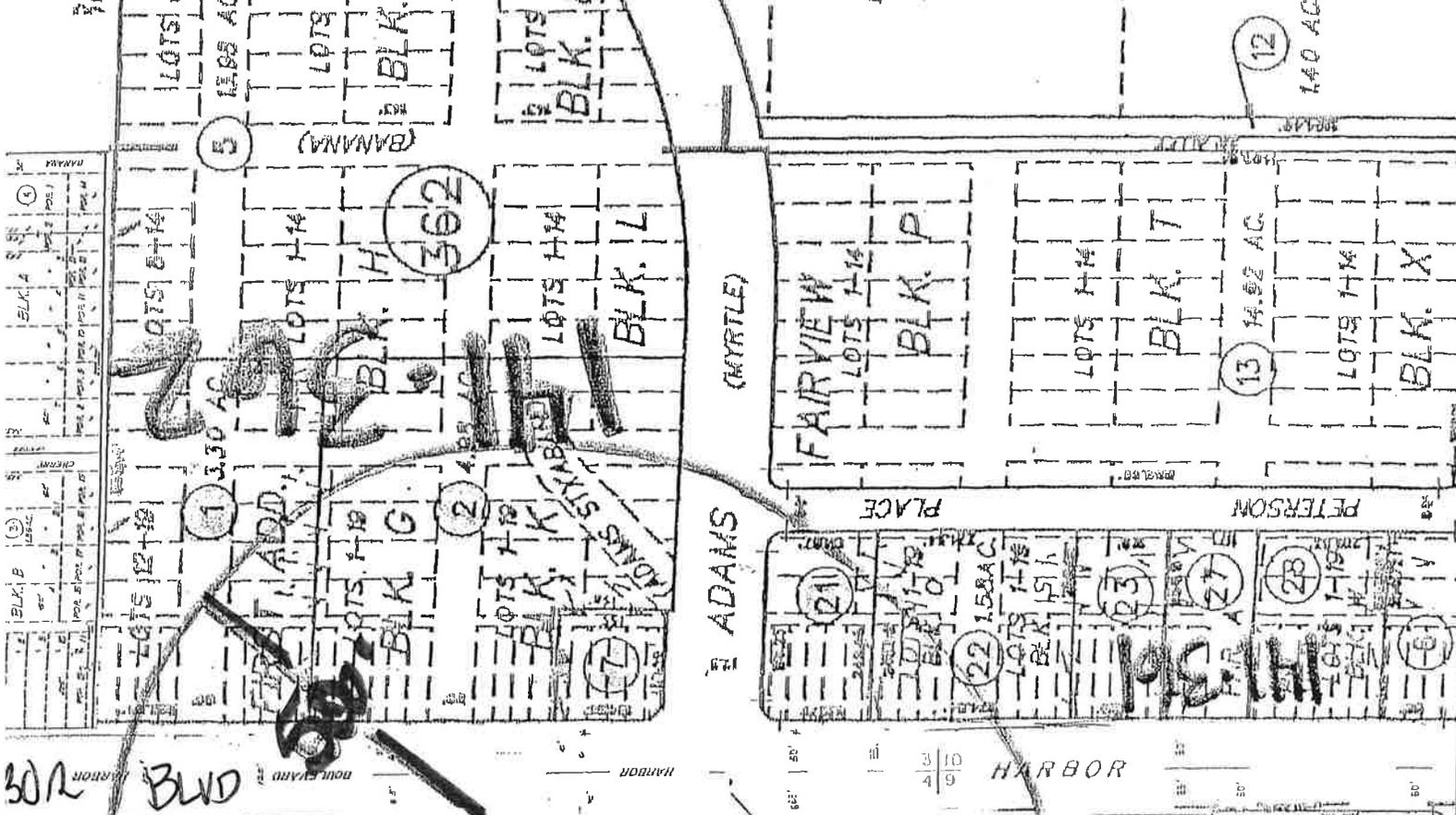
# City of Costa Mesa

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### Legend

	Freeway		Street Names
	Roads		Street Centerlines
	Collector		Parcel Lines
	Freeway		City Boundary
	Major		Water Ways
	Newport Blvd		
	Primary		
	SECONDARY		
	Hydrology		
	Channels		

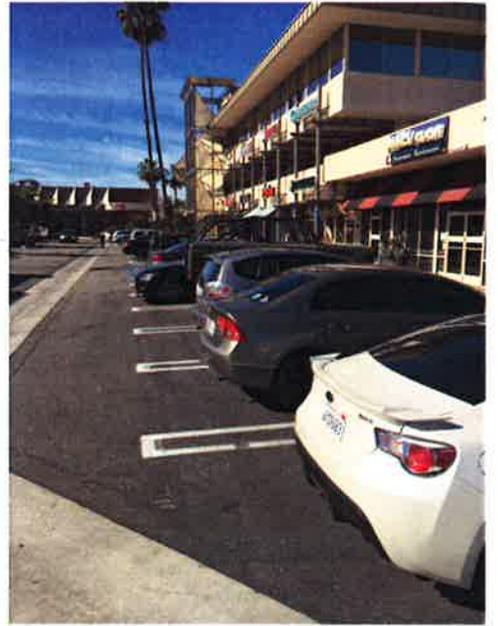




PHOTOS OF SUBJECT PROPERTY (1534 ADAMS, SUITE B)



**PHOTOS OF SHOPPING CENTER PARKING AREA TAKEN  
12:00 NOON JANUARY 29, 2016**











robinson hill architecture, inc.

October 9, 2015

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

Re: Letter of Justification  
1534 Adams Avenue  
Costa Mesa, CA 92626

Mr. Lee,

On behalf of the Property Owner, I'm pleased to submit the enclosed Minor CUP Application for 1534 Adams Avenue. As you know, this property was redeveloped in 2012, and was met with a successful turnout. Nearly all lease spaces have been filled, and the site operations have conducted without complications.

Though the bulk of the property has functioned as intended, we have struggled with one lease space, which has remained empty since the redevelopment, in 2012. This Suite is Space B, in the 1534 Adams Building, formerly the Theater Building. This suite faces Adams, and is positioned between the Coffee Shop and the Kick'in Crab Restaurant. This suite is currently zoned for retail use; however, we have been unsuccessful in securing a tenant for the space. There has been interest in using the space for food service, except that the space is not zoned for restaurant.

In August, Linscott Law and Greenspan was hired to conduct a three day parking survey, to see what vacancies existing within the site. According to the site survey conducted on August 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>, the peak demand time appeared to be 6:00PM Friday Night. And the parking vacancy that that peak time was 39 stalls. Since the parking requirement to convert the space from retail to restaurant would be 8 parking stalls, I believe it's apparent that the site is capable of supporting the additional parking impact. For this reason, we are requesting that the City modify the current parking variance of 32 parking stalls to 40 parking stalls, as shown in our submittal drawings.

I hope this application is received with favor. We are seeking Staff Support in the review and processing of this application.

Sincerely,

John Hill  
Architect

Robinson Hill Architecture, Inc.  
3185-S Airport Loop Drive  
Costa Mesa, CA 92626  
www.robhilla.com

Telephone: 714.253.5388 - Facsimile: 714-829-9837

## RESOLUTION NO. PC-16-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-10-30 A1 TO PROVIDE ADDITIONAL RESTAURANT SPACE IN A RETAIL SHOPPING CENTER WITH ON-SITE VALET PARKING AT 1534 ADAMS AVENUE, SUITE B**

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

WHEREAS, an application was filed John Hill, representing Sparks Enterprises, the property owner, requesting approval of the following:

- Conversion of a 2,334 square foot tenant space located at 1534 Adams Avenue, Suite B, from a retail to a restaurant space;
- A deviation from shared parking requirements for the proposed restaurant space (240 spaces existing; 248 spaces required); and
- Proposed valet parking plan to provide 12 valet spaces to offset increased parking demand for the new restaurant space. The original master plan required 240 parking spaces based on unique operational characteristics and adjusted shared parking. The net increase in parking for the new restaurant space is 8 spaces (248 spaces required; 252 spaces proposed by valet).

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of CEQA under Section 15301 for Existing Facilities.

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 February 8, 2016 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-10-30 A1.

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-10-30 A1 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 8th day of February, 2016.**

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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 February 8, 2016 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Claire L. Flynn, Secretary  
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 compatible 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 use 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:** The use is an existing commercial project consistent with the C1 zoning of the property and, as conditioned, compatible with the residentially-zoned properties in the vicinity. Compliance with the applicable Building and Fire Safety Codes will ensure that the use 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.

**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 property has a General Plan Designation of General Commercial. The project, as conditioned, is consistent with the applicable provisions of the General Plan Designation. The request, as conditioned, is consistent with the following goals and objectives of the General Plan.

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 recommended conditions of approval protects the balance of land uses satisfying the needs of the community as it pertains to commercial retail uses. The project is consistent with this General Plan goal.

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

**Consistency:** The recommended conditions of approval protects existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities. The project is consistent with this General Plan goal.

- B. The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities. The project, as conditioned, is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- C. 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

- Plng. 1. The use shall be limited to the type of operation described in the staff report and the applicant's description, subject to the following conditions: If parking shortages result at the retail center, the property owner, if directed to do so by the Development Services Director, shall provide and implement a valet parking plan. The valet plan shall be subject to the following:
- a. The valet station(s) shall be located on private property in areas that do not interfere with parking for other properties, drive aisles, public alleys, or public streets.
  - b. Valet parking shall occur in the areas shown in the approved site plan only. No valet parking may occur on any other property or in any public alley or public street.
  - c. Valet parking shall specify the hours it will take place.
  - d. To minimize impacts to adjacent residential properties, drop-off and pick-up of customer cars shall not occur within the parking area at the rear of the property (along the Elm Avenue frontage). This area shall be used for the parking of valet vehicles only as shown on the proposed valet parking plan.
  - e. There shall be no charge for valet at any time.
  - f. Parking spaces not reserved for valet parking shall remain open and unobstructed for customer self-parking.
- Any change in the operational characteristics shall require review by the Planning Division and may require an amendment to the master plan, 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. The owner/operator shall provide a parking assessment after the proposed restaurant has been open for six months. Planning staff will complete field observations of the parking utilization during peak periods in the shopping center at that time. Based on the parking assessment, the Development Services Director shall require that the valet parking plan be implemented as outlined in the previous condition or defer valet parking for a future specified period.
  3. A parking attendant and adequate signage shall direct customers to park in underutilized areas of the parking lot during peak periods. The parking signs shall be installed prior to the grand opening of the restaurant. The parking attendant shall be employed during peak periods during the first 60 days of operation of the business. The Development Services Director shall defer the need for a parking attendant after the 60 day period if the applicant demonstrates that there are no impacts in the shopping center and if there are no parking-related complaints received from the public. The Development Services Director shall reserve the right to require a parking attendant on an as needed basis in the future if parking problems

occur.

4. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate security and operational measures are necessary to comply with this requirement.
5. The conditions of approval, code requirements, and special district requirements of PA-10-30 A1 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
6. 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.
7. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
8. 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.
9. The applicant shall maintain free of litter all areas of the premises under which applicant has control, including the off-site valet parking lots.
10. 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.
11. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
12. Permits shall be obtained for all signs and shall comply with the provisions of the Costa Mesa Sign Ordinance.
13. 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. 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. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- Bldg. 3. 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.
- 4. 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 of the 2013 California Building Code.
- 5. Provide a plan to the County of Orange Health Department for review and approval.
- Trans. 6. If required, 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.

- Fire 7. Change of use may require a fire sprinkler system in accordance with NFPA 13, at the applicant's expense.
- 8. Change of use will require change of occupancy per the building code.

**SPECIAL DISTRICT REQUIREMENTS**

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

- Sani. 1. County Sanitation District fees, fixture fees, inspection fees, and sewer permit are required prior to installation of sewer.
- 2. 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.
- 3. Applicant shall contact Costa Mesa Sanitary District at (949) 654-8400 for any additional district requirements.
- AQMD 4. 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 5. 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.
- State 6. 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-16-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-10-30 A1 TO PROVIDE ADDITIONAL RESTAURANT SPACE IN A RETAIL SHOPPING CENTER WITH ON-SITE VALET PARKING AT 1534 ADAMS AVENUE, SUITE B**

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

WHEREAS, an application was filed John Hill, representing Sparks Enterprises, the property owner, requesting approval of the following:

- Conversion of a 2,334 square foot tenant space located at 1534 Adams Avenue, Suite B, from a retail to a restaurant space;
- A deviation from shared parking requirements for the proposed restaurant space (240 spaces existing; 248 spaces required); and
- Proposed valet parking plan to provide 12 valet spaces to offset increased parking demand for the new restaurant space. The original master plan required 240 parking spaces based on unique operational characteristics and adjusted shared parking. The net increase in parking for the new restaurant space is 8 spaces (248 spaces required; 252 spaces proposed by valet).

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 8, 2016 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-02-50 A2.

**PASSED AND ADOPTED this 8th day of February, 2016.**

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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 February 8, 2016 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Claire L. Flynn, Secretary  
Costa Mesa Planning Commission

## EXHIBIT A

### FINDINGS (DENIAL)

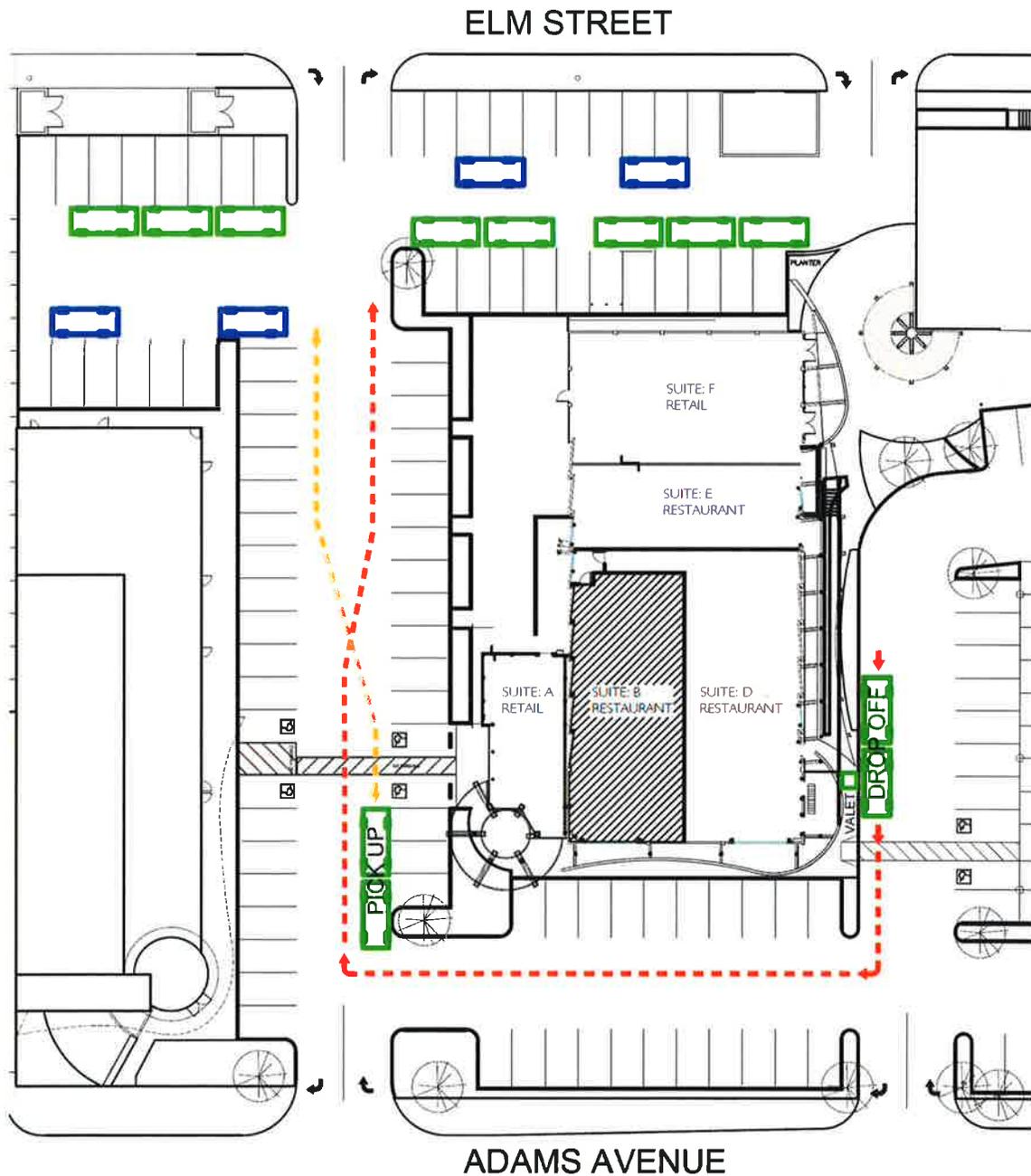
- A. The requested conditional use permit does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because:

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

- B. The Costa Mesa Planning Commission has denied Planning Application PA-10-30 A1. 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.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



## VALET PARKING PLAN

1534 ADAMS  
SPARKS ENTERPRISES, LP

robinson hill architecture, inc.





ZONE A (LOT)																			
TIME	A1		A2		A3		A4				A5			A6	A7	A8	A9	A10	
	REGULAR	REGULAR	REGULAR	ADA	2HR	SUBTOTAL	REGULAR	MOTORCYCLE	ADA	SUBTOTAL	REGULAR	ADA	MOTORCYCLE	SUBTOTAL	REGULAR	REGULAR	REGULAR	REGULAR	
Spaces	8	16	11	2	1	14	13	4	2	19	13	1	1	15	12	12	11	11	11
8:00 AM	0	1	2	0	0	2	0	0	0	0	0	0	0	0	0	0	2	1	0
9:00 AM	1	1	2	0	0	2	0	0	0	0	0	0	0	0	1	0	4	2	0
10:00 AM	1	3	1	0	1	2	3	0	0	3	2	0	0	2	2	6	4	4	0
11:00 AM	1	6	6	0	1	7	4	0	2	6	3	0	0	3	4	8	7	5	2
12:00 PM	3	11	4	2	1	7	9	0	2	11	9	0	0	9	12	12	8	9	6
12:30 PM	4	12	9	2	1	12	10	0	2	12	13	1	0	14	12	11	10	11	11
1:00 PM	6	10	6	2	1	9	10	0	2	12	13	1	0	14	12	12	11	11	10
2:00 PM	2	9	7	1	1	9	9	0	2	11	7	1	0	8	10	11	11	7	7
3:00 PM	0	8	6	0	1	7	10	0	2	12	6	1	0	7	9	8	5	6	9
4:00 PM	0	7	5	0	0	5	12	2	2	16	6	1	0	7	9	8	5	5	8
5:00 PM	1	7	6	0	1	7	11	2	2	15	7	0	0	7	11	6	8	10	6
6:00 PM	6	10	10	0	0	10	11	2	2	15	12	0	0	12	10	10	8	11	9
7:00 PM	1	7	6	0	0	6	11	2	2	15	12	1	0	13	12	12	6	8	11
8:00 PM	2	10	3	0	0	3	13	1	1	15	10	1	0	11	9	8	11	9	8
9:00 PM	0	7	5	0	0	5	11	1	1	13	8	0	0	8	5	8	9	7	10

← DAILY PEAK

LEGENDS

HATCH INDICATES PARKING STALLS WHICH WERE FILLED.

NOTES

- 6 ON-SITE PARKING SPACES ARE FOR MOTOR CYCLE PARKING, I.E. 246
- STREET PARKING IS SHOWN FOR REFERENCE ONLY. STREET PARKING WAS NOT USED IN TABULATION.

ZONE A (LOT) (Cont.)																															
TIME	A11			A12			A13			A14			A15			A16			A17			A18			A19			A20			TOTAL
	REGULAR	ADA	SUBTOTAL	REGULAR	REGULAR	REGULAR	REGULAR	ADA	SUBTOTAL	REGULAR	10-MIN	ADA	SUBTOTAL	REGULAR	REGULAR	REGULAR	REGULAR	ELEC. VEHICLE	REGULAR	SUBTOTAL	REGULAR										
Spaces	8	2	10	14	11	10	18	1	19	13	6	1	20	6	8	10	4	2	3	9	246										
8:00 AM	0	0	0	1	2	0	2	0	2	1	1	0	2	0	1	4	2	1	0	3	21										
9:00 AM	0	0	0	4	2	1	4	0	4	3	3	0	6	0	1	6	3	0	1	4	39										
10:00 AM	0	0	0	3	3	3	6	0	6	4	1	0	5	0	1	9	3	0	1	4	61										
11:00 AM	2	0	2	4	3	1	8	0	8	4	4	0	8	0	4	10	4	1	1	6	95										
12:00 PM	5	1	6	10	3	3	8	0	8	6	3	0	9	1	3	10	3	1	2	6	147										
12:30 PM	5	1	6	12	5	1	11	0	11	7	1	0	8	0	2	9	3	1	2	6	169										
1:00 PM	7	0	7	14	5	3	9	0	9	6	3	0	9	0	2	9	3	1	1	5	170										
2:00 PM	4	0	4	8	4	4	10	0	10	4	3	1	8	0	2	8	3	1	3	7	140										
3:00 PM	8	0	8	6	6	3	10	0	10	4	4	0	8	0	5	8	3	1	2	6	131										
4:00 PM	8	0	8	6	7	3	10	0	10	8	4	0	12	1	8	7	2	1	2	5	137										
5:00 PM	7	1	8	6	6	2	10	0	10	7	2	0	9	0	5	7	2	0	1	3	134										
6:00 PM	8	1	9	7	3	5	11	0	11	7	3	0	10	2	5	8	2	0	3	5	166										
7:00 PM	8	1	9	13	7	6	12	0	12	8	4	0	12	1	5	8	3	1	1	5	169										
8:00 PM	6	2	8	13	10	5	10	0	10	10	2	0	12	0	5	8	2	1	0	3	160										
9:00 PM	3	1	4	12	10	6	9	0	9	8	0	0	8	0	3	6	2	1	0	3	133										

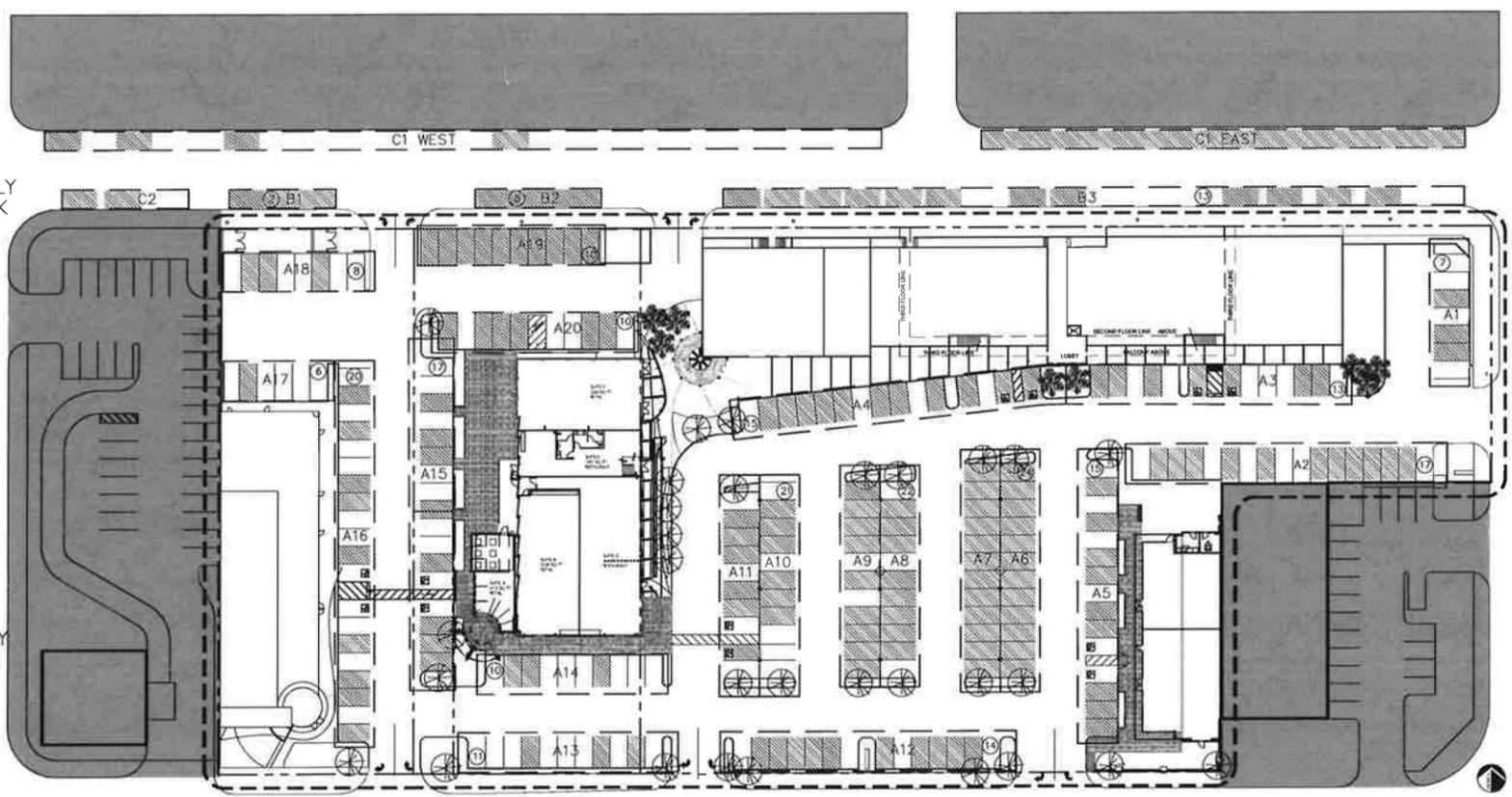
← DAILY PEAK

ZONE B (Street Parking)							
TIME	B1		B2		B3		TOTAL
	REGULAR	ADA	REGULAR	LOADING ZONE	SUBTOTAL		
Spaces	2	2	12	3	15	19	
8:00 AM	2	2	6	0	6	10	
9:00 AM	2	2	6	0	6	10	
10:00 AM	1	2	7	1	8	11	
11:00 AM	2	2	10	1	11	15	
12:00 PM	2	2	11	1	12	16	
12:30 PM	2	2	11	1	12	16	
1:00 PM	2	2	11	1	12	16	
2:00 PM	2	2	10	1	11	15	
3:00 PM	2	2	11	1	12	16	
4:00 PM	2	2	11	1	12	16	
5:00 PM	2	2	11	1	12	16	
6:00 PM	2	2	9	1	10	14	
7:00 PM	2	2	8	0	8	12	
8:00 PM	2	2	7	0	7	11	
9:00 PM	2	2	7	0	7	11	

← DAILY PEAK

ZONE C (Street Parking)						
TIME	C1 (West)		C1 (East)		C2	TOTAL
	REGULAR	ADA	GREEN ZONE	SUBTOTAL		
Spaces	13	5	2	7	3	23
8:00 AM	5	6	2	8	2	15
9:00 AM	4	5	2	7	1	12
10:00 AM	5	7	2	9	1	15
11:00 AM	4	5	2	7	2	13
12:00 PM	4	5	2	7	2	13
12:30 PM	3	5	2	7	2	12
1:00 PM	5	6	2	8	2	15
2:00 PM	6	6	2	8	2	16
3:00 PM	6	6	2	8	1	15
4:00 PM	6	6	2	8	1	15
5:00 PM	7	5	2	7	2	16
6:00 PM	9	5	2	7	1	17
7:00 PM	8	5	2	7	1	16
8:00 PM	8	4	2	6	2	16
9:00 PM	8	4	2	6	1	15

← DAILY PEAK



35

ADAMS AVE.

OPEN PARKING STALLS: 77





