



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: APRIL 11, 2016

ITEM NUMBER: CC-2

**SUBJECT: REVIEW OF ZONING APPLICATION ZA-15-30, A MINOR CONDITIONAL USE PERMIT TO ALLOW A DEVIATION FROM HOURS OF OPERATION FOR A 1,440 SQUARE-FOOT RESTAURANT AT 3033 BRISTOL STREET, SUITE E**

**DATE: APRIL 1, 2016**

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

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

**FOR FURTHER INFORMATION CONTACT: RYAN LOOMIS, (714) 754-5608  
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## **BACKGROUND/HISTORY**

### *Summary of Minor Conditional Use Permit ZA-15-30 Action (Denial) Based on Old Project Description*

On September 11, 2015, the Zoning Administrator denied the original request to extend restaurant hours to 3AM, daily, for Halal Guys, based on the lack of any proposed security measures at the time of the Zoning Administrator's decision. 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.) A link to the original September 11, 2015 staff report is provided at following link:

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

### *Appeal of Minor Conditional Use Permit ZA-15-30*

On September 18, 2015, the applicant formally requested an appeal regarding the denial of ZA-15-30. One reason for requesting the appeal was to modify the hours of operation from the originally requested 3AM daily closure, to a 12AM closure, Sunday through Wednesday, and to 1AM, Thursday through Saturday; the restaurant would not open before 11AM. No alcohol sales or live entertainment were proposed. Staff scheduled the appeal to Planning Commission on October 26, 2015. During the public review period, staff received twelve public responses opposing the project, which are discussed in the original October 26, 2015 staff report. The Planning Commission continued the appeal to the December 14, 2015 Planning Commission meeting to allow time for the restaurant owners to address neighbor's concerns. 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>

The Planning Commission continued the appeal to the December 14, 2015 Planning Commission meeting to allow time for the restaurant owners to address neighbor's concerns. As discussed in the staff report for the December 14, 2015 Planning Commission meeting, staff met with the property owners and Halal Guys ownership to discuss concerns received during the public comment period. At that time, Halal Guys and property owners provided a 'roadmap' on how they would address public concerns, including trash, security, and parking. Based on improved conditions, the Planning Commission decided to overturn the Zoning Administrator's denial decision with the condition that Planning staff return the item for review in three months to determine if further review – including modification or revocation – of the minor conditional use permit was necessary. A link to the December 14, 2015 staff report is provided at following link:

<http://www.costamesaca.gov/ftp/planningcommission/agenda/2015/2015-12-14/PH-4.pdf>

### ***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.

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 opened in early 2016. With these new locations opening, the amount of patrons visiting the Costa Mesa store has diminished.

### **ANALYSIS**

As discussed, the Planning Commission overturned the Zoning Administrator's denial decision with the condition that Planning staff return the item for review in three months to determine if further review – including modification or revocation – of the minor conditional use permit was necessary. The following is an update on measures by the property owner and business owners of Halal Guys for reducing impacts on the neighboring community.

Prior to the December 14, 2015 Planning Commission, Planning staff met with the property owners and Halal Guys ownership to discuss concerns discussed at the hearing regarding trash, security, and parking. The following includes measures continually taken by Halal Guys and the property owners since then to address concerns:

- Trash: The Halal Guys ownership have provided a trash log showing their staff have continued to survey nearby neighborhoods at beginning/end of shift to monitor trash

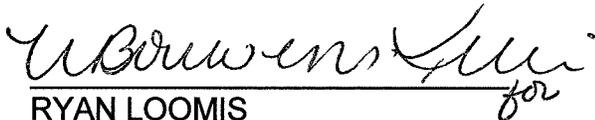
in nearby neighborhoods. The trash log has been provided to staff showing the dates and times of trash monitoring.

- Security: Per conditions of approval, the property owner has been required 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. The property owner has provided staff with on-site security reports that show noise, loitering and parking issues have been addressed and resolved.
- Communication efforts: Per conditions of approval, the property owners are required to 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. Based on an email from Halal, there have not been any issues or complaints during the late hours.

As of the writing of this memo, no complaints have been received since the December hearing. Public notice was mailed to surrounding property owners on April 1, 2016; any correspondence received will be provided in a Supplemental Memo.

### **RECOMMENDATION**

Staff recommends that the Planning Commission Receive and File this report. If complaints are received, continue the item to the April 25, 2016 Planning Commission for further consideration.

  
RYAN LOOMIS  
Associate Planner

  
CLAIRE FLYNN, AICP  
Asst. Development Services Director

Distribution: 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  
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Orange, CA 92867

Property  
Owner:

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3033 Bristol Street, LLC  
PO Box 1233  
Cardiff, CA 92007