



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MAY 9, 2016

ITEM NUMBER: PH-4

SUBJECT: PLANNING APPLICATION PA-16-22 FOR A CONDITIONAL USE PERMIT TO ALLOW EXTENDED HOURS OF OPERATION FOR CUSTOMER SERVICE AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AFTER 11:00 P.M. FOR A NEW RESTAURANT (WINGSTOP) LOCATED AT 2300 HARBOR BOULEVARD, SUITE A2

DATE: APRIL 28, 2016

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

The proposed project requests a conditional use permit for the following:

1. Extended hours of operation for customer service at a restaurant (Wingstop) located within 200 feet of a residential zone. Wingstop proposes to relocate from 1781 Newport Boulevard to 2300 Harbor Boulevard, Suite A2 and proposes operating hours from 10:30 a.m. to midnight, daily.
2. The sale of alcoholic beverages for on-site consumption after 11:00 p.m. located within 200 feet of a residential zone. Wingstop is applying for a Type 41 ABC license for beer and wine sales. The tenant space is 2,365 square feet in size with a proposed 300 square-foot outdoor dining patio.

APPLICANT OR AUTHORIZED AGENT

Sheryl Brady is the authorized agent for the property owner, Harbor Center Partners LP, of Mesa Verde Plaza LP.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions of approval.

BACKGROUND

Wingstop is a local restaurant currently located at 1781 Newport Boulevard, Suite C. The restaurant proposes to relocate to 2300 Harbor Boulevard, Suite A2, within the Harbor Center shopping center near the intersection of Harbor Boulevard and Wilson Street. The proposed 2,365 square foot restaurant will occupy a portion of the former Chase Bank suite within the C1-S (Shopping Center District) zone. Zones abutting the Harbor Center shopping center include C-1 (Local Business District) zone and R3 (Multiple-Family Residential District) to the north; C1-S (Shopping Center District) zone, C-2 (General Business District), and R3 (Multiple-Family Residential District) to the south; R1 (Single-Family Residential District) and R3 (Multiple-Family Residential District) to the east; and C-1 (Local Business District) zone, C-2 (General Business District), and I&R (Institutional & Recreational District) to the west (across Harbor Boulevard).

ANALYSIS

The applicant is requesting a conditional use permit for extended hours of operation and for the sale of alcoholic beverages for on-site consumption after 11:00 p.m. at 2300 Harbor Boulevard, Suite A2. A conditional use permit is required for extended operating hours of customer service and sales of alcohol after 11 p.m. when located within 200 feet of a residential zone; residentially zoned properties (R1 and R3 residential zones) are located to the north, south, and east of the Harbor Center shopping center.

The restaurant (Wingstop) is applying for a Type 41 ABC license for beer and wine sales. The proposed restaurant is located in a stand-alone building within the southern portion of the Harbor Center shopping center. The use immediately adjacent to the proposed restaurant includes a Dollar Loan Center. Other uses within the shopping center include restaurants, a bank, grocery store, and hardware store. The majority of these adjacent uses conduct business during the day and early evening hours. The proposed hours of operation for Wingstop are between 10:30AM and midnight, daily.

Parking

The proposed restaurant, with the outdoor dining patio, will require 27 parking spaces. This is an increase of 16 spaces required over a general retail use, and 14 additional parking spaces over the previous bank use. According to the most recent shared parking analysis, the Harbor Center shopping center has a surplus of 151 parking spaces. Therefore, no additional parking is required for the proposed Wingstop restaurant.

Outdoor Dining Patio Area

The proposed project requests a 300 square-foot outdoor dining patio for public serving area. A small portion of the outdoor dining patio will encroach into the interior landscaped area; however conditions of approval require any removed landscaped area be replaced to the satisfaction of the Development Services Director.

Noise

The restaurant with proposed outdoor dining patio is proposed within a commercial center with similar uses, including other restaurant uses, and is oriented toward other commercial

uses and away from any nearby residential uses. Although the property is within 200 feet of residentially zoned properties, noise impacts as a result of the restaurant and outdoor patio are not anticipated due to the separation of this use by other buildings in the center. Staff has contacted the Police Department to confirm if any concerns exist related to the proposed use. Based on feedback from Police Department, there are no concerns related to the proposed use.

Staff Justifications for Approval

Staff supports the above requests based on the following:

- *The proposed use, as conditioned, is compatible with the uses in the surrounding area.* Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses. Although the Harbor Center shopping center property abuts residentially zoned property to the east, the proposed Wingstop restaurant is buffered by existing buildings within the Harbor Center shopping center. Residential uses are protected from any noise or nuisance associated with the restaurant by the Albertsons building located east across the parking lot from the proposed restaurant. Regarding the outdoor dining patio, the portion of the patio encroaching into interior landscaped area is minimal; conditions of approval require any landscaping disturbed through the creation of the outdoor dining patio be replaced to the satisfaction of the Development Services Director. The outdoor patio is proposed within a commercial center with similar uses, including other restaurant uses, and is oriented toward other commercial uses and away from any nearby residential uses. The proposed restaurant is not considered a use that will increase density or intensity allowed per the General Plan designation. The General Plan designation for Harbor Center is General Commercial, which allows for retail and restaurant uses. Other similar commercial uses are located within the shopping center located south of the proposed Wingstop across Wilson Street. As such, the proposed use, as conditioned, will not generate adverse noise, traffic, or parking impacts that are unusual for commercially-zoned properties. Conditions of approval require noise sources be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

CONDITION #6: 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.

CONDITION #13: Any landscaped area disturbed and/or removed as a result of the outdoor dining patio shall be replaced to the satisfaction of the Development Services Director prior to building permit approval. Also, any wall, gate, or barrier required for outdoor dining patio shall be reviewed by the Development Services Director prior to building permit approval.

- The Police Department does not have any objection to the use. The Police Department has reviewed the proposed use and has no objections to the approval of the application. As of the date of this report, the City has not received any complaints from the public regarding the proposed use.
- No adverse parking impacts are anticipated. City Code requires that restaurants be parked at a rate of 10 spaces per 1,000 square feet. With 2,365 square feet of gross floor area, and 300 square feet of proposed outdoor dining area, the restaurant will require 27 parking spaces. This is an increase of 16 spaces required over a general retail use, and 14 additional parking spaces over the previous bank use. The Harbor Center shopping center includes 1,527 parking spaces. According to the most recent shared parking analysis, approximately 1,354 parking spaces are required during peak weekday demand, and 1,376 parking spaces are required during peak weekend demand. As such the shopping center has approximately 151 surplus parking spaces at maximum demand. Additional parking, therefore, is not required with the addition of Wingstop restaurant.

GENERAL PLAN CONFORMANCE

The proposed restaurant with alcohol sales after 11 p.m. within 200 feet of a residential zone is permitted in the C1 zone, subject to approval of a conditional use permit. Subject to conditions, the proposed use is in conformance with the 2000 General Plan. Specifically the project complies with the following Land Use Objectives:

LU-1A.1 Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.

The proposed use will provide for a new entrepreneurial business in Costa Mesa and provide new employment opportunities in the community.

LU-1F.1 Protect existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks) from the encroachment of incompatible or potentially disruptive land uses and/or activities

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301, for Existing Facilities.

LEGAL REVIEW

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

PUBLIC NOTICE

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

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

As of April 28, 2016, no communications have been received regarding this proposal. Any public comments received prior to the May 9, 2016 Planning Commission will be provided in a supplemental memo.

ALTERNATIVES

Resolution of approval or denial are attached. The denial of the request for extended customer service and alcohol sales after 11 p.m. within 200 feet of a residential zone shall include denial findings by the Planning Commission, as expressed at the public hearing.

CONCLUSION

The proposed project requests a conditional use permit for extended business hours ~~to~~ and the sale of alcoholic beverages for on-site consumption after 11:00 p.m. located within 200 feet of residential zone, located at 2300 Harbor Boulevard, Suite A~~3~~. The proposed use, with the recommended conditions of approval, will be consistent with City's Zoning Code and General Plan, and has been determined will minimize any adverse impacts to the surrounding properties.



RYAN LOOMIS
Associate Planner



CLAIRE FLYNN, AICP
Asst. Development Services Director

- Attachments:
1. Vicinity Map/Zoning Map
 2. Site Photos
 3. Authorized Agent's Project Description
 4. Draft Planning Commission Resolutions
 5. Plans

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

Authorized Agent: Sheryl Brady
Permit Place
13400 Riverside Drive, Suite 202
Sherman Oaks, CA 91423

Property Owner: Harbor Centers Partners LP
2222 East 17th Street
Santa Ana, CA 92705

City of Costa Mesa

VICINITY MAP: 2300 HARBOR BLVD - [Created: 4/27/2016 12:06:26 PM] [Scale: 453.84] [Page: 8.5 x 11 / Portrait]

Overview Map



Legend

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

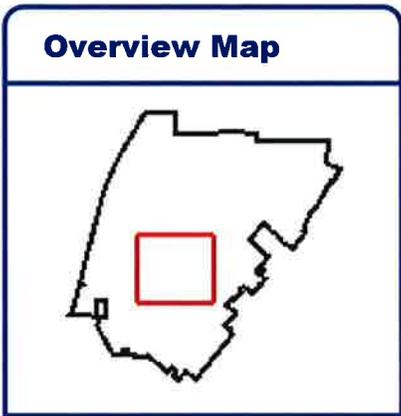
Map Display



(C) 2002-6 www.GeoPrise.NET

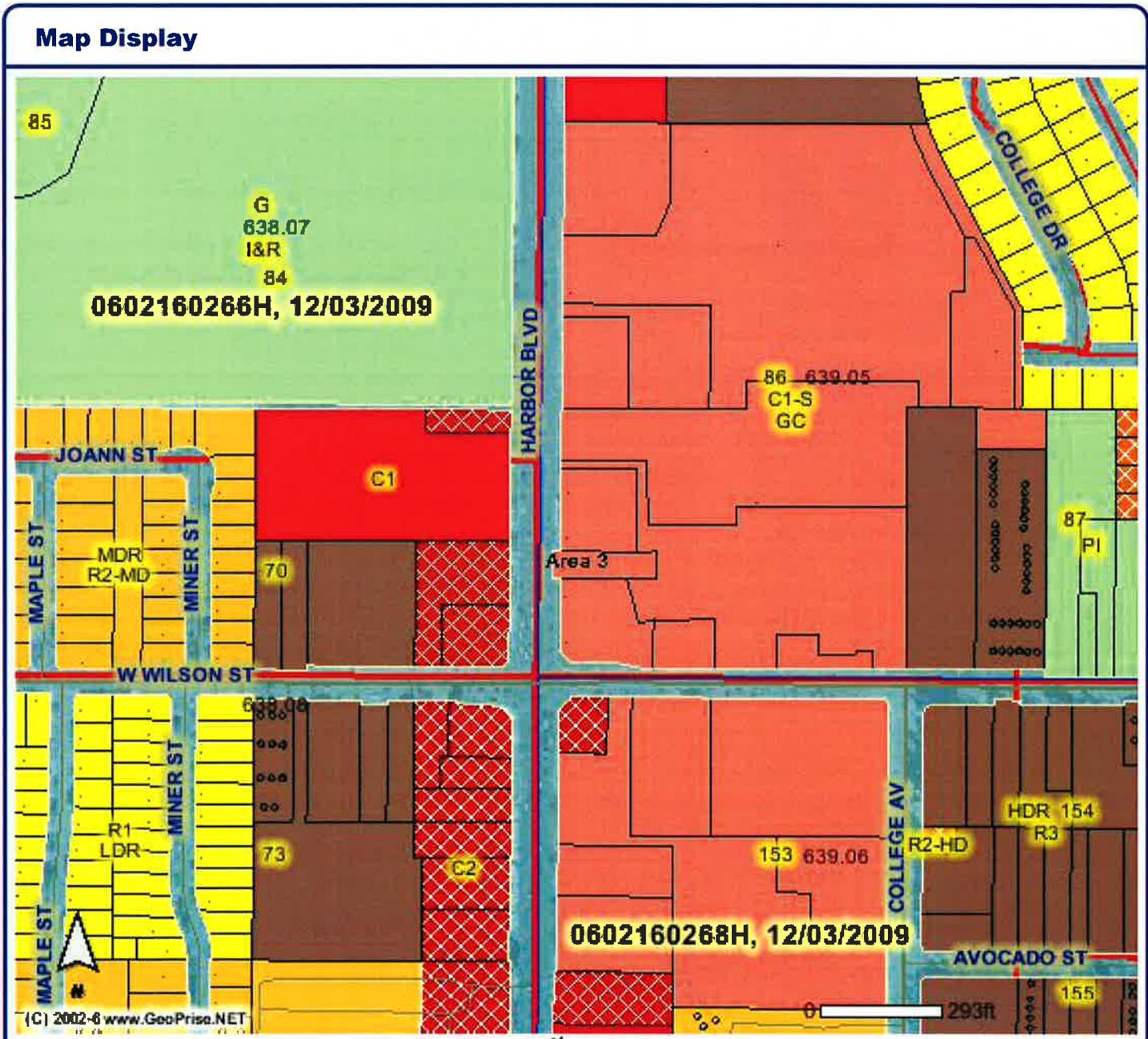
City of Costa Mesa

ZONING MAP: 2300 HARBOR BLVD - [Created: 4/27/2016 12:08:04 PM] [Scale: 453.83] [Page: 8.5 x 11 / Portrait]



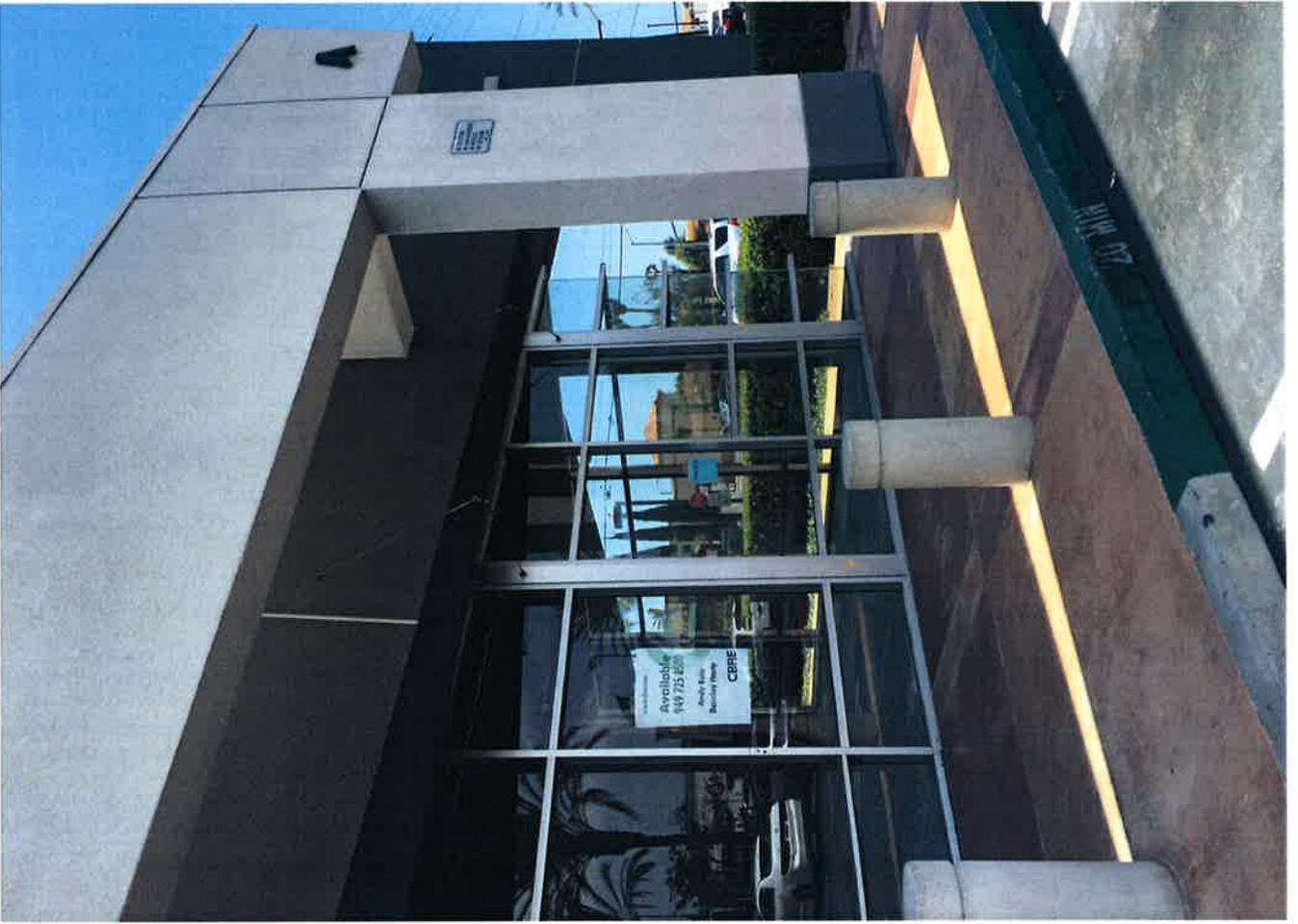
Legend

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



ATTACHMENT 2





**FAR WEST
RESTAURANT
GROUP, LLC**

3720 S. SUSAN, STE 120, SANTA ANA, CA 92704 • PHONE 714.868.7000 • FAX 714.868.7012

April 3, 2016

City of Costa Mesa Community Services Department
Planning Division

Re: Applicant's Letter
Far West Restaurant Group, LLC / Wingstop – 2300 Harbor Blvd, Suite A2, Costa Mesa CA 92627

Planning Staff:

My name is Daniel Sonenshine and I am President of Far West Restaurant Group, LLC. We are requesting a Conditional Use Permit (CUP) for the sale and on-site consumption of beer and wine in conjunction with an ABC Type 41 license at our newest Wingstop location in Costa Mesa. We are proposing to move from our current location at 1781 Newport Blvd, Suite C to the Home Depot retail center at 2300 Harbor Blvd. Wingstop will occupy suite A2. Wingstop has a current ABC Type 41 (On-sale Beer and Wine – Eating Place) at our current location and we intend to transfer the license to this new location,

The tenant space is 2,365 square feet in size with a 300 square foot patio area and the restaurant will seat approximately 86 guests and the patio area will seat approximately 28 guests. The restaurant will be open from 10:30am-midnight daily. This location will employ approximately ten (10) employees at any given time.

No alcohol will be served in the patio area.

Wingstop is a fast casual bona fide family restaurant serving made to order distinctive flavors of chicken wings. The chicken wings are offered in a variety of sauces and tossed to order. These distinctive sauces include teriyaki, Hawaiian, garlic parmesan, lemon pepper, hickory smoked BBQ, mild, Louisiana rub, original hot, Cajun, and atomic. The menu is limited to the wings, side dishes, and beverages. Such side dishes include fresh cut seasoned fries, baked beans, coleslaw, potato salad, veggie sticks, and fresh baked yeast rolls. Guests can also choose from among a la carte dips and sauces (buttermilk ranch, blue cheese, honey mustard, and hot aged cheddar cheese sauce) to enjoy with their wings and/or fries. The sole purpose of our restaurant is the serving of deliciously favored chicken wings made fresh to order for our guests. There is no other restaurant in the immediate area that provides such a unique experience and a similar concept to Wingstop.

We do not provide an on premise bar area designated primarily for the service of alcoholic type beverages on the premise. Many of the guests, visiting our Wingstop, find the beer and wine to be a perfect complement to an order of hot wings, especially in a concept that operates daily until midnight. The beer and wine represent approximately two (2%) percent of the overall sales, which is not much a factor in the sales mix. This minor addition of beer and wine will not pose any additional safety or security risks at this new location. It is strictly a restaurant that serves chicken wings.

Our new location will not impact the surrounding area. We will be located along a commercial corridor within a commercial center. Instead Wingstop will add to the current mix of food venues within the immediate area and provide a new food venue choice within an existing retail center that attracts both locals and visitors.

We are committed to the Costa Mesa community.

Regards,



Daniel Sonenshine

far west restaurant group LLC

RESOLUTION NO. PC-16-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-16-22 LOCATED AT 2300 HARBOR BOULEVARD, SUITE A2

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

WHEREAS, an application was filed by Sheryl Brady, authorized agent on behalf of the property owner, Harbor Centers Partners LP, requesting approval of a conditional use permit for the following:

1. Extended hours of operation for customer service at a restaurant (Wingstop) located within 200 feet of a residential zone. Wingstop proposes to relocate from 1781 Newport Boulevard to 2300 Harbor Boulevard, Suite A2 and proposes operating hours from 10:30 a.m. to midnight, daily.

2. The sale of alcoholic beverages for on-site consumption after 11:00 p.m. located within 200 feet of a residential zone. Wingstop is applying for a Type 41 ABC license for beer and wine sales. The tenant space is 2,365 square feet in size with a proposed 300 square-foot outdoor dining patio. Proposed operating hours are 10:30 a.m. to midnight daily; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on May 9, 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 contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-16-22 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-16-22 and upon applicant's compliance with each and all of the conditions in Exhibit "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.

PASSED AND ADOPTED this 9th day of May, 2016.

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 May 9th, 2016 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 proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

Finding: The proposed use is compatible and harmonious with uses on surrounding properties.

Facts in Support of Findings: The restaurant is located near other commercial uses, including restaurant and retail uses. As such, the proposed use will not generate adverse noise, traffic, or parking impacts that are unusual for commercially-zoned properties. Also, the proposed Wingstop restaurant is buffered by existing buildings within the Harbor Center shopping center. Residential uses are protected from any noise or nuisance associated with the restaurant by the Albertsons building located east across the parking lot from the proposed Wingstop restaurant. As proposed and conditioned, there should be no noise to the surrounding neighborhood and uses. Conditions of approval require the business to be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

Finding: Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.

Facts in Support of Findings: The proposed use will not have any effect on the safety and compatibility of design at the subject site. The proposed alcohol sales will be ancillary to the proposed restaurant, so no increase in the intensity of the use is anticipated.

Finding: The project, as conditioned, is consistent with the General Plan.

Facts in Support of Findings: The proposed use is permitted in the C1 zone, subject to approval of a conditional use permit and is therefore consistent with the General Plan and Zoning Code. Specifically, the proposed use is consistent with Land Use Objective LU-1F.1 – to protect existing neighborhoods, in that there should be no noise impacts to the nearby residential neighborhoods. Also, the proposed use is consistent with Land Use Objective LU-1A.1, which states “provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.”

Finding: The planning application is for a project-specific case and does not establish a precedent for future development.

Facts in Support of Findings: Approval will apply to this project-specific location. Conditions have been included that are specific to the proposed project.

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

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 Findings: The use, as conditioned, is not anticipated to have any negative effects on the surrounding properties. Specifically, noise effects to the surrounding properties will be avoided, as existing commercial buildings within Harbor Center shopping center provide a buffer between the proposed restaurant and existing residential uses. Regarding the outdoor dining patio, the patio is proposed within a commercial center with similar uses, including restaurant uses. The outdoor patio is oriented toward other commercial uses and away from any nearby residential uses. As such, the outdoor dining patio is will not be detrimental to other properties in the area.

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

Facts in Support of Findings: Potential noise impacts have been considered and the project will not have a negative impact on the surrounding neighborhood because existing commercial buildings within Harbor Center shopping center provide a buffer between the proposed restaurant and existing residential uses. Also, the proposed outdoor patio is oriented toward other commercial uses and Wilson Street, and away from any nearby residential uses.

Finding: Granting the 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 Findings: The proposed project does not include any change in density or intensity at the subject property. There is no specific plan applicable to this property. The proposed restaurant use and associated outdoor dining patio is not considered a use that will increase density or intensity allowed per the General Plan designation. The General Plan designation for Harbor Center is General Commercial, which allows for retail and restaurant uses. The restaurant is located near other commercial uses within the Harbor Center shopping center, as well the shopping center located south across Wilson Street

- C. The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 12, Transportation Demand 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 described in this staff report, which includes a restaurant with the sale of alcoholic beverages for on-site consumption to midnight (12AM) daily, located within 200 feet of residential zone located 2300 Harbor Boulevard, Suite A2. Any change in the operational characteristics including, but not limited to, increased hours of operation, or provision for live entertainment, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
2. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
3. 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. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately.
4. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
5. 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.
6. Developer 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 (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. 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.
7. All sales and service staff (within 90 days of hire) shall complete Responsible Beverage Service (RBS) training with a provider approved by the California Department of Alcoholic Beverage Control. A copy of the training certificates shall be kept on premises and presented to any authorized City official upon request.
8. Any new exterior lighting proposed shall be shielded and/or directed away from residential areas.
9. Outdoor public communication systems shall not be audible in adjacent

residential areas.

10. Any trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to any adjacent residential areas.
11. Truck deliveries shall not occur between 8:00 p.m. and 7:00 a.m.
12. Prior to alcohol service at the restaurant, the applicant shall be required to abide by California Alcohol Beverage Control (ABC) requirements, including alcohol served on the proposed 300 square foot outdoor dining patio.
13. Any landscaped area disturbed and/or removed as a result of the outdoor dining patio shall be replaced to the satisfaction of the Development Services Director prior to building permit approval. Also, any wall, gate, or barrier required for outdoor dining patio shall be reviewed by the Development Services Director prior to building permit approval.

CODE REQUIREMENTS (PA-16-22)

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.

- Bldg.
1. Comply with the requirements of the following adopted codes Code, 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 Residential Code, 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. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2013 California Building Code.
 2. 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.
 3. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
 4. Provide a plan to the County of Orange Health Dept. for review and approval.

RESOLUTION NO. PC-16__

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING CONDITIONAL USE
PERMIT PA-16-22 LOCATED AT 2300 HARBOR
BOULEVARD, SUITE A2**

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

WHEREAS, an application was filed by Sheryl Brady, authorized agent on behalf of the property owner, Harbor Centers Partners LP, requesting approval of a conditional use permit for the following:

1. Extended hours of operation for customer service at a restaurant (Wingstop) located within 200 feet of a residential zone. Wingstop proposes to relocate from 1781 Newport Boulevard to 2300 Harbor Boulevard, Suite A2 and proposes operating hours from 10:30 a.m. to midnight, daily.

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WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 9, 2016, with all persons having the opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** PA-16-22 with respect to the property described above.

PASSED AND ADOPTED this 9th day of May, 2016.

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

EXHIBIT A

FINDINGS (DENIAL)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed use is not consistent with the General Plan or Redevelopment Plan.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit amendment in that the proposed use is not compatible with developments in the same general area. Granting the request will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.

- C. The Costa Mesa Planning Commission has denied Planning Application PA-16-22. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.

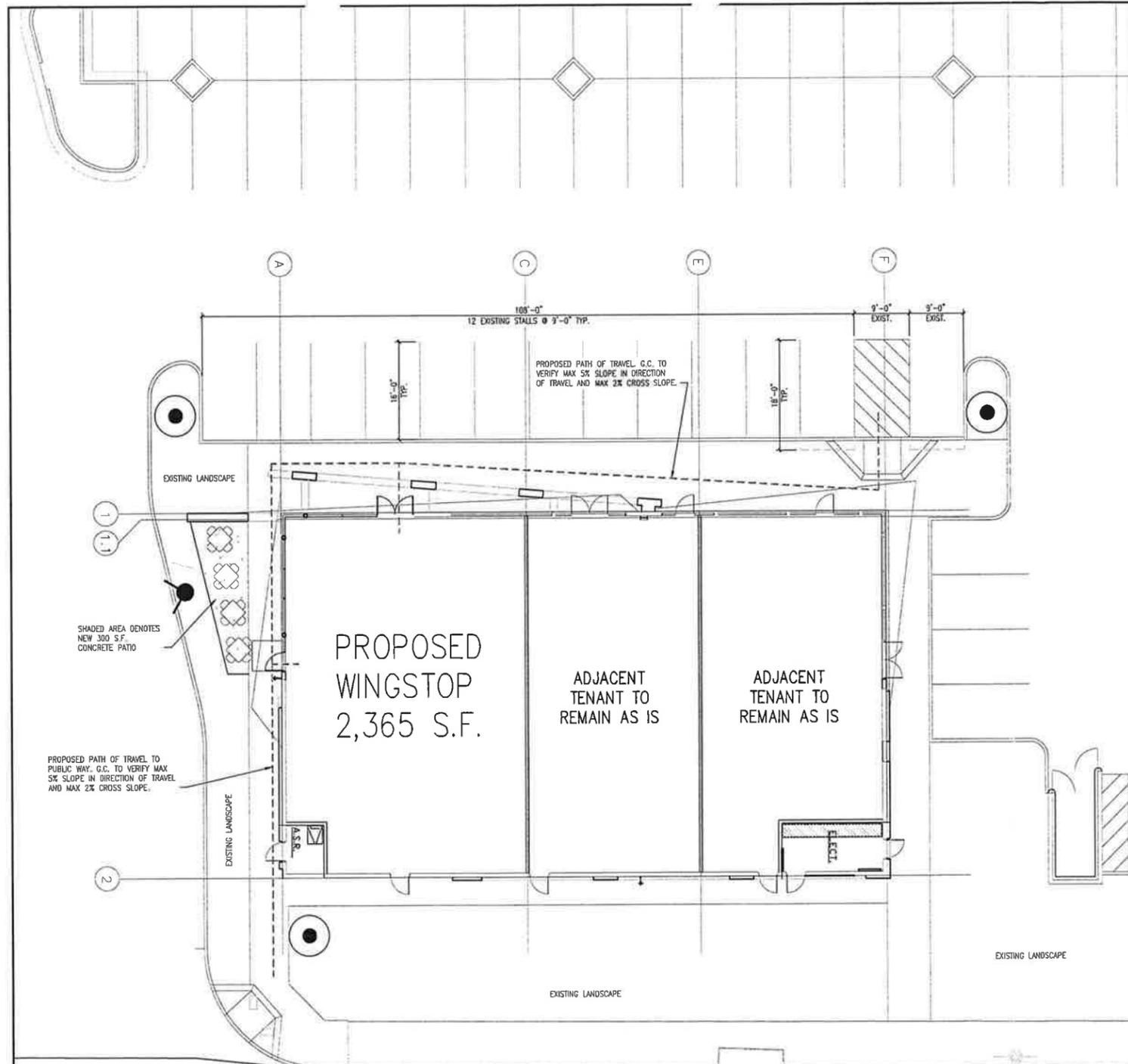
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.



ARMET DAVIS NEWLOVE & ASSOCIATES, AIA ARCHITECTS

1330 OLYMPIC BLVD.
SANTA MONICA, CALIFORNIA 90404
PH 310 452-5533 FAX 310 450-4742

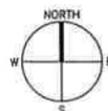
REV. DATE DESCRIPTION



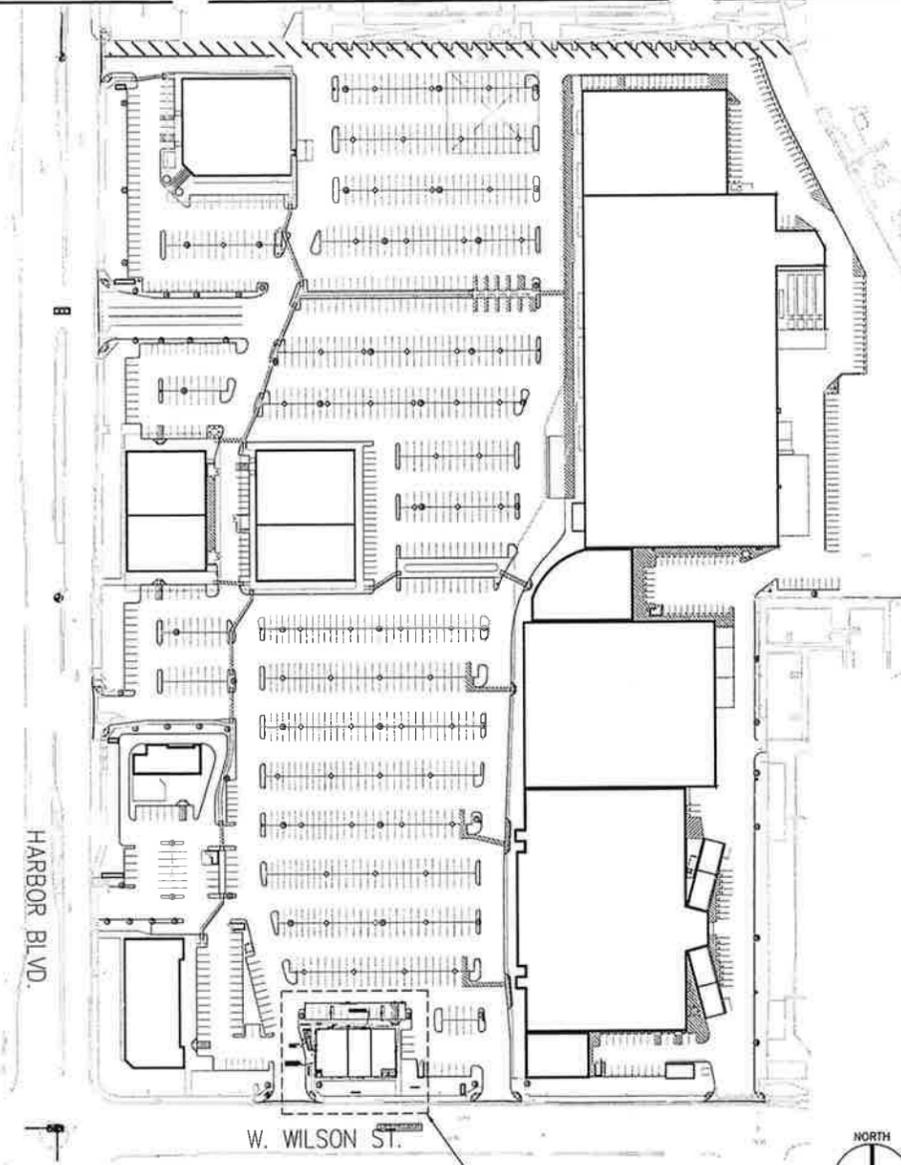
ALL EXISTING PARKING TO REMAIN AS IS. PARKING SHOWN FOR REFERENCE ONLY

ENLARGED SITE PLAN

SCALE: 1" = 10'-0"



22



OVERALL SITE PLAN

SCALE: 1" = 100'-0"

PARKING ANALYSIS

USE	TENANT	SQ. FT.	REQUIRED PARKING
NONE	NONE	NONE	0
BANK	WELLS FARGO	4,580	23
MARKET	ALBERTSON'S	66,836	267
RETAIL	OFFICE DEPOT	10,098	40
RETAIL	TJMAX	50,000	200
RETAIL	HOME DEPOT	107,310	429
RETAIL	HOME DEPOT	23,920	96
RETAIL	RITE AID	16,450	66
REST	CHUCK E CHEESE	11,925	203
RETAIL	MULTI RETAIL/BANFIELD	5,950	24
REST	NICK'S PIZZA	2,800	28
RETAIL	KARATE	1,406	6
DENTAL	BRIGHT NOW	3,000	18
BANK	SCHOOLS FIRST	3,520	18
REST	CHIPOTLE	2,600	26
RETAIL	VERIZON	4,400	18
REST	MCDONALD'S	3,348	34
REST	PANDA EXPRESS	1,875	19
RETAIL	PAPA MURPHY'S	1,260	13
REST	AMERICAS CUP	1,400	14
RETAIL	MOVIE Q	1,195	5
REST	NIKO NIKO SUSHI	1,195	12
RETAIL	T-MOBILE	1,025	4
REST	JERSEY MIKE'S SUBS	1,400	14
REST	STARBUCKS	1,999	20
REST	WING STOP	2,365	24
RETAIL	RETAIL	3,425	14
TOTALS SQUARE FEET		334,962	
TOTAL PARKING REQUIRED			1,632

NOTE:
SHOPPING CENTER WAS ORIGINALLY APPROVED WITH 1,704 REQUIRED PARKING STALLS AND 1,527 PARKING STALLS PROVIDED WHEN APPLYING A "SHARED PARKING ANALYSIS".
AFTER WINGSTOP DEVELOPMENT, THERE WILL STILL BE 72 STALLS TO SPARE FOR THE OVERALL SHOPPING CENTER.

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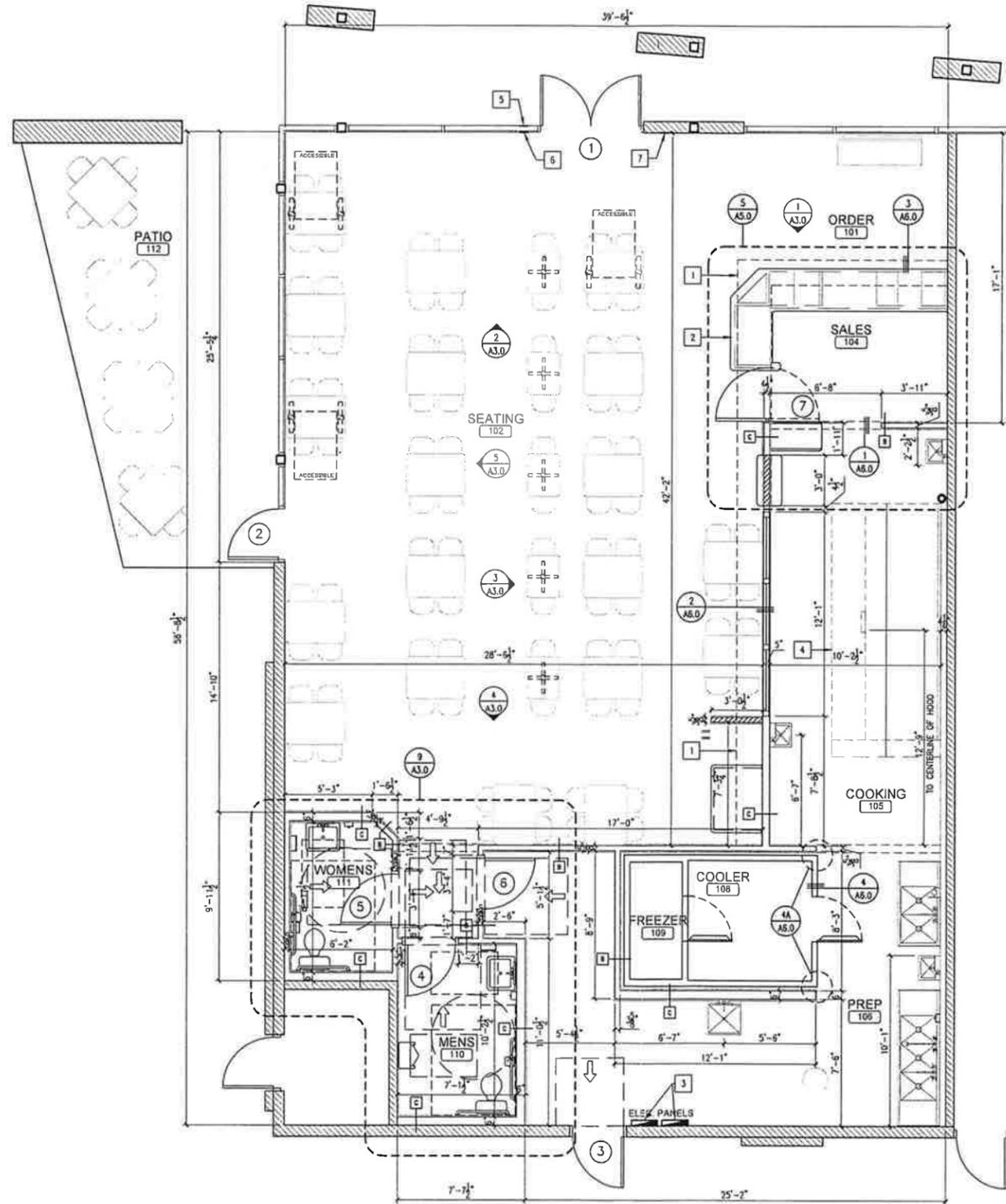
LOCATION
WINGSTOP
GL#-----
2300 HARBOR BLVD. STE. A2
COSTA MESA, CA. 92626

DATE
04/01/16
JOB NO.

DRAWN BY VA CHECKED BY KD

ENLARGED SITE PLAN

SP1.0



23

NOTE:
SEE WALL TYPES ON THIS SHEET

ARCHITECTURAL FLOOR PLAN

SCALE: 1/4" = 1'-0"



ARMET DAVIS NEWLOVE &
ASSOCIATES, AIA ARCHITECTS

1330 OLYMPIC BLVD.
SANTA MONICA, CALIFORNIA 90404
PH 310 452-5533 FAX 310 450-4742

REV.	DATE	DESCRIPTION

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LOCATION
WINGSTOP
CL#-----
2300 HARBOR BLVD. STE. A2
COSTA MESA, CA. 92626

DATE
04/01/16
JOB NO.
DRAWN BY
VA
CHECKED BY
KD

FLOOR PLAN

A1.0