



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: MAY 23, 2016

ITEM NUMBER: PH-1

**SUBJECT:** PLANNING APPLICATION PA-16-17 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 11PM FOR A NEW RESTAURANT (PUBLIC TRADE) LOCATED AT 2145 PLACENTIA AVENUE

**DATE:** MAY 13, 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

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## **DESCRIPTION**

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

1. Extended hours of operation for a new restaurant (Public Trade with a Type 41 ABC license for beer and wine sales) located within 200 feet of a residential zone. Public Trade proposes daily operating hours from 9AM (6AM opening allowed by Code) to midnight, daily.
2. The sale of alcoholic beverages for on-site consumption after 11PM located within 200 feet of a residential zone and subject to a conditional use permit. The tenant space is 1,155 square feet with a proposed 545 square-foot outdoor dining patio and 200 square-foot detached bathrooms and storage.

## **APPLICANT OR AUTHORIZED AGENT**

Brett Engstrom is the authorized agent for the property owner, Ronda Dubar.

## **RECOMMENDATION**

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

## **BACKGROUND**

Public Trade is a proposed new restaurant located at 2145 Placentia Avenue. The restaurant proposes to establish within an old gas station that has been abandoned, near the intersection of Placentia Avenue and Victoria Street. On July 10, 1972, Zoning Exception Permit ZE-72-68 was granted to allow Mobile Oil Company to rehabilitate an existing service station. The service station also operated a three-bay, auto repair garage.

Building permits were issued in December 2015 to convert the service station to a restaurant. The proposed restaurant is located in the C1 zone (Local Business District). Surrounding land uses generally consist of residential and commercial uses. Land uses immediately adjacent to the project site consist of the following:

- **North:** Victoria Street borders the site to the north, with single-family homes located the street. The zone for these single family homes is zoned R1 (Single-family Residential District).
- **East:** Placentia Avenue borders the site to the east, with commercial development, including a 7-Eleven, laundromat, and a car wash located beyond. These commercial properties are zoned C1 (Local Business District).
- **South:** Commercial uses bound the site to the south. This area is zoned C1.
- **West:** The property located west of the site is zoned AP (Administrative and Professional District). Beyond the neighboring AP zone is R2-MD (Multiple-family Residential District, Medium Density) and R1 zoned property.

## **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 11PM at 2145 Placentia Avenue. A conditional use permit is required for extended operating hours of customer service and sales of alcohol after 11PM when located within 200 feet of a residential zone; residentially zoned properties (R1 and R2-MD) are located to the north, and west of the project site. The restaurant (Public Trade) is applying for a Type 41 ABC license for beer and wine sales.

The proposed restaurant is located in a stand-alone building at the corner of Placentia Avenue and Victoria Street. The tenant space is 1,155 square feet with a proposed 545 square-foot outdoor dining patio and 200 square-foot detached bathroom and storage. The uses abutting the proposed restaurant include commercial uses. The majority of these adjacent uses conduct business during the day and early evening hours. The proposed hours of operation for Public Trade is from 9AM to midnight, daily; however code would allow the use to open as early as 6AM for customer service.

### *Parking*

The proposed 1,155 square-foot restaurant with 545 square-foot outdoor dining patio, will require 17 parking spaces based on 10 spaces per 1,000 square feet for restaurant uses. The property will provide 16 spaces, which is one spot short of required parking; however,

Code allows a credit for one parking space due to the provision of providing bicycle racks. Conditions of approval required the installation of a bike rack.

### *Outdoor Dining Patio Area*

The proposed project requests a 545 square-foot outdoor dining patio for public serving area. The outdoor dining patio is located at the rear of the proposed restaurant. The neighboring properties to the west and south, closest to the patio, are zoned AP and C1, and are occupied by commercial uses. According to recent Zoning Application ZA-12-33, Townes branding/marketing firm occupies the adjacent buildings to the west (811 Victoria Street) and south (2139 Placentia Avenue) of the property. The main portion of the patio will face the side portion of the Townes building located at 2139 Placentia Avenue.

### *Noise Impacts*

Public Trade restaurant is proposed in an area with both commercial and residential uses nearby. Potential noise impacts from the restaurant use include patrons arriving and leaving the restaurant parking lot, as well as noise emanating from the outdoor dining patio. Potential sensitive receptors include the single-family residential uses within the R1 zone located across Victoria Street to the north, and residential uses within the R1 and R2-MD properties located beyond the neighboring property west of the proposed restaurant. More detail is provided on the potential noise impacts to these properties below.

Commercial uses are located east of the project site (across Placentia Avenue), including a 7-11 convenience store, car wash, and laundromat. As such, no noise impacts are anticipated on these commercial uses. The immediate adjacent properties to the west and south of the proposed restaurant are commercial uses, and are used by Townes branding/marketing firm. As such, no noise impacts are anticipated since these are commercial uses.

### ***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.* Public Trade restaurant is proposed in an area with both commercial and residential uses nearby. Potential impacts from the restaurant use include noise associated from patrons arriving and leaving the restaurant parking lot, as well as noise emanating from the outdoor dining patio. Across Victoria Street to the north are single-family homes within the R1 zone. These homes are located approximately 200 feet north from the restaurant's parking lot and property line, and are buffered by a large minimum 50-foot deep landscaped parkway and 8-foot high block wall, as shown in picture below. The proposed outdoor patio will be located along the southerly portion of the restaurant, away from these residential uses. Any noise impacts from the restaurant should be reduced by Victoria Street, the landscaped buffer, and the wall.



A large church facility (Family Christian Church) is located on the northeast corner of Victoria Street and Placentia Avenue, as shown in the picture below. The large church facility and parking lot should help buffer noise impacts for residential uses located beyond the church.



R1 and R2-MD residential zones are located west of the proposed restaurant, but are not immediately adjacent to the project site. These zones are located approximately 190 feet and 60 feet, respectively, from the proposed restaurant property lines. An existing commercial building (Townes) and associated storage containers are located between the restaurant and the residences to the west, providing a buffer between these uses.

The properties to the east of the proposed restaurant (across Placentia Avenue), include commercial uses, including a 7-11, car wash, and laundromat. As such, no noise impacts are anticipated on these commercial uses.

The outdoor dining patio for Public Trade is oriented toward the commercial uses located along the southerly and westerly property line. As discussed earlier, the main portion of the patio will face the side portion of the Townes building located south of the property. The building located west of the proposed restaurant is used by Townes for private showcase galleries of art, fashion illustrations, and lifestyle exhibits (ZA-12-33). A proposed detached bathroom and storage building will be located along the western portion of the patio, which will help attenuate noise for

properties to the west. As such, no noise impacts are anticipated, since these are commercial uses.



The General Plan designation for the property is General Commercial. The proposed restaurant is not considered a use that will increase density or intensity beyond that allowed by the General Plan designation, which allows for retail and restaurant uses. Other similar commercial uses are located within the vicinity, across Placentia Avenue. 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 #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.

- 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 1,155 square feet of

gross floor area, and 545 square feet of proposed outdoor dining area, the restaurant requires 17 parking spaces. The proposed restaurant will provide 16 parking spaces; however, Code allows a credit for one parking space due to the provision of providing bicycle racks. Condition #8 requires the applicant install a bike rack. In addition, Condition #9 requires the restaurant to mitigate any future parking problems.

**CONDITION #8:** The applicant shall provide for a bike rack on the property, based on locational approval from Planning and Transportation Services, to allow for parking credit of one space, per Code.

**CONDITION #9:** 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 outdoor dining patio area, providing free on-site valet service, and/or acquisition of off-site parking area.

### **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 May 13, 2016, no communications have been received regarding this proposal. Any public comments received prior to the May 23, 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 11PM 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 and the sale of alcoholic beverages for on-site consumption after 11PM located within 200 feet of residential zone, located at 2145 Placentia Avenue. The proposed use, with the recommended conditions of approval, will be consistent with City's Zoning Code and General Plan, and should have minimal adverse impacts to the surrounding properties.

  
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RYAN LOOMIS  
Associate Planner

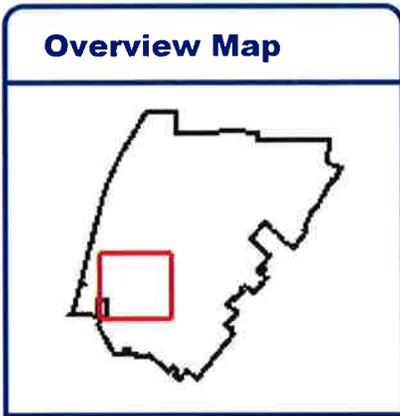
  
\_\_\_\_\_  
CLAIRE FLYNN, AICP  
Asst. Development Services Director

- Attachments:
1. Vicinity Map/Zoning Map/Radius 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)

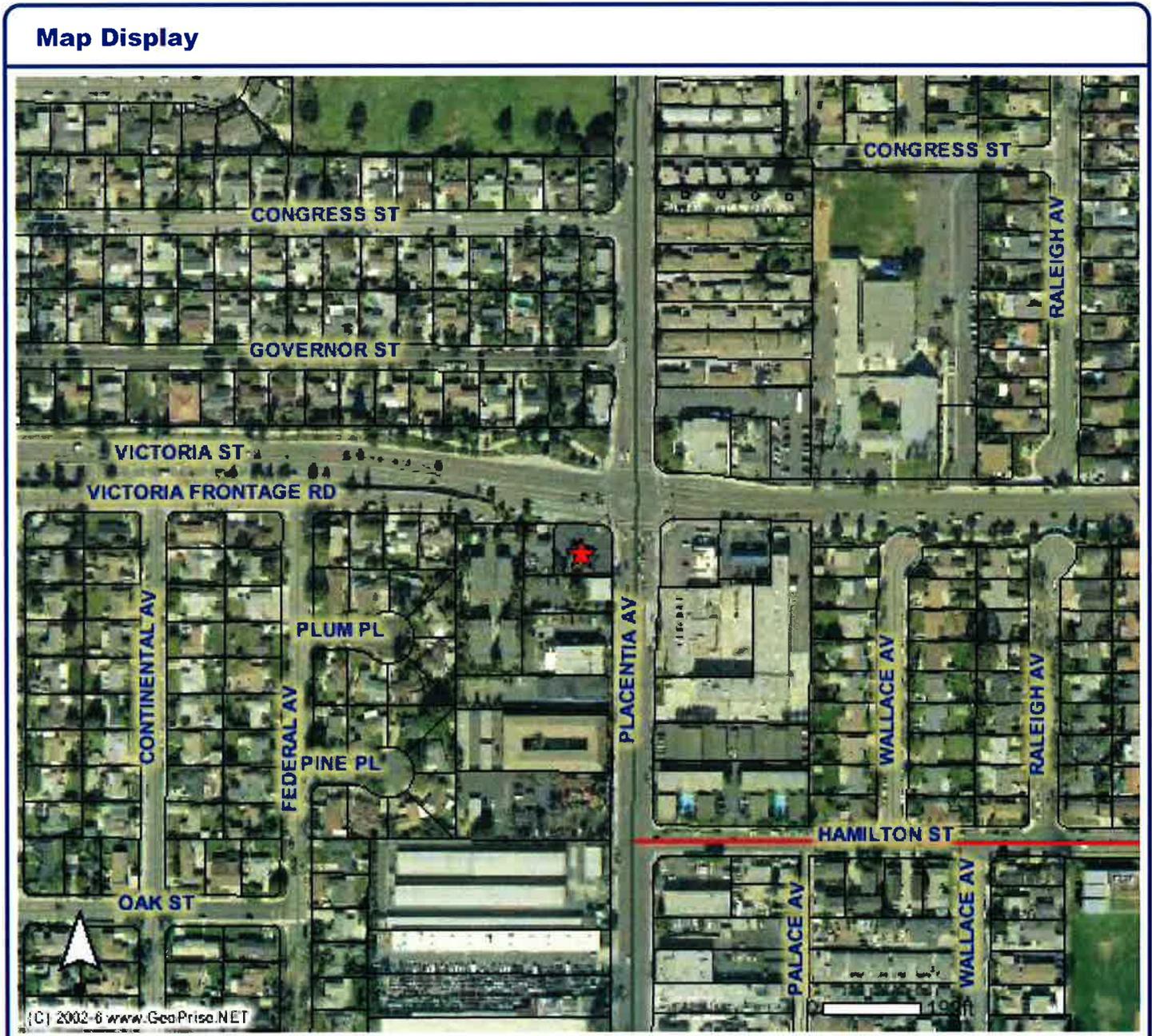
Authorized Agent: Brett Engstrom  
Engstrom Planning & Licensing  
1641 Paloma Street  
Pasadena, CA 91104

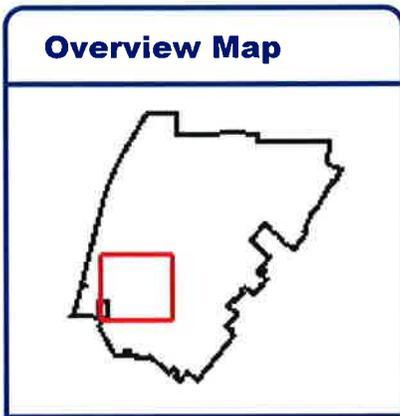
Property Owner: Ronda Dubar  
PO Box 322  
Sunset Beach, CA 90742



### Legend

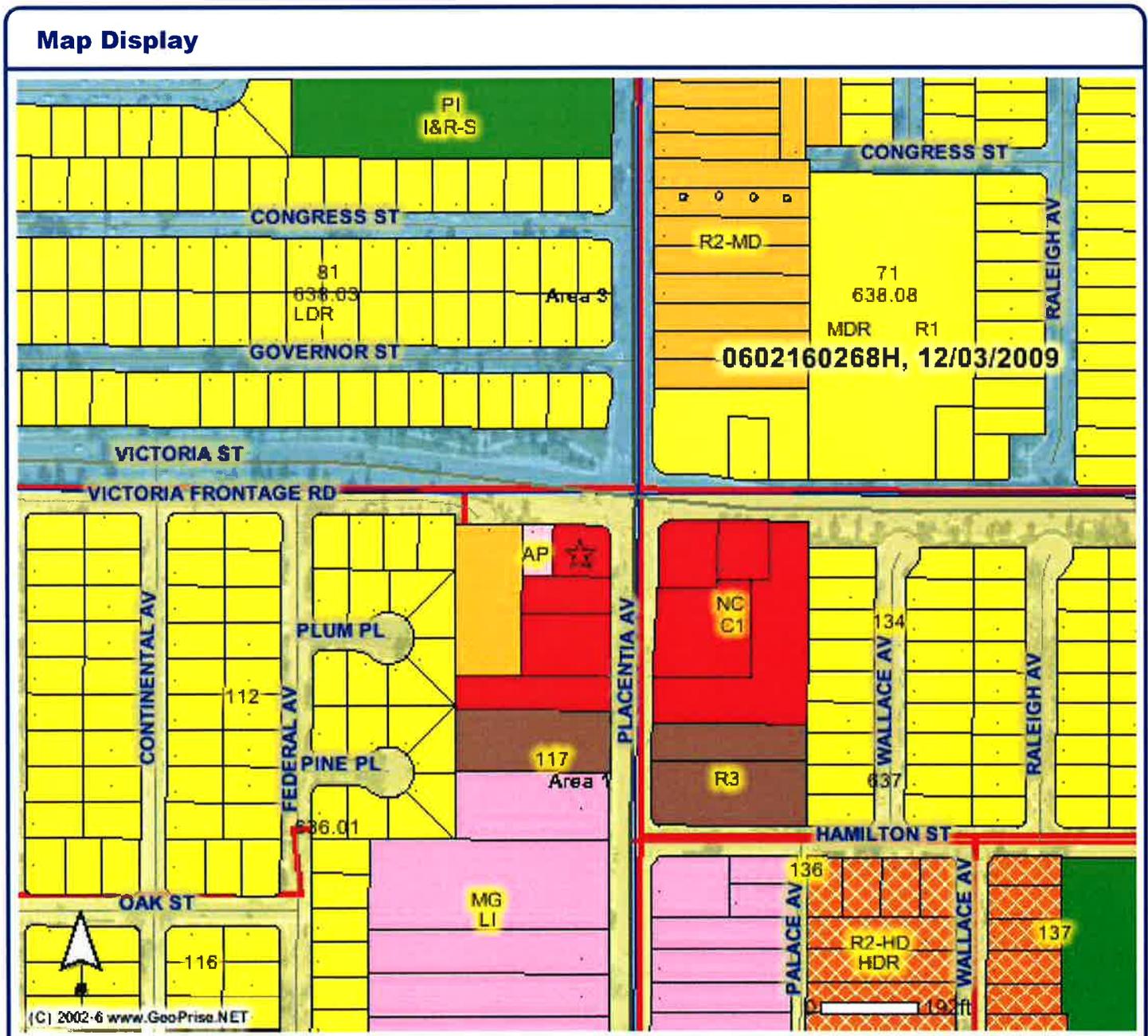
 Address Points	 Roads Collector	 Major Newpark BLVD Primary (cont)	 SECONDARY Hydrology Channels
 Freeway	 Roads Freeway (cont)		





### Legend

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







**PROJECT DESCRIPTION****APPLICANT: PBLC TRD 1, LLC****LOCATION: 2145 PLACENTIA AVE.  
COSTA MESA, CA 90742****REQUEST: CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER AND  
WINE FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH THE  
OPERATION OF A NEW RESTAURANT.**

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Public Trade will be a full service restaurant located at 2145 Placentia Ave., Costa Mesa. The restaurant will occupy an existing commercial building originally constructed as an automotive service station. The building has retained much of the original style from the era, and the new restaurant is designed to work with the unique style and layout. The parcel totals 16,375 s.f. and is zoned commercially; C1 - Local Business. The property is surrounded by a variety of neighborhood businesses, including retail, services, restaurants, etc. Adjacent side streets are populated with residential properties. The restaurant will utilize the entire 1,799 s.f. building, including 480 s.f. of interior dining. There will also be a 585 s.f. of outdoor dining area, which will be located entirely within the parcel. The restaurant will offer 18 on-site parking spaces for the use of their patrons. Proposed hours of operation will be 9am to 12 midnight daily. Public Trade will be pursuing a Type #41 License from the Dept. of ABC (beer & wine service at a restaurant).

The property is commercially zoned, and designated for businesses that will serve the nearby community. A small full-service restaurant is a proper use in this location and will satisfy the intent of the zoning code. Food service will be the main focus of the operation and the restaurant will offer a full menu during all hours of operation. The service of beer and wine will be ancillary to the food service, and is expected in similar establishments. The beer and wine service is meant to complement the menu and offer a more complete beverage selection for their patrons. Public Trade will be reasonable in overall size (1,799 s.f.), so that it avoids overwhelming the neighborhood with an unproportionately large operation. The restaurant is utilizing a long standing commercial building, thereby maintaining the unique character of the property. By utilizing the existing building, the project also avoids disrupting the neighborhood with large scale construction and redevelopment.

Should this Conditional Use Permit be granted, the restaurant will be operated in a responsible manner and will abide by all regulations placed on the operation by the City of Costa Mesa, Costa mesa Police Dept. and the Dept. of ABC.

## RESOLUTION NO. PC-16-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING CONDITIONAL USE  
PERMIT PA-16-17 LOCATED AT 2145 PLACENTIA AVENUE**

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

WHEREAS, an application was filed by Brett Engstrom, authorized agent on behalf of the property owner, Ronda Dubar, requesting approval of a conditional use permit for the following:

1. Extended hours of operation for customer service at a restaurant (Public Trade) located within 200 feet of a residential zone. Public Trade proposes operating hours from 9AM (6AM opening allowed by Code) 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. Public Trade is applying for a Type 41 ABC license for beer and wine sales. The tenant space is 1,155 square feet in size with a proposed 545 square-foot outdoor dining patio and 200 square foot detached bathroom and storage area; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on May 23, 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-16-17 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-16-17 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 23rd day of May, 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 May 23rd, 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

- 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:** Public Trade restaurant is proposed in an area with both commercial and residential uses nearby. Potential noise impacts from the restaurant use include patrons arriving and leaving the restaurant parking lot, as well as noise emanating from the outdoor dining patio. Potential sensitive receptors include the single-family residential uses within the R1 zone located across Victoria Street to the north, and residential uses within the R1 and R2-MD properties located west of the proposed restaurant. Noise impacts from the restaurant are anticipated to be reduced by Victoria Street, the approximately 50-foot deep landscaped buffer, and existing 8-foot wall for the properties north of the restaurant. An existing commercial building (Townes) and associated storage containers are located between the restaurant and the residences to the west, providing a buffer between those uses.

Commercial uses are located east of the project site (across Placentia Avenue), including a 7-11 convenience store, car wash, and laundromat. As such, no noise impacts are anticipated on these commercial uses. The immediate adjacent properties to the west and south of the proposed restaurant are commercial uses, and are used by Townes branding/marketing firm. As such, no noise impacts are anticipated since these are commercial uses.

**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 expanded hours of operation and sales of alcohol sales after 11PM will be ancillary to the already approve 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 noise impacts will be minimized 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, landscaping and walls will provide a buffer between the proposed restaurant and nearby residential uses. Regarding the outdoor dining patio, the patio is oriented toward other commercial uses and not adjacent to 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:** Granting the conditional use permit is not expected to be detrimental or injurious to properties within the immediate neighborhood. Potential noise impacts have been considered and are expected to be mitigated by the presence of existing commercial buildings, landscaped parkways, and walls that exist between the proposed restaurant and sensitive residential uses in the immediate area. The proposed outdoor patio is oriented toward other commercially zoned properties adjacent to the project site.

**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 the property is General Commercial, which allows for retail

and restaurant uses. The restaurant is located near other commercial uses within the vicinity.

- 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 between 9AM (6AM opening allowed by Code) to midnight (12AM), daily, located within 200 feet of residential zone located 2145 Placentia Avenue. 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. The applicant shall provide for a bike rack on the property, based on locational approval from Planning and Transportation Services, to allow for parking credit of one space, per Code.

9. 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 outdoor dining patio area, providing free on-site valet service, and/or acquisition of off-site parking area.
10. 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 545 square foot outdoor dining patio.
11. Prior to final inspection, all landscaped areas shown on site plan for PA-16-17, and Building Permit BC15-00707, shall be installed. Also, the existing ingress/egress driveway along Placentia Avenue closest to the intersection of Placentia and Victoria Street shall be removed to the satisfaction of the Public Services Department.
12. 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**

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.

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|-------|---|
| Bldg. | <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Provide a plan to the County of Orange Health Dept. for review and approval.</li> </ol> |
| Png.  | <ol style="list-style-type: none"> <li>5. Any new exterior lighting proposed shall be shielded and/or directed away from residential areas.</li> <li>6. Outdoor public communication systems shall not be audible in adjacent residential areas.</li> <li>7. Trash facilities shall be screened from view and designed and located</li> </ol>   |

appropriately to minimize potential noise and odor impacts to any adjacent residential areas.

8. Truck deliveries shall not occur between 8:00 p.m. and 7:00 a.m.
9. Outdoor seating areas shall be sufficiently buffered from adjacent residential areas.

**RESOLUTION NO. PC-16\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING CONDITIONAL USE  
PERMIT PA-16-17 LOCATED AT 2145 PLACENTIA AVENUE**

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

WHEREAS, an application was filed by Brett Engstrom, authorized agent on behalf of the property owner, Ronda Dubar, requesting approval of a conditional use permit for the following:

1. Extended hours of operation for customer service at a restaurant (Public Trade) located within 200 feet of a residential zone. Public Trade proposes operating hours from 9AM (6AM opening allowed by Code) 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. Public Trade is applying for a Type 41 ABC license for beer and wine sales. The tenant space is 1,155 square feet in size with a proposed 545 square-foot outdoor dining patio and 200 square foot detached bathroom and storage area; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 23, 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-16-17 with respect to the property described above.

**PASSED AND ADOPTED this 23rd day of May, 2016.**

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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-16-17. 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.

**polster + associates**  
 ARCHITECTURE & PLANNING  
 lona polster, architect AIA  
 2094 SOUTH COAST HWY., STE. 5  
 LAGUNA BEACH, CA 92651  
 949-497-1234 / 494-1022 FAX  
 email: lpolster@polster.com



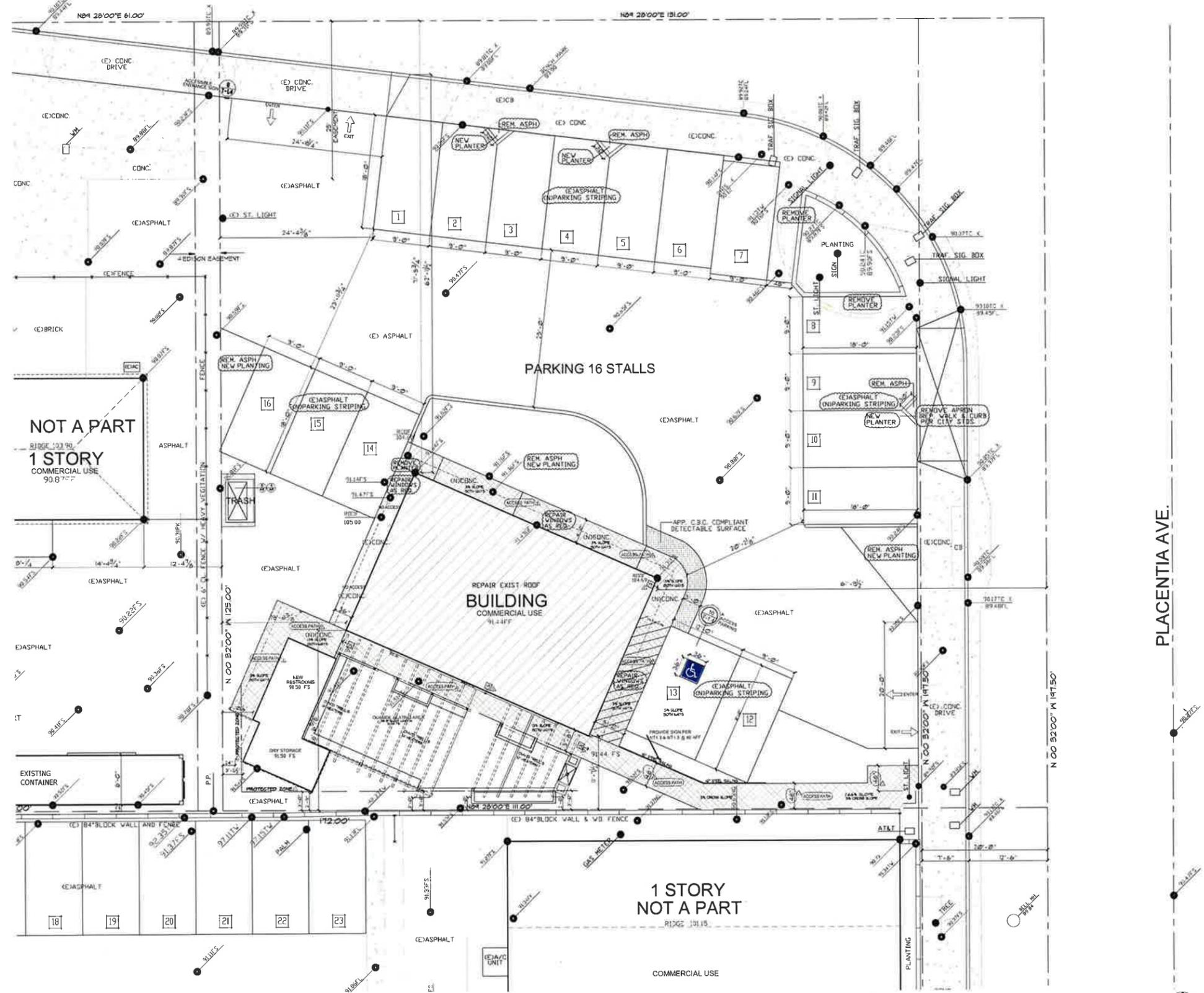
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No	Description	Date

SHEET CONTENTS  
**SITE PLAN**

Project Name and Address  
**PUBLIC TRADE  
 2145 PLACENTIA  
 COSTA MESA, CA.**

Project	1504	AI
Date	3/6/2016	
Scale	AS NOTED	
Drawn By	MDW	



NOT A PART  
 1 STORY  
 COMMERCIAL USE  
 90,877 SF

REPAIR EXIST ROOF  
 BUILDING  
 COMMERCIAL USE  
 91,417 SF

1 STORY  
 NOT A PART  
 COMMERCIAL USE

**SITE PLAN** SCALE: 1/8" = 1'-0"

1. CONTRACTOR SHALL THOROUGHLY FAMILIARIZE HIMSELF WITH THE PLANS AND SPECIFICATIONS BEFORE BEGINNING ANY WORK.
2. DO NOT SCALE DRAWINGS.
3. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE.
4. IF INFORMATION IS UNCLEAR OR IN CONFLICT NOTIFY THE ARCHITECT IMMEDIATELY.
5. PROVIDE PEDESTRIAN JOB SITE PROTECTION PER TABLE 9306.1

26

**INTERIOR FINISH SCHEDULE**

ROOM NAME	FLOOR	BASE	WALL 1	WALL 2	WALL 3	WALL 4	CEILING
LOBBY	EPOXY TROWELED CONCRETE	EPOXY BASE	N/A	N/A	PAINTED STEEL SIDING	PAINTED STEEL SIDING	PAINTED METAL
SEATING	EPOXY TROWELED CONCRETE	EPOXY BASE	STEEL SIDING	5/8" GYPSUM BOARD	PAINTED STEEL SIDING	PAINTED STEEL SIDING	PAINTED METAL
BAR	EPOXY TROWELED CONCRETE	EPOXY BASE	STEEL SIDING	5/8" GYPSUM BOARD	5/8" GYP BRD GREEN	PAINTED STEEL SIDING	PAINTED METAL
KITCHEN	EPOXY TROWELED CONCRETE	EPOXY BASE	MARLITE	NSF S.S./MARLITE	NSF S.S./MARLITE	5/8" GYPSUM BOARD	T-BAR/FRP PANEL
WALK-IN	EPOXY TROWELED CONCRETE	EPOXY BASE	UNIT FINISH	UNIT FINISH	UNIT FINISH	UNIT FINISH	UNIT FINISH
MENS	EPOXY TROWELED CONCRETE	EPOXYBASE	ARTEX O/ 5/8" TYPE X GRN. BRD.	5/8 TYPE X GREEN			
WOMENS	EPOXY TROWELED CONCRETE	EPOXY BASE	ARTEX O/ 5/8" TYPE X GRN. BRD.	5/8 TYPE X GREEN			
DRY STORAGE	EPOXY TROWELED CONCRETE	EPOXY BASE	ARTEX O/ 5/8" TYPE X GRN. BRD.	5/8 TYPE X GREEN			

ALL FINISHES SHALL COMPLY WITH CBCV CH 8 TABLE 803.9, FLOORING SHALL COMPLY WITH SEC 804.  
 SEE SHEET A-8 FOR T-BAR CEILING DETAILS KITCHEN CEILING SHALL BE FRP PANELS IN T-BAR ASSEMBLY.  
 ALL STAINLESS STEEL LISTED ON PLANS SHALL COMPLY WITH NSF STANDARDS FOR COMMERCIAL KITCHEN USE.  
 TROWELED EPOXY FLOORING SHALL BE SUNBELT FLOORING COMPANY 1100 SYSTEM CHINO, CA.

**EQUIPMENT SCHEDULE**

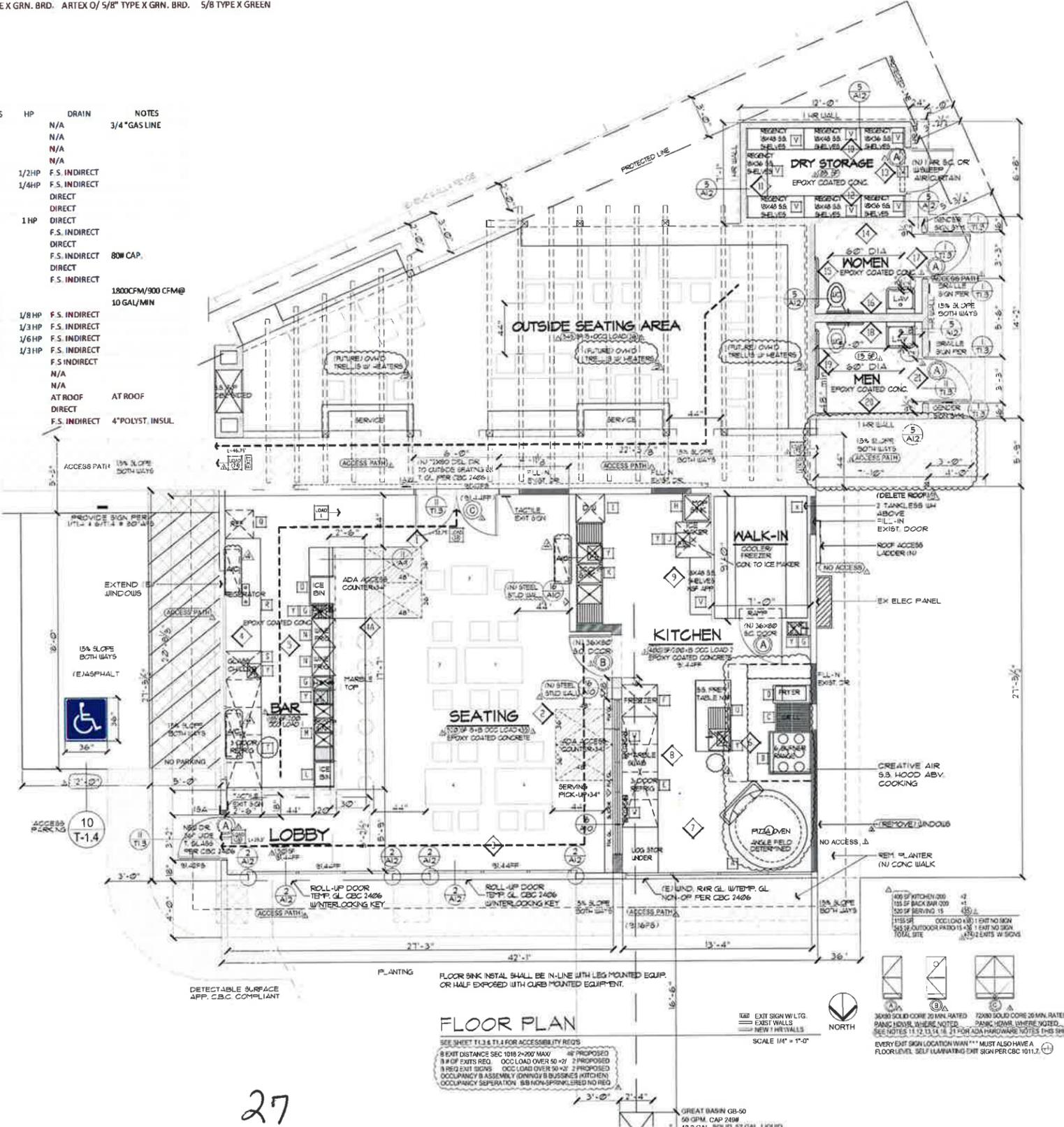
#	NAME	QTY.	SIZE	FINISH	BTU	AMPS	HERTZ	PHASE	VOLTS	HP	DRAIN	NOTES
A	PIZZA OVEN	1	MARRA FORNI-NEOPOLITAN 140	72X62X76	BAKED ENAMEL	70,000/100,000			120	N/A	N/A	3/4" GAS LINE
B	GAS RANGE	1	BAKERS PRIDE 36-BP-68	36X31X56.62	STAINLESS STEEL	40,000				N/A	N/A	
C	GRILL	1	BAKERS PRIDE L-24R	24X33.5X18	STAINLESS STEEL	90,000				N/A	N/A	
D	FRYER	1	PITCO FRILATOR 440-019	15X39.25X47.25	STAINLESS STEEL	105,000				N/A	N/A	
E	3 DOOR REFRIGERATOR	2	TRUE TUC-93 UNDERCOUNTER	93X33X36	STAINLESS STEEL		9.7	60	1	115	1/2HP	F.S. INDIRECT
F	UNDERCOUNTER FREEZER	1	TRUE TUC-27F	27.5X31X36	STAINLESS STEEL		3.2	60	1	115	1/4HP	F.S. INDIRECT
G	HAND SINK	3	KROWNE METAL 21-1C 2100 SERIES	12X21X30	STAINLESS STEEL							DIRECT
H	MOP SINK	1	VENTFAB	24X24X9	STAINLESS STEEL							DIRECT
I	DISHWASHER	1	AUTO CHLOR AC SPACEMAKER	22X2470	STAINLESS STEEL		20A	60		115	1HP	DIRECT
J	ICE MAKER	1	COMM ICE MACHINE GTS60 SERIES	30X25.7X30.7	STAINLESS STEEL							F.S. INDIRECT
K	3 COMPARTMENT DISH SINK	1	KROWNE 18-63C-1800 SERIES	72X18.5X36	STAINLESS STEEL							DIRECT
L	ICE BIN	2	KROWNE METAL 21-24 2100 SERIES	24X21X30	STAINLESS STEEL							F.S. INDIRECT
M	3 COMPARTMENT BAR SINK	1	KROWNE 18-63C-1800 SERIES	60X18.5X36	STAINLESS STEEL			6				DIRECT
N	WINE REFRIGERATOR	2	BEVERAGE AIR UCR27A	27X29X34	STAINLESS STEEL							F.S. INDIRECT
O	AIR CURTAIN	1	MARS WISPIRR AIR CURTAIN	36X6X7.5	STAINLESS STEEL		2.4	60	1	115		1800CFM/900 CFM@ 10 GAL/MIN
P	GREASE INTERCEPTER	1	GOSLYN GOS40	27X21.25X32.62	STAINLESS STEEL		9			110		
Q	REFRIGERATOR	1	TRUE TUC-24	24X24.75X32.62	STAINLESS STEEL		2.5	60	1	115	1/8HP	F.S. INDIRECT
R	REFRIGERATOR	1	BEVERAGE AIR DD94-1-B	95X28.25X37.25	BLACK		7.4	60	1	115	1/3HP	F.S. INDIRECT
S	GLASS CHILLER	1	BEVERAGE AIR UCR27A	27X29X34	STAINLESS STEEL		4	60	1	115	1/6HP	F.S. INDIRECT
T	BACK BAR REFRIG.	1	TRUE BB-4 BACK BAR REFRIG.	90X21X37	LAM VINYL FRONT		9.1	60	1	115	1/3HP	F.S. INDIRECT
U	PREP TABLE	1	BQO GUYS UTILITY TABLE W/ SINK	30X60X36	STAINLESS STEEL							F.S. INDIRECT
V	5 TIER S.S. SHELVING	8	REGENCY OPEN WIRE SHELVING	18X36/18X48	STAINLESS STEEL							N/A
W	SERVICE WINDOW	3	QUICK SERV 3030		BAKED ENAMEL	140,000						AT ROOF
X	WATER HEATER	2	TAKAGI T-H35-DV-05 TANKLESS		PORCELIN							DIRECT
Y	FLOOR SINK	6										DIRECT
Z	WALK-IN COOLER	1	US COOLER	7'X9'8"	BAKED ENAMEL	5160 BTU						F.S. INDIRECT

**NOTES**

- THIS PROJECT CONFORMS TO THE REQUIREMENTS OF 2013 EDITION OF THE CALIFORNIA TITLE 24.
- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE.
- DO NOT SCALE DRAWINGS.
- IF INFORMATION IS UNCLEAR OR IN CONFLICT NOTIFY THE ARCHITECT IMMEDIATELY.
- REFER TO SHEET MEP DRAWINGS FOR ELECTRICAL, MECHANICAL, AND PLUMBING.
- TOP OF ALL JUNCTION BOXES FOR SWITCHES SHALL BE 48" A.F.F. C.B.C. 11B-308.1.1.
- BOTTOM OF ALL JUNCTION BOXES FOR ELECTRICAL OUTLETS SHALL BE 15" A.F.F. C.B.C. 308.1.2.
- CONFIRM ALL DOOR HARDWARE IS LEVER STYLE PER C.B.C. OR REPLACE.
- CONFIRM ALL EXIT SIGN COMPLIANCE WITH C.B.C. REQUIREMENTS.
- REFER TO SHEET T-1.3, T-1.4 FOR MORE C.B.C. ADA ACCESS INFORMATION.
- ALL SAFETY GLAZING SHALL COMPLY WITH SECTION 2406 C.B.C. IN HAZARDOUS LOCATIONS.
- ALL REQUIRED EXIT DOORS MUST BE 36"X80" WITH A MIN. CLEAR OPENING OF 32".
- THE EFFORT REQUIRED TO OPERATE DOORS SHALL BE AS FOLLOWS: C.B.C. 11-404.2.9.
  - A. INTERIOR HINGED DOORS 5 LBS. MAX. FORCE
  - B. SLIDING OR FOLDING 5 LBS. MAX. FORCE
  - C. REVD FIRE DOORS THE MIN. FORCE NOT TO EXCEED 15 LBS FORCE
  - D. EXTERIOR HINGED DOORS 5 LBS MAX. FORCE
- THRESHOLDS SHALL COMPLY WITH C.B.C. SEC. 11B-302 FLOOR OR GROUND & 11B-303 CHANGES IN LEVEL. DETAIL 11/T1.3.
- TOILET ROOMS SHALL COMPLY WITH C.B.C. 11B-603. SEE SHEET T1.4 AND T1.4.
- EXIT DOORS ARE OPENABLE FROM THE INSIDE WITHOUT USE OF KEY OR SPECIAL KNOWLEDGE OR EFFORT.
- WALKS THAT CROSS OR ADJOIN VEHICULAR TRAFFIC SHALL BE SEPARATED BY DETECTABLE WARNINGS C.B.C. 202, 11B-247-1.2.5, 11B-705.1.2.5.
- DETECTABLE WARNINGS PROVIDED TO SEPARATE WALKS FROM VEHICULAR TRAFFIC SHALL BE 36" WIDE & CONTINUOUS PER SECTION C.B.C. 202, 11B-247.1.2.5, 11B-705.1.2.5.
- ALL SIGNAGE SHALL CONFORM WITH ADA ACCESSIBILITY GUIDELINES AND CBC PROVISIONS, INCLUDING BUT NOT LIMITED TO PROPORTION, COLOR CONTRAST AND RELIEF AND GRADE 2 BRAILLE REQUIREMENTS. SEE SHEET T-1.3.
- SIGNAGE: AFFIX AN INTERNATIONAL ACCESSIBILITY SYMBOL ON ALL ACCESSIBLE ENTRANCES PER C.B.C., SEE SHEET A-1.
- STRIKE EDGE CLEARANCE AT DOORWAY:
  - PROVIDE AN 18" STRIKE EDGE CLEARANCE ON THE PULL SIDE OF INTERIOR DOORS.
  - PROVIDE AN 24" STRIKE EDGE CLEARANCE ON THE PULL SIDE OF THE EXTERIOR DOORS.
  - PROVIDE AN 12" STRIKE EDGE CLEARANCE ON THE PUSH SIDE OF ALL DOORS WHICH HAVE BOTH A LATCH AND A CLOSER.
- ALL EXIT SIGNS SHALL BE BACK LIGHTED & HAVE EMERGENCY LIGHTING ADD FLOOR LEVEL EXIT SIGNS IN COMPLIANCE WITH C.B.C. SECTION 1011.7, SEE SHEET T1.4.

23. US COOLER SPECS ROOF INSULATION 4" POLYSTYRENE  
 WALL INSULATION 4" POLYSTYRENE  
 FLOOR INSULATION 4" POLYSTYRENE  
 WALLS 22 GA. NSF S.S. FINISH

24. BUILDING ENVELOPE  
 ROOF INSULATION R-19 BATTS  
 WALL INSULATION R-13 BATTS  
 WINDOWS SHGC .25 U .36



**FLOOR PLAN**

SEE SHEET T1.3 & T1.4 FOR ACCESSIBILITY REQS  
 8' EXIT DISTANCE SEC 1018 2-200 MAX  
 8' RIF EXITS REQ OCC LOAD OVER 50 #/2' PROPOSED  
 8' RIF EXITS REQ OCC LOAD OVER 90 #/2' PROPOSED  
 OCCUPANCY SEPARATION 8' NON-SPRINKLERED NO REQ

GREAT BASIN GB-50  
 50 GPM, CAP 240#  
 12.2 GAL SOLIDS 92 GAL LIQUID

**p+a**  
 polster + associates  
 ARCHITECTURE & PLANNING  
 lene polster, architect AIA  
 2094 SOUTH COAST HWY., STE. 5  
 LAGUNA BEACH, CA 92651  
 949-497-1251 / 949-1022 FAX  
 email: lpaul@polster.com

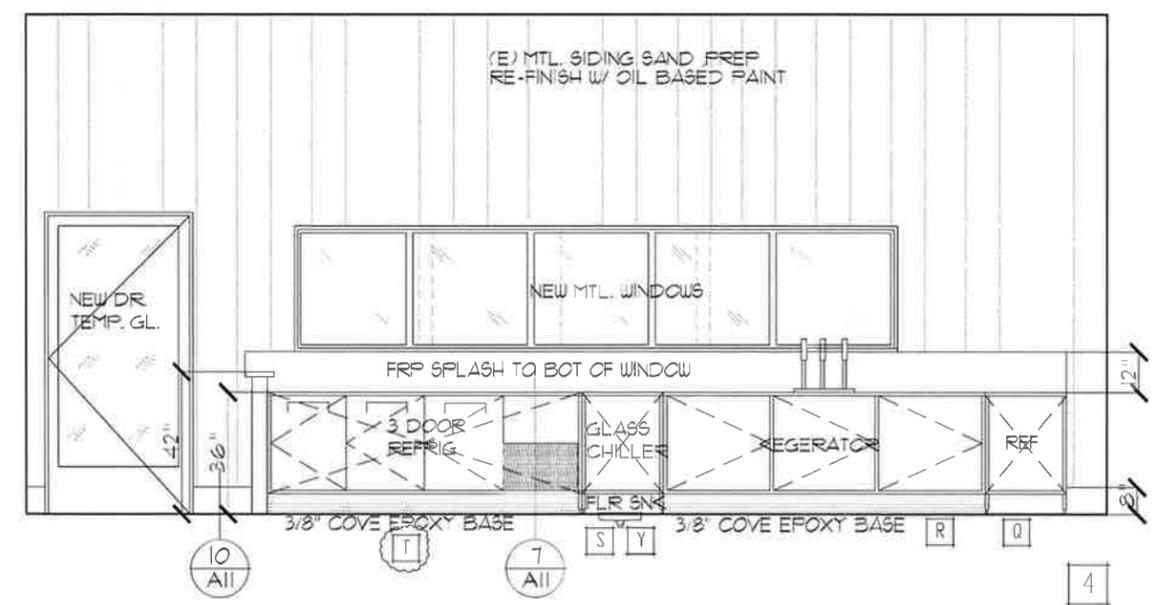
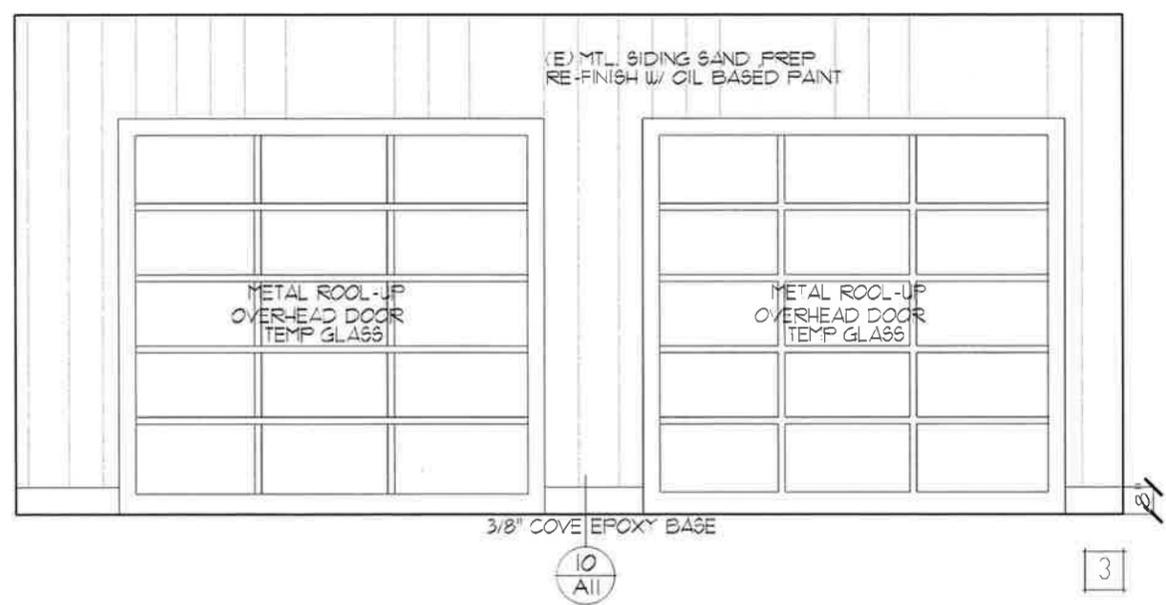
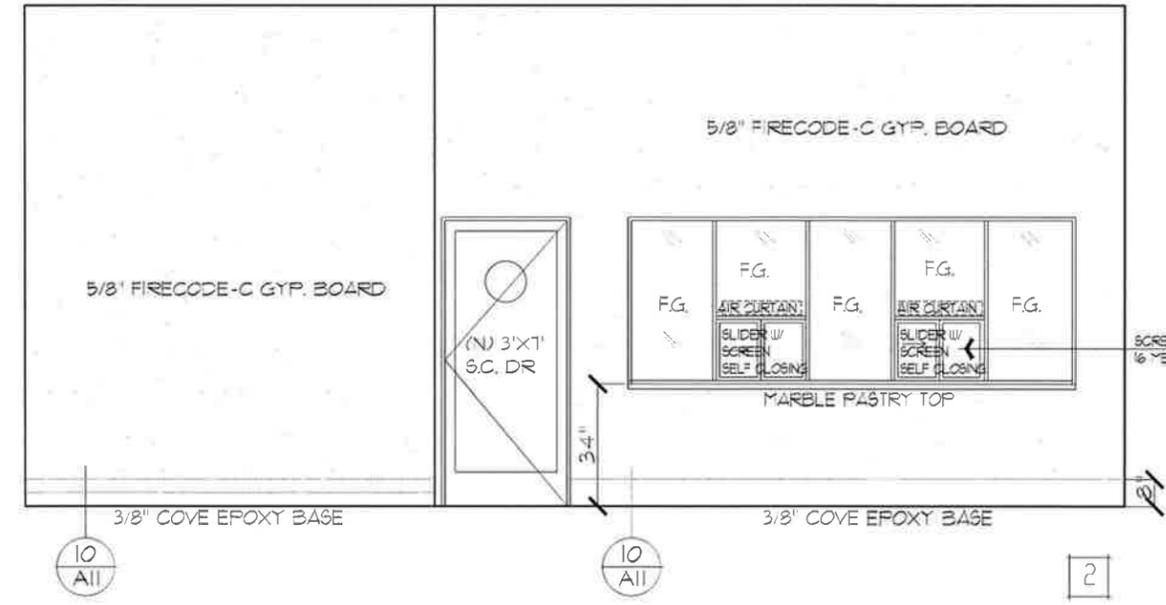
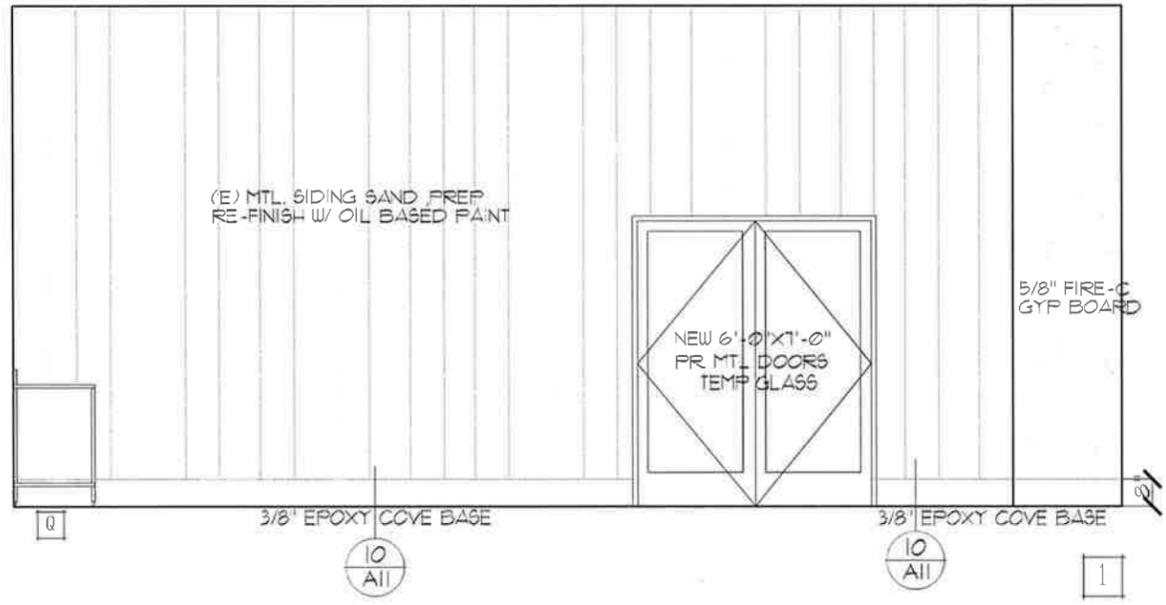
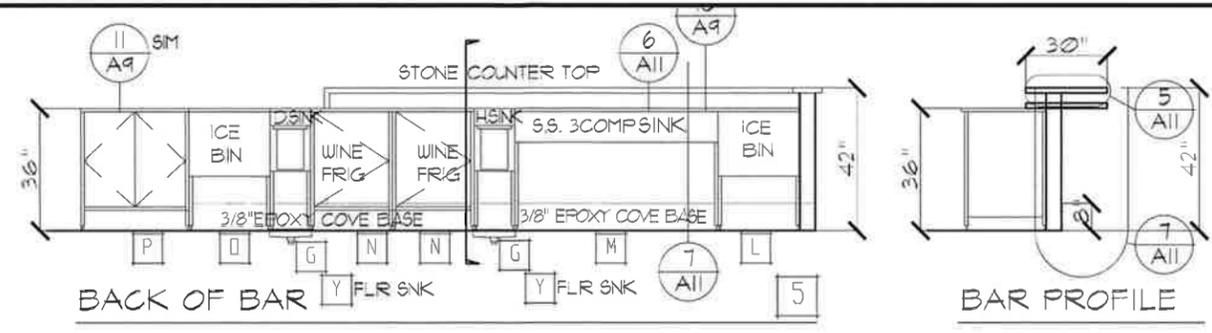
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No.	Description	Date
1	5-17-MEQUIP CHANGE	MDW
2	1-7-16 FIELD CHANGE	MDW
3	12-13 FC CORR	MDW

**FLOOR PLANS**

Project Name and Address  
**PUBLIC TRADE**  
**2145 PLACENTIA**  
**COSTA MESA, CA.**

Project	IS04
Date	3/23/2016
Scale	AS NOTED
Drawn By	MDW

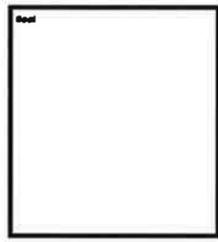


DINING ELEVATIONS

BACK BAR

28

SCALE 1/2" = 1'-0"



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No	Description	Date

SHEET CONTENTS

**INTERIOR ELEVATIONS**

Project Name and Address  
**PUBLIC TRADE**  
**2145 PLACENTIA**  
**COSTA MESA, CA.**

Project	1904	<b>A4</b>
Date	3/23/2016	
Scale	AS NOTED	
Drawn By	MDM	

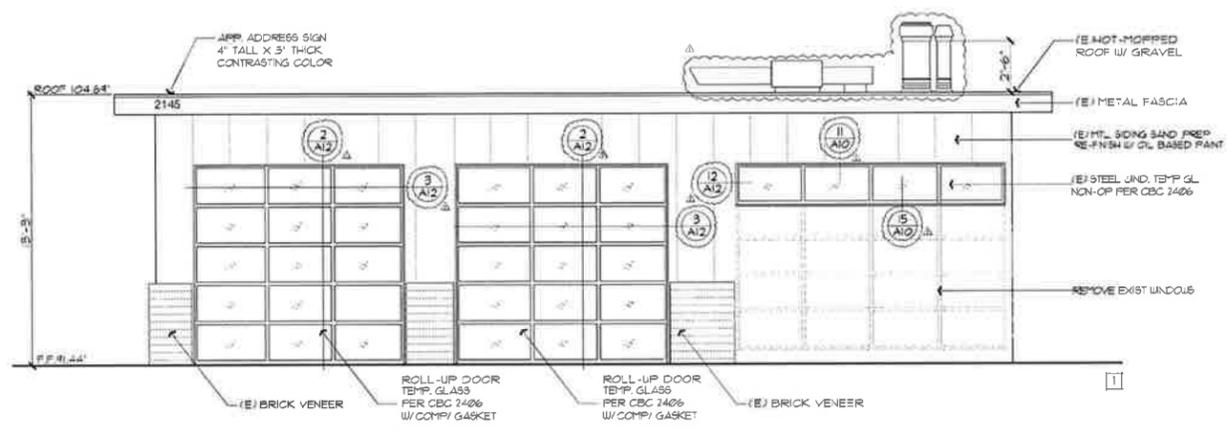
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No.	Description	Date
12-1-B	PG CORR	MDW

SHEET CONTENTS  
**EXTERIOR ELEVATIONS**

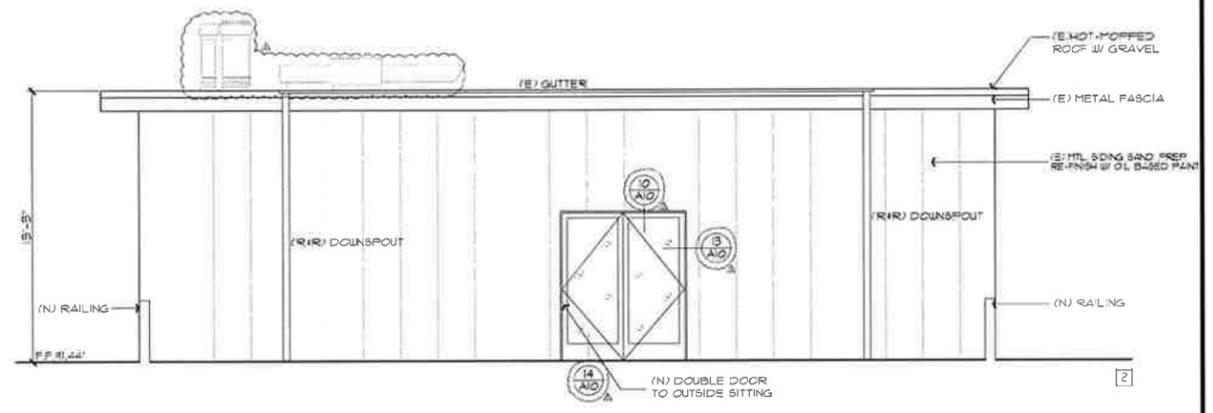
Project Name and Address  
**PUBLIC TRADE  
 2145 PLACENTIA  
 COSTA MESA, CA.**

Project	1804
Date	3/23/2016
Scale	AS NOTED
Drawn By:	MDW



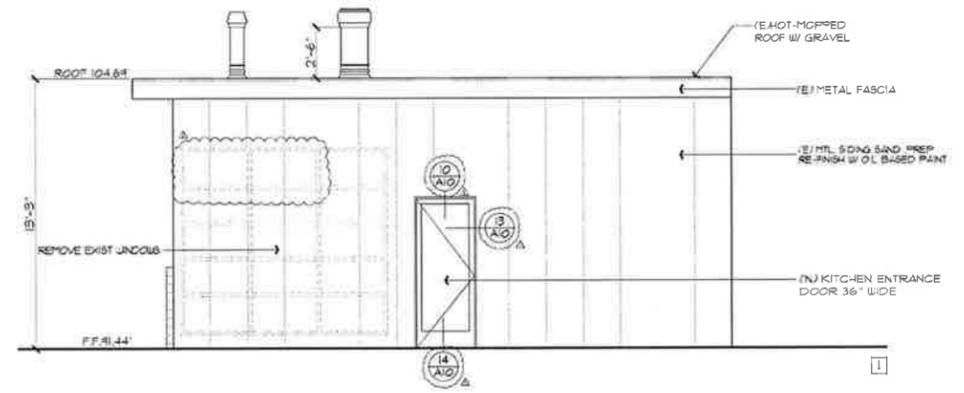
**NORTH ELEVATION**

SCALE 1/4" = 1'-0"  
 (N) STEEL WIND, TEMP GL  
 NON-OP PER CBC 2406



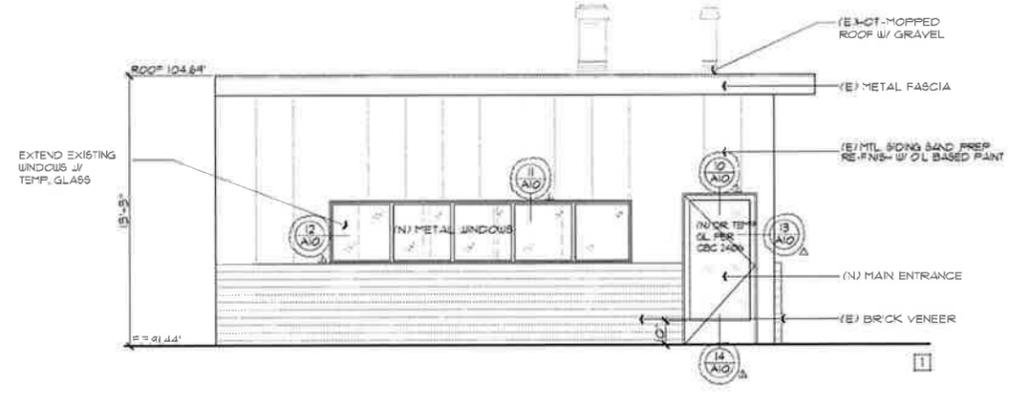
**SOUTH ELEVATION**

SCALE 1/4" = 1'-0"



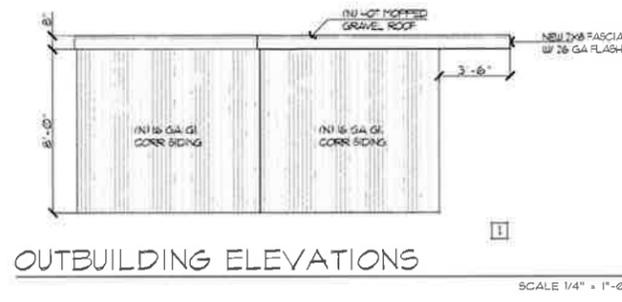
**WEST ELEVATION**

SCALE 1/4" = 1'-0"

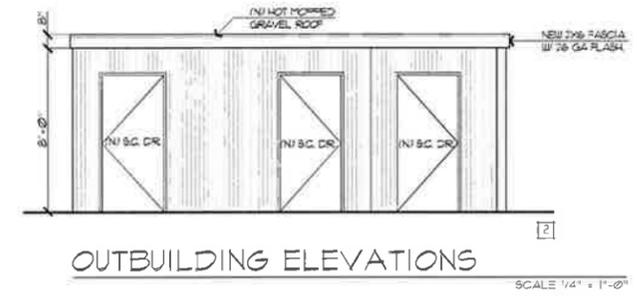


**EAST ELEVATION**

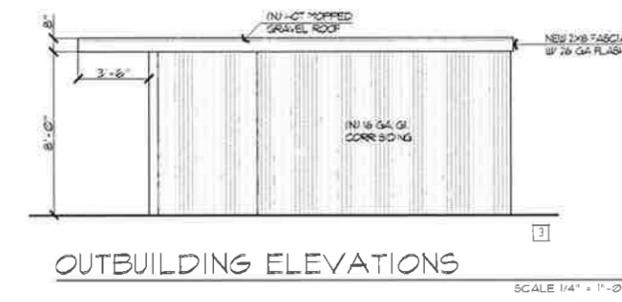
SCALE 1/4" = 1'-0"



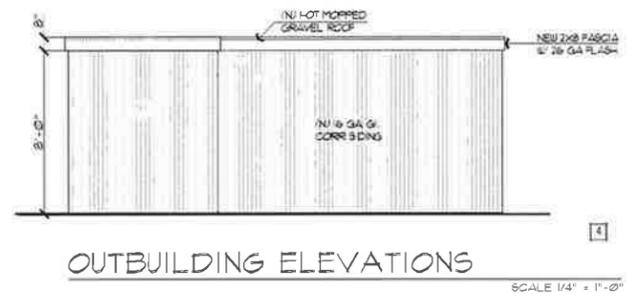
OUTBUILDING ELEVATIONS  
 SCALE 1/4" = 1'-0"



OUTBUILDING ELEVATIONS  
 SCALE 1/4" = 1'-0"



OUTBUILDING ELEVATIONS  
 SCALE 1/4" = 1'-0"



OUTBUILDING ELEVATIONS  
 SCALE 1/4" = 1'-0"

Seal

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No.	Description	Date

SHEET CONTENTS  
**EXTERIOR ELEVATIONS**

Project Name and Address  
**PUBLIC TRADE  
 2145 PLACENTIA  
 COSTA MESA, CA.**

Project	1504
Date	3/23/2016
Scale	AS NOTED
Drawn By:	MDM

A8

PH-1

May 19, 2016

Costa Mesa Planning Commission

Re: Application PA-16-17 for 2145 Placentia Ave

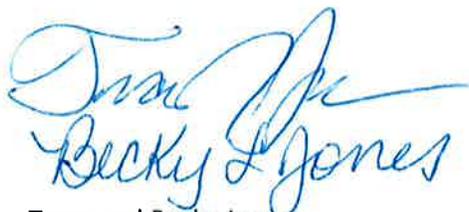
We are the owners of the neighboring property located at 2131 Placentia Ave as well as owners of the business, Ironfinder, Inc. which is located in this same building. There is another tenant in this building, Care Ambulance (under contract with the city of Costa Mesa) who has a 24 hour employee-occupied substation located in this building, as well.

Our primary concern regarding a Type 41 ABC license for the property at 2145 Placentia is centered around whether the property has adequate parking to even have a restaurant located on it. We have had issues in the past with the tenants/owners of the properties at 2139 and 2145 Placentia Ave and 811 Victoria Ave using our parking lot for their own purposes without our permission. The ambulance is on call 24/7 and needs to have easy access in and out of our parking lot which would not be possible if the parking lot was full with restaurant patrons/employees vehicles. In addition, we have prior experiences where beer bottles and trash were left on our property after "events" were held at these properties as well as incidents of people vomiting and urinating on our property which was left for us to clean up.

We have recently posted "Tow Away" signage and have contracted with G&W Towing. We intend to fully enforce a no parking policy for non-tenant or non-authorized vehicles using our parking lot.

We do not have any specific concerns about a Type 41 ABC license being issued; however, we are very concerned about a restaurant without adequate parking being opened as we know our property will be used for overflow parking which may impact the accessibility for Care Ambulance. In addition, we are burdened with the additional cost to clean up our property on a daily basis due to their patrons.

Thank you for considering our concerns regarding the property at 2145 Placentia and how it affects us as neighbors.



Tracy and Becky Jones

2131 Placentia Ave

Costa Mesa, CA 92627

(949) 400-1110 – Tracy cell