



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: AUGUST 22, 2016

ITEM NUMBER: PH-3

**SUBJECT:** PLANNING APPLICATION PA-16-49 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 (OAK AND COAL) LOCATED AT 333 EAST 17<sup>TH</sup> STREET, SUITE 2

**DATE:** AUGUST 12, 2016

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

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

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

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## **DESCRIPTION**

Planning Application PA-16-49 is a request for a conditional use permit for the sales of alcoholic beverages for onsite consumption after 11PM for a new restaurant, Oak and Coal (formerly Union Jack Fish and Chips), located within 200 feet of a residential zone to operate past 11PM. The proposed operating hours are 6PM to 11PM, Monday thru Thursday, and 6PM to midnight, Friday and Saturday; no lunch or other daytime service is proposed. The tenant space is 1,200 square feet.

## **APPLICANT OR AUTHORIZED AGENT**

Jeff Chon is the authorized agent for the land lease holder, Lehman-Fisher Co., and the property owner, Kevin Uyesugi.

## **ENVIRONMENTAL DETERMINATION**

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

## **RECOMMENDATION**

Approve by adoption of Planning Commission Resolution, subject to conditions.

**BACKGROUND**

The proposed 1,200 square foot restaurant will occupy the former Union Jack Fish n’ Chips restaurant located at 333 East 17<sup>th</sup> Street, Suite 2. The property is located within the C1 (Local Business District) zone. Zones abutting the project site include C1 zone to the north, east, and west; and R2-MD (Multiple-Family Residential District, Medium Density) to the south (across a public alley).

**ANALYSIS**

The applicant is requesting a conditional use permit for the sale of alcoholic beverages for on-site consumption after 11:00 p.m., which is required when the restaurant is located within 200 feet of a residential zone; residentially zoned properties (R2-MD) are located south of the property. Oak and Coal is applying for a Type 41 ABC license for beer and wine sales. The proposed restaurant is located along the southern wing of a horseshoe shaped retail center. The uses immediately adjacent to the proposed restaurant includes a liquor store and jewelry/watch repair shop. Other uses within the retail center include two restaurants (Pancakes R Us and Tabu Shabu), hair salons, a laundromat, chiropractic office, and other general retail. The majority of these adjacent uses conduct business during the day and early evening hours. The proposed hours of operation for Oak and Coal are between 6PM and 11PM Sunday thru Thursday, and 6PM to midnight Friday and Saturday.

*Parking Demand After 6PM (96 spaces required; 120 spaces provided)*

Based on the existing and proposed uses at 333 East 17<sup>th</sup> Street, the table below shows peak parking demand for both weekday and weekend time periods for the retail center. The parking demand is based on 34,223 SF of leasable space within the retail center, and includes the proposed Oak and Coal restaurant. The full shared parking table is attached to provide more detailed information (Attachment 6).

Table – Shared Parking Study (After 6PM only)  
Proposed Oak and Coal Restaurant (6PM to 11PM, Sun-Thu, 6PM to midnight, Fri-Sat)

Hours	Weekday Peak Demand	Weekend Peak Demand
6:00PM	89 spaces	71 spaces
7:00PM	96 spaces	71 spaces
8:00PM	84 spaces	71 spaces
9:00PM	72 spaces	64 spaces
10:00PM	55 spaces	61 spaces
11:00PM	38 spaces	45 spaces
12:00AM	23 spaces	32 spaces
Total Spaces Provided	120	120
<b>Surplus at highest parking demand</b>	<b>+24</b>	<b>+49</b>

As discussed, the commercial retail center at 333 East 17th Street has 120 parking spaces, including 117 standard parking spaces and 3 handicap spaces. As seen in the above tables, the retail center will accommodate parking demands after 6 p.m for both existing uses and the newly proposed Oak and Coal restaurant. As shown in the table, peak parking demand during evening hours will occur at 7PM; the highest parking demand is 96 spaces. This parking demand is still below the supply of parking, creating a surplus of 24 parking spaces. During the peak weekend demand period, there will be 49 extra

parking spaces at the busiest time period. The reason for this surplus is due to various retail uses that close by 6 PM (see Attachment 7). A condition of approval is included that requires the business operator to institute appropriate operational measures necessary to eliminate a parking problem, including, but not limited to, providing valet service (subject to prior approval of a conditional use permit) and/or restricting the operating hours of the business when parking shortages or other parking-related problems arise.

### *Noise*

Oak and Coal restaurant 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 are not anticipated due to the separation of this use by other buildings in the center. Also, no outdoor patio area is provided. 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.* Although the retail center at 333 East 17<sup>th</sup> Street abuts residentially zoned property to the south, the proposed Oak and Coal restaurant is buffered by existing buildings within the retail center. The retail center is a horseshoe shaped building oriented toward East 17<sup>th</sup> Street. Oak and Coal is proposed along the south wing of the building, and faces north toward the parking lot. The parking lot is buffered by the retail center's buildings from the 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 the project site is General Commercial, which allows for retail and restaurant uses. Other similar commercial uses are located within the retail center. Also, the proposed Oak and Coal restaurant is replacing a former restaurant, Union Jack Fish n' Chips. 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 the use to 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 1,200 square feet of gross floor area, the restaurant will require 12 parking spaces. This is an increase of 7 spaces required over a general retail use currently allocated to the suite. The retail center includes 120 parking spaces. The peak parking demand during evening hours will occur at 7PM, which will create a parking demand for 96 spaces, with a surplus of 24 parking spaces. This parking demand is still below the supply of parking, creating a surplus of 24 parking spaces. During the peak weekend demand period, 71 spaces are required resulting in 49 extra parking spaces at the busiest time period. Additional parking, therefore, is not required with the new 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 2015-2035 General Plan. Specifically the project complies with the following Land Use Objectives:

LU-1.1 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-3.1 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 August 12, 2016, no communications have been received regarding this proposal. Any public comments received prior to the August 22, 2016 Planning Commission will be provided in a supplemental memo.

### **ALTERNATIVES**

Resolution of approval or denial are attached. The denial of the request to operate with sales of alcoholic beverages after 11 p.m. within 200 feet of a residential zone includes denial findings by the Planning Commission, as expressed at the public hearing.

### **CONCLUSION**

The proposed project requests a conditional use permit for a restaurant with the sale of alcoholic beverages for on-site consumption after 11:00 p.m. located within 200 feet of residential zone. The use as proposed, 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.



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RYAN LOOMIS, AICP  
Associate Planner



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GARY ARMSTRONG, AICP  
Economic Development & Development  
Services Director/ Deputy CEO

- Attachments:
1. Vicinity Map, Zoning Map, 500' Radius Map
  2. Existing Color Site Photos
  3. Applicant's Project Description
  4. Draft Planning Commission Resolution for Master Plan
  5. Plans
  6. Shared Parking Study
  7. Tenant List

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: Jeffrey Chon  
340 B 16<sup>th</sup> Place  
Costa Mesa, CA 92627

Land Lease Holder: Lehman-Fisher Co.  
333 E 17th St. #7  
Costa Mesa, 92627

Property Owner: Uyesugi, Kevin C.  
18741 Portofino Drive  
Irvine, CA 92603

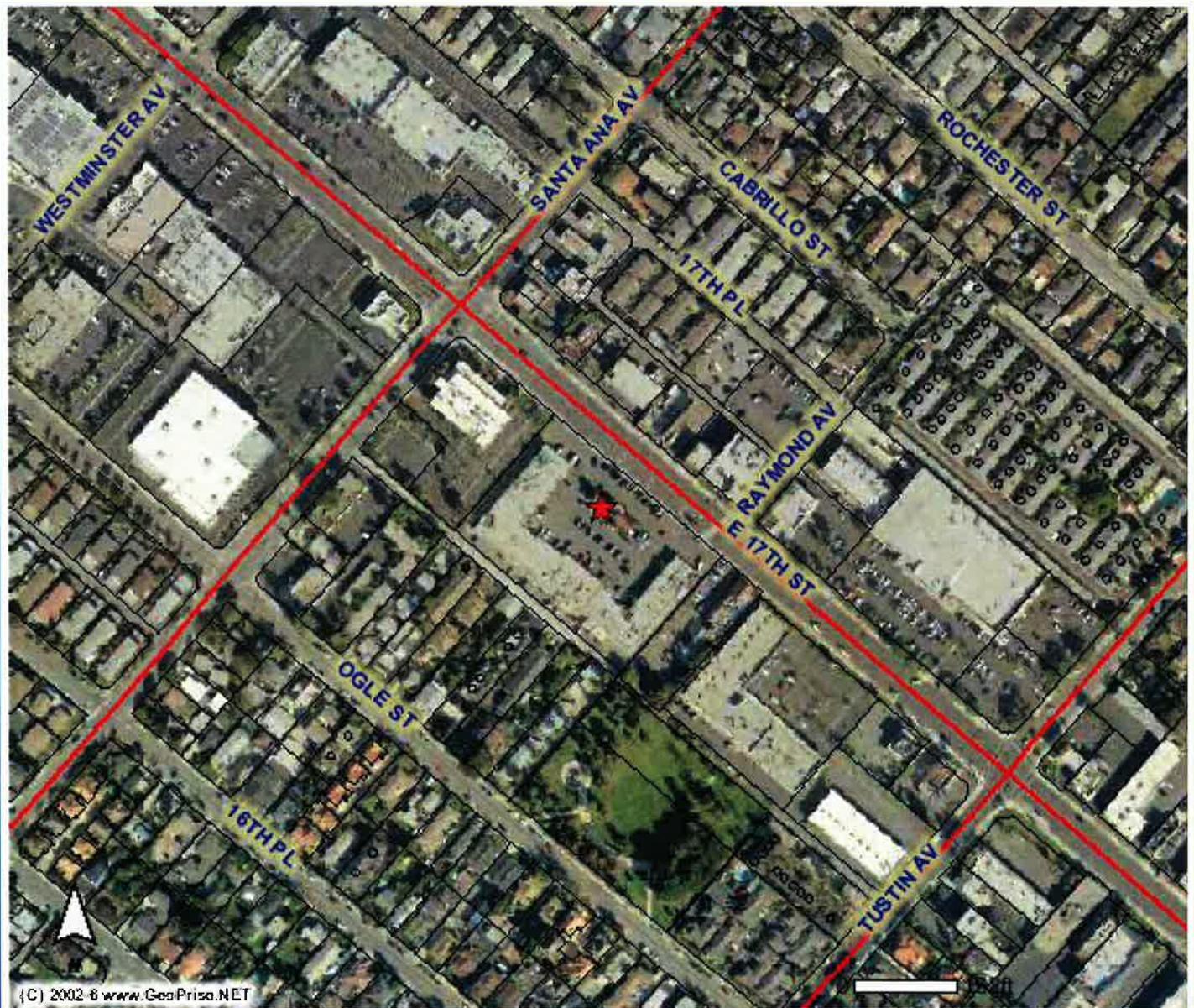
## Overview Map



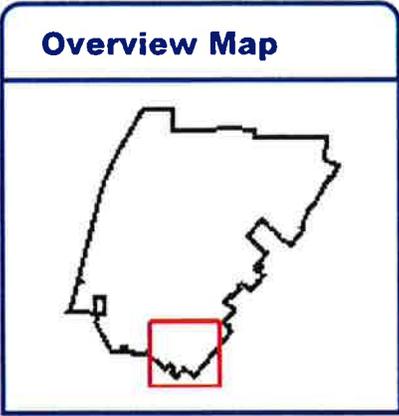
## Legend

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

## Map Display

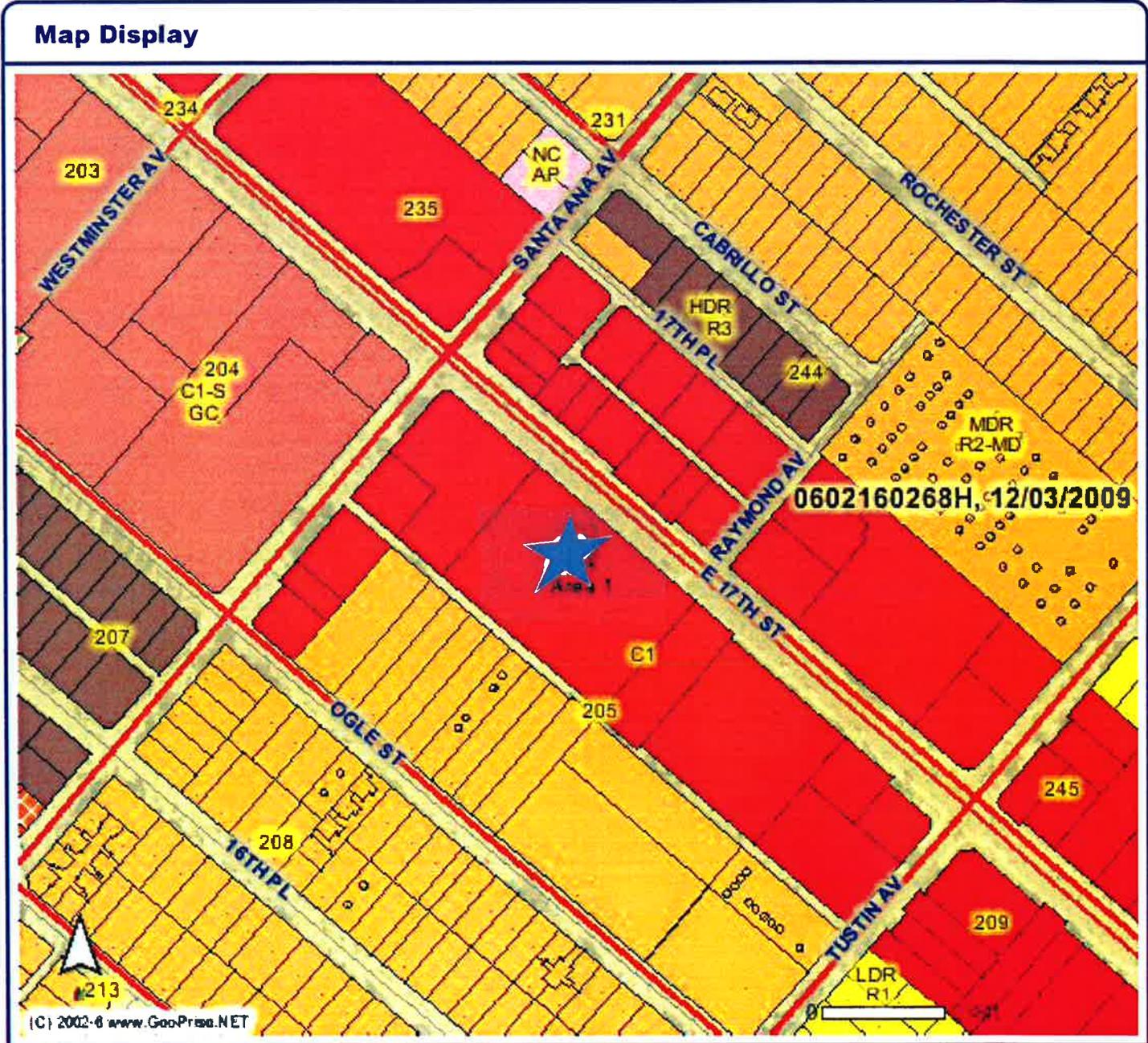


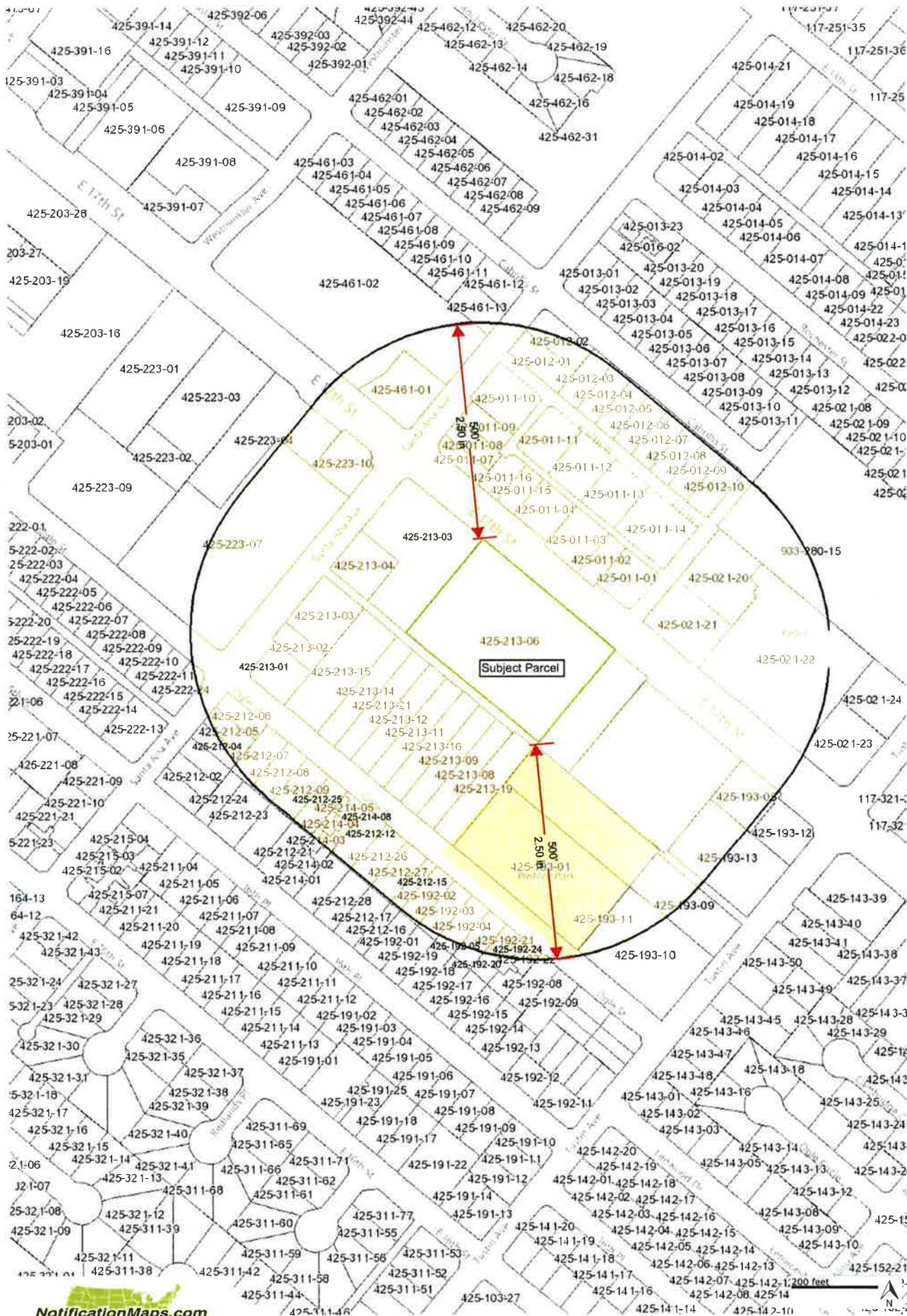
(C) 2002-6 www.GeoPrise.NET



### Legend

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





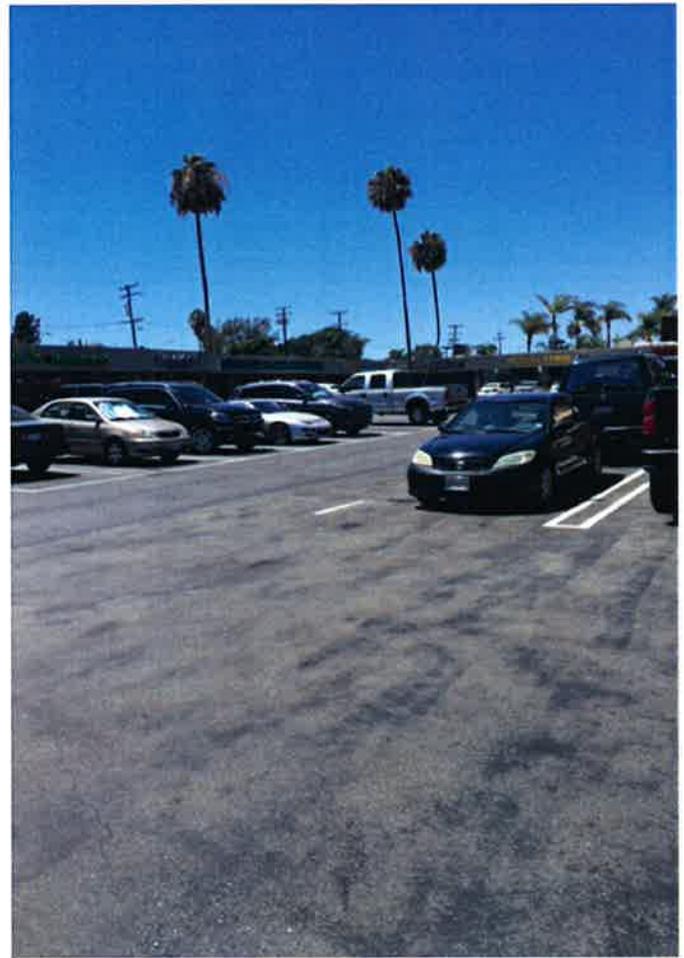
NotificationMaps.com

Radius Maps Owner and Occupant Lists Mailing Services

866.752.6266 toll free  
 949.613.8343 fax  
 sales@notificationmaps.com

Mailing Address Only  
 668 N Coast Hwy #401  
 Laguna Beach, CA 92651

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# Oak and Coal Hospitality Group, LLC

333 E 17<sup>th</sup> St Suite 2, Costa Mesa, CA 92627  
PROJECT OWNER: JEFFREY CHON  
JMCHON@GMAIL.COM | 310-999-3099

**ATTACHMENT 3**

Date: Tuesday, May 24, 2016

Mino Ashabi  
Principal Planner  
77 Fair Drive  
PO 1200  
Costa Mesa, CA 92628

Dear Miss Ashabi:

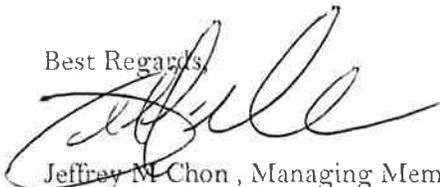
We are hereby requesting a minor conditional use permit for property address: 333 E 17<sup>th</sup> St. Suite 2, Costa Mesa, CA 92627. This space was formerly leased by H Salt Fish and Chips, a restaurant with dine in spacing. Our projected use will be for a full service restaurant, called Oak and Coal, which will specialize in high level beef, chicken, and seafood as well as modern Japanese fare. Our hours of operation will be Sunday – Thursday 6PM-11PM; and Friday & Saturday 6PM-12AM. Our dining area will consist of 49 seats maximum capacity. It is our intention to apply for a Type 41 ABC license.

We believe that this use is similar to the previous tenant in that our primary purpose will be to serve upscale food and beverage to the nearby community. A similar type of fare is not available within a 5 mile radius and thus would be a welcomed unique addition to 17<sup>th</sup> street's growing culinary diversity. Our hours of operation will be evening only. At this time, the majority of the retail in this center will be closed as which parking availability will not be an issue (see attached parking study).

As an experienced food and beverage, as well as alcohol serving operator in this area, we will enforce the highest standards in ABC protocol. We will also provide additional security in order to prevent any issues that may arise from obtaining a type 41 beer and wine license. Our primary sales will be generated from food and currently only projecting a 5-10% sales revenue from alcoholic beverages.

We thank you for your time and consideration.

Best Regards,



Jeffrey M. Chon, Managing Member, Oak & Coal

Also owner operator of:

The Alley Restaurant, 4501 W Coast Hwy, Newport Beach, CA 92663

Tabu Shabu Restaurant, 333 E 17<sup>th</sup> St #19, Costa Mesa, CA 92627

The Wayfarer, 843 W 19<sup>th</sup> St, Costa Mesa, CA 92627

**RESOLUTION NO. PC-16-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-16-49 LOCATED AT 333 EAST 17<sup>TH</sup> STREET, SUITE 2**

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

WHEREAS, an application was filed by Jeff Chon, authorized agent on behalf of the land lease holder, Lehman-Fisher Company, and property owner, Kevin Uyesugi, requesting approval of a conditional use to extend hours of operation for a new restaurant, Oak and Coal (formerly Union Jack Fish and Chips), with a Type 41 ABC license (beer and wine sales) located within 200 feet of a residential zone to operate past 11PM (6PM to 11PM, Monday thru Thursday, and 6PM to midnight, Friday and Saturday). The tenant space is 1,200 square feet; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on August 22, 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-16-49 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-16-49 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 22nd day of August, 2016.**

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

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## 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 Finding:** 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 Oak and Coal restaurant and associated parking lot is buffered by existing buildings of the retail center. 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 Finding:** 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 Finding:** 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-1.1 – 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-3.1, 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 Finding:** 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 Finding:** 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 the existing retail center provide a buffer between the proposed restaurant/associated parking lot and existing residential uses. Also, the proposed Oak and Coal restaurant is replacing a former restaurant, Union Jack Fish n' Chips. As such, the new restaurant 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 Finding:** Potential noise and parking impacts have been considered and the project will not have a negative impact on the surrounding neighborhood because existing commercial buildings within retail center provide a buffer between the proposed restaurant and existing residential uses. Also, the shared parking study shows a surplus of parking during the business hours for the restaurant.

**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 Finding:** The proposed project does not include any change in density or intensity at the subject property. The proposed restaurant use is not considered a use that will increase density or intensity allowed per the General Plan designation. The General Plan designation for retail is General Commercial, which allows for retail and restaurant uses. The restaurant is located near other commercial uses within the retail center, as well the commercial retail uses located along East 17<sup>th</sup> 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 located within 200 feet of a residential zone. Operating hours shall be limited to 6PM to 11PM, Monday thru Thursday, and 6PM to midnight, Friday and Saturday. Any change in the operational characteristics including, but not limited to, increased hours of operation, or provision for live entertainment, shall 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.

## **CODE REQUIREMENTS**

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.      1. All exterior lighting shall be shielded and/or directed away from residential areas.
2. Any outdoor public communication systems shall not be audible in adjacent residential areas.
3. Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.
4. Truck deliveries shall not occur anytime between 8:00 p.m. and 7:00 a.m.
- Bldg.      5. 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.
6. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2013 California Building Code.
- 1-Accessibility shall be to and through the front door and to the commercial space from the public sidewalk.
- 2-Accessible restrooms/bathrooms in the commercial space.
- 3-Accessible parking.
- 4-Accessible entry door, ramps, landings, sidewalks, hallways, strike edge clearances and elevation changes.
7. Prior to issuing the Building permit the conditions of approval shall be required to be incorporated on the approved Architectural plans.

## **SPECIAL DISTRICT REQUIREMENTS**

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

- Sani      1. It is recommended that the developer contact the Costa Mesa Sanitary District at (949) 645-8400 to obtain Sanitary District requirements.
- AQMD    2. Prior to demolition contact South Coast Air Quality Management District located at:  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178

Tel: 909- 396-2000

- County 3. Provide a plan to the County of Orange Health Dept. for review and approval.
- Water 4. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING CONDITIONAL USE PERMIT PA-16-49 LOCATED AT 333 EAST 17<sup>TH</sup> STREET, SUITE 2**

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

WHEREAS, an application was filed by Jeff Chon, authorized agent on behalf of the land lease holder, Lehman-Fisher Company, and property owner, Kevin Uyesugi, requesting approval of a conditional use to extend hours of operation for a new restaurant, Oak and Coal (formerly Union Jack Fish and Chips), with a Type 41 ABC license (beer and wine sales) located within 200 feet of a residential zone to operate past 11PM (6PM to 11PM, Monday thru Thursday, and 6PM to midnight, Friday and Saturday). The tenant space is 1,200 square feet; and WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 22, 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-16-49 with respect to the property described above.

**PASSED AND ADOPTED this 22nd day of August, 2016.**

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

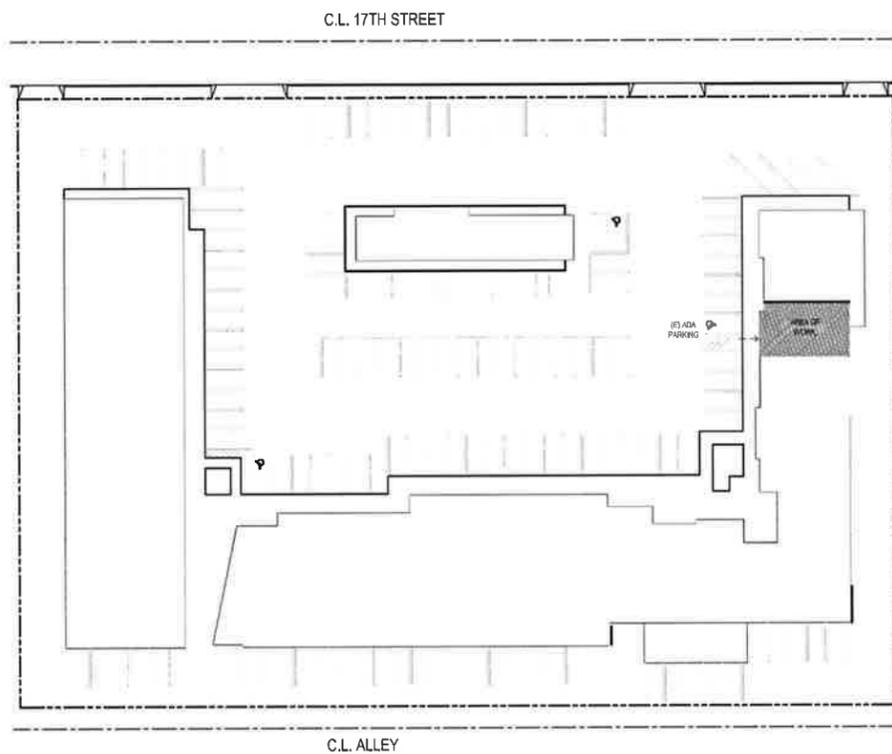


## EXHIBIT A

### 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-16-49. 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 denied, therefore Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code does not apply.

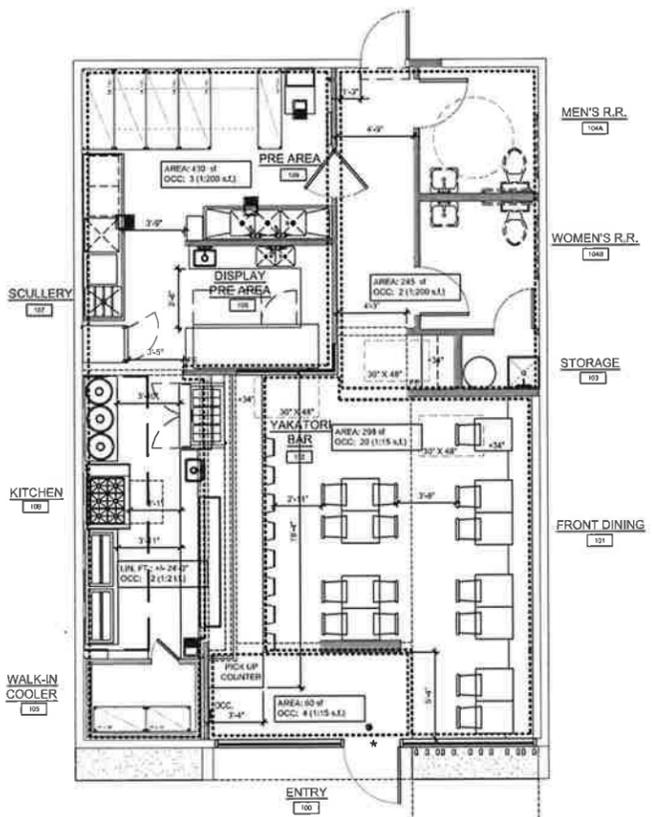




SITE PLAN

SCALE: 1" = 30'-0" 2

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EGRESS PLAN

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

EGRESS NOTES

- ALL EXIT DOORS ARE EXISTING. CONTRACTOR SHALL VERIFY AND UPGRADE ALL DOORS AS REQUIRED FOR CONFORMANCE WITH CBC 2013 CHAPTER 10.
- REFER TO SHEET A1.1a FOR EGRESS LIGHTING.
- INSTALL SELF-ILLUMINATING EXIT SIGNS IN CONFORMANCE WITH CBC 2013 SECTION 1008.1.1. REFER TO SHEET A1.1a FOR LOCATION.
- EGRESS DOORS SHALL NOT BE EQUIPPED WITH ANY LOCK OR LATCH OTHER THAN PANIC HARDWARE IN CONFORMANCE WITH CBC 2013 SECTION 1008.1.3.
- PANIC HARDWARE SHALL BE PROVIDED ON ALL DOORS IN THE PATH OF EGRESS TRAVEL IN CONFORMANCE WITH CBC 2013 SECTION 1008.1.3.

SYMBOL LEGEND

- LIMITS OF AREA CALCULATION FOR OCCUPANCY
- ACCESSIBLE PATH OF TRAVEL IN COMPLIANCE WITH CBC 2013 SECTION 113.1.1
- PATH OF TRAVEL (IN FEET) MAXIMUM DISTANCE FROM DOOR INTO AN EXIT ENCLOSURE: 200 FT.
- PH PANIC HARDWARE IN COMPLIANCE WITH CBC 2013 SECTION 1008.1.3
- \* DOOR TO BE LABELED AT HEAD WITH "THESE DOORS TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED" IN CONFORMANCE WITH CBC 2013 SECTION 1008.1.6.3
- EXIT SIGNS IN COMPLIANCE WITH CBC 2013 SECTION 1011.1
- OCCUPANT LOAD SIGNS IN CONFORMANCE WITH CBC 2013 SECTION 1004.3
- SELF-ILLUMINATING LOW EXIT SIGN IN COMPLIANCE WITH CBC 2013 SECTION 1004.3
- FE FIRE EXTINGUISHER

AREA SUMMARY

ROOM	LOCATION	FLOOR AREA	OCC. / S.F.	TOTAL OCC.
100	ENTRY	60 S.F.	1 / 15 S.F.	4
101	FRONT DINING	298 S.F.	1 / 15 S.F.	20
102	YAKATOR BAR	24 L.F. BAR	1 / 12 L.F.	12
103	STORAGE	245 S.F.	1 / 200 S.F.	2
104A	MEN'S R.R.			
104B	WOMEN'S R.R.			
105	WALK-IN COOLER	433 S.F.	1 / 200 S.F.	3
106	KITCHEN			
107	SCULLERY			
108	DISPLAY - PREP AREA			
109	PREP AREA			
TOTAL OCC.				41

WALL LEGEND

- WALLS TO BE DEMOLISHED
- (E) 1 HR DEMISING WALLS TO REMAIN
- EXISTING WOOD WALLS W/ R-13 INSULATION TO REMAIN
- NEW 3X METAL STUD WALLS. REFER TO STRUCTURAL

jordan arch

Jordan Sagraves Arch, Inc.  
333 East 17th Street, Suite 120  
Costa Mesa, California 92626



RETAIL TENANT IMPROVEMENT  
**OAK and COAL**  
Costa Mesa - Store  
333 East 17th Street - Suite 120  
Costa Mesa California 92626

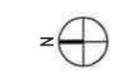
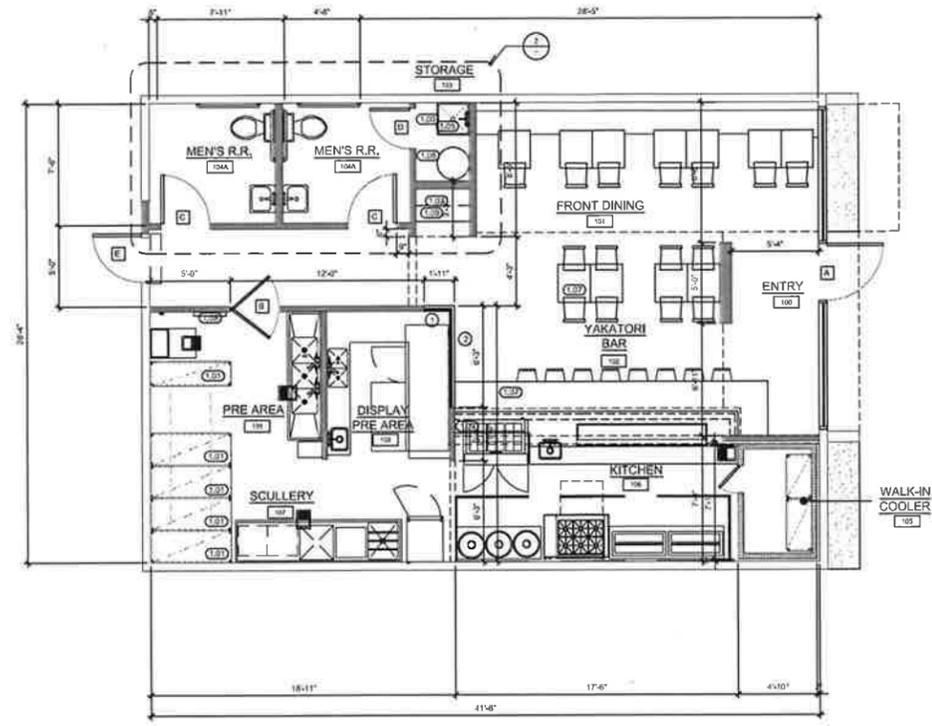
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DATE

6/14/2016	10 Check
6/27/2016	Plan Check
	Plan Check
	Set
	Permit
2016-017	Project Number

EGRESS PLAN  
SHEET  
**A0.1**

PLAN CHECK (P.C.) 07.11.2016



**ARCHITECTURAL KEYNOTES**

- (100) MOP SINK PROVIDE
- (101) 6 SHELF HIGH DRY STORAGE AREA
- (102) NEW CABINETS
- (103) HOSTED STAND
- (104) NEW STORE FRONT
- (105) NEW BUILT IN NO-SAG 34" HIGH BACK LEATHERETTE BENCH, (XXXX)
- (106) WATER HEATER, PROVIDE SEISMIC ANCHORS PER MECHANICAL.
- (107) 34" HIGH COUNTER.
- (108) ELECTRICAL SERVICE, REFER TO ELECTRICAL.
- (109) P.O.S.
- (110) -

jorden arch

JORDEN SEGRAVES  
ARCHITECTS  
34 SULLY ROAD SUITE  
LEONARDO, CALIFORNIA 92034  
AIA, LEED AP, NCARB, CSCP  
P.O.S.

P 949.278.2276 F 949.278.2277



**PROPOSED FLOOR PLAN**

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

**SYMBOL LEGEND**

- INTERIOR ELEVATION CALLOUT
- DETAIL CALLOUT
- PLAN KEYNOTE
- ELEVATION KEYNOTE
- DOOR TAG
- DOOR TYPES
  - FG FULL GLAZING (HUCIALITE)
  - HM HOLLOW METAL
  - WD WOOD SOLID CORE
  - 1H ONE HOUR
  - 2H TWO HOUR
- DOOR HARDWARE - REFER TO SHEET ON-2

RETAIL TENANT IMPROVEMENT  
**OAK and COAL**  
Costa Mesa - Store  
333 East 7th Street - Suite 120  
Costa Mesa California 92626

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**DATE**

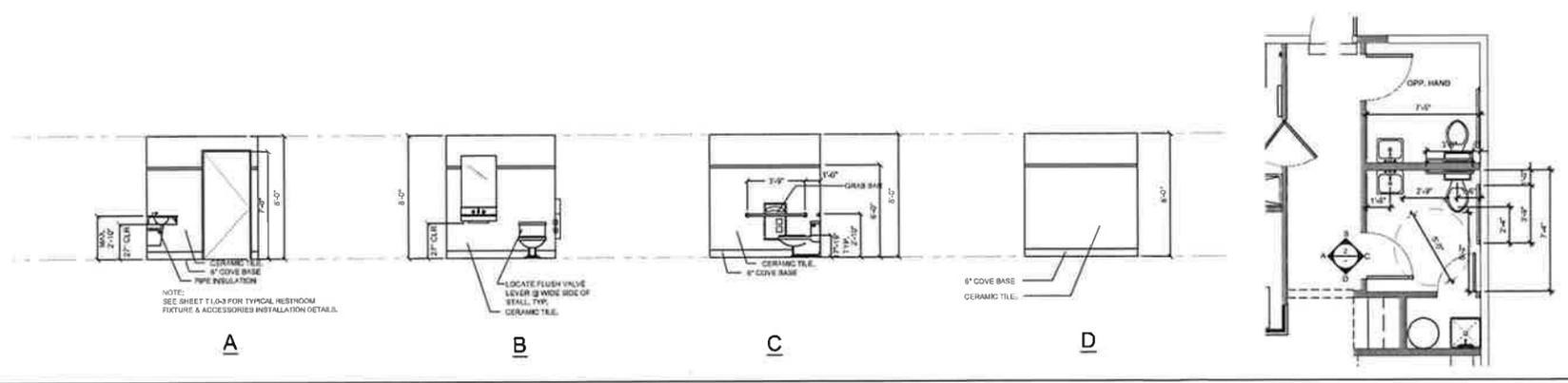
5.14.2016	NO Check
5.27.2016	Plan Check
	Plan Check
	Set
	Panel
2016-01-17	W/C/number

**PLAN NOTES**

1. ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN CONFORMANCE WITH THESE PLANS AND THE STANDARDS SET BY THE LOCAL BUILDING OFFICIAL.
2. NOT USED.
3. ALL DIMENSIONS ARE TO FACE OF STUD OR CONCRETE UNLESS NOTED OTHERWISE.
4. FOR ADDITIONAL INFORMATION REFER TO ACCESSIBILITY PLAN SHEET A1.1.
5. REFER TO ACCESSIBILITY NOTES AND DETAILS ON SHEET ADA.1.
6. REFER TO MECHANICAL, ELECTRICAL, PLUMBING AND STRUCTURAL FOR INFORMATION NOT SHOWN.

**WALL LEGEND**

- WALLS TO BE DEMOLISHED
- (-) 1 HR DEMISING WALLS TO REMAIN
- EXISTING WOOD WALLS W/ R-13 INSULATION TO REMAIN
- NEW 2X METAL STUD WALLS, REFER TO STRUCTURAL



**ENLARGED RESTROOM PLAN / ELEVATIONS**

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

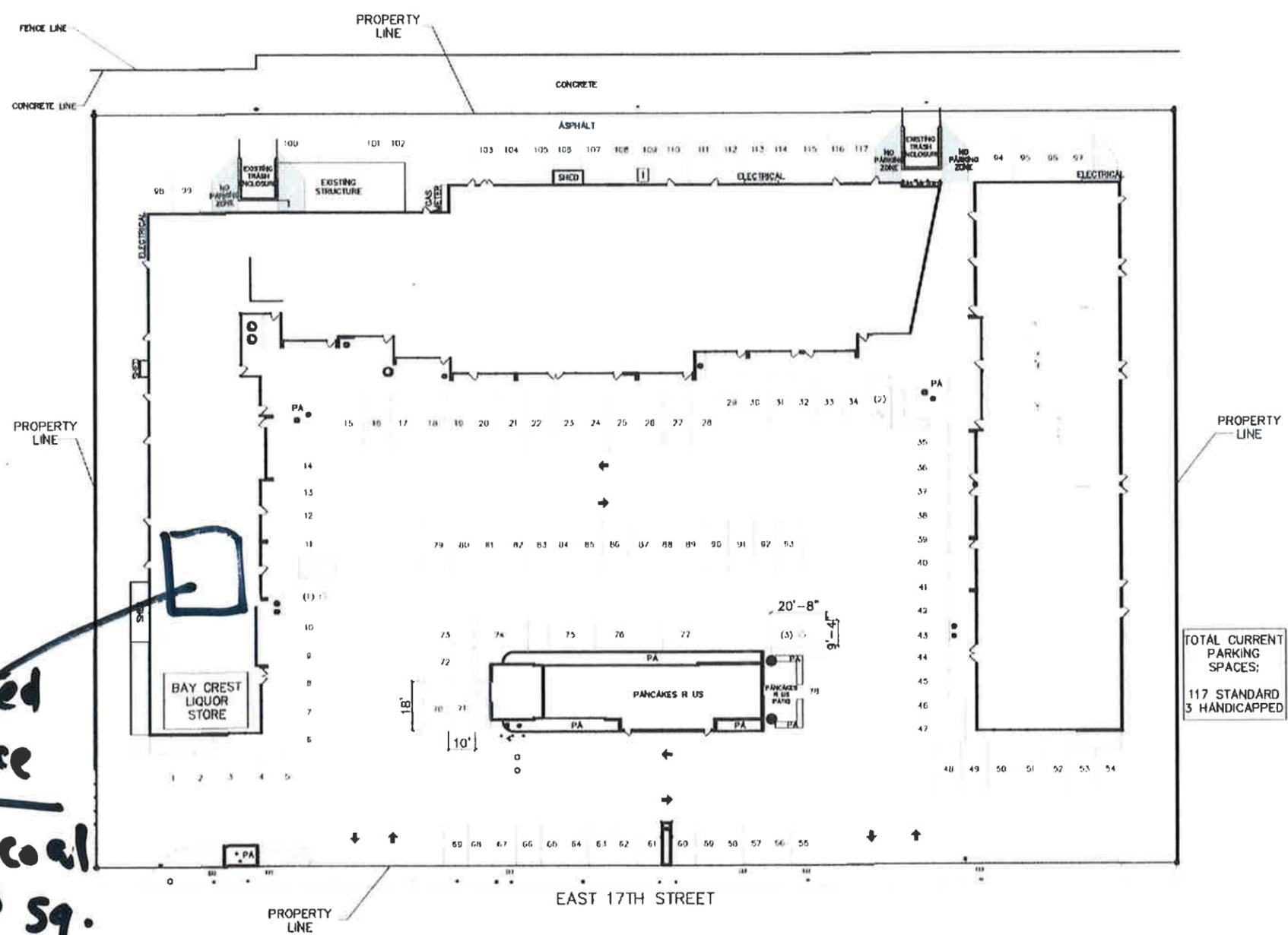
**2**

24

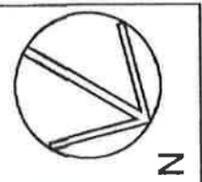
PROPOSED CONSTRUCTION FLOOR PLAN  
**SHEET**  
**A1.0**

PLAN CHECK (P-C) 07.11.2016

Proposed space  
 1200 sq. ft.



TOTAL CURRENT  
 PARKING  
 SPACES:  
 117 STANDARD  
 3 HANDICAPPED



DRAWN BY:	S. DELANE
DATE:	06.14.11
SCALE:	1/64" = 1'-0"
REVISIONS:	

333 East 17th Street  
 Costa Mesa, CA 92627

JOB NAME:	333 East 17th Street Newport Beach CA 92660
-----------	---

SHEET TITLE:	SITE PLAN
--------------	-----------

SHEET NO.:	1 OF 1
------------	--------

SHARED PARKING DEMAND  
MIXED USE DEVELOPMENT

JSE	Office		Banks	Medical		Retail	Restaurant		Theaters	Guest	Hotel/Model		Conference/Convention	Banquet	Residential			Guest	Total		
	<100,000 (Sq. Ft.)	>100,000 (Sq. Ft.)		Office (Sq. Ft.)	Rest 3K (Sq. Ft.)		Rest 3K (Sq. Ft.)	Rest 3K (Sq. Ft.)			Rest 3K (Sq. Ft.)	1 bedroom (units)			2 bedroom (units)	3+ Bedroom (units)	(total units)			Demand	
PEAK DEMAND	0.00	0.00	0.00	4.45	44.75	46.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95.56	31485.00	
WEEKDAY																				Weekdays	
6:00 AM	0.12	0.00	0.00	0.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52	6:00 AM
7:00 AM	0.80	0.00	0.00	0.89	0.04	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.41	7:00 AM
8:00 AM	2.52	0.00	0.00	2.80	17.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24.12	8:00 AM
9:00 AM	3.72	0.00	0.00	4.14	40.20	3.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51.48	9:00 AM
10:00 AM	4.00	0.00	0.00	4.45	65.33	6.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	80.61	10:00 AM
11:00 AM	4.00	0.00	0.00	4.45	83.42	10.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	102.12	11:00 AM
NOON	3.60	0.00	0.00	4.01	92.47	17.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	117.13	NOON
1:00 PM	3.60	0.00	0.00	4.32	92.47	20.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	127.00	1:00 PM
2:00 PM	3.88	0.00	0.00	4.14	92.47	20.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.16	2:00 PM
3:00 PM	3.72	0.00	0.00	3.43	83.42	17.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	107.01	3:00 PM
4:00 PM	1.88	0.00	0.00	2.09	75.38	23.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	103.27	4:00 PM
6:00 PM	0.00	0.00	0.00	1.02	34.90	41.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	77.47	6:00 PM
8:00 PM	0.00	0.00	0.00	0.31	38.04	46.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	84.61	8:00 PM
9:00 PM	0.00	0.00	0.00	0.13	35.95	46.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	83.61	9:00 PM
10:00 PM	0.00	0.00	0.00	0.13	13.42	41.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	72.25	10:00 PM
11:00 PM	0.00	0.00	0.00	0.00	5.37	32.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	55.10	11:00 PM
MIDNIGHT	0.00	0.00	0.00	0.00	0.00	23.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37.68	MIDNIGHT
MAXIMUM WEEKDAY DEMAND																				138.00	
WEEKEND																					
6:00 AM	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	Weekend
7:00 AM	0.12	0.00	0.00	0.13	2.02	0.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6:00 AM
8:00 AM	0.40	0.00	0.00	0.45	10.05	1.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7:00 AM
9:00 AM	0.52	0.00	0.00	0.58	30.15	2.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8:00 AM
10:00 AM	0.52	0.00	0.00	0.58	48.23	2.73	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9:00 AM
11:00 AM	0.68	0.00	0.00	0.76	75.37	3.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10:00 AM
NOON	0.68	0.00	0.00	0.76	85.43	10.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	NOON
1:00 PM	0.58	0.00	0.00	0.68	95.48	15.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1:00 PM
2:00 PM	0.40	0.00	0.00	0.45	100.51	15.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2:00 PM
3:00 PM	0.36	0.00	0.00	0.31	98.46	15.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3:00 PM
4:00 PM	0.28	0.00	0.00	0.28	75.38	20.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4:00 PM
6:00 PM	0.00	0.00	0.00	0.13	29.09	41.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6:00 PM
7:00 PM	0.00	0.00	0.00	0.13	36.85	43.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7:00 PM
8:00 PM	0.00	0.00	0.00	0.13	24.61	46.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8:00 PM
9:00 PM	0.00	0.00	0.00	0.00	17.90	46.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9:00 PM
10:00 PM	0.00	0.00	0.00	0.00	17.00	43.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10:00 PM
11:00 PM	0.00	0.00	0.00	0.00	5.82	39.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11:00 PM
MIDNIGHT	0.00	0.00	0.00	0.00	0.00	32.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	MIDNIGHT
MAXIMUM WEEKEND DEMAND																				116.73	
REQUIRED PARKING DURING OAK N COAL HRS																				95.51	
TOTAL PARKING AVAILABLE																				120.00	
Surplus Demand																				-66-C64	

Physical Fitness (11 people max)  
2,728 SF Hrs Sam to 7:30pm M-F  
94213 SF 7am-Sam Sat

26

Tenant	Office	Retail	Bank	Medical	Fine/Casual <3K	Fine/Casual >3K	Family Restaurants <3K SF	Family Restaurants >3K SF	Fast Food <3K	Fast Food >3K	Fitness Studio
1											
2	Liquor Store		1,696								
3	Proposed Oak and Coal Jewelry /Watch Repair				1,200						
4	Matador										
5/6	Shangai Salon										
7	Offices										
8	Pool Supply										
9	Graphics										
9A	Q Nails										
10	Coin Laundry										
11	Dry Cleaner										
12	Tennis										
12B/13	Newport Flooring										
14	Vacant										
15	Proactive Health										
16/18	Training Zone										
19	Tabu Shabu Restaurant										
20	Medical Supply store										
21	vaping										
21/22	Bella Blue										
23	Pancakes R Us										
Total			11,187		742		4,616				2,728

19,273

27

# ATTACHMENT 7

LEHMAN-FISHER CO.  
333 E. 17TH STREET  
July 2016

UNIT	NAME	SQUARE FEET	TYPE OF BUSINESS	HOURS
			Sat.-Sun	9am-12am
			Thurs-Fri	8am-12am
1	LIQUOR STORE	1696	LIQ.STORE	8am-11pm M-W
2	SUBJECT- OAK & COAL REST.	1200	RESTAURANT	5pm- ?
3	JEWELRY/WATCH REPAIR	966	RETAIL	10a-6pm M-F 10a-4pm Sat
4	MATADOR	966	BARBER	9a-6p, T-Sa.
5/6	SHANGHAI SALON	1600	HAIR SALON	9a-6p, T-Sa.
7	OFFICES	1000	OFFICE	9a-5p M-FRI
8	POOL SUPPLY	1008	RETAIL	9a-5p, T-Fri 10a-4pm Sat.
9	GRAPHICS	966	GRAPHICS	10a-5:30p T-Fr 10a-3pm Sat
9A	Q NAILS	1134	NAIL SALON	9am-6pm T-Sa
10	COIN LAUNDRY	1140	COIN LAUNTRAMAT	6a-10p dly
11	DRY CLEANERS	3060	DRY CLEANERS	7a-7p daily
12	TENNIS	1380	RETAIL	10a-6p M-Fri 10a-5pm Sat. 11a-3pm Sun.
12B/13	NEWPORT FLOORING	3720	RETAIL	9a-5:30 M-F 9a-4pm Sat.
14	* VACANT *	1451		
15	PROACTIVE HEALTH	742	CHIROPRACTOR	8a-7p-M-Sa.
16/18	TRAINING ZONE	2728	PHYSICAL FITNESS	6a-7p M-F 6a-11a Sat.
19	TABU SHABU RESTAURANT	1122	RESTAURANT	11:30a-2p M-F 5p-11p M-Sun. 12p-3p Sat/Sun
20	MEDICAL SUPPLY STORE	2200	RETAIL	9a-6p M-Fr 10a-5p Sat.
21A	VAPING	1500	RETAIL	9a-10pm M-Su
22	GYPSEIE COUTOURE	2340	RETAIL	10a-7p daily
23	PANCAKES R US	2304	RESTAURANT	6a-10p daily
		-----		
		34,223		