



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

October 20, 2011

Mike Ayaz
2107 N. Broadway, Suite 106
Santa Ana, CA 92906

**RE: ZONING APPLICATION ZA-04-47 A1
MINOR CONDITIONAL USE PERMIT TO AMEND THE HOURS OF OPERATION
FOR AN EXISTING BANQUET FACILITY/CAFE
1570 SCENIC AVENUE, COSTA MESA**

Dear Mr. Ayaz:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on October 27, 2011, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at 714-754-5609 or via email at rebecca.robbins@costamesaca.gov.

Sincerely,

~~WILLA BOUWENS-KILLEEN, AICP~~
Zoning Administrator

Attachments: Project description
 Findings
 Conditions of approval and Code Requirements
 Conceptual Site Plan

cc: Engineering
 Fire Protection Analyst
 Building Division

Bob Thomas
CJ Segerstorm & Sons
3315 Fairview Road
Costa Mesa, CA 92626

Sherbanee Enterprises Inc
C/o Kelly Sherbanee
1850 W Collins Avenue
Orange, CA 92867

PROJECT DESCRIPTION

Project Location

- Turnip Rose banquet facility and café, known as The Promenade and Café Rose Express, occupies an approximately 12,133 square-foot building (11,100 square feet dedicated to the banquet facility with a 12,000 square-foot garden area; 1,433 square feet dedicated to the café) within the Harbor Gateway Business Park. The property is zoned PDI (Planned Development Industrial) and has a General Plan designation of Industrial Park.
- The property is surrounded by industrially zoned and developed properties to the north, across Harbor Gateway North to the west, across Scenic Avenue to the south, and the City of Santa Ana across Harbor Boulevard to the east.

History of Entitlements

- In 1989, the Robert Mondavi Wine and Food Center occupied the site as a corporate headquarters office. As an ancillary use, the business offered wine tasting and cooking classes by reservation only.
- In 1990, Conditional Use Permit (CUP) PA-90-97 was approved, allowing Mondavi to provide public entertainment and special events three times a month on evenings or as day functions on the weekend.
- In 2004, the Zoning Administrator approved Minor Conditional Use Permit (MCUP) ZA-04-47 to allow the establishment of a banquet facility and café with sales of alcoholic beverages with the banquet facility to be open past 11:00 p.m. (7:30 a.m. to midnight, 7 days a week) and the café to be open 8:00 a.m. to 4:00 p.m. Monday through Friday. CUP PA-90-97 was voided upon approval of MCUP ZA-04-47.

Proposed Amendment

- The applicant requests an amendment to condition of approval number 2 of ZA-04-47 related to the hours of operation. The applicant would like to extend their hours of operation from the previously approved 7:30 a.m. to midnight to 7:00 a.m. to 1:30 a.m. This would result in the banquet facility remaining open an hour and a half later (1:30 a.m.) and the café opening an hour earlier (7:00 a.m.).
- Although the project was noticed to open at 7:30 a.m., the applicant has requested to modify the opening of the café to 7:00 a.m. Staff considers this a minor change to the request and has included this modification in the staff report.

Analysis

Staff supports the proposed amendment for the following reasons:

1. *Approval of the proposal will not create a negative impact on surrounding uses.*
 - a) The primary use is a banquet facility and café (not a bar or nightclub), with the sale of alcoholic beverages secondary to sale of food. The current business owner

will continue to operate in compliance with all conditions and regulations of the City. Additionally, the opening hours have been modified to 6:00 a.m., as permitted by Code.

- b) The property is located in the middle of an industrial area and is more than a half mile from the nearest residential properties; therefore, any noise generated from the banquet facility and café should not impact residential uses.
 - c) Sufficient parking is provided for the use within the Harbor Gateway Business Park (3,235 parking spaces required; 3,246 parking spaces existing)
 - d) Code Enforcement records indicate that the business has not generated any complaints.
2. Consistency with the General Plan. The General Plan permits a wide range of industrial uses within the Industrial Park land use designation and allows the approval of conditional uses aimed toward eliminating possible hazards to adjoining properties. Since the property is located in the middle of an industrial area, is more than a half mile from the nearest residential properties, and has not generated any complaints, the approval of the MCUP with modified conditions of approval for the existing establishment is consistent with the General Plan.

FINDINGS

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
 - a. The proposed use is compatible and harmonious with uses on-site as well as those on the surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The Industrial Park land use designation permits a wide range of industrial uses and allows the approval of conditional uses aimed toward eliminating possible hazards to adjoining properties. Since the property is located in the middle of an industrial area, is more than a half mile from the nearest residential properties, and has not generated any complaints, approval of the Minor Conditional Use Permit ZA-04-47 A1 for an amendment to the hours of operation (condition no. 2) under ZA-04-47 is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.

2. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in allowing an amendment to Minor Conditional Use Permit ZA-04-47 to extend the hours of operation to 6:00 a.m. to 1:30 a.m. because:
 - a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. Specifically, the primary use is a restaurant (not a bar or nightclub), with the sale of alcoholic beverages secondary to sale of food. In addition, the property is located in the middle of an industrial area and is more than a half mile from the nearest residential properties; therefore, any noise generated from the banquet facility and café will not impact residential uses.
 - b. Granting the conditional use permit or minor 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.
 - c. Granting the conditional use permit or minor 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.
3. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

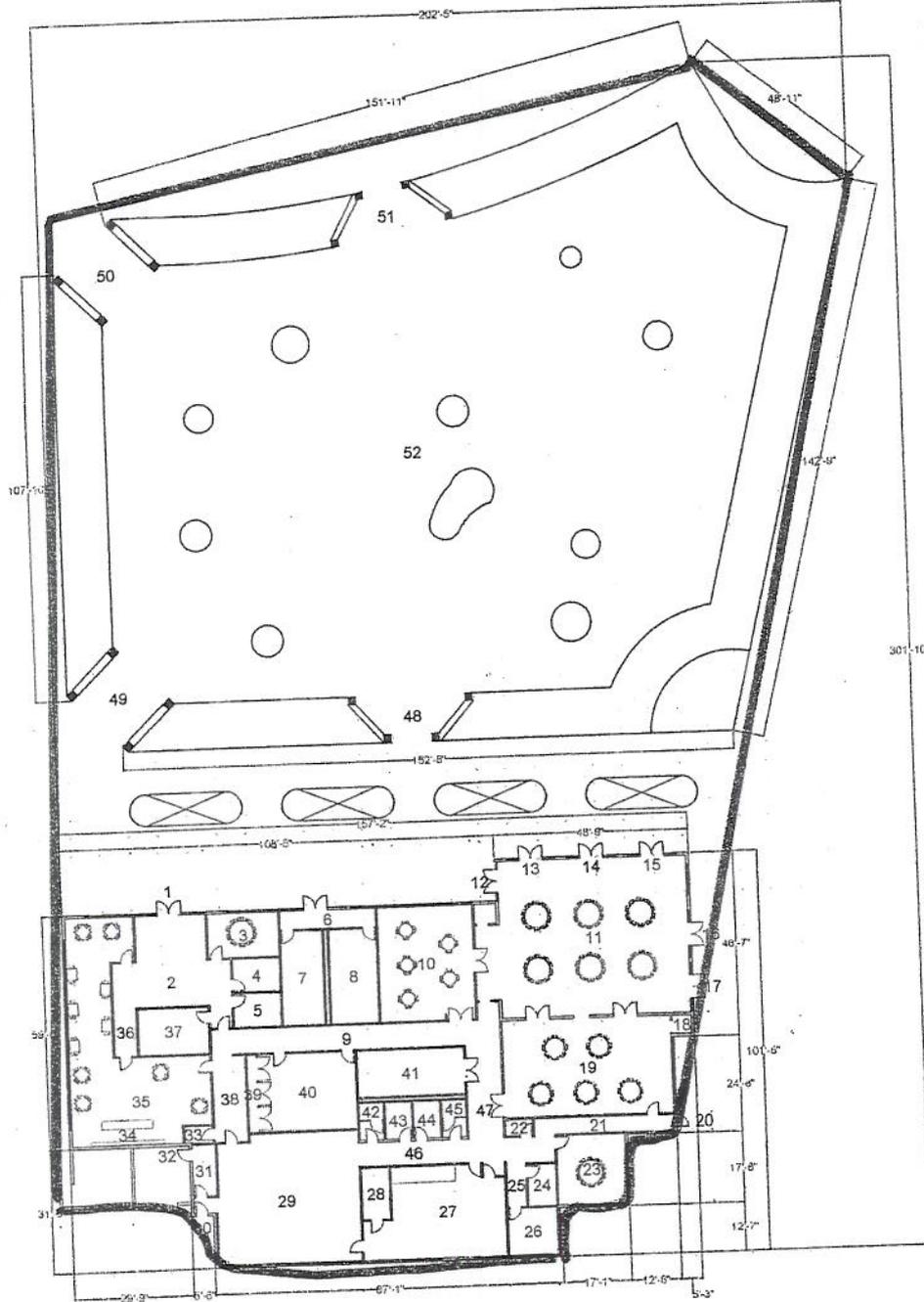
- Plng.
1. The hours of operation shall be limited to 6:00 a.m. to 1:30 a.m. daily.
 2. The conditions of approval (with exception to condition number 2 as updated by this amendment) and Code requirements of ZA-04-47 shall remain in full force and effect. The use shall be limited to the type of operation described in the staff reports for ZA-04-47 and this report (ZA-04-47 A1), subject to conditions. Any change in the operational characteristics including, but not limited to, change in hours of operation and/or expansion of business, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

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. The zoning application herein approved shall be valid until revoked. The Development Services Director or his/her designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his/her opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
 2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
 3. Street address shall be visible from the public street and shall be displayed on the freestanding sign or on another prominent location. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
 4. All exits shall be clearly marked with "EXIT" signs.
 5. All requirements of the California Department of Alcoholic Beverage Control shall be complied with.

DIAGRAM



OVERALL FLOOR PLAN
(BANQUET, CAFE + GARDEN)