



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 21, 2017

ITEM NUMBER: **PH-2**

SUBJECT: APPEAL OF ZONING APPLICATION ZA-16-34: MINOR CONDITIONAL USE PERMIT FOR TWO RESERVED PARKING SPACES LOCATED AT 3033 BRISTOL STREET, SUITE A

DATE: FEBRUARY 9, 2017

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: RYAN LOOMIS, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: RYAN LOOMIS, AICP (714) 754-5608
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RECOMMENDATION

Uphold, Reverse or Modify the Planning Commission's decision to deny the proposed project, described below:

- Planning Application ZA-16-34 – A Minor Conditional Use Permit (MCUP) to deviate from shared parking requirements to allow two reserved parking spaces in front of Suite A to accommodate patrons of the Watch Connection as follows:
 - Days: Tuesday – Saturday
 - Hours: 11AM – 2PM

APPLICANT

The applicant is Kelly S. Johnson, Esq., and Marc Martine, authorized agent of 3033 Bristol Street LLC, the property owner.

APPELLANT

The appellant is Kelly S. Johnson, Esq., and Marc Martine, authorized agent of 3033 Bristol Street LLC, the property owner.

BACKGROUND/ ANALYSIS

Project Site/Environs

The project site is located near the southwest corner of Bristol Street and Paularino Avenue, and contains a one-story, 39,179 square-foot commercial retail center. The property is zoned C1 (Local Business District) and has a General Plan land use designation of General

Commercial. The property is bounded by a C1 commercially-zoned property to the south, R3 multiple-family residentially-zoned property to the west, and C1 commercially-zoned properties to the north and east, across Paularino Avenue and Bristol Street, respectively.

Existing Tenant Mix

The 39,179 square-foot commercial retail center includes a variety of commercial uses. The retail center has a high number of establishments where food or beverages are served, both “small” (300 sq. ft. or less of public serving area) and “large” (over 300 sq. ft. of public serving area).

There are currently six existing “large” restaurants in the center:

- Capital Noodle in Suite “C”;
- Hachi Asian Fusion in Suite “D”.
- Halal Guys in Suite “E
- Hashigo restaurant in Suite “M”;
- Anjin restaurant in Suite “N”;
- Oki Doki restaurant in Suite “O

The retail center also has four existing “small” restaurants in the center:

- Creamistry in Suite “F”;
- California Wok in Suite “H”;
- Tapioca Express in Suite “L”;
- North Shore Poke Company in Suite “Q2”.

Other uses within the center include a dentist office (medical use), insurance office (office use), and various retail stores. Watch Connection has been a long standing tenant at the retail center, and is located in Suite A. Table 1 within the Planning Commission Staff Report (see Attachment 7), provides a breakdown of the current/proposed uses and hours of operation as of October 2016.

Request for Reserved Parking

A shared parking demand analysis was provided in the Planning Commission staff report (see Attachment 7), which indicates highest demands for parking at the retail center on weekdays between 7PM and 8PM. Many of the restaurants in the center, however, have become very popular and bring a large influx of patrons throughout the day, especially during the lunch hour. As a result, the retail center has experienced a higher than normal demand for parking. Valet parking has been approved for the retail center to accommodate these high demands.

Patrons visiting the site tend to search for open, non-valet parking spaces first before parking within the valet spaces. Customers who visit the various restaurants are using parking spaces valued by the Watch Connection. This has caused concern as patrons visiting the watch retailer are unable to park directly in front of the business. The applicant is specifically concerned for the safety and security of customers who purchase high-end products at the store as well as vendors delivering goods. As such, the applicant is requesting a Minor Conditional Use Permit to allow two parking spaces in front of the business to be specifically reserved for customers

during lunchtime hours (11AM-2PM), Tuesday through Saturday. A sign is proposed in front of the parking spaces to inform visiting patrons of the reserved time periods.

Planning Commission Action

A request for a Minor Conditional Use Permit is normally an administrative decision by the Zoning Administrator. This retail center where Watch Connection is located has previous and existing issues related to parking, noise and traffic. Because of this past history, and since Minor Conditional Use Permits normally do not have a public hearing, the Zoning Administrator forwarded the matter to Planning Commission to allow a public hearing of the request.

On November 21, 2016, ZA-16-34 was considered by the Planning Commission. Based on the evidence presented by the applicant/appellant and testimony presented at the hearing, the Planning Commission denied ZA-16-34 on a 3-0 vote (Chair Dickson and Vice Chair Mathews absent).

The Planning Commission staff report can be found in Attachment 7, and on the City's website link below:

<http://www.costamesaca.gov/ftp/planningcommission/agenda/2016/2016-11-21/PH-3.pdf>

The excerpt of the Planning Commission meeting minutes for the item are attached to this report (Attachment 6). The main concerns raised by the Planning Commission were the following:

- The Zoning Code requires all parking spaces in the retail center be made permanently available for parking for all employees, customers, and guests. The Planning Commission should not circumvent the Zoning Code requirements.
- Allowing a single business to reserve parking in a multi-tenant retail center creates a precedent that is hard to justify.
- Reserved parking may create overflow parking impacts on surrounding residential neighborhoods.

Appeal of Planning Commission Action

On November 28, 2016, the Planning Commission's denial of ZA-16-34 was appealed by the original applicant/authorized agent to the City Council. The basis for the appeal includes the following:

1. The Planning Commission decision was not well-founded based on the applicable facts, circumstances, and issues regarding safety, security, and liability.
2. The Planning Commission decision has misinterpreted and/or failed to consider the lack of any recognizable impact on other tenants, visitors, etc.

Appeal/De Novo Hearing

The City Council hearing for this appeal is a de novo hearing in which the City Council may consider the project in its entirety. The purpose of this report is to provide responses to the issues raised by the appellant, and to highlight and/or clarify the evidence in the administrative record that was presented to the Planning Commission prior to its action.

LEGAL REVIEW

The City Attorney has reviewed the draft resolutions and they have been approved as to form.

ALTERNATIVES

The City Council may take the following actions:

- Uphold the Planning Commission's decision and deny ZA-16-34; or
- Reverse the Planning Commission's denial and approve ZA-16-34. Any modifications to the conditions of approval, such as additions or deletions, can be made by the Council as part of this action.

CONCLUSION

The commercial retail center at 3033 Bristol Street includes a variety of commercial uses, including many restaurants. Many of these restaurants have become very popular, and bring a large influx of patrons throughout the day, especially during the lunch hour. As such, parking demand exceeds parking supply. The retail center was approved for valet parking service, which has increased parking supply. The Watch Connection, however, has become concerned with the lack of available parking in front of the store during lunchtime hours, primarily for the safety and security of visiting patrons to their store. On November 21, 2016, ZA-16-34 was considered by the Planning Commission. Planning Commission denied ZA-16-34 due to the requirement for shared parking at the center, and also because allowing a single business to reserve parking in a multi-tenant retail center creates a precedent which could potentially affect surrounding properties. This appeal requests the City Council to review the application to reconsider Planning Commission's decision. Staff recommends the City Council uphold, reverse or modify the Planning Commission's decision to deny the proposed project.

RYAN LOOMIS, AICP
Associate Planner

JAY TREVINO, AICP
Development Services Department Consultant

- Attachments:
- [1. Location Map, Zoning Map, and 500' Radius Map](#)
 - [2. Site Photos](#)
 - [3. Appeal Application](#)
 - [4. Draft City Council Resolutions and Exhibits](#)
 - [5. Plans](#)
 - [6. Planning Commission Meeting Minute Excerpts](#)
 - [7. November 21, 2016 Planning Commission Staff Report w/ Attachments](#)
 - [8. Planning Commission Resolution \(signed copy\)](#)

cc:

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