PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 27, 2017 **ITEM NUMBER:** PH-2

SUBJECT: **PLANNING APPLICATION PA-16-73 FOR A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A FOOD SERVICE USE (ROLLIN DEEP ICE CREAM) LOCATED AT 891 BAKER STREET, SUITE B-19**

DATE: **FEBRUARY 16, 2017**

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

PRESENTATION BY: **JUSTIN ARIOS, ASSISTANT PLANNER**

FOR FURTHER INFORMATION CONTACT: **JUSTIN ARIOS (714) 754-5667**
justin.arios@costamesaca.gov

DESCRIPTION

The proposed project requests a conditional use permit to allow the establishment of a food service use (Rollin Deep Ice Cream) in the Commercial Limited zone, located within 200 feet of a residential zone. The project also includes an amendment to Conditional Use Permit PA-93-42 to delete Condition of Approval #5 which is not consistent with the current Zoning Code

APPLICANT OR AUTHORIZED AGENT

The applicant/authorized agent is Dave Augusto representing the property owner, Bear & Baker Limited.

ENVIRONMENTAL DETERMINATION

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

RECOMMENDATION

Adopt a resolution to approve Planning Application PA-16-73, subject to conditions of approval.

BACKGROUND

The subject property is located in Baker Street Village at the corner of Baker and Bear Streets. The site is zoned CL (Commercial Limited), and has a General Plan land use designation of General Commercial. Physical on-site improvements include two multi-tenant buildings with 63 parking spaces (including 3 handicapped); the site provides two points of ingress/egress, one located on Baker Street and the other located on Bear Street. The surrounding properties adjacent to the project site consist of the following:

- **North**: Commercial uses are located to the north, across Baker Street (890 Baker Street). The property is zoned C1 (Local Business) and has a General Plan land use designation of Neighborhood Commercial.
- **East**: Commercial uses (Marriott Residence Inn) bounds the site to the east (881 Baker Street). The property is zoned CL (Commercial Limited) and has a General Plan land use designation of General Commercial.
- **South and West**: Newport-Mesa Unified School District's Education Center and Sanborn Buildings are located to the south and west, across Bear Street (2985 Bear Street). The property is zoned I&R (Institutional and Recreational District) and has a General Plan land use designation of Medium Density Residential.
- **Northwest**: Residential uses (Sommerset Citihomes) are located on the opposite corner of Baker Street and Bear Street, northwest of the site. The property is zoned PDR-MD (Planned Development Residential, Medium Density) and has a General Plan land use designation of Medium Density Residential.

The proposed use will occupy a 904 square foot tenant space (B-19), located in one of the multi-tenant buildings. The proposed tenant, Rollin Deep Ice Cream, is an ice cream shop that specializes in Thailand-inspired ice cream. As described in the applicant letter, the ice cream shop will complement the existing food establishments within the center. The proposed ice cream shop will operate as a take-out spot with customers purchasing their ice cream and leaving the premises, with loiters being discouraged. The proposed floor plan consists of a service area, a customer area, storage and a restroom. No seating furniture (tables or chairs) is proposed.

ANALYSIS

Need for Conditional Use Permit

The shopping center was built in 1987 and has had a number of food service uses over the years. When reviewing a request for a deviation from shared parking in the shopping center in 1993 (PA-93-42), the Planning Commission included Condition of Approval #5, which required that any subsequent restaurant or food use in the center be approved through a conditional use permit approved by the Planning Commission, which was more restrictive than the code in effect at that time. (In 1993, the parking standard was based on the number of seats provided in a restaurant and any restaurant with seating for more than 12 persons was subject to approval of a minor conditional use permit by the Zoning Administrator.)

Since the approval of PA-93-42, the City has changed how it evaluates parking requirements for establishments where food or beverages are sold. The current Code requires parking spaces based on the square footage of public area provided, not the number of seats provided. As a result, under the current Code, this applicant meets the requirements for a minor conditional use permit with review by the Zoning Administrator. However, as long as Condition #5 remains on the conditional use permit for this shopping center, any new restaurant use in the center, even if it complies with the current Zoning Code for a minor conditional use permit (as Rollin Deep Ice Cream does) is required to have its permit approved by the Planning Commission. Staff recommends that as part of this project approval, that Condition #5, be deleted, thus eliminating the requirement for future applicants to process a conditional use permit with Planning Commission review.

Parking

The parking ratio for an establishment where food or beverages are sold, with less than 300 square feet of public area, is 4 spaces per 1,000 square feet of gross floor area or 4 parking spaces. Based on the square footage of the subject suite, the applicant is credited with the required 4 parking spaces. Additionally, as stated in the email response dated January 11, 2017, the applicant proposes to create a take-out shop and does not plan on providing tables and chairs in the customer area. This is addressed as a condition of approval.

If parking shortages or other parking-related problems develop, conditions of approval will require the business operator to institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the operating hours of the business.

Staff Justifications for Approval

Staff supports the above request based on the following:

- *The proposed use, as conditioned, is compatible with the uses in the surrounding area.* Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses. Residential uses are protected from any noise or nuisance associated with the ice cream shop since the closest residential use is located on the opposite corner of an intersection, from the project site. The proposed ice cream shop is not considered a use that will increase density or intensity allowed per the General Plan designation. The General Plan designation for Baker Street Village is General Commercial, which allows for retail and restaurant uses. 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.* Based on the square footage of the suite, and the zoning of the property, the proposed ice cream shop is credited with 4 parking spaces; the required parking ratio for an establishment where food or beverages are served, with less than 300 square feet of public area, is 4 spaces per 1,000 square feet of gross floor area, or 4 spaces total. Furthermore, as stated in communications with the applicant, there will be no seating furniture (tables or chairs) in the suite, since the business would like to create a "to go" shop.

  CONDITION 10: Seating furniture, include chairs, tables and benches shall be prohibited, both inside and outside the suite.

GENERAL PLAN CONFORMANCE

The proposed ice cream shop, which is located within 200 feet of a residential zone, with less than 300 square feet of public area, is permitted in the CL zone, subject to approval of a minor conditional use permit. The General Plan land use designation of the property is General Commercial. The General Commercial land use designation is intended to permit a wide range of commercial uses, which serve both local and regional needs, including retail and restaurant uses.

Subject to conditions of approval, the proposed use is in conformance with the 2015-2035 General Plan. Specifically, the proposed project complies with the following Land Use Policies:

> Policy 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.
>
> Policy 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.

The proposed ice cream shop will be compatible with the existing uses located in the center. The center currently contains various retail uses including multiple restaurants, a social bar, a vape retail shop, as well as other retail shops. Furthermore, residential uses are protected from any noise or nuisance associated with the ice cream shop since the closest residential use is located on the opposite corner of the intersection, from the project site.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provision 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.

Any public comments received prior to the February 27, 2017 Planning Commission will be provided in a supplemental memo.

ALTERNATIVES

1. *Recommend approval of the project with modifications.* The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modification to the proposal, should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

2. *Recommend Denial of the project.* If the Planning Commission believes there are insufficient facts to support the findings of approval, Planning Commission must recommend denial of the application and provide facts in support of denial to be included in a resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

The proposed project requests a conditional use permit to allow the establishment of a food service use (Rollin Deep Ice Cream), in the Commercial Limited zone, located within 200 feet of a residential zone. It is staff's opinion that the proposed use, as conditioned, will be consistent with City's Zoning Code and General Plan and will be compatible with surrounding properties. Therefore, staff recommends approval of the project with the included conditions of approval.

JUSTIN ARIOS
Assistant Planner

JAY TREVINO, AICP
Development Services Department
Consultant

Attachments:
1. Zoning Map / Vicinity Map / 200' Buffer Map
2. Site Photos
3. Applicant's Project Description / Current Tenant List
4. Email Correspondence
5. Draft Planning Commission Resolutions
6. PA-93-42 Staff Report
7. Plans

cc: Development Services Department Consultant
Assistant Development Services Department Director
Sr. Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
File (2)

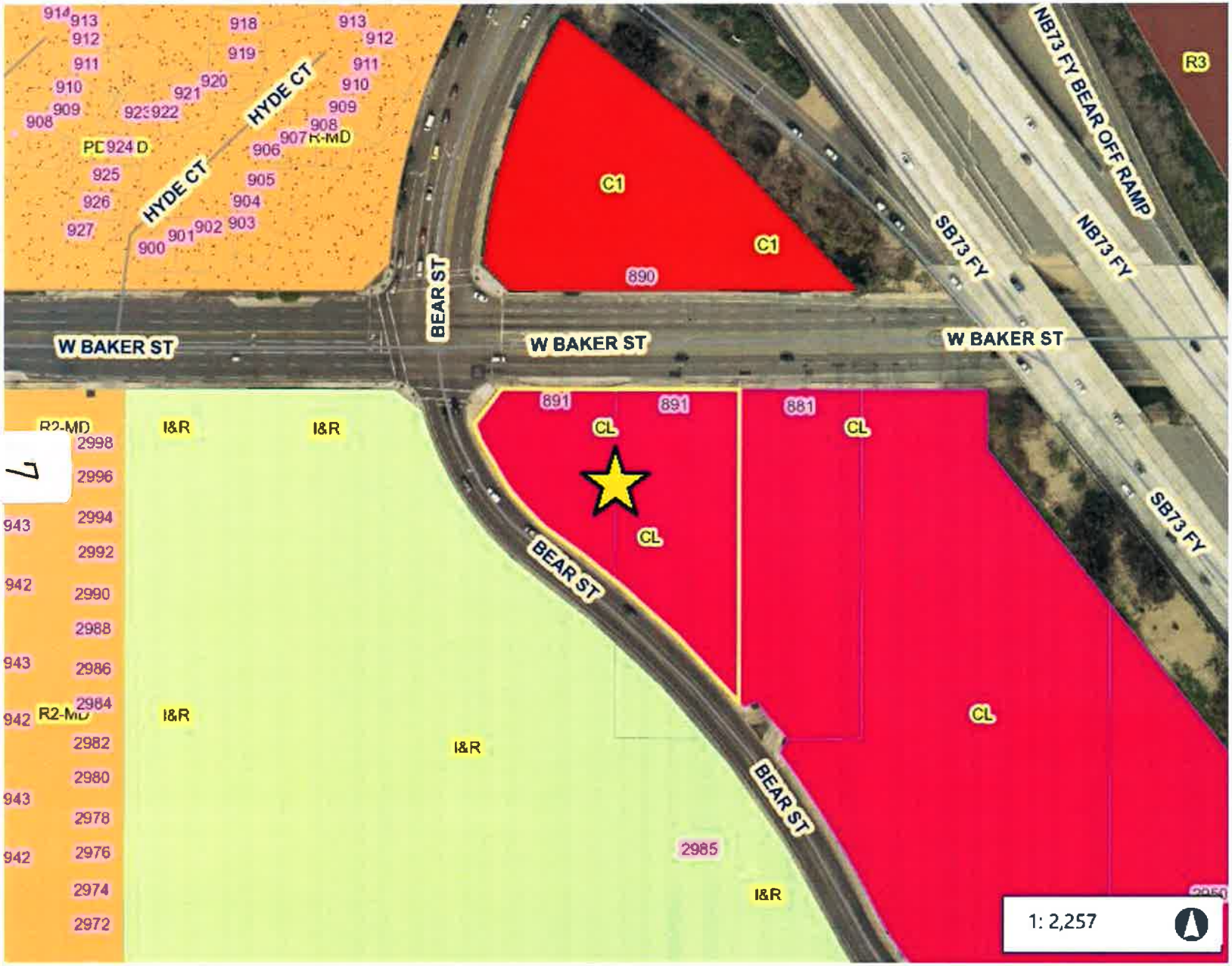
Authorized Agent: Dave Augusto
140 E. Chestnut Avenue
Monrovia, CA 91016

Property Owner: Paul Tanner
Bear & Bear Limited
P.O. Box 39
Lakewood, CA 90714

Costa Mesa

Zoning Map: 891 Baker Street (PA-16-73)

ATTACHMENT 1



Legend

- Costa Mesa Zoning
  - AP
  - C1
  - C1-S
  - C2
  - CL
  - I&R
  - I&R-S
  - MG
  - MP
  - P
  - PDC
  - PDI
  - PDR-HD
  - PDR-LD
  - PDR-MD
  - PDR-NCM
  - R1
  - R2-HD
  - R2-MD
  - R3
  - TC

Notes

0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Costa Mesa

Vicinity Map, 891 Baker Street (PA-16-73)

Legend

- Costa Mesa

Notes

0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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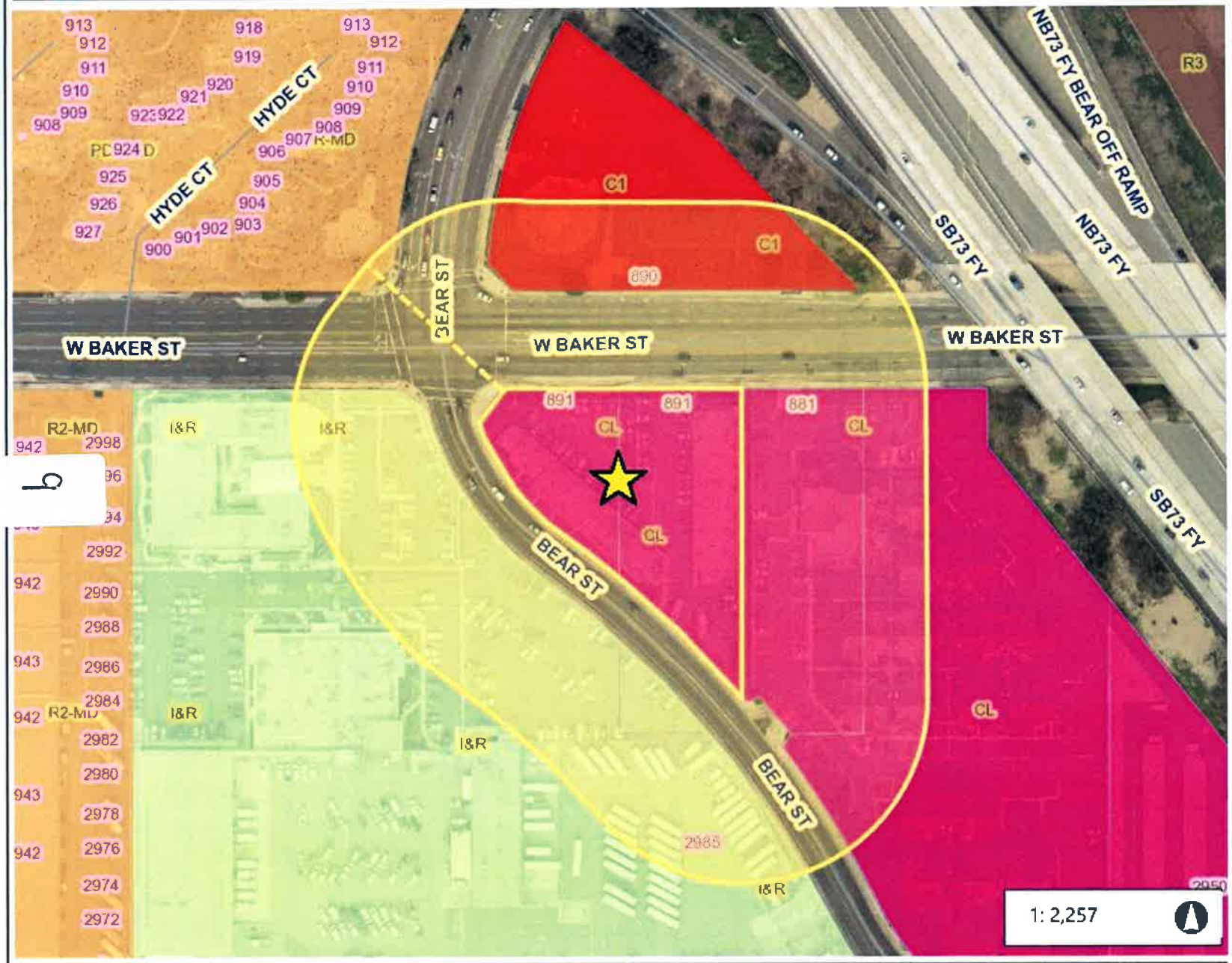
Costa Mesa

200-Foot Buffer - 891 Baker Street (PA-16-73)



Legend

- Costa Mesa Zoning
  - AP
  - C1
  - C1-S
  - C2
  - CL
  - I&R
  - I&R-S
  - MG
  - MP
  - P
  - PDC
  - PDI
  - PDR-HD
  - PDR-LD
  - PDR-MD
  - PDR-NCM
  - R1
  - R2-HD
  - R2-MD
  - R3
  - TC

Notes

0.1 0 0.04 0.1 Miles

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Eastern Commercial Building (891 Baker Street)

Commercial Building across Baker Street

Residential Properties (Sommerset Citihomes) located on the opposite side of the intersection of Baker Street & Bear Street

Institutional Buildings (Newport Mesa School District Education Center and Sanborn Buildings) across Bear Street

Western portion of parking lot

Eastern portion of parking lot

Ingress/Egress along Bear Street

Project Suite

ROLLIN DEEP ICE CREAM
891 Baker St. Suite B-19
Costa Mesa, CA 92626

ATTACHMENT 3

November 7th, 2016

To Whom It May Concern:

The purpose of this letter is to describe the usage of a commercial space for a Minor Conditional Use Permit application.

The renovation project of 891 Baker Suite B-19 is to convert the existing space to be Orange County's first brick and mortar shop specializing in Thailand-inspired ice cream.

The plaza at 891 Baker Street is also home to a ramen restaurant (Kitakata Ramen Ban Nai), a Japanese barbeque restaurant (Manpuku Tokyo BBQ Dining), an Izakaya restaurant (Takaya Yakitori Izakaya), a pizzeria (Ciao! Deli and Pizzeria), and a bar/lounge (Kitsch Bar) among other businesses. The addition of an ice cream shop will be ideal for the plaza. It will seamlessly complement and be substantially compatible with the aforementioned food businesses – after finishing their meals, the restaurant's customers can stroll in to the ice cream shop to top off their meals with a delicious, contemporary dessert. In addition, there are two schools within walking distance to the plaza (Paularino Elementary School & St. John the Baptist Catholic School), which can increase the foot traffic to the ice cream shop and overall foot traffic to the plaza.

The ice cream shop will operate predominantly as a take-out spot with clientele seating limited to 300 square feet, thus the flow of traffic in the surrounding areas will not be impeded. Customers will purchase the ice cream and leave the premises after a brief visit; loiterers will be discouraged. Therefore, areas designated for parking inside and nearby the plaza will be unobstructed, and the development of an ice cream shop will not be materially detrimental to other properties in the area.

We hope that the information provided is sufficient. If you have any other questions, please do not hesitate to contact us at (646) 853-4361.

Sincerely,

Chadwick Lee (Co-Founder)

Rollin Deep Ice Cream Shop Hour:

Monday	12PM–11PM
Tuesday	12PM–11PM
Wednesday	12PM–11PM
Thursday	12PM–11PM
Friday	12PM–11PM
Saturday	12PM–11PM
Sunday	12PM–11PM

Tenant List

Costa Mesa Wine and Spirits

Address: 891 W Baker St Ste B-1 Costa Mesa, CA 92626

Mon 8:00 am - 12:00 am
Tue 8:00 am - 12:00 am
Wed 8:00 am - 12:00 am
Thu 8:00 am - 1:00 am
Fri 8:00 am - 1:00 am
Sat 8:00 am - 1:00 am
Sun 8:00 am - 12:00 am

Kozo Hair Salon

Address: 891 W Baker St Ste B-9 Costa Mesa, CA 92626

Mon Closed
Tue 9:00 am - 7:00 pm
Wed 9:00 am - 7:00 pm
Thu 9:00 am - 7:00 pm
Fri 9:00 am - 7:00 pm
Sat 9:00 am - 7:00 pm
Sun 9:00 am - 7:00 pm

Mesa Vape

Address:891 W Baker St Ste B-11 Costa Mesa, CA 92626

Mon 9:00 am - 9:00 pm
Tue 9:00 am - 9:00 pm
Wed 9:00 am - 9:00 pm
Thu 9:00 am - 9:00 pm
Fri 9:00 am - 9:00 pm
Sat 9:00 am - 8:00 pm
Sun Closed

Takaya Yakitori Izakaya

Address: 891 W Baker St Ste B-15 Costa Mesa, CA 92626

Mon 11:30 am - 2:00 pm
5:00 pm - 10:00 pm
Tue 11:30 am - 2:00 pm
5:00 pm - 10:00 pm
Wed 11:30 am - 2:00 pm
5:00 pm - 10:00 pm
Thu 11:30 am - 2:00 pm
5:00 pm - 10:00 pm
Fri 11:30 am - 2:00 pm
5:00 pm - 10:00 pm
Sat 11:30 am - 2:00 pm
5:00 pm - 10:00 pm
Sun 11:30 am - 2:00 pm
5:00 pm - 10:00 pm

Kitakata Ramen Ban Nai
Address: 891 W Baker St Ste B-21 Costa Mesa, CA 92626
Mon 11:00 am - 2:45 pm
5:00 pm - 9:45 pm
Tue Closed
Wed 11:00 am - 2:45 pm
5:00 pm - 9:45 pm
Thu 11:00 am - 2:45 pm
5:00 pm - 9:45 pm
Fri 11:00 am - 2:45 pm
5:00 pm - 9:45 pm
Sat 11:00 am - 9:45 pm
Sun 11:00 am - 9:45 pm

Manpuku Tokyo BBQ Dining
Address: 891 W Baker St Ste A-2 Costa Mesa, CA 92626
Mon 5:00 pm - 12:00 am
Tue 5:00 pm - 12:00 am
Wed 5:00 pm - 12:00 am
Thu 5:00 pm - 12:00 am
Fri 5:00 pm - 1:00 am
Sat 4:00 pm - 12:00 am
Sun 4:00 pm - 11:30 pm

Elegant Beauty Lounge
Address: 891 W Baker St Ste A-6 Costa Mesa, CA 92626
Mon 10:00 am - 7:00 pm
Tue 10:00 am - 7:00 pm
Wed 10:00 am - 7:00 pm
Thu 10:00 am - 7:00 pm
Fri 10:00 am - 7:00 pm
Sat 10:00 am - 7:00 pm
Sun Closed

State Farm Insurance Agent
Address: 891 W Baker St Ste A-8 Costa Mesa, CA 92626
Mon 9:00 am - 5:00 pm
Tue 9:00 am - 5:00 pm
Wed 9:00 am - 5:00 pm
Thu 9:00 am - 5:00 pm
Fri 9:00 am - 5:00 pm
Sat Closed
Sun Closed

Kitsch Bar
Address: 891 W Baker St Ste A-10 Costa Mesa, CA 92626
Mon 7:00 pm - 2:00 am
Tue 7:00 pm - 2:00 am

Wed 7:00 pm - 2:00 am
Thu 7:00 pm - 2:00 am
Fri 7:00 pm - 2:00 am
Sat 7:00 pm - 2:00 am
Sun 7:00 pm - 2:00 am

Gabriella Tn Pham D.D.S., Inc.

Address: 891 W Baker St Ste A-12 Costa Mesa, CA 92626
Mon 9:00 am - 6:00 pm
Tue 9:00 am - 6:00 pm
Wed 9:00 am - 6:00 pm
Thu 9:00 am - 6:00 pm
Fri 9:00 am - 6:00 pm
Sat 8:00 am - 4:00 pm
Sun By Appointment

Crystal Cave

Address: 891 W Baker St Ste A-16 Costa Mesa, CA 92626
Monday 10AM–8PM
Tuesday 10AM–8PM
Wednesday 10AM–8PM
Thursday 10AM–8PM
Friday 10AM–8PM
Saturday 10AM–8PM
Sunday 12–6PM

Ciao! Deli & Pizzeria

Address: 891 W Baker St Ste A-18 Costa Mesa, CA 92626
Mon Closed
Tue 11:30 am - 9:00 pm
Wed 11:30 am - 9:00 pm
Thu 11:30 am - 9:00 pm
Fri 11:30 am - 9:00 pm
Sat 11:30 am - 9:00 pm
Sun Closed

Bear & Baker	.74 CAM eff. 3/15	
Unit	**Tenant Name**	**Sq. Ft.**
A-2	Takee International, Inc. Dba Manpuku	1490
A-6	Jonahtan Nguyen and Khanh Charles dba Elegant Nails	765
A-8	Shannon Purmalis dba State Farm Insurance	671
A-10	Nola, Nola, Hannegan & Altobello dba Kitsch Bar	1419
A-12	Gabriella Pham dba Costa Mesa Dentistry	1045
A-16	Tate & Rapp dba Crystal Cave	1430
A-18	Casso Enterprise dba Ciao Pizza	978
B-1	Hannoun dba Costa Mesa Wine & Spirits	2136
B-9	Kamihagi dba Kozo Hair Salon	698
B-11	Vape Lounge Costa Mesa	962
B-15	HOHO corp dba Takaya Yakitori	1234
B-19		904
B-21	MENSYOKU U.S.A. dba Kitakata ToGo, Kitakata Ramen	1228
		14,960

CITY OF COSTA MESA
P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200
Development Services Department – Planning Division

APPLICATION STATUS FORM

January 11, 2017

Dave Augusto
140 East Chestnut Avenue
Monrovia, CA 91016

Application: **CONDITIONAL USE PERMIT, PA-16-73;**
891 BAKER STREET, SUITE B-19, COSTA MESA

Dear Mr. Augusto:

In accordance with State law, the City of Costa Mesa has 30 days to review a planning application to determine if it is complete. After reviewing your revised application submittal and after further background research, we have determined your application to be incomplete. Please address the following corrections:

1. Please provide dimensions of the subject suite on the site plan (specifically looking for suite dimensions).

2. Does the 300 sq. ft. customer area include the hallway?

3. Please show how the customer area will be set up (i.e. tables, benches, etc.).
   a. Please keep in mind, staff will not be able to support any seating area outside of the subject suite.

If you have any questions regarding the above, please do not hesitate to contact me at justin.arios@costamesaca.gov or (714) 754-5667.

Sincerely,

Justin Arios

JUSTIN ARIOS
Assistant Planner

ARIOS, JUSTIN

From: Nicole Liu <jtplus.nico@gmail.com>
Sent: Wednesday, January 11, 2017 4:14 PM
To: ARIOS, JUSTIN
Subject: Re: Application Status PA-16-73 (891 Baker St, Suite B-19)
Attachments: COSTA MESA ICE CREAM.pdf

Hi Justin:
For your concern,
1.please see attachment, the dimension for the suite.
2.The 300sq ft customer area does not include the hallway
3.The client actually wants to create a to go shop, so they do not gonna put any table and chair in that area.

if you need more information please let me know or call me 626-353-9350

On Wed, Jan 11, 2017 at 2:43 PM, ARIOS, JUSTIN <JUSTIN.ARIOS@costamesaca.gov> wrote:

Hello,

In accordance with State law, the City of Costa Mesa has 30 days to review a planning application to determine if it is complete. Please see the attached the attached lettering in regard to the status of your application PA-16-73 for a Conditional Use Permit at 891 Baker St, Suite B-19.

If you have any questions or concerns, please feel free to contact me.

Thanks,

Justin Arios

Assistant Planner

City of Costa Mesa

714-754-5667

RESOLUTION NO. PC-17-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-16-73 FOR A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF A FOOD SERVICE USE (ROLLIN DEEP ICE CREAM) LOCATED AT 891 BAKER STREET, SUITE B-19

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

WHEREAS, an application was filed by Dave Augusto, authorized agent for the property owner, Bear & Bear Limited, requesting approval of a conditional use permit to allow the establishment of a food service use (Rollin Deep Ice Cream), in the Commercial Limited zone, located within 200 feet of a residential zone.

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 27, 2017 with all persons having the opportunity to speak for and against the proposal;

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

WHEREAS, the CEQA categorical exemption for this projects reflects the independent judgement of the City of Costa Mesa.

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-16-73 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-16-73 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.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 27th day of FEBRUARY, 2017.

_____

Stephan Andranian, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Jay Trevino, Acting 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 February 27, 2017 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Jay Trevino, Acting 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: Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses. Residential uses are protected from any noise or nuisance associated with the ice cream shop since the closest residential use is located on the opposite corner of the intersection, from the project site. The proposed food use will be compatible with the existing uses located in the center; the center currently contains various retail uses including multiple restaurants, a social bar, a vape retail shop, as well as other retail shops.

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. No new construction is proposed as a part of this project, aside from tenant improvements.

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

Facts in Support of Findings: The project is consistent with the General Plan land use designation of General Commercial. 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 Policy LU-3.1 – 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 Policy LU-1.1, 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. The proposed food use will be compatible with the existing uses located in the center; the center currently contains various retail uses including multiple restaurants, a social bar, a vape retail shop, as well as other retail shops.

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

Facts in Support of Findings: Potential noise impacts have been considered and the project will not have a negative impact on the surrounding neighborhood. 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. Residential uses are protected from any noise or nuisance associated with the ice cream shop since the closest residential use is located on the opposite corning of the intersection, from 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. The proposed ice cream shop is not considered a use that will increase density or intensity allowed per the General Plan designation. The General Plan designation for Baker Street Village is General Commercial, which allows for retail and restaurant uses. 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.

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, a "to go" ice cream shop open daily from 12 PM to 11 PM, located within 200 feet of residential zone located at 891 Baker Street, Suite B-19. Any change in the operational characteristics including, but not limited to, increased hours of operation, will require approval of an amendment to the conditional use permit, subject to either Planning Commission or Zoning Administrator 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. The applicant 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. Any new exterior lighting proposed shall be shielded and/or directed away from residential areas.
8. Outdoor public communication systems shall not be audible in adjacent residential areas.
9. Any trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to any adjacent residential areas.
10. Seating furniture, include chairs, tables and benches shall be prohibited, both inside and outside the suite.

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. Approval of the planning application is valid for one year from the effective date of this approval (March 7, 2017) and will expire at the end of that period (March 7, 2018) unless applicant establishes the use by obtaining a business license reflecting the group counseling. If the applicant is unable to obtain the business license within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application.
2. Once the use is legally established, the planning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the planning application to the Planning Commission for modification or revocation at any time if, in his 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.
3. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.

Bldg.
4. Comply with the requirements of the following adopted codes: 2016 California Residential Code, 2016 California Building Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Green Building Standards Code and 2016 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 2016 California Building Code.

Bus. Lic.
5. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
6. Business license shall be obtained prior to the initiation of the business.

SPECIAL DISTRICT REQUIREMENTS

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

Sani.

1. 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.
2. 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.
3. Provide a plan to the County of Orange Health Dept. for review and approval.

PLANNING DIVISION STAFF REPORT

AGENDA NO. 5a

SITE LOCATION 891 Baker, #B21

AP # 141-241-16

APPLICANT Bear & Baker Ltd. (Owner of Record)

ADDRESS P. O. Box 4989

Cerritos, CA 90704

APPLICATION NO. PA-93-42

MANDATORY ACTION DATE Feb. 2, 1994

AUTHORIZED AGENT Mary P. O'Donnell

ADDRESS P. O. Box 4989

Cerritos, CA 90704

Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

PREPARED BY Carol Proctor
Associate Planner

DATE PREPARED August 19, 1993

LAST UPDATE August 19, 1993

REQUEST:

Minor Conditional Use Permit for a restaurant with seating for more than 12, with a Conditional Use Permit for deviation from the shared parking study to include all existing restaurants in the shopping center as well, which would allow increased seating for the donut shop (Suite A2) and the Japanese restaurant (Suite B12).

STAFF RECOMMENDATION:

Approve, subject to conditions.

FINAL COMMISSION ACTION: August 23, 1993

Approved by adoption of Planning Commission Resolution PC-93-59 based upon information contained in the Planning Division Staff Report and findings listed in Exhibit "A", subject to conditions listed in Exhibit "B" with the addition of Condition #5 as follows:

5. No additional restaurants or food service uses may be permitted without a Conditional Use Permit to evaluate parking impacts.

(5-0)

APPLICANT NOTIFIED ns DATE August 25, 1993

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92628-1200 (714) 754-5245

costa mesa

0360-30, Rev. 1/91

I. DESCRIPTION

A. Subject Property

1. Location - 891 Baker Street, Suite B-21
2. General Plan Designation - General Commercial
3. Zone - CL
4. Present Development - 15,180 sq.ft. retail commercial center
5. Lot Area - Approximately 1 acre
6. CEQA - Exempt, Class 1

B. Surrounding Property

1. North - C1, medical offices
2. South and West - I&R, Newport Mesa Unified School District offices
3. East - CL, suite motel

C. Request

A Minor Conditional Use Permit for a restaurant for seating for more than twelve (12) persons, with a Conditional Use Permit for a deviation from the shared parking study to include all existing restaurants in the shopping center as well, which would allow an increase in seating for an existing donut shop (Rose's Donuts, Suite A2) and an existing Japanese restaurant (Shonoya, Suite B15).

D. Background

This retail center was approved and constructed in 1987. Thereafter, three restaurants were allowed to operate at the center through Conditional Use Permits, provided that seating at each restaurant did not exceed 12. In addition, a Conditional Use Permit was approved for a Japanese social club/bar (Club Shiki) to operate during offset hours (6 p.m.-1 a.m.) in a 1,276 sq. ft. suite. To date, one restaurant has ceased operations and the other two currently provide seating in excess of 12. The social club is still in operation.

II. PROJECT DESCRIPTION

The applicant proposes a Chinese restaurant in a 1,250 sq. ft. suite of an existing retail commercial center. The center is located on CL-zoned property within 200 feet of residentially-zoned property. According to Municipal Code Section 13-241 and Table 1 as described therein, establishments where food and beverages are served located on CL-

zoned property within 200' of a residential zone may only be allowed by Minor Conditional Use Permit. This process allows the proposed use to be evaluated for potential impacts which could affect the subject site and surrounding properties.

The plans for the proposed restaurant indicate seating for up to 25 persons. This would generate a parking requirement of 10 spaces per 1,000 sq. ft. of gross floor area. Since the center was approved with the parking ratio of 4 parking spaces per 1,000 sq. ft., there are no additional parking spaces to make up the difference (8 spaces). However, because the use is proposed in a shopping center which supports various uses which generate peak parking demands at different times, a shared parking study was conducted. This study took into perspective the proposed restaurant, two other existing restaurants and a nightclub (see Subsection D. Background) and the remaining retail and office uses. The study determined that a Conditional Use Permit for a deviation from the shared parking study would be required in order to allow the proposed restaurant, as well as an increase in seating for the two existing restaurants.

III. PLANNING STAFF ANALYSIS

Minor Conditional Use - Restaurant

The proposed restaurant would occupy the end unit of the westerly building (Building B) in this commercial center. The site is within 200' of residentially-zoned and developed property to the south and northwest; however, they are located a minimum 140' away. Baker and Bear Streets provide separation of these two zoning districts and should negate any adverse impacts the proposed use could have on the residents.

Deviation from the Shared Parking Study

The site contains 64 parking spaces, based on a parking ratio of 4 spaces per 1,000 square feet of gross floor area. The existing restaurants did not alter the parking requirement when they were approved because seating for 12 or fewer was proposed. The nightclub proposed business hours of 6 p.m. to 1 a.m., when most of the retail uses in the center as well as the donut shop/restaurant are closed. Since the restaurants have been in operation, seating over 12 has been provided for both.

Staff conducted a shared parking analysis using a study prepared by the Urban Land Institute (see Exhibits 1 through

3). The analysis looks at all uses in the center with all restaurants (existing and proposed) having seating in excess of 12. Based on the total square footage of the buildings, broken down into office, retail and restaurant square footage, the maximum weekday parking demand is 84 spaces. This figure is slightly lower than that (96 spaces) calculated by using the standard parking ratio requirement but higher than the 64 spaces provided on site. In Exhibit 1, the parking demand by hour notes that parking problems could exist between 1 p.m. and 3 p.m. and again between 5 p.m. and 9 p.m. because the demand exceeds 64 spaces.

To paint a more realistic picture of parking demands during the day, the night club's square footage was removed, as shown in Exhibit 2 (since it opens after 6 p.m.). Parking demand may exceed supply by three spaces around 1 p.m. and parking could again be a problem between 6 p.m. and 8 p.m. The study notes a demand range of 2 to 7 spaces over that provided during these evening hours. Maximum weekday parking demand is 71 spaces.

Exhibit 3 provides the parking demand created without the donut shop/restaurant square footage. Maximum weekday parking demand is 69 spaces. This analysis takes into consideration the donut shop, which does the majority of its business in the morning but is open until 5 p.m., serving sandwiches, hamburgers and salads. Parking demand peaks about 1.5 spaces above that provided at 1 p.m. and, between 6 p.m. and 9 p.m., the parking demand is about 5 spaces above that provided.

Although the study notes a 2-3 space deficiency at 1 p.m. on Exhibits 2 and 3, an assumption could be made that parking at the center would not be a problem at that time. The donut shop appears to generate little parking demand at 1 p.m. The same can be said about some of the retail uses, such as the pizza delivery and floral shop (primarily phone-in orders).

The evening parking demand could be a problem with the proposed restaurant, the existing Japanese restaurant with its current seating and the nightclub. This is best illustrated in Exhibit 2. The 6 p.m. to 8 p.m. parking demand range may create parking problems for the site because of normal dinner hours of the restaurants and the opening hours of the nightclub. However, the nightclub customers generally begin arriving when the restaurant clientele are leaving or have left (9 p.m.-10 p.m.). Furthermore, by 7 p.m., the following businesses close (according to the posted business hours or the business owner): The florist, travel agency, insurance agent, stereo components, and manicure shop.

Staff has inspected the site on numerous occasions with similar results each time. There was always available parking and generally, the unoccupied spaces ranged from 24 through 33 between the hours of 12 noon and 1:30 p.m. and 30 through 44 spaces between 6:00 p.m. and 9:00 p.m. It should be noted that two suites are currently vacant; the suite for the proposed use and one formerly occupied by Lillian's Mexican Restaurant. As long as the other suite is leased by a retail or office use, Staff believes that parking will be adequate. Therefore, based on these premises, Staff feels the 2 to 7-space deviation from the shared parking study should be approved to allow the proposed use as well as existing increased seating for the donut shop and Japanese restaurant.

IV. PLANNING STAFF RECOMMENDATION

Approve PA-93-42 by adoption of Planning Commission Resolution, based on Findings contained within Exhibit "A" and subject to conditions contained within Exhibit "B".

EXHIBIT 1

(All uses/suites included)

USE	Office <100,000 (Sq. Ft.)	Retail (Sq. Ft.)	Restaurant 1st 3K (Sq. Ft.)	Restaurant >3K (Sq. Ft.)	Parking Demand by Hour
	2064.00	7286.00	5830.00	0.00	
Peak Demand	8.26	29.14	58.30	0.00	95.70
Weekdays					
6:00 AM	0.25	0.00	0.00	0.00	0.25
7:00 AM	1.65	2.33	1.17	0.00	5.15
8:00 AM	5.20	4.95	2.92	0.00	13.07
9:00 AM	7.68	11.66	5.83	0.00	25.17
10:00 AM	8.26	18.94	11.66	0.00	38.86
11:00 AM	8.26	24.19	17.49	0.00	49.94
NOON	7.43	26.81	29.15	0.00	63.39
1:00 PM	7.43	27.69	40.81	0.00	75.93
2:00 PM	8.01	26.81	34.98	0.00	69.80
3:00 PM	7.68	26.23	34.96	0.00	68.63
4:00 PM	6.36	24.19	29.15	0.00	59.70
5:00 PM	3.88	21.86	40.81	0.00	66.55
6:00 PM	1.90	22.73	52.47	0.00	77.10
7:00 PM	0.58	24.77	58.30	0.00	83.65
8:00 PM	0.58	24.19	58.30	0.00	83.07
9:00 PM	0.25	16.90	58.30	0.00	75.45
10:00 PM	0.25	8.74	52.47	0.00	61.46
11:00 PM	0.00	3.50	40.81	0.00	44.31
MIDNIGHT	0.00	0.00	29.15	0.00	29.15
MAX WEEKDAY DEMAND		83.65			83.65
Weekend					
6:00 AM	0.00	0.00	0.00	0.00	0.00
7:00 AM	0.25	0.87	1.17	0.00	2.29
8:00 AM	0.83	2.91	1.75	0.00	5.49
9:00 AM	1.07	8.74	3.50	0.00	13.31
10:00 AM	1.07	13.11	4.66	0.00	18.85
11:00 AM	1.40	21.28	5.83	0.00	28.51
NOON	1.40	24.77	17.49	0.00	43.67
1:00 PM	1.07	27.69	26.24	0.00	55.00
2:00 PM	0.83	29.14	26.24	0.00	56.20
3:00 PM	0.58	29.14	26.24	0.00	55.96
4:00 PM	0.58	26.23	26.24	0.00	53.04
5:00 PM	0.25	21.86	34.98	0.00	57.09
6:00 PM	0.25	18.94	52.47	0.00	71.66
7:00 PM	0.25	17.48	55.39	0.00	73.12
8:00 PM	0.25	16.03	58.30	0.00	74.58
9:00 PM	0.00	11.66	58.30	0.00	69.96
10:00 PM	0.00	11.07	55.39	0.00	66.46
11:00 PM	0.00	3.79	49.56	0.00	53.34
MIDNIGHT	0.00	0.00	40.81	0.00	40.81

EXHIBIT 2

(Excludes nightclub)

USE	Office <100,000 (Sq. Ft.)	Retail (Sq. Ft.)	Restaurant 1st 3K (Sq. Ft.)	Restaurant >3K (Sq. Ft.)	Parking Demand by Hour
	2064.00	7286.00	4554.00	0.00	
Peak Demand	8.26	29.14	45.54	0.00	82.94
Weekdays					
6:00 AM	0.25	0.00	0.00	0.00	0.25
7:00 AM	1.65	2.33	0.91	0.00	4.89
8:00 AM	5.20	4.95	2.28	0.00	12.43
9:00 AM	7.68	11.66	4.55	0.00	23.89
10:00 AM	8.26	18.94	9.11	0.00	36.31
11:00 AM	8.26	24.19	13.66	0.00	46.11
NOON	7.43	26.81	22.77	0.00	57.01
1:00 PM	7.43	27.69	31.88	0.00	67.00
2:00 PM	8.01	26.81	27.32	0.00	62.14
3:00 PM	7.68	26.23	27.32	0.00	61.23
4:00 PM	6.36	24.19	22.77	0.00	53.32
5:00 PM	3.88	21.86	31.88	0.00	57.62
6:00 PM	1.90	22.73	40.99	0.00	65.62
7:00 PM	0.58	24.77	45.54	0.00	70.89
8:00 PM	0.58	24.19	45.54	0.00	70.31
9:00 PM	0.25	16.90	45.54	0.00	62.69
10:00 PM	0.25	8.74	40.99	0.00	49.98
11:00 PM	0.00	3.50	31.88	0.00	35.38
MIDNIGHT	0.00	0.00	22.77	0.00	22.77
MAX WEEKDAY DEMAND		70.89			70.89
Weekend					
6:00 AM	0.00	0.00	0.00	0.00	0.00
7:00 AM	0.25	0.87	0.91	0.00	2.03
8:00 AM	0.83	2.91	1.37	0.00	5.11
9:00 AM	1.07	8.74	2.73	0.00	12.55
10:00 AM	1.07	13.11	3.64	0.00	17.83
11:00 AM	1.40	21.28	4.55	0.00	27.23
NOON	1.40	24.77	13.66	0.00	39.84
1:00 PM	1.07	27.69	20.49	0.00	49.25
2:00 PM	0.83	29.14	20.49	0.00	50.46
3:00 PM	0.58	29.14	20.49	0.00	50.21
4:00 PM	0.58	26.23	20.49	0.00	47.30
5:00 PM	0.25	21.86	27.32	0.00	49.43
6:00 PM	0.25	18.94	40.99	0.00	60.18
7:00 PM	0.25	17.49	43.26	0.00	61.00
8:00 PM	0.25	16.03	45.54	0.00	61.82
9:00 PM	0.00	11.66	45.54	0.00	57.20
10:00 PM	0.00	11.07	43.26	0.00	54.34
11:00 PM	0.00	3.79	38.71	0.00	42.50
MIDNIGHT	0.00	0.00	31.88	0.00	31.88

EXHIBIT 3

(Excludes donut shop)

USE	Office <100,000 (Sq. Ft.)	Retail (Sq. Ft.)	Restaurant 1st 3K (Sq. Ft.)	Restaurant >3K (Sq. Ft.)	Parking Demand by Hour
	2064.00	7286.00	4350.00	0.00	
Peak Demand	8.26	29.14	43.50	0.00	80.90
Weekdays					
6:00 AM	0.25	0.00	0.00	0.00	0.25
7:00 AM	1.65	2.33	0.87	0.00	4.85
8:00 AM	5.20	4.95	2.18	0.00	12.33
9:00 AM	7.68	11.66	4.35	0.00	23.69
10:00 AM	8.26	18.94	8.70	0.00	35.90
11:00 AM	8.26	24.19	13.05	0.00	45.50
NOON	7.43	26.81	21.75	0.00	55.99
1:00 PM	7.43	27.69	30.45	0.00	65.57
2:00 PM	8.01	26.81	26.10	0.00	60.92
3:00 PM	7.66	26.23	26.10	0.00	60.01
4:00 PM	6.36	24.19	21.75	0.00	52.30
5:00 PM	3.86	21.86	30.45	0.00	56.19
6:00 PM	1.30	22.73	39.15	0.00	63.78
7:00 PM	0.58	24.77	43.50	0.00	68.85
8:00 PM	0.58	24.19	43.50	0.00	68.27
9:00 PM	0.25	16.90	43.50	0.00	60.65
10:00 PM	0.25	8.74	39.15	0.00	48.14
11:00 PM	0.00	3.50	30.45	0.00	33.95
MIDNIGHT	0.00	0.00	21.75	0.00	21.75
MAX WEEKDAY DEMAND		68.85			68.85
Weekend					
6:00 AM	0.00	0.00	0.00	0.00	0.00
7:00 AM	0.25	0.87	0.87	0.00	1.99
8:00 AM	0.83	2.91	1.31	0.00	5.05
9:00 AM	1.07	8.74	2.61	0.00	12.43
10:00 AM	1.07	13.11	3.48	0.00	17.67
11:00 AM	1.40	21.26	4.35	0.00	27.03
NOON	1.40	24.77	13.05	0.00	35.23
1:00 PM	1.07	27.69	19.58	0.00	48.34
2:00 PM	0.83	29.14	19.58	0.00	49.54
3:00 PM	0.58	29.14	19.58	0.00	49.30
4:00 PM	0.58	26.23	19.58	0.00	46.38
5:00 PM	0.25	21.86	26.10	0.00	48.21
6:00 PM	0.25	18.94	39.15	0.00	58.34
7:00 PM	0.25	17.49	41.33	0.00	59.06
8:00 PM	0.25	16.03	43.50	0.00	59.78
9:00 PM	0.00	11.66	43.50	0.00	55.16
10:00 PM	0.00	11.07	41.33	0.00	52.40
11:00 PM	0.00	3.79	36.96	0.00	40.76
MIDNIGHT	0.00	0.00	30.45	0.00	30.45

RESOLUTION NO. PC-93-59

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING ACTION PA-93-42.

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

WHEREAS, an application was filed by Mary P. O'Donnell, authorized agent for Baker & Bear Ltd., with respect to real property located at 891 Baker Street, Suite B21, requesting a Minor Conditional Use Permit for a restaurant with seating for more than 12, with a Conditional Use Permit for a deviation from the shared parking study to include all existing restaurants in the Baker Street Village shopping center as well, which would allow increased seating for an existing donut shop (Suite A2) and a Japanese Restaurant (Suite B15) in a CL zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 23, 1993. ~~1992.~~

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Action PA-93-42 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 operation of the business or activity in the manner described in the Staff report for Planning Action PA-93-42, and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this Resolution, and any approvals herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 23rd day of August, 1993.

Chairman, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Perry L. Valantine, 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 August 23, 1993, by the following votes:

AYES:	COMMISSIONERS:	Davenport, Palme, Korando, Cowan, Dixon
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None

Perry L. Valantine
Secretary, Costa Mesa
Planning Commission

APPL. PA-93-42

EXHIBIT "A"

PLANNING STAFF FINDINGS

A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-347 in that the proposed restaurant use is substantially compatible with developments in the same general area; granting the Conditional Use Permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity due to the varied business hours in the multi-tenant center; and granting the Conditional Use Permit will not allow a use, or intensity which is not in accordance with the General Plan designation for the property.

B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-347 in that the Conditional Use Permit for the proposed deviation from the shared parking study will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity due to the differences in parking demand by the businesses, off-set peak parking periods and varied business hours in the multi-tenant center; and granting the Conditional Use Permit will not allow a use, or intensity which is not in accordance with the General Plan designation for the property.

C. 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 because the project has no possibility of causing a significant effect on the environment.

D. The project, as conditioned, is consistent with Article 22-1/2 , Transportation Systems Management, of the Costa Mesa Municipal Code in that no intersection to which the project contributes measurable traffic shall operate at less than the standard level of service as a result of project implementation.

APPL. PA-93-42

EXHIBIT "B"

CONDITIONS OF APPROVAL

Plng.

1. The Conditional Use Permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The Conditional Use Permit may be referred to the Planning Commission for modification or revocation at any time if the Conditions of Approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. Should parking become a problem at this site, this Conditional Use Permit shall be brought back to the Planning Commission for review, modification to the use or revocation.
3. Steel mesh screens, or an equivalent filter system sufficient to prevent odors and reduce smoke, shall be installed above the kitchen cooking area. The filters shall be indicated on the working drawings to the satisfaction of the Building Division Staff. The filters shall be cleaned at least four (4) times a year.
4. A copy of the conditions of approval for the Conditional Use Permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
5. No additional restaurants or food service uses may be permitted without a Conditional Use Permit to evaluate parking impacts.

ORDINANCE AND/OR CODE PROVISIONS

The following list of Federal, State, and local laws applicable to the project has been compiled by Staff for the applicant's reference.

Plng.

1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final occupancy and utility releases will not be granted, and final inspections will not be granted until all such licenses have been obtained.

2. Development shall comply with all requirements of Arti cle 16, Chapter II., Title 13 of the Costa Mesa Municipal Code.
3. Permits shall be obtained for all signs, including banners and other special event signing, according to the provisions of the Costa Mesa Sign Ordinance.

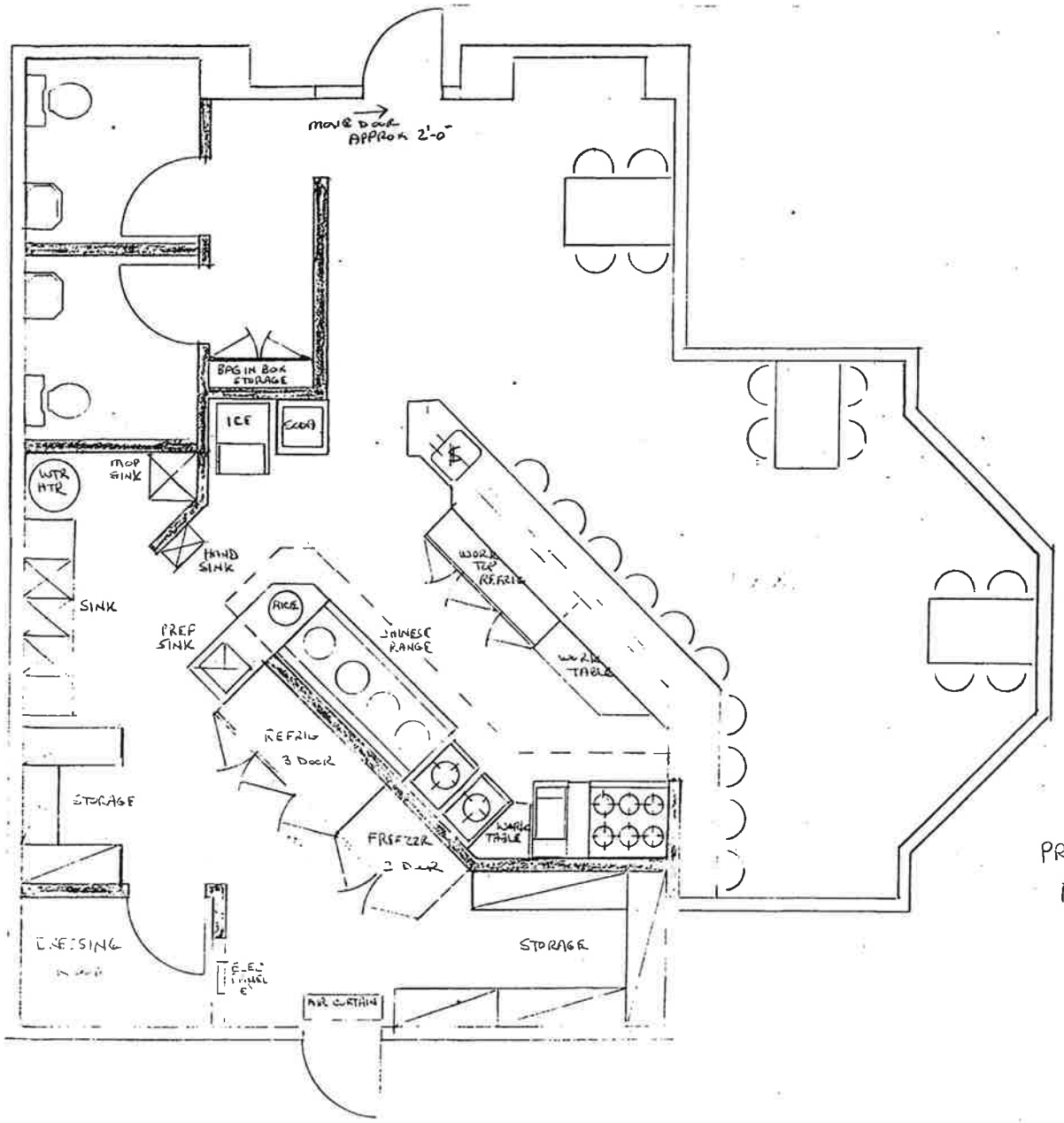
Bldg. 4. Comply with the requirements of the Uniform Building Code as to design and construction.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special district is hereby forwarded to the applicant:

Sani. 1. Developer to contact the Costa Mesa Sanitary District at (714) 631-1731 for current District requirements.
2. Applicant to pay all applicable Sanitary District fixture fee charges [(714) 754-5307].

4h

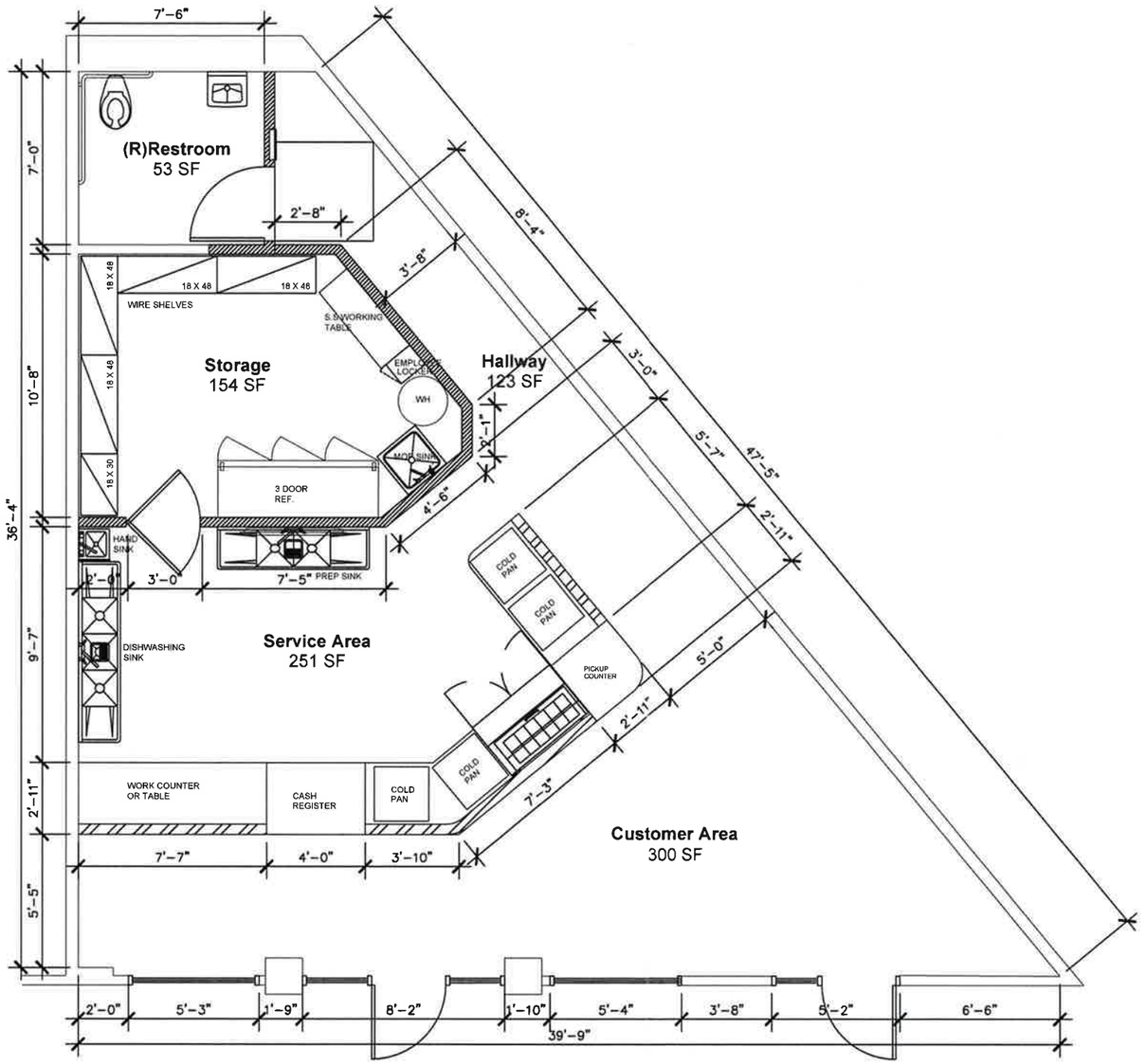


NOT TO EXCEED 25 SEATS

PRELIMINARY FLOOR PLAN
NOODLE SHOP - BAKER STREET
1/4" = 1'-0" 10/23/93

PA-93-42

ATTACHMENT 7



FLOOR PLAN

N

U.S CONSTRUCTION HOLDINGS
140 E Chestunt ave, Monrovia, CA 91016, USA
Tel: 626-408-5937
Fax: 626-408-5069
E-mail: info@usri.us

No.	Description	Date

Rollin Deep Ice Cream

891 BAKER ST. COSTA MESA, CA 92626

APPLICANT NAME:
SKC Brooklyn, LLC

TEL NUMBER:646-220-8098

FLOOR PLAN

Project number	2016.01
Date	04 November, 2016
Drawn by	Nicole Liu
Checked by	CHK

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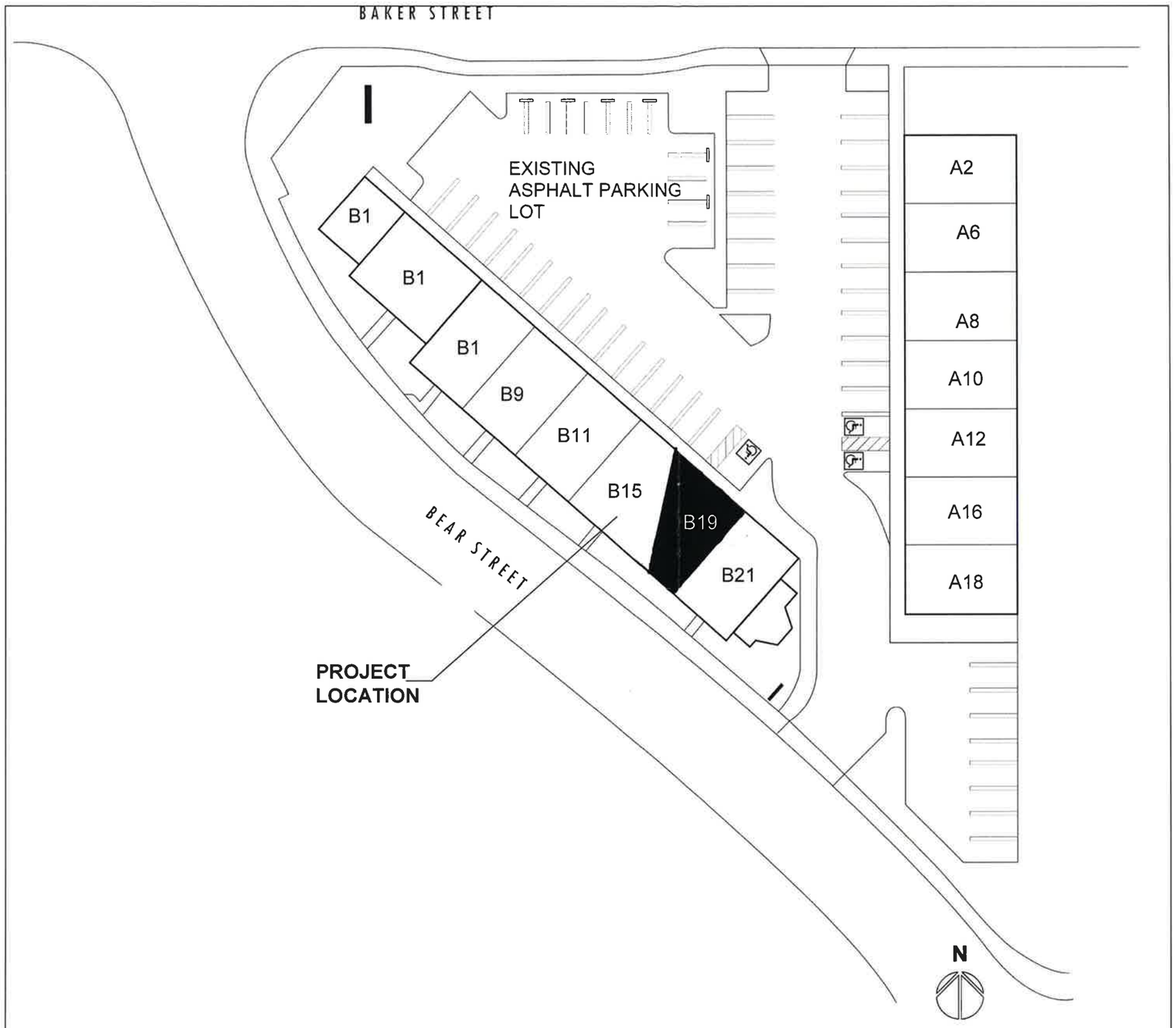
Scale 1" = 1'-0"

04 November, 2016



SITE PLAN

U. S CONSTRUCTION HOLDINGS
140 E Chestnut ave, Monrovia, CA 91016, USA
Tel: 626-408-5037
Fax: 626-408-5069
E-mail: info@usri.us

www.usri.us

No.	Description	Date

Rollin Deep Ice Cream

891 BAKER ST. COSTA MESA, CA 92626

APPLICANT NAME:
SKC Brooklyn, LLC

TEL NUMBER:646-220-8098

SITE PLAN

Project number	2016.01
Date	04 November, 2016
Drawn by	Nicole Liu
Checked by	CHK

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Scale 1'-0" = 40'-0"