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<b>Title:</b>	APPEAL OF PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING ON THE PROPERTY LOCATED AT 1645 SUPERIOR AVENUE AND FOR OUTDOOR SEATING FOR AN EXISTING RESTAURANT (TRENTA PIZZA & CUCINA) LOCATED AT 1661 SUPERIOR AVENUE, SUITE C & D AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT		
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<b>Attachments:</b>	1. 4. Site Photos, 2. Agenda Report, 3. 1. Resolution, 4. 2. Filed Appeal Application, 5. 3. Planning Commission Resolution, 6. 5. Project Plans, 7. 6. Public Comments		

Date	Ver.	Action By	Action	Result
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### TITLE:

**APPEAL OF PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING ON THE PROPERTY LOCATED AT 1645 SUPERIOR AVENUE AND FOR OUTDOOR SEATING FOR AN EXISTING RESTAURANT (TRENTA PIZZA & CUCINA) LOCATED AT 1661 SUPERIOR AVENUE, SUITE C & D AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION**

**PRESENTED BY: JUSTIN ARIOS, ASSOCIATE PLANNER**

**CONTACT INFORMATION: JUSTIN ARIOS, (714) 754-5667**

### RECOMMENDATION:

Staff recommends the City Council uphold the Planning Commission's decision and:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.
2. Approve Planning Application 21-07 and Zoning Application 19-50 (ZA-17-16 A1), subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT:**

The applicant and authorized agent is Marco Palazzo (with Trenta Pizza & Cucina), representing the property owner, 126 Properties LLC.

## **BACKGROUND:**

### ***Project Site / Environs***

The subject property is located along Superior Avenue, between West 16th Street and West 17th Street. The property is zoned MG (General Industrial), and has a General Plan land use designation of Light Industrial; the subject property is also located within the 19 West Urban Plan. Physical on-site improvements include an 8,446-square-foot single-story, multi-tenant building, with a 25-space parking lot, and two points of ingress/egress located on Superior Avenue. The project site is surrounded by properties with the same zoning designation of MG (General Industrial); however, there are two residential live/work communities (zoned MG, General Industrial) located to the north and west of the project site ("Superior Pointe" and "Westside Gateway"). Superior Pointe (PA-13-22, 1667 and 1695 Superior Avenue) was developed pursuant to the 19 West Urban Plan and Westside Gateway (PA-14-29, 671 West 17<sup>th</sup> Street) was developed pursuant to the Mesa West Bluffs Urban Plan.

### ***Prior Land Use Approvals***

On June 22, 2017, the Zoning Administrator approved Minor Conditional Use Permit (MCUP) ZA-17-16, allowing a proposed restaurant (Superior Pie and Liquor, Suite D) with more than 300 square feet of public seating area to deviate from shared parking requirements applied to a multi-tenant center. The deviation from shared parking requirements was approved based on offset hours of operation of the restaurant proposed at the time (described below) in relation to the existing hours of operation of the other businesses located on-site. The MCUP also approved a small (250 square foot) outdoor patio for the restaurant, in accordance with Costa Mesa Municipal Code (CMMC) Section 13-47 and 13-48. The applicant (Trenta Pizza & Cucina) has since taken over the previously approved restaurant space and its entitlements.

The previously approved hours of operation for the restaurant use are:

- Monday through Friday, 8 AM to 12 PM and 4 PM to 11 PM (the business closed between 12 PM and 4 PM, Monday through Friday); and
- Saturday and Sunday, 8 AM to 11 PM

The staff report for the MCUP approval can be found at the link below:

<https://www.costamesaca.gov/home/showpublisheddocument/26538/636490563866670000>

### ***Temporary Use Permit (TUP) for Outdoor Dining Approval***

On June 2, 2020, in response to the COVID-19 pandemic and the associated State regulations limiting indoor activities for restaurants and other uses, the City Council approved Urgency Ordinance No. 2020-15, which temporarily suspended the permit requirements and development standards for outdoor activities, parking applicable to dining patios, places of religious assembly, and valet parking. The ordinance authorized the issuance of "Temporary Use Permits" to allow for such uses, subject to

certain requirements. On November 1, 2022, the City Council extended the Urgency Ordinance, which will now expire on December 31, 2023.

On November 30, 2020, a Temporary Use Permit (TUP) for outdoor dining was approved for the subject restaurant, in accordance with Ordinance No. 2020-15. Similar to the currently proposed project, the TUP approval allowed for an additional 842 square feet of patio seating area utilizing a portion of the existing parking lot (this area is in addition to the previously approved 250 square foot patio seating). The TUP approval is provided as an attachment to the Planning Commission agenda report.

### ***Applicant Request***

The applicant's request included the following:

1. To allow the restaurant to occupy Suite C (575 square feet) in addition to the existing restaurant space located in Suite D (1,575 square feet)
2. To permanently allow the use of the temporary outdoor seating area (located on a portion of the site's parking area) that was approved by the TUP;
3. To modify their previously approved hours of operation (including use of the outdoor seating area) to:
  - Sunday - Thursday, 5 PM to 9 PM
  - Friday and Saturday, 5 PM to 10 PM; and
  - Saturday and Sunday, 11:30 AM to 2:30 PM
4. As a component of the proposal, the restaurant would use only the 250-square-foot outdoor patio previously approved under ZA-17-16, and would not utilize the 842-square-foot patio seating area in the parking lot during the weekend lunchtime hours. The applicant proposes to remove the outdoor seating area when not in use by the restaurant, making three of the existing parking spaces available for use by the other tenants on-site during non-restaurant hours of operation.

Staff evaluated the application submitted and determined that parking onsite was adequate to support the request, with the exception of during the proposed evening hours (after 5 PM). In response, during the evening hours, the applicant proposed valet off-site parking to increase the parking supply for the use during those times to satisfy the parking requirement. The off-site parking is proposed at 1645 Superior Avenue, which is occupied by "Beach Cities Car Wash." The car wash is located approximately 200 feet south of the restaurant location, developed with 39 parking spaces and the car wash operations conclude before 5 PM.

### ***Planning Commission Approval***

The application was heard by the Planning Commission at their September 12, 2022 meeting. During the hearing, the applicant requested to add weekday lunchtime hours (from 11:30 AM to 2:30 PM, Monday through Friday) to the proposed project (see the below for restaurant operation hours

proposed by the applicant):

- Sunday - Thursday: 11:30 AM to 2:30 PM & 5 PM to 9 PM
- Friday & Saturday: 11:30 AM to 2:30 PM & 5 PM to 10 PM

Following presentations, public comments and Commission discussion, the Planning Commission deliberated and approved the project as presented at the meeting on a 6-1 vote. As part of Planning Commission's approval, the Planning Commission added a condition of approval to allow the requested lunchtime operation hours on Mondays through Fridays, from 11:30 AM to 2:30 PM, conditioned upon the submittal of a Parking Management Plan, as approved by the Director of Economic and Development Services, and limiting the outdoor dining area to the originally approved 250-square-foot patio (specifically excluding use of the larger patio area) during those lunchtime hours.

Links to the staff report and meeting video for the September 12, 2022 Planning Commission hearing are provided below:

- Staff Report & Attachments -  
[City of Costa Mesa - File #: 22-846 \(legistar.com\)](https://costamesa.legistar.com/LegislationDetail.aspx?ID=5821812&GUID=685FE446-33FA-)  
<<https://costamesa.legistar.com/LegislationDetail.aspx?ID=5821812&GUID=685FE446-33FA->
- Video -  
[PLANNING COMMISSION on 2022-09-12 6:00 PM \(granicus.com\)](https://costamesa.granicus.com/player/clip/3899?)  
<<https://costamesa.granicus.com/player/clip/3899?>

### ***Appeal of Planning Commission's Approval***

On September 19, 2022 an appeal of Planning Commission's approval of the project was filed by a neighboring resident. In summary, the application for appeal noted the following topics/areas of concern:

- Parking Shortage;
- Safety Concerns;
- Community/Resident objection;
- Need for Traffic Study; and
- Evening Noise Impacts at the Car Wash Site.

The appeal application is provided as Attachment 2 to this report.

### **ANALYSIS:**

The following analysis summarizes the pertinent topics raised in the September 19, 2022 appeal application. For a full analysis of the proposed project, please refer to the September 12<sup>th</sup>, 2022 Planning Commission staff report and attachments (previously linked).

### ***Parking Shortage***

As described in the appeal application, the appellant states that the Planning Commission "was

concerned with safety and parking issues.” In addition, the appellant states that with the utilization of 25% of the existing parking and doubling the restaurant’s area to over 2,000 SF, the parking shortage at the site would be exacerbated.

The restaurant is located in a multi-tenant industrial center. The applicant provided the current tenant list with hours of operation for the uses that exist on-site, provided below in Table 1 (this table also reflects the proposed hours of operation for Trenta Pizza, as revised at the September 12th Planning Commission meeting). At this time, the applicant has not submitted the required parking management plan for weekday lunchtime operations as conditioned; therefore, although indicated in Table 1, weekday lunchtime operations remain restricted until such a plan is approved by the City.

**Table 1**

Address	Business Name	Suite Size	Hours of Operation	
1661 Superior, Suite A	Davis Ink	1,800 SF	Monday - Friday: Saturday & Sunday:	9 AM to 6 PM CLOSED
1661 Superior, Suite C	Trenta Pizza & Cucina	575 SF	Sunday - Thursday:	11:30 AM to 2:30 PM & 5 PM to 9 PM
1661 Superior, Suite D		1,575 SF	Friday & Saturday:	11:30 AM to 2:30 PM & 5 PM to 10 PM
1663 Superior, Suite A	Crème Collective	1,500 SF	Monday - Friday: Saturday & Sunday:	9AM to 5 PM CLOSED
1663 Superior, Suite B	The Unlikely Cyclist	2,996 SF	Sunday & Monday: Tuesday - Thursday: Friday: Saturday:	CLOSED 10 AM to 4 PM 10 AM to 5 PM 12 PM to 5 PM

In accordance with CMMC Table 13-89, when a single-development, multiple-tenant site includes mixed uses that share the same parking spaces, the total requirement for parking is determined by the “City of Costa Mesa Procedure for Determining Shared Parking Requirements.” Based on this shared parking analysis, the total required peak parking demand for the restaurant use (including the enlarged outdoor seating and the additional suite area), and considering the other onsite businesses, is 38 parking spaces.

As indicated in the below Table 2, at peak parking demand (38 parking spaces), the restaurant would operate with 23 surplus parking spaces (including on-site and off-site valet parking); therefore, the proposal complies with City parking requirements. (Operations during weekday lunchtime hours are allowed only after City approval of a Parking Management Plan).

**Table 2**

<b>Restaurant Hours</b>	<b>Parking Required</b>	<b>Parking Provided</b>
Monday – Thursday & Sunday 5PM – 9PM	38 spaces <sup>1, 2</sup>	Onsite – 22 spaces  Offsite valet – 39 spaces  <u>Total – 61 spaces</u>
Friday & Saturday 5PM – 10PM		
Saturday & Sunday 11:30AM – 2:30PM	21 spaces <sup>1, 3</sup>	<u>Onsite – 25 spaces</u>
Monday – Friday 11:30AM – 2:30PM	38 spaces <sup>1, 3</sup>	<u>Onsite – 25 spaces</u>  <i>* Subject to a City-approved Parking Management Plan *</i>
Note 1: Based on the shared parking demand analysis; Note 2: Including the 1,092-square-foot outdoor patio (250-square-foot patio approved pursuant to ZA-17-16 plus the 842-square-foot outdoor patio area using the parking lot); Note 3: Including the 250-square-foot outdoor patio approved pursuant to ZA-17-16.		

### **Safety Concerns**

The City's Transportation Division has reviewed the proposed site and valet operation plan and have indicated that the valet operations are anticipated to perform sufficiently, and without interruptions to the City's local circulation system. Furthermore, the City's Fire and Building Departments have reviewed the proposal and no safety issues are anticipated.

### **Community / Resident Objection**

The appeal application states that "other residents objected to the proposed Beach Cities parking utilization as overflow car parking with or without valet assistance." Community objection and/or support for a request is received by the City via written public comments and/or public testimony provided during the public hearing. At the September 12th Planning Commission meeting, the Commission was provided written comments from the public, and verbal public comments were also accepted during the meeting. A link to the previously submitted written comments are provided below under the Public Notice section of this report.

### **Traffic Study**

The appellant indicates that a traffic study needs to be conducted for the project, given the danger presented to traffic on Superior Avenue and the proposed three ingress/egress movements per vehicle, proposed by the valet plan. The City's Transportation Division has confirmed that the proposed modifications to the existing restaurant operations are anticipated to perform sufficiently, without interruptions to the City's local circulation system and does not necessitate a Traffic Study. Pursuant to the CMMC, a traffic study is required when a project generates more than 100 peak daily trips; the proposed project generates 24 peak daily trips.

## ***Evening Noise Impacts at the Car Wash Site***

The appellant notes noise concerns from the proposed usage of the Beach Cities car wash site during evening hours for overflow parking. However, the Planning Commission considered and approved Resolution Condition No.16 which indicates that:

“Valet attendants when entering or leaving the offsite parking location shall not “rev” engines and shall turn-off vehicles as soon as parked. Vehicle radios shall remain off at all times when on the offsite parking property. Valet attendants will also keep their voices low in respect to the adjacent residential properties.”

Additionally, the valet operations are required to comply with the City’s Noise Ordinance provisions. Lastly, the existing adjacent residential development is located in the industrial zone, and approved via the Mesa West Bluffs Urban Plan. The approval for this residential project, as well as other residential projects approved in the Mesa West Bluffs or Mesa West Residential Ownership Urban Plans, included a standard condition of approval requiring a “Notice to Buyers”. The purpose of the notice is to disclose that the project is located within an area designated as Light Industry in the City’s General Plan and is subject to existing and potential annoyances or inconveniences associated with industrial land uses. In addition, the notice also states that the existing land use characteristics are subject to change in the event that new businesses move or existing businesses change ownership.

## **ENVIRONMENTAL DETERMINATION:**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 for Existing Facilities. This exemption allows for the permitting of uses involving negligible or no expansion of the use beyond what is existing. The project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

## **ALTERNATIVES:**

The City Council has the following alternatives:

1. Approve the request. The City Council may adopt the attached Resolution upholding the Planning Commission’s decision and approve the request as proposed. The Resolution reflects the Planning Commission decisions with two clarifications shown in underline/strikethrough format ;
2. Approve the request with modifications. The City Council may uphold the Planning Commission’s decision and approve the request with specific changes that are necessary to alleviate concerns;
3. Continue the item. The City Council may continue the item to a future meeting to allow for modifications or additional analysis; or
4. Deny the request. If the City Council believes that there are insufficient facts to support the findings for approval, the City Council may deny the request. A similar application could not be submitted for at least six months.

### **FISCAL REVIEW:**

There are no fiscal impacts with this agenda item.

### **LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approves it as to form.

### **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 and occupants 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 this report, four written public comments have been received. Any public comments received prior to the November 15, 2022 City Council meeting will be provided separately.

Notice for the Planning Commission hearing was provided in the same manner as described above. For the Planning Commission hearing, seven written public comments were received both in support and in opposition with the request, and can be found at the links below (the first link provides public comments received prior to the reports being published; the second link provides public comments received after publishing of the report and prior to the September 12<sup>th</sup> meeting):

Public Comments attached to report -

[22-846 - 9. Public Comment \(legistar.com\) <https://costamesa.legistar.com/View.ashx?M=F&ID=11222065&GUID=D7330501-091E-4861-80B4-782B4084DA10>](https://costamesa.legistar.com/View.ashx?M=F&ID=11222065&GUID=D7330501-091E-4861-80B4-782B4084DA10)

Public Comments received after publishing report -

[View.ashx \(legistar.com\) <https://costamesa.legistar.com/View.ashx?M=E3&ID=922029&GUID=E44B3DAD-8712-4445-B48D-F06CC6EE4B4B>](https://costamesa.legistar.com/View.ashx?M=E3&ID=922029&GUID=E44B3DAD-8712-4445-B48D-F06CC6EE4B4B)

### **CITY COUNCIL GOALS AND PRIORITIES:**

This item is administrative in nature.

### **CONCLUSION:**

Approval of the request will permanently allow outdoor seating for the subject restaurant (Trenta Pizza & Cucina) as well as allow the operation of off-site valet parking at 1645 Superior Avenue for the use of the property at 1661 Superior Avenue. The proposed outdoor patio operations have existed since 2020 by approval of a Temporary Use Permit. Since that time, the outdoor patio was used more than anticipated for normal operations due to pandemic related restrictions on indoor activities; however, the indoor restrictions have been lifted which will allow less reliance on the restaurant's outdoor dining areas. The project is consistent with the General Plan, Zoning Code and



19 West Urban Plan, and with developments in the general neighborhood. In addition, approval of the project will improve parking and circulation conditions for the restaurant by providing professional valet services and increasing the parking supply for the restaurant during hours of operations. Lastly, the off-site valet parking area is available and the car wash is not operating during proposed restaurant offsite parking operations.

Staff recommends the City Council uphold the Planning Commission's decision and:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.
2. Approve Planning Application 21-07 and Zoning Application 19-50 (ZA 17-16 A1), subject to conditions of approval.