

RESOLUTION NO. PC-2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PA-23-07 FOR VALET SERVICES AT PLAYA MESA RESTAURANT LOCATED AT 428 EAST 17TH STREET

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application PA-23-07 was filed by Gregg Ramirez, authorized agent for the property owner, Playa Mesa Property LLC, requesting approval of the following:

A Conditional Use Permit to allow valet parking for Playa Mesa Mexican Kitchen restaurant.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 14, 2024 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 categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities.

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained in Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PA-23-07 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-23-07 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance with 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 14th day of October, 2024.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2024-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on October 14, 2024 by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2024-__

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: 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.

Facts in Support of Findings: Playa Mesa Mexican Kitchen restaurant has operated from this location for many years where customers would self-park in the back lot proximate to residential uses. And during that time there's been no known incompatibility between neighboring uses. The applicant's request for valet services is an improvement upon existing conditions and one that will benefit the quiet enjoyment of the adjacent residential properties. The valet podium will be located approximately mid-property and all cars will be professionally parked by a limited number of staff. All noise from customers self-parking or loitering will be minimized because of the professional valet services. Because of this, when operating consistent with the conditions of approval, the proposed valet service will be compatible and harmonious with nearby development and would not have a detrimental effect upon nearby properties.

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

Facts in Support of Finding: The valet podium will be located approximately mid-property and all cars will be professionally parked by a limited number of staff. All noise from customers self-parking or loitering will be minimized because of the professional valet services. In addition, the valet podium's location is approximately 155 feet away from 17th Street and this distance can stack eight vehicles before the public right of way could be affected. The management plan states that valet staff will monitor the queue and move vehicles closer together to avoid right-of-way impacts. The number of concurrent valets running vehicles is reasonable to ensure that the queue line moves at a reasonable pace that will keep cars from adversely affecting 17th Street. For these reasons, when operating consistent with the conditions of approval, the proposed valet service will not be detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvement in the neighborhood.

Finding: Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

Facts in Support of Finding: Granting the conditional use permit will not allow a use, density, or intensity, which is not in accordance with the general plan designation. As conditioned, the valet service will not generate noise, odor, traffic, or parking effects unusual for a commercially zoned property. The project does not propose any modification in the square footage to either of the existing commercial buildings on-site and the restaurant would continue to not operate after 11 p. m.

- B. The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1), Existing Facilities. The Project proposes a conditional use permit for Playa Mesa valet parking. No substantial physical improvements to the existing building would result from the project. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.
- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The project is subject to compliance with all applicable Federal, State, and local laws.
 2. Any graffiti painted or marked upon the premises shall be removed or painted over within 48 hours of being applied.
 3. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
 4. No outdoor public communication systems shall be installed without prior review and approval by the Planning Division.
 5. 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.
 6. This Conditional Use Permit does not include the allowance for live entertainment, dancing, or extended hours of operation after 11 p. m. Live entertainment, dancing, or extended hours of operation may only be permitted subject to approval of a Conditional or Minor Conditional Use Permit and issuance of a "public entertainment permit". Contact Planning and Code Enforcement for application information.
 7. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.
 8. The valet service shall be operated as described in this staff report, valet plan, and shown in the attached plans. Any change in the use, size, or design or valet plan operation shall require review by the Planning Division and may require an amendment to the Conditional Use Permit as determined by the Economic and Development Services Director.
 9. A copy of the conditions of approval for the conditional use permit shall be kept on the 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.
 10. If parking shortages or other parking-related problems arise, the business operator shall immediately institute appropriate measures to cure the problem and then work with the Economic and Development Services Director or his/her designee to develop long-term plan that will minimize or eliminate the shortage and/or problem. The long-term plan may necessitate an amendment to the Conditional Use Permit pursuant to Condition No. 8 above.
 11. The parking lot shall be posted with signs advising customers and employees to be considerate of the adjacent residences from noise levels they generate when driving around the site, entering/exiting their vehicles, and walking to and from the restaurant.

12. The restaurant shall provide the available parking as described in the report. A minimum of two valet attendants (one greeter and one runner) shall be available at all times when the valet service is in operation.
13. Valet attendants shall not “rev” engines and shall turn-off vehicles as soon as parked. Vehicle radios shall always remain off while within the designated valet area on the property and while under the care of the valet attendants. Unless next to each other, valet attendants shall not raise their voice to communicate with another valet attendant, customer, or individual who is on-site. All valets will keep their voices low and shall quietly close vehicle doors out of respect for the quiet enjoyment of the adjacent residential properties. Also, when parking cars, the valet shall park in the first available parking space within the valet parking area nearest the valet podium (i.e., closest to East 17th Street) so as to minimize vehicle turnover nearest the adjacent residential properties
14. Valet services shall be provided free of charge to both Playa Mesa Restaurant and Peet’s Coffee Customers.
15. During Playa Mesa’s business hours, 55 of the site’s 69 parking spaces will be used for valet, and the remaining 14 spaces shall be allocated to Peet’s Coffee. When both Peet’s and Playa Mesa are simultaneously open, Playa Mesa shall provide complimentary valet services to customers of Peet’s Coffee. When Peet’s Coffee is closed, the 14 parking stalls shall be made available to Playa Mesa patrons who prefer to self-park instead of valet.
16. The valet booth shall be located a minimum of 155 feet from the front property line to allow for vehicle stacking. Under no circumstance shall the queued vehicles cross over the property line into the public right-of-way in a manner that reduces the width of the public sidewalk. Playa Mesa management and the valet service will ensure that cars do not queue onto East 17th Street at anytime.
17. The valet service shall be provided by a professional valet company and shall operate pursuant to the valet plan. The valet company will ensure that valet services do not impact adjacent business operations.
18. No restaurant or valet service signage shall be located on the public sidewalk. All proposed signage must adhere to the Costa Mesa Municipal Code Sign regulations listed within Title 13. It is the business owner’s responsibility to apply for permits for any proposed signs or banner prior to their installation.

19. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as “proceeding”) brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant’s project, or any approval granted by City related to the applicant’s project. 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. City shall have the right to choose its own legal counsel to represent the City’s interests, and applicant shall indemnify City for all such costs incurred by City.
20. If any section, division, sentence, clause, phrase or portion of this approval is 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.

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.

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| Plng. | <ol style="list-style-type: none">1. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.2. Once the use is legally established, the planning application herein approved shall be valid until revoked. The Development Services Director or his/her designee may refer the planning 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. |
| Bldg. | <ol style="list-style-type: none">3. Comply with the requirements of the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the |

time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the California Building Code.

4. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.
5. Accessible parking space, access aisle, and accessible route shall not be obstructed during valet operation.
6. Permanent barrier shall not impede accessible access rout for those in wheelchair to access other business or public way.
- Eng. 7. Applicant must pay permit fees in connection with Private Encroachment permit EP18-02 allowing construction of private improvements in public right-of-way. Contact Costa Mesa Public Works to pay fees.
- Trans. 8. If queuing occurs on the sidewalk or on East 17th Street, then the applicant/valet operator shall implement immediate corrective action. Upon request, applicant will be required to submit an operations management plan to mitigate any vehicle queuing on the sidewalk or East 17th Street for review and approval.
- Fire 9. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted, and amended by Costa Mesa Fire & Rescue.
- Bus. Lic. 10. Business license shall be obtained prior to the initiation of the use.