



Legislation Text

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TITLE:

PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING AND 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 MODIFY PREVIOUSLY APPROVED CONDITIONS OF APPROVAL FOR RESTAURANT OPERATIONS

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

PRESENTED BY: JUSTIN ARIOS, ASSOCIATE PLANNER

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RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 (Class 1), Existing Facilities; and
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 is Marco Palazzo with Trenta Pizza & Cucina, for the property owner, 126 Properties LLC and 1645 Superior Ave 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, and developed pursuant to the 19 West Urban Plan: Superior Pointe (PA-13-22, 1667 and 1695 Superior Avenue) and Mesa West Bluffs Urban Plan: Westside Gateway (PA-

14-29, 671 West 17th Street).

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) with more than 300 square feet of public seating area to deviate from shared parking requirements applied to the subject multi-tenant center. The deviation from shared parking requirements was approved based on offset hours of operation of the restaurant with the other businesses on-site. The MCUP also approved a small 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

A link to the staff report for the approval can be found in the links 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 and 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 2, 2021, the City Council extended the Urgency Ordinance for an additional year, to expire on December 31, 2022. Links to the agenda reports and attachments are provided in the below links:

- June 2, 2020 Meeting
<http://ftp.costamesaca.gov/costamesaca/council/agenda/2020/2020-06-02/NB-3.pdf>
- November 2, 2021 Meeting
<https://costamesa.legistar.com/LegislationDetail.aspx?ID=5199894&GUID=C2D70299-4982->

On November 30, 2020, a Temporary Use Permit (TUP) for outdoor dining was approved for the current 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. The TUP approval is provided as an attachment to this report.

DESCRIPTION:

The proposed project involves the following requests:

1. Planning Application PA-21-07 is a request for a Conditional Use Permit to allow off-site valet parking at 1645 Superior Avenue for the use of the property at 1661 Superior Avenue, and a

request to permanently allow outdoor seating for the restaurant in the same size and configuration temporarily permitted pursuant to the previously approved TUP.

2. Zoning Application ZA-19-50 (ZA-17-16 A1) is a request to amend the restaurant's previously approved Minor Conditional Use Permit to modify its conditions of approval.

ANALYSIS:

Existing / Proposed Restaurant Use and Outdoor Seating

As described in the applicant letter, the existing restaurant (Trenta Pizza & Cucina) has operated since 2019. As originally approved, the restaurant included 1,575 square feet of gross floor area and a 250-square-foot outdoor patio area. On November 30, 2020, the restaurant obtained approval of a Temporary Use Permit (TUP) to expand the outdoor patio. The TUP approved the use of four onsite parking spaces to accommodate an additional 842 square feet of outdoor patio seating area. The TUP approved seating area includes artificial turf beneath the seating, portable planters and empty wine barrels separating the seating area from the drive aisle, and portable propane heaters. The purpose of the TUP was to allow indoor restaurant operations to be conducted outdoors while indoor restaurant operations were limited by COVID-related regulations.

The applicant is now proposing to permanently allow the outdoor seating that was approved by the TUP. The restaurant is also proposing to modify their previously approved hours of operation (including use of the outdoor seating) to Sunday through Thursday, 5 PM to 9 PM, and Friday and Saturday, 5 PM to 10 PM, and proposes weekend lunchtime hours (11:30 AM to 2:30 PM). However, 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.

Required Parking

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 in the below, Table 1 (next page).

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
1661 Superior, Suite C	Trenta Pizza & Cucina	575 SF	Sunday:	11:30 AM to 2:30 PM & 5 PM to 9 PM
1661 Superior, Suite D		1,575 SF	Monday – Thursday: Friday: Saturday:	5 PM to 9 PM 5 PM to 10 PM 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:	9 AM 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

The industrial center is developed with 8,446 square feet of total floor area. In accordance with Costa Mesa Municipal Code (CMMC) Section 13-89, Table 13-89, the parking requirement for an industrially-zoned property is three spaces per 1,000 square feet of gross floor area; therefore the project site complies with the 25 parking space parking requirement for the industrial zoning designation of the property. However, the required parking ratio for a food or beverage use with more than 300 square feet of public area is 10 spaces per 1,000 square feet of gross floor area, including any outdoor seating that is associated with the use.

In accordance with CMMC Table 13-89, when a single-development, multiple-tenant site includes mixed uses that share the same parking, the total requirement for parking is determined by the “City of Costa Mesa Procedure for Determining Shared Parking Requirements.” Based on the attached Shared Parking Demand Table for the project site and considering the current mix of uses at the subject property, the total required parking for the restaurant use (including the enlarged outdoor seating and the additional suite area) and the other onsite industrial businesses is 38 parking spaces; 22 parking spaces would be available onsite when the enlarged outdoor patio is operational and 25 spaces would be available when only the 250-square-foot smaller patio is being used. Pursuant to the CMMC, the applicant is requesting Planning Commission approval to compensate for the deficient parking by the use of off-site valet parking as further described below.

Proposed Valet and Off-Site Parking

In accordance with CMMC Section 13-93(m), all required off-street parking spaces shall be located on the same lot as the use for which it is required, except when authorized by a conditional use permit. In addition, CMMC Section 13-96 indicates that all parking spaces shall be made permanently available for automobile parking, with valet parking being able to be offered when authorized by a conditional use permit.

The applicant has obtained an agreement with the owner of the property located at 1645 Superior Avenue, currently occupied by Beach Cities Car Wash, for off-site and valet parking spaces to serve the restaurant on weekday and weekend evenings. The car wash is located approximately 200 feet to the south of the restaurant location. The existing hours of operation for the car wash are 10 AM - 5 PM, seven days a week and therefore would not conflict with the proposed restaurant valet parking

hours of operation that begin after the car wash closes.

During restaurant operations (with the exception of weekend lunchtime), the applicant proposes to use both the existing restaurant parking lot at 1661 Superior Avenue and the parking lot at 1645 Superior Avenue for restaurant parking. Including the car wash parking lot spaces (39 spaces) and the on-site restaurant parking lot spaces (22 spaces), the restaurant would maintain a total of 61 valet parking spaces for customers. Based on the aforementioned shared parking standards, the restaurant would operate with a surplus of 23 parking spaces.

In regard to the proposed weekend lunchtime hours (11:30 AM to 2:30 PM), on-site parking is sufficient to support the anticipated demand based on the shared parking demand calculation for the site during those times, and because the enlarged outdoor seating area will not be used. Based on the shared parking demand calculation, the weekend peak demand for the site is 21 spaces from 6 AM to 5 PM. Further, without the use of the outdoor dining area within the parking lot, 25 parking spaces are available onsite. Refer to Table 2, Parking Analysis Summary.

Table 2

Restaurant Hours	Parking Required	Parking Provided
<u>Monday – Thursday & Sunday</u> 5PM – 9PM <u>Friday & Saturday</u> 5PM – 10PM	38 spaces ^{1,2}	Onsite – 22 spaces Offsite Valet – 39 spaces <u>Total – 61 spaces</u>
<u>Saturday & Sunday</u> 11:30AM – 2:30 PM	21 spaces ^{1,3}	<u>Onsite – 25 spaces</u>
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.		

A professional valet service (Alpha Professional Corp.) has been contracted to operate the proposed valet parking for the restaurant. Three to four valet attendants would be available to park customer’s vehicles during restaurant hours. The following generally summarizes the applicants’ proposed valet operation plan:

- 1) The proposed valet drop-off and pick-up area would be located in the western portion of the restaurant parking lot.
- 2) Valet employees would direct customers to park on-site until the parking at the restaurant site has reached capacity.
- 3) Once the restaurant parking lot capacity has been reached, customers will enter the site from

the northern driveway (proposed as one-way circulation) and would drop-off their vehicle with the valet service.

- 4) The valet employees would then drive the cars to the off-site valet parking lot by exiting the restaurant parking lot's southern driveway, turning right onto Superior Avenue (toward the car wash site), and quickly turning right into the car wash property to park vehicles in designated spaces.
- 5) Vehicles will be locked and the valet employee would then return to the restaurant site using the existing sidewalk on Superior Avenue (the walking time from the car wash to the restaurant is approximately one to two minutes).
- 6) When returning vehicles to customers, the valet employees would exit the car wash parking area by turning left onto Superior Avenue and then left again into the restaurant site. Superior Avenue is improved with a two-way center left-turn lane that allows the valet service to safely wait for available left-hand turn movements.

The 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.

GENERAL PLAN CONFORMANCE:

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa for the next two decades. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve local needs and attract regional and international spending, and continuing to provide cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives and policies contained in this Plan.

The following analysis evaluates the proposed project's consistency with applicable policies and objectives of the 2015-2035 General Plan.

1. **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.*

Consistency: The proposed project upholds the balance of land uses satisfying the needs of the community as it pertains to commercial goods and services, and employment opportunities by providing for outdoor dining restaurant options.

2. **Policy LU-6.7:** *Encourage new and retain existing businesses that provide local shopping and services.*

Consistency: The proposed project would encourage the retention of an existing established restaurant within the City, thus encouraging the long-term productivity and viability of the community's economic base. The proposed project would expand an existing successful local land use, which contributes to the City's tax base and ultimately preserves the City's long-term fiscal health.

3. Policy LU-6.19: *Provide flexibility and support for development of residential, office, small retail centers, and similar uses that would serve local residents and would also benefit from the high visibility along major corridors outside of significant commercial or industrial nodes.*

Consistency: Approval of the project would provide permanent restaurant outdoor seating that is currently being conducted under an approved TUP without neighborhood impacts and/or other land use issues. In addition, the proposed restaurant is consistent with the intent of Land Use Policy LU-1.1 because it provides an outdoor dining experience that signals economic vitality on one of the City's commercial corridors.

REQUIRED FINDINGS:

Pursuant to Title 13, Section 13-29(g)(2), Conditional Use Permit Findings, of the Costa Mesa Municipal Code, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record demonstrates that the proposed project substantially meets specified findings. Staff recommends approval of the request, based on the following assessment of facts and findings, which are also reflected in the draft resolution.

- *The proposed use, as conditioned, is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.*

The proposed project includes the permanent approval of an existing temporary outdoor seating area that is currently operating without impacts to neighboring properties. The applicant proposes to remove the outdoor seating area when not in use by the restaurant, making sufficient on-site parking spaces available for use by the other tenants on-site. The proposed outdoor patio is currently operating without affecting other properties in the area and therefore the permanent approval of the outdoor seating is not anticipated to result in impacts to surrounding properties. Lastly, as proposed, the site will be in conformance with Code required parking requirements for the restaurant and maintain a surplus of customer parking with the implementation of offsite valet parking. The offsite parking location at 1645 Superior is located in close proximity to the restaurant use, has appropriate access and circulation, and will be utilized while the onsite carwash business is closed. In addition, the valet parking plan has been reviewed by the City's Transportation Division and would be implemented by a professional valet service operator.

- *The proposed use and improvements 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.*

The proposed project would not generate adverse noise or traffic impacts that are unusual for this zoning designation in that conditions of approval require that the operation be conducted in a

manner that would allow for the quiet enjoyment of the surrounding neighborhood. Compliance with the applicable Building, Fire Safety and Health Codes will also ensure that the project is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

- 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.

Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation and the applicable Urban Plan for the property. In accordance with CMMC Section 13-93(m) and Section 13-96, off-site parking and valet parking may be authorized with approval of a conditional use permit and as proposed with the off-site and valet parking, the use would maintain a parking surplus. In addition, the existing restaurant is a complementary use to the area, including the adjacent residential uses, and as conditioned, the restaurant does not generate noise or parking impacts unusual for an industrially-zoned property, and the current operations (which are essentially the same as proposed) do not adversely impact the surrounding uses. Lastly, the proposed project is consistent with applicable policies and objectives of the 2015-2035 General Plan as previously described in this report.

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) under Section 15301 for Existing Facilities. This exemption allows for the alteration and permitting involving negligible or no expansion of an existing use. The proposed project involves approval of restaurant outdoor seating that is already operating under a temporary use permit. The project is also consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve 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 and/or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings for denial into a Resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for at least six months.

LEGAL REVIEW:

The draft resolution has 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 and occupants within a 500-foot radius of the project sites. 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 the street frontage of the project sites.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of the date of this report's publishing, one written public comment has been received. Any public comments received prior to the September 12, 2022 Planning Commission meeting will be provided separately to the Planning Commission.

CONCLUSION:

Approval of the project will permanently allow outdoor seating for the existing 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 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 not being used during proposed restaurant operations. Therefore, staff recommends approval of the proposed project, subject to the conditions of approval contained in the attached resolution.