



City of Costa Mesa

RESERVE FOR FILING STAMP

ATTACHMENT 2

- Appeal of Planning Commission Decision:
\$1,220.00 (Tier 1)¹
\$3,825.00 (Tier 2)²

- Appeal of Non-Planning Commission Decision:
\$690.00 (Tier 1)¹
\$3,825.00 (Tier 2)²

File with: City Clerk
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
714-754-5225

APPLICATION FOR APPEAL OR REVIEW

Applicant Name* West End
Address 814 West 19th Street, Costa Mesa CA
Phone _____

REQUEST FOR: APPEAL REVIEW**

Decision of which appeal or review is requested: (give application number, if applicable, and the date of the decision, if known.)

**Application NO.: PODA-24-0001
& PMCP-24-0008 Planning
Commission Oct 14, 2024**

Decision by: PLANNING COMMISSION

Reasons for requesting appeal or review:

Please see attached document

Date: 10/20/2024

Signature: *[Handwritten Signature]*

¹If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
²Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal or review

Updated September 2023

¹ Includes owners and/or occupants of a property located within 500 feet of project site (excluding owners and/or occupants of the project site).

² Includes the project applicant, owners and/or occupants of the project site, and owners and/or occupants of a property located greater than 500 feet from the project site.

Application NO.: PODA-24-0001 & PMCP-24-0008

October 20, 2024

Request for review of Planning Commission decision on October 14, 2024

Reasons for requesting review:

1. **Inadequate Parking:** The current parking situation is insufficient for the space. Patrons are likely to park in nearby residential neighborhoods, which are already designated as permit-only parking zones. The lack of enforcement of these parking restrictions exacerbates the problem. Additionally, nearby establishments such as Semi-Tropic and 3-13 Bar have been reported to misuse parking spaces designated for other businesses, creating further strain on parking resources.
2. **Parking History:** The applicant has admitted that parking has always been an issue at this location, raising concerns about their ability to effectively manage the situation, especially with nearby businesses contributing to the parking overflow.
3. **Applicant's Accessibility:** By the applicant's own admission, they do not drive to this location, potentially limiting their understanding of the parking issues faced by patrons and neighbors.
4. **Outdoor Noise and Expansion Plans:** The applicant's plan to add an outdoor stage and PA system could significantly increase noise levels. Although acoustic measures could mitigate the impact, no verification or detailed analysis of these measures was provided during the planning commission meeting. This is particularly concerning given that noise complaints have already been raised against nearby establishments, which has led to citations for non-compliance.
5. **Proximity to Residents:** The closest residential property is just 275 feet from the location. Residents have raised concerns about noise disturbances, particularly with the extended operating hours until 2 a.m., which could negatively affect their quality of life.
6. **Noise at Late Hours:** Residents may not be sufficiently protected if noise becomes an issue late at night and addressing these complaints could involve a long and burdensome process. The recent approval of a 6-month "trial period" allowing music on Fridays and Saturdays further heightens concerns about late-night disturbances, especially given past violations of COVID-19 restrictions by Westend Bar.
7. **Parking Control Limitations:** The applicant has acknowledged they cannot control where patrons park, and with ongoing parking challenges in the area, this could lead to further overflow into residential neighborhoods, making the situation unmanageable for both businesses and residents.

Eleven business owner and residents spoke in opposition to the applicants CUP request. Here is a summary of key points from each individual mentioned in the document which also support the reason for the review:

Jay Humphreys

- Parking is inadequate on the street, leading patrons to park in neighborhoods.
- No direct access to parking lot due to a wall, raising security concerns for patrons parking in an industrial area at 2 a.m.

- Questioned whether the establishment would provide security for patrons using the parking lot.
- Believes noise from the establishment will impact neighborhoods, especially with patrons leaving at 2 a.m.
- Strong concerns about the lack of containment of noise from the establishment.

Lisa Lester

- Manages part of the Vista Center and represents the interests of mom-and-pop tenants.
- Noted that other businesses without parking, like Semi-Tropic, already impact available parking.
- Observed that patrons from other businesses often park in their lot, despite efforts to deter them.
- Concerned about the impact of additional businesses on parking, particularly during high-demand times like Friday and Saturday nights.
- Feels it is unfair for smaller businesses to bear the costs of security and additional expenses caused by the bars.
- Stressed the need to protect small businesses and residents.

John McVay

- Born and raised in Costa Mesa, representing property owners across the street.
- Relayed concerns from Hong Kong Express owners about potential liability issues from patrons crossing the street, especially in dim lighting.
- Highlighted difficulties in obtaining insurance for the property and the additional liability posed by inebriated patrons crossing a busy street.
- Safety concerns are paramount, particularly the risk of injury or death.

Wanda Garro

- Property owner at Vista Center and concerned about safety and liability.
- Frequently witnesses people crossing the street from their center, which raises safety concerns.
- Questioned the lack of parking space requirements despite the availability of public transportation.
- Believes public safety and common sense should prevail over legislative decisions allowing such establishments to operate without adequate parking.

Vincent Barajas

- Business owner across the street for 27 years.
- Parking is already difficult, forcing him to park in dangerous areas like alleys.
- His business needs available parking, and he's concerned that patrons from the bar will take up those spaces, negatively affecting his customers.

Dan

- Resident behind the establishment, emphasized that parking is a major issue.
- Pointed out the establishment has only 3 parking spaces, insufficient for staff and customers.
- Expressed concerns about the applicant's history of non-compliance with regulations, especially during COVID.
- Skeptical that the establishment will properly regulate parking and mitigate noise.
- Questioned the effectiveness of proposed mitigation measures like outdoor sound containment.

Frank

- Echoed concerns about parking safety and the effectiveness of security guards.
- Feels that enforcing parking regulations and monitoring the situation will be difficult and potentially problematic.
- Opposed to the establishment's plans due to safety concerns.

Cynthia

- Questioned how the bar has operated with so few parking spots.
- Believes patrons are parking in nearby lots, especially Vista Center, and doesn't expect this to change.
- Raised concerns about amplified sound from the bar, which will disturb nearby residents.
- Referenced the bar's history of non-compliance with COVID regulations and questioned its ability to follow future noise and parking rules.
- Feels the bar is not compatible with the area and is concerned about the negative impact on businesses and residents.

User 613

- Opposes COVID restrictions and praises the business for not complying with lockdown measures.
- Points out that the bike lane in front of the restaurant is not heavily used and suggests converting it into parking to help alleviate the issue.
- Believes that the expanded bar will cause parking overflow into residential areas, impacting residents.

Laura

- Resident in the Federal neighborhood, frequently affected by noise and parking issues from nearby bars.
- Concerned about unsafe conditions with patrons crossing the street and parking in their neighborhood.
- Feels the establishment has not provided sufficient information or solutions for managing parking and noise.
- Strongly opposes the conditional use permit due to noise, parking, and safety concerns.

Carrie

- Lives in the neighborhood behind the bar and has experienced ongoing noise and parking issues.
- Sees patrons frequently parking in residential areas despite permit parking regulations.
- Expressed fears about personal safety when confronting patrons about illegal parking.
- Urges the Planning Commission to enforce clear mitigation measures if the permit is approved.

These summaries provide a concise view of each person's key concerns regarding parking, noise, safety, and liability related to the bar's operations and proposed expansion.