



OC DEVELOPMENT SERVICES REPORT

DATE: August 15, 2024

TO: County of Orange Zoning Administrator

FROM: OC Development Services / Planning

SUBJECT: Planning Application PA24-0023 for a Use Permit

PROPOSAL: The applicant is requesting a Use Permit to the Zoning Administrator to allow for a new restaurant to operate to 12:00 a.m.

ZONING: CN “Commercial Neighbor” H (Housing Overlay)

GENERAL PLAN: 2A “Community Commercial”

LOCATION: The project is located at 2675 Irvine Avenue Ste #D1 . Costa Mesa within the Fifth (5th) Supervisorial District (APN: 439-101-40)

APPLICANT: Behrouze Ehdaie, Architect

STAFF CONTACT: Ilene Lundfelt, Associate Planner
Phone: (714) 667-9697 E-mail: Ilene.Lundfelt@ocpw.ocgov.com

RECOMMENDED ACTION(S):

OC Development Services/Planning recommends the Zoning Administrator:

1. Receive the staff report and public testimony as appropriate.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA), Class 1 Existing Facilities pursuant to CEQA Guidelines Section 15301.
3. Approve Planning Application PA24-0023 for a Use Permit subject to the Findings and Conditions of Approval provided as Attachments 1 and 2 to the staff report.

BACKGROUND AND EXISTING CONDITIONS:

Planning Applications UP3840 and UP3860, establishing the Back Bay Center (center), was approved in 1978. Since approval of the original Planning Applications, the center has had some applications for Changed Plans to update the center. CPO20012 was approved by the Director to update the existing signage. CPO50007 was approved by the Director for new screen fencing around the trash enclosures and equipment areas. CPO60027 was approved by the Director for new parking striping that aligned with the same parking tabulation as previously permitted under the original Planning Application.

PROPOSED PROJECT:

The applicant is requesting a Use Permit to allow for a new restaurant to operate to 12:00 a.m. as identified in the Applicant’s Letter of Request (Attachment 3). The zoning district CN Commercial Neighborhood that the proposed project is located has a limitation of business hours from 6:00 a.m. to 10:30 p.m. A Use Permit approved by the Zoning Administrator is required to extend the business hour outside of the allotted timeframe under the zoning district.

SURROUNDING LAND USES:

Zoning and existing land uses for the project site and surrounding properties are as follows:

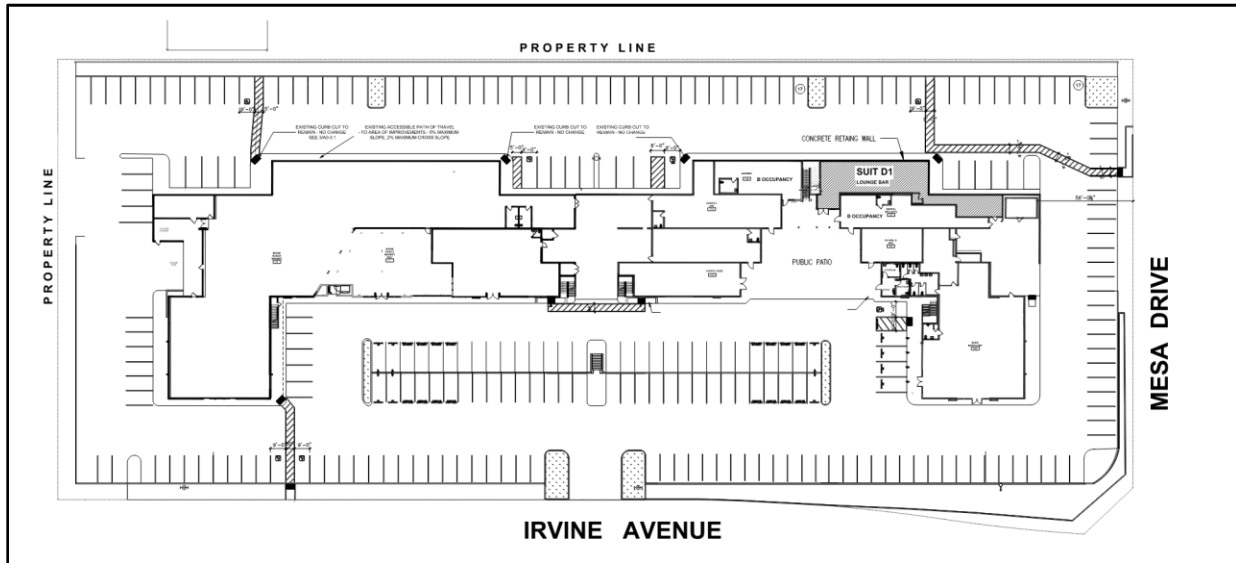
DIRECTION	ZONING DISTRICT	EXISTING LAND USE
Project Site	CN “Commercial Neighborhood”	Single-Family Dwelling
North	R1 “Single-Family” Residential	Single-Family Dwelling
South	City of Newport Beach (R-1-6000)	Single-Family Dwelling
East	City of Newport Beach (SP-7 1500)	Multifamily Dwelling
West	R1 “Single-Family” Residential	Single-Family Dwelling

PROJECT SITE

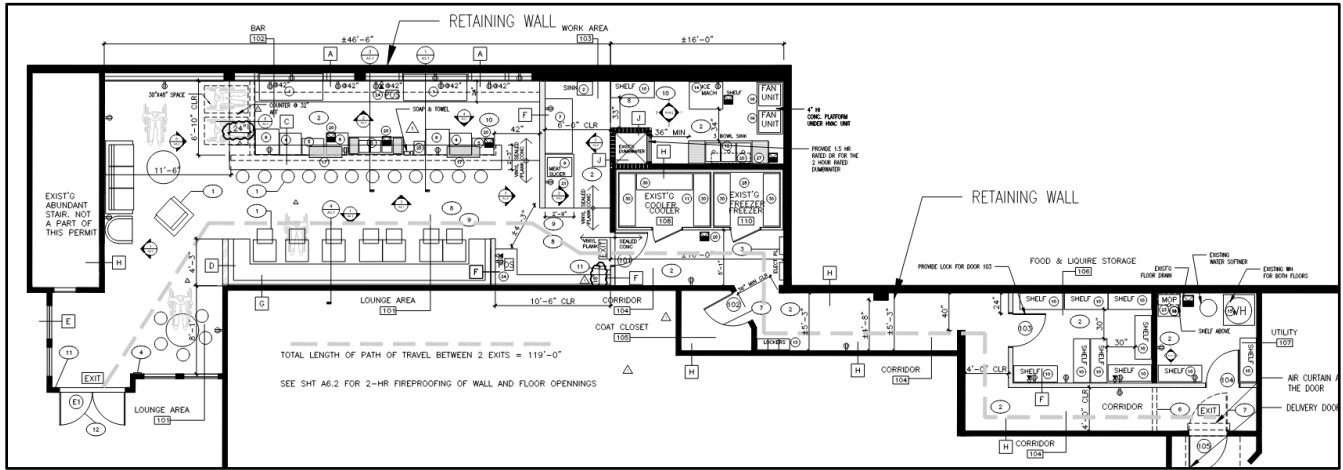
An aerial photograph of the Project site and surrounding properties within unincorporated County of Orange is provided below.



SITE PLAN



FLOORPLAN



DISCUSSION/ANALYSIS:

Below is a table comparing the development standards for the CN “Commercial Neighborhood” district with the applicant’s proposal.

STANDARD	PERMITTED	PROPOSED
Building Site Area	Minimum 3 acres Maximum 8 acres	3.78 acres (existing)
Structural Front Setback	20 feet	72 Feet (existing)
Structural Side Setback	20 feet	58 feet (right side) (existing) 55 feet (left side) (existing)
Structural Rear Setback	20 feet	54 feet (existing)
Hours of Operation	6:00 a.m. – 10:30 p.m.	10:00 a.m. – 12:00 a.m.*

*Subject to the Use Permit

Use Permit

The CN Commercial Neighborhood District is established to provide for the development and maintenance of low-intensity commercial uses which serve the immediate needs of the surrounding neighborhood. Such uses are to be grouped in small areas of three (3) to eight (8) acres and designed so that adverse impacts on residential properties are minimized. Business hours in the CN District shall be limited to the hours between 6:00 a.m. and 10:30 p.m. unless otherwise provided for by a Use Permit approved by the Zoning Administrator.

A Use Permit is being requested by the applicant to extend the business hours to 12:00 a.m. for a proposed new restaurant in the Back Bay Center. The location of the restaurant will not be visible for the neighboring residential area. Additionally, the parking lot for the center naturally acts as a buffer between the structure and the residential areas surrounding the project site. The restaurant is an allowed use in the CN District. At this time the proposed restaurant will be confined indoors as shown in the site plan and floorplan (Attachment 5). The noise will be limited within the building.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A copy of the planning application and the proposed site plan were distributed for review and comment to appropriate County divisions and to the OC Sheriffs. Staff has reviewed all comments received, and where appropriate, has addressed the comments through recommended Conditions of Approval (Attachment 2). Public notices were mailed to all owners of record within 300 feet of the subject property and posted at the site and at the County Administration Buildings posting kiosk located in Santa Ana as well as published in a local publication at least ten days prior to the public hearing, as required by established public hearing posting procedures. As of the writing of this staff report, no comments raising issues with the project have been received from OC Sheriffs or other County divisions.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 1) from the provisions of CEQA pursuant to Section 15301, because the exemption provides for repair, maintenance or permitting of private structures involving negligible or no expansion of existing use.

CONCLUSION:

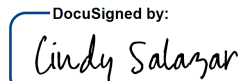
Staff has closely reviewed the applicant's request for a use permit and found it to be compatible with adjacent use and development. Staff recommends Zoning Administrator approval of Planning Application PA24-0023 for a Use Permit subject to attached Findings (Attachment 1) and Conditions of Approval (Attachment 2).

Submitted by:

Concurred by:

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Ilene Lundfelt, Associate Planner
OC Development Services/Planning

DocuSigned by:

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Cindy Salazar, Planning Division Manager
OC Public Works/Planning

ATTACHMENTS:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Applicant's Letter of Justification
4. Environmental Documentation NOE PA24-0023
5. Site Plans and Floor Plan

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the OC Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$500 filed at the County Service Center, 601 N. Ross Street, Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to OC Development Services/Planning Division.