

City of Costa Mesa Planning Division

RESTAURANTS AND BARS

REVIEW REQUIREMENTS

Establishments where food or beverages are served (e.g., restaurants and bars - see definition on page 3) are subject to the review procedures shown below. If more than one review procedure is applicable to your business, than the more stringent procedure shall be applied. Establishments located in the Redevelopment Project Area may also require Redevelopment Agency review and approval. Parking rates, as well as the applicability criteria of these Municipal Code provisions, are provided on page 3. Please contact the Planning Division at (714) 754-5245 to verify the zoning requirements and approval procedure that applies to your proposal.

PERMITTED AND CONDITIONALLY PERMITTED USES

(TABLE 13-47 of the Costa Mesa Municipal Code)

LOCATION AND OPERATIONAL CHARACTERISTICS	C1-S	C1	C2	CL	TC	PD	MG	MP
Establishments with 300 square feet or less of public area.	P ^{1,2} or P	P	P	MC	P ¹ or P	P ¹ or P	P	P
Establishments with more than 300 square feet of public area.	P ¹ or P	P	P	MC	P ¹ or P	P ¹ or P	MC	MC
EXCEPTIONS								
Located within 200 feet of a residential zone. (Subject to the requirements of Section 13-49 DEVELOPMENT STANDARDS FOR ESTABLISHMENTS WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY)	P ¹ or P	P	P	MC	P ¹ or P	P ¹ or P	P	P
Sale of alcoholic beverages for on-site consumption after 11:00 p.m. and/or provision of live entertainment or dancing located within 200 feet of a residential zone.	P ¹ or C	C	C	C	P ¹ or C	P ¹ or C	C	C
Sale of alcoholic beverages for on-site consumption after 11:00 p.m. and/or provision of live entertainment or dancing located not within 200 feet of a residential zone.	P ¹ or MC	MC	MC	MC	P ¹ or MC	P ¹ or MC	MC	MC
Drive-through operations. (Subject to the requirements of Section 13-50 DEVELOPMENT STANDARDS FOR DRIVE-THROUGH OPERATIONS)	P ¹ or MC	MC	MC	MC	P ¹ or MC	P ¹ or MC	MC	MC
Establishments with less than 300 square feet of public area located in a multi-tenant center where 30% or more of the tenants are similar businesses, i.e., establishments with less than 300 square feet of public area.	P ¹ or MC	MC	MC	MC	P ¹ or MC	P ¹ or MC	MC	MC
Establishments with a micro brewery	P ¹ or C	C	C	C	P ¹ or C	P ¹ or C	C	C

1. Pursuant to an approved master plan which specifies these operational characteristics and/or location of the business.
2. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: P= Permitted; MC= Minor Conditional Use Permit; C= Conditional Use Permit.

DEVELOPMENT STANDARDS

GENERAL DEVELOPMENT STANDARDS (Section 13-48)

- Outdoor seating areas shall not encroach into required street setback, parking, circulation or interior landscaped areas; except as approved by the Zoning Administrator.
- All establishments shall comply with the applicable development standards and review procedures indicated in Table 13-47 (on page 1), as well as to all other development standards of the appropriate zoning district.

DEVELOPMENT STANDARDS FOR ESTABLISHMENTS LOCATED WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTY (Section 13-49)

Establishments shall comply with the standards set forth below, unless the standards are modified through the issuance of a minor conditional use permit or conditional use permit:

- All exterior lighting shall be shielded and/or directed away from residential areas.
- Outdoor public communication systems shall not be audible in adjacent residential areas.
- Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.
- Outdoor seating areas shall be oriented away or sufficiently buffered from adjacent residential areas.
- For new construction, a landscaped planter area, a minimum of 5 feet in width, shall be provided as an additional buffer to residential areas. The planter area shall contain appropriate plant materials to provide an immediate and effective screen. Plant materials shall meet with the approval of the Planning Division. For remodels, the Planning Division may also require the construction of a landscaped planter area to buffer adjacent residential areas, if feasible.
- For new construction, all interior property lines abutting residentially-zoned property shall have a minimum 6 foot high masonry wall, as measured from the highest grade. An 8 foot high masonry wall may be required, based on the establishment's operational characteristics, in order to provide additional protection to adjacent residential uses. A planning application may be required for walls exceeding 6 feet in height. For remodels, the Planning Division may also require the construction of a masonry wall to buffer adjacent residential areas, if feasible.
- Hours of operation for customer service shall not occur anytime between 11 p.m. and 6 a.m..
- Truck deliveries shall not occur anytime between 8 p.m. and 7 a.m..

DEVELOPMENT STANDARDS FOR DRIVE-THROUGH OPERATIONS (Section 13-50)

Establishments shall comply with the standards set forth below, unless the standards are modified through the issuance of a minor conditional use permit.

- Drive-through lanes shall not obstruct the circulation routes necessary for ingress or egress from the property, parking areas (including back-out of parking spaces) and pedestrian walkways.
- Each drive-through lane shall be striped, marked, or otherwise distinctly delineated, and shall be a minimum of 11 feet wide.
- On-site entrances to drive-through lanes shall be setback a minimum of 25 feet from drive approaches from public or private streets or alleys.
- Each drive-through lane shall be a minimum of 160 feet in length, unless modified by the Zoning Administrator. The length of the drive-through lane shall be measured from its entrance point to the pick-up window.
- Vehicle stacking areas of drive-through lanes shall be a minimum distance of 10 feet from outdoor seating and play areas.
- Application for a minor conditional use permit shall include an operation statement indicating the physical improvements and operational measures proposed to minimize idling vehicle emissions.
- Establishments within 200 feet of residentially-zoned property shall also be subject to the development standards listed above.

PARKING STANDARDS (Section 13-89)

Establishments where food or beverages are served with no more than 300 square feet of public area (see definition of public area below):

4 spaces per 1,000 square feet of gross floor area.

Establishments where food or beverages are served with more than 300 square feet of public area:

10 spaces per 1000 square feet of gross floor area for the first 3,000 square feet and 20 spaces per 1,000 square feet for each additional 1,000 square feet above the first 3,000 square feet. Where the boundaries of an outdoor seating area can be readily established, the area of the outdoor seating area shall be added to the gross floor area of the building for purposes of determining the required parking. Where the boundaries of the outdoor seating area cannot be readily established, parking for the outdoor seating area shall be provided at a ratio of 1 space per table.

When the approval of a minor conditional use permit or conditional use permit is required, the final review authority may require additional parking spaces at a ratio not to exceed 30 spaces per 1,000 square feet of gross floor area of the entire building. Factors that may warrant additional parking include, but are not limited to, the provision of entertainment and/or dancing, or substantial ratio of floor area devoted to bar as compared to restaurant use. The maximum parking ratio shall be applicable to uses that have substantially maximized the building's occupancy due to design and provision of concentrated uses.

DEFINITIONS (Section 13-6)

Establishments where food or beverages are served. Any commercial use that sells prepared food and/or beverages for consumption on-site or off-site, either solely or in conjunction with an ancillary or complementary use. Excluded from this definition are grocery stores, convenience stores, movie theaters, and other such uses, as determined by the Director of Development Services where the sale of food or beverages is clearly incidental to the primary use. However, all establishments selling alcoholic beverages for consumption on-site shall be included in this definition.

Public area - establishments where food or beverages are served. That portion of an establishment reserved for the exclusive use of the public for the receipt or consumption of food and/or beverages. For the purpose of this Zoning Code, public area shall not include restrooms, kitchens, hallways or other areas restricted to employees only.

APPLICABILITY (Section 13-51)

These regulations shall apply to all new establishments where food or beverages are served which are proposed in the C1-S, C1, C2, CL, MP, MG, PD, and TC zoning districts. These regulations shall not be applied to existing uses, even when they undergo a change of ownership, unless one or more of the conditions below are met:

A. A change of operational characteristics that includes one or more of the following items.

- (1) An extension of the hours of operation for customer service between 11 p.m. and 6 a.m., if the establishment is within 200 feet of residentially zoned property.
- (2) The introduction of the sale of alcoholic beverages for on-site consumption between 11 p.m. and 2 a.m..
- (3) The introduction of live entertainment or dancing, or the cumulative expansion of 100 square feet or more of the area devoted to dancing during the lifetime of the establishment.
- (4) The introduction of drive-through operations or the expansion of the existing drive-through operations.
- (5) Alterations resulting in a cumulative increase of 100 square feet or more in the floor area devoted to customer service, e.g., food and/or beverage service or entertainment, during the lifetime of the establishment.
- (6) A change from any type of Alcoholic Beverage Control license to any of the following Alcoholic Beverage Control license types: 40 (On-sale Beer); 42 (On-sale Beer and Wine for Public Premises); 48 (On-sale General for Public Premises); or 61 (On-sale Beer for Public Premises), provided that the establishment is open for customer service anytime between the hours of 11 p.m. and 2 a.m..

B. A cumulative expansion of 100 square feet or more of the gross floor area during the lifetime of the establishment.

C. Discretionary review by the Zoning Administrator or Planning Commission shall be limited to the change in operational characteristics or the expansion in the area devoted to customer service.

IMPORTANT QUESTIONS TO ASK THE PLANNING DIVISION REGARDING YOUR PROPERTY

WHAT IS THE GENERAL PLAN LAND USE DESIGNATION?

WHAT IS THE ZONING?

IS THE PROPOSED USE(S) CONSIDERED HIGH OR MODERATE TRAFFIC GENERATING?

WHAT IS THE FLOOR AREA RATIO?

IS THE SIZE OF THE BUILDING AND IS THE USE THAT I AM PROPOSING CONSISTENT WITH THE FLOOR AREA RATIO AND TRAFFIC CHARACTERISTICS ESTABLISHED BY THE GENERAL PLAN?

NOTES

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