



# **CITY COUNCIL AGENDA REPORT**

---

MEETING DATE: MARCH 21, 2006

ITEM NUMBER:

**SUBJECT: APPEAL OF CONDITIONAL USE PERMIT PA-95-10 REVOCATION  
CORNER OFFICE SPORTS BAR AND GRILL  
580 ANTON BOULEVARD, #201**

**DATE: MARCH 10, 2006**

**FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

**PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714)754-5611**

---

## **BACKGROUND:**

On March 7, 2006, City Council reversed the Planning Commission's decision to revoke the conditional use permit for the expansion of the above establishment, subject to findings and modifications to the conditions of approval. The adoption of the resolution was continued for two weeks to allow staff to modify the language of the document. A copy of the draft-revised resolution, including revised findings and new conditions, is attached to this report for reference.

Handwritten signature of Mel Lee in black ink.

MEL LEE, AICP  
Senior Planner

Handwritten signature of Donald D. Lamm in black ink.

DONALD D. LAMM, AICP  
Deputy City Mgr./Development Svs. Dir.

**DISTRIBUTION:** City Manager  
City Attorney  
City Clerk (2)  
Staff (4)  
File

Duane V. Heldt  
Corner Office Sports Bar and Grill  
580 Anton Boulevard, #201  
Costa Mesa, CA 92626

Stephanie Potter  
Corner Office Sports Bar and Grill  
580 Anton Boulevard, #201  
Costa Mesa, CA 92626

Eric Strauss  
America West Properties  
26302 La Paz Road #215  
Mission Viejo, CA 92691

Roger Allensworth  
P.O. Box 68021-256  
Anaheim, CA 92817

ATTACHMENTS: 1. Draft City Council Resolution Reversing Commission's Decision

File Name: 032106PA9510Revo	Date: 031006	Time: 4:30 p.m.
-----------------------------	--------------	-----------------

**RESOLUTION NO. 06-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA IMPOSING ADDITIONAL CONDITIONS OF APPROVAL ON, IN LIEU OF REVOKING, CONDITIONAL USE PERMIT PA-95-10**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, on February 13, 1995, Planning Commission approved Conditional Use Permit PA-95-10, with respect to the real property located at 580 Anton Boulevard, #201, for a conditional use permit to allow an existing sports bar and restaurant (currently known as Corner Office Sports Bar and Grill) to expand into an adjacent space to allow 6 billiards tables and 4 or more electronic game machines; and,

WHEREAS, on October 10, 2005, Planning Commission conducted a review of PA-95-10 because of problems related to the operation of the establishment documented by Police Department and Code Enforcement staffs. At the hearing, the Planning Commission modified the conditions of approval for PA-95-10 to further restrict the operation of the establishment, with the requirement that PA-95-10 be brought back within 90 days for review by the Planning Commission; and,

WHEREAS, despite efforts of the Police Department to work with the restaurant operators to prevent further problems, several major incidents involving Police activity have occurred during the latest 90 day review period, including the rear door to the business being left open, allowing patrons to drink on the patio outside the building, an assault with a deadly weapon, a Police helicopter nearly colliding with a large inflatable object 800 feet in the air over the establishment, and a situation of overcrowding which resulted in deployment of nearly all available on-duty patrol officers. All of these incidents were the result of the operator's failure to comply with conditions of approval for PA-95-10; and,

WHEREAS, at a duly noticed public hearing held by the Planning Commission on February 13, 2006, PA-95-10 was revoked by the Planning Commission based on the evidence presented by City staff, as well as information presented during the public hearing; and,

WHEREAS, on February 17, 2006, the revocation of PA-95-10 was appealed to City Council; and,

WHEREAS, a duly noticed public hearing was held by the City Council on March 7, 2006, where the City Council considered evidence presented by City staff, the business operator, and its representative,

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council concludes that grounds exist to revoke Conditional Use Permit PA-95-10, but has determined to give the applicant another opportunity to come into compliance and to correct the violations which have previously occurred by compliance with additional conditions intended to remedy the type of violations which have been occurring. Therefore, the City Council hereby **REVERSES** the Planning Commission's revocation of Conditional Use Permit PA-95-10 for the property described above, and reaffirms PA-95-10 remains in effect, subject to additional conditions imposed herein, in lieu of revocation.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this resolution is expressly predicated upon applicant's compliance with each and all of the conditions as well as additional conditions of approval as imposed by the City Council as contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

**PASSED AND ADOPTED this 21st day of March, 2006.**

ATTEST:

\_\_\_\_\_  
Deputy City Clerk of the City of  
Costa Mesa

\_\_\_\_\_  
Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**

**CITY COUNCIL FINDINGS  
IMPOSING ADDITIONAL CONDITIONS OF APPROVAL ON, IN LIEU OF REVOKING,  
CONDITIONAL USE PERMIT PA-95-10**

**FINDINGS**

- A. The use, with the additional conditions of approval, complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, with the additional conditions of approval, is compatible and harmonious with uses on surrounding properties.
  - The use, with the additional conditions of approval, is consistent with the General Plan.
  - The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the use, with the additional conditions of approval, is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the additional conditions of approval will minimize any impacts the proposed use may have on the surrounding neighborhood, which include the following:
- Alarmed "panic bar" door locks shall be installed on the two doors to the rear patio area shall be maintained in working condition, and shall be on and functioning during all hours the business is open.
  - A maximum of two (2) billiards tables and four (4) electronic game machines shall be allowed in conjunction with this conditional use permit.
  - Uniformed security guards, licensed under the Business and Professions Code, shall be on duty at the establishment on Friday and Saturday evenings and during major events. A minimum of two (2) security guards shall be on duty Friday and Saturday evenings and a minimum of three (3) security guards shall be on duty during major events, as specified in Exhibit B.
  - Daily hours of operation shall be restricted to between 9 a.m. and 12 midnight.
  - The Planning Division shall review the CUP in 6 months to determine if the above conditions of approval are being complied with.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. The conditions of approval for PA-95-10 shall remain in effect subject to the applicant's compliance with each and all of the conditions contained below:
- A. Alarmed "panic bar" door locks shall be installed on the two doors to the rear patio area shall be maintained in working condition, and shall be on and functioning during all hours the business is open.\*
  - B. A maximum of two (2) billiards tables and four (4) electronic game machines shall be allowed in conjunction with this conditional use permit.\*
  - C. Uniformed security guards, licensed under the Business and Professions Code, shall be on duty at the establishment on Friday and Saturday evenings and during major events. A minimum of two (2) security guards shall be on duty Friday and Saturday evenings and a minimum of three (3) security guards shall be on duty during major events, including, but not limited to, the events provided by the applicant in the attached "Exhibit 1". \*
  - D. Daily hours of operation shall be restricted to between 9 a.m. and 12 midnight.\*
  - E. There shall be no expansion of outdoor seating or tables in conjunction with this use.
  - F. The supervision of the patrons on the premises shall be adequate to ensure there is no conduct that is detrimental to the public health, safety, and general welfare.
  - G. Applicant is reminded that valet parking for patrons of The Lakes retail center is to occur only on the premises.
  - H. The premises shall be maintained as a bona fide eating establishment in accordance with California Alcoholic Beverage Control requirements.
  - I. There shall be no room or designated area reserved for the exclusive use of designated persons or "Private Club Members".
  - J. The business shall be conducted at all times in a manner that will allow for the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute necessary security and operational measures to comply with this requirement.
  - K. Sales of alcoholic beverages for off-site consumption shall be prohibited.
  - L. The two doors from the banquet room that open towards the interior of The Lakes center shall be emergency exits only, and

shall remain closed at all times while the business is in operation.

- M. A copy of the conditions of approval 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.
3. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
  4. Complaints regarding the violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.
  5. The applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site to confirm that the conditions of approval and code requirements have been satisfied.
  6. The maximum occupancy, as determined by the Uniform Building Code or other applicable codes, shall be posted in public view within the premises. It shall be the responsibility of management to ensure that the maximum allowable occupancy is not exceeded at any time.
  7. Live entertainment and/or dancing shall be prohibited.
  8. Private parties shall terminate no later than 10 p.m. (private parties are defined as a group using a separate room for an event of their own).
  9. There shall be no paid parties (where persons have to pay to get in).
  10. The Planning Division shall review the CUP in 6 months to determine if the above conditions of approval are being complied with. In that review, and in any subsequent revocation proceedings, the violations referenced above may be considered.\*

\*Additional condition of approval as imposed by City Council

## EXHIBIT "1"

The following is a list of up coming sporting events that Corner Office will supply security guards to monitor the premises. Security is provided by Orange County Security & Valet Company.

March 16- March Madness  
March 17- March Madness  
April 3- Final NCAA game  
May 1- Lakers 5<sup>th</sup> game playoff (estimated)  
June 19- NBA 6<sup>th</sup> game finals (estimated)  
June 21-NBA 7<sup>th</sup> game finals (estimated)  
July 11-Baseball all star game  
Sept. 2-College Football  
Sept. 9-College Football  
Sept. 16-College Football  
Sept. 23-College Football  
Sept. 30-College Football  
Oct. 7-College Football  
Oct. 14-College Football  
Oct. 21-College Football  
Oct. 27-Baseball World Series (estimated)  
Oct. 28-College Football  
Oct. 29-Baseball World Series (estimated)  
Nov. 4-College Football  
Nov. 11-College Football  
Nov. 18-College Football  
Dec. 3-College Football  
Dec. 20-GMAC Bowl

This list is an estimate and will be evaluated on a need be basis. Corner Office will furnish a list for sporting events for 2007 when dates become available.