



PLANNING COMMISSION AGENDA REPORT

VI.2

MEETING DATE: MARCH 24, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-98-18 – SHARK CLUB
769, 801, 841 BAKER STREET; 2969 AND 2972 CENTURY PLACE

DATE: MARCH 13, 2008

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, AICP
PRINCIPAL PLANNER (714) 754-5153

DESCRIPTION

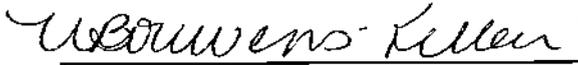
Review of the conditional use permit for the Shark Club.

APPLICANT

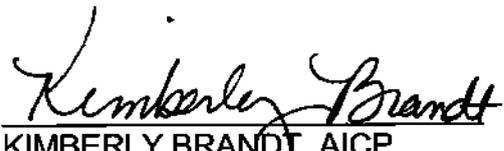
The City of Costa Mesa's Planning Commission asked to review this permit.

RECOMMENDATION

Find that the Shark Club is operating in compliance with their conditions of approval.



WILLA BOUWENS-KILLEEN, AICP
Principal Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

At the Planning Commission meeting of February 11, 2008, two residents of Pentridge Cove (located to the northeast, across Baker Street, from the Shark Club) expressed concerns with the expansion of another bar (Huddle) on Baker Street, due to concerns with patron parking in their neighborhood. It was felt that, due to insufficient on-site parking, Shark Club patrons are parking in their neighborhood. It was also alleged that Shark Club patrons were parking in the parking lots of all the shopping centers along Baker Street between Bristol Street and the SR-73 Freeway overpass. Additionally, the Huddle owner also expressed problems with Shark Club patrons using their parking lot. Based on these concerns, Planning Commission requested Planning staff return the Shark Club's conditional use permit to them for review.

ANALYSIS

In response to Planning Commission's direction, staff contacted the owner of the Shark Club and informed them of the concerns. The owner, Jon Hanour, expressed surprise at the allegations since he has never received any parking complaints, with the exception of the one discussed above. In response, Mr. Hanour had a Shark Club security guard patrol the Randolph Avenue area for two weekends. The following table indicates the number of people the security guard observed crossing Baker Street to patronize either The Huddle, Mesa, or Shark Club. The table distinguishes between customers driving in versus residents of Pentridge Cove walking over:

Date	Fri. 2/22	Sat. 2/23	Thurs. 2/28	Fri. 2/29	Sat. 3/1
Customers					
Huddle	0	1	0	0	0
Mesa*	0	0	0	0	1
Shark Club	0	1	0	0	1
Total:	0	2	0	0	2
Residents					
Huddle	2	2	2	3	4
Mesa*	1	0	0	0	0
Shark Club	0	3	0	1	2
Total:	3	5	2	4	6

*New restaurant that opened at 725 Baker (formerly Shooters)

As noted above, only two Shark Club non-resident patrons were observed parking in the area during the time surveyed. The security guard asked Shark Club patrons to re-park in approved locations.

The latest approval for the Shark Club (1998) included off-site parking at 2969 and 2972 Century Place as well as 769 and 801 Baker Street. (See Exhibit "A"). This is in addition to the parking existing on the Shark Club property itself. Since 1998, only one complaint regarding parking has been received regarding patrons parking on Jeffrey Drive. (Jeffrey Drive is located directly across Baker Street from the Shark Club.) The Shark Club provides a security guard that patrols Jeffrey Drive and

directs Shark Club patrons (who don't live there) to move their cars to one of the approved locations.

As to parking in the strip centers along Baker Street, staff counted eight properties with parking lots along Baker Street. Three of the lots have approval for Shark Club parking (769, 801, and 845 Baker Street); one lot contains the new Mesa Restaurant, and one contains the Huddle. No complaints have been received regarding patrons of the Shark Club – or any of the other “assembly” businesses – using the remaining three lots for their parking.

In the past year, a minor conditional use permit was approved that allows fashion shows and other activities behind Gods & Heroes, located at 2991 Randolph St. (south side of Baker Street), twice a month in the evenings. Additional parking was not required as it was assumed patrons would park on Randolph Street, south of Baker Street. It is Planning staff's understanding that some of the patrons attempt to park in the Huddle's parking lot.

As requested, both residents who expressed concerns about the parking at the February 11, 2008, Planning Commission meeting have had a staff report mailed to them. Jon Hanour of the Shark Club has been notified of the meeting, and notice per City Code (postcards, publication, and posting of the site) has occurred.

CONCLUSION

Planning Staff's recommendation is to find the Shark Club is operating in compliance with the conditions of approval of PA-98-18. However, if the Planning Commission would like to either modify the conditions of approval or revoke the conditional use permit, Planning staff will return this item to the next meeting with the appropriate resolution and findings.

Attachments: Location maps
Customer parking survey
Original staff report, resolution and conditions of approval of PA-98-18

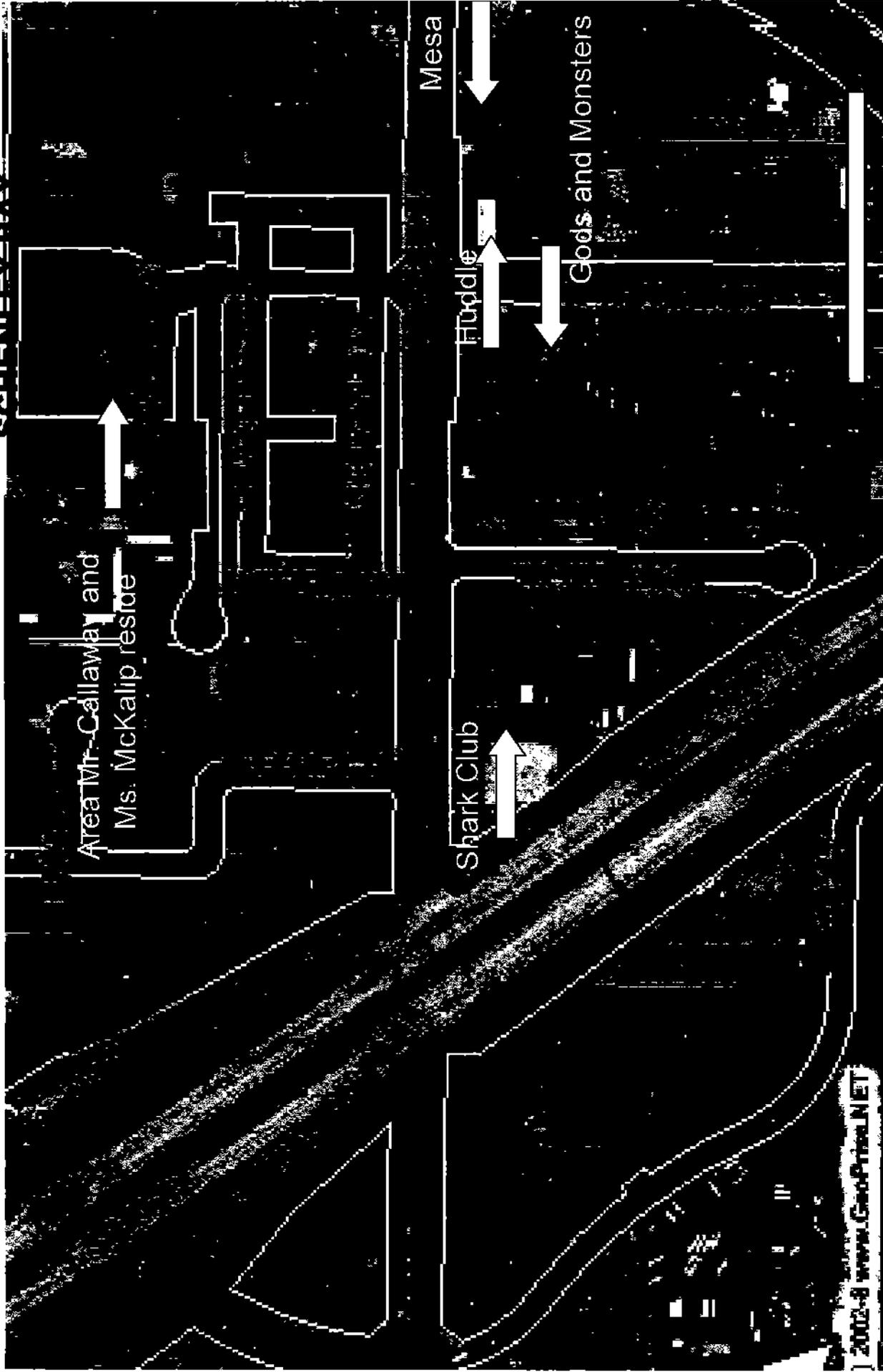
cc: Deputy City Manager - Dev. Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Katherine McKalip
749 Schenley Bay
Costa Mesa, CA 92626

Tim Callaway
750 Wingate Bay
Costa Mesa, CA 92626

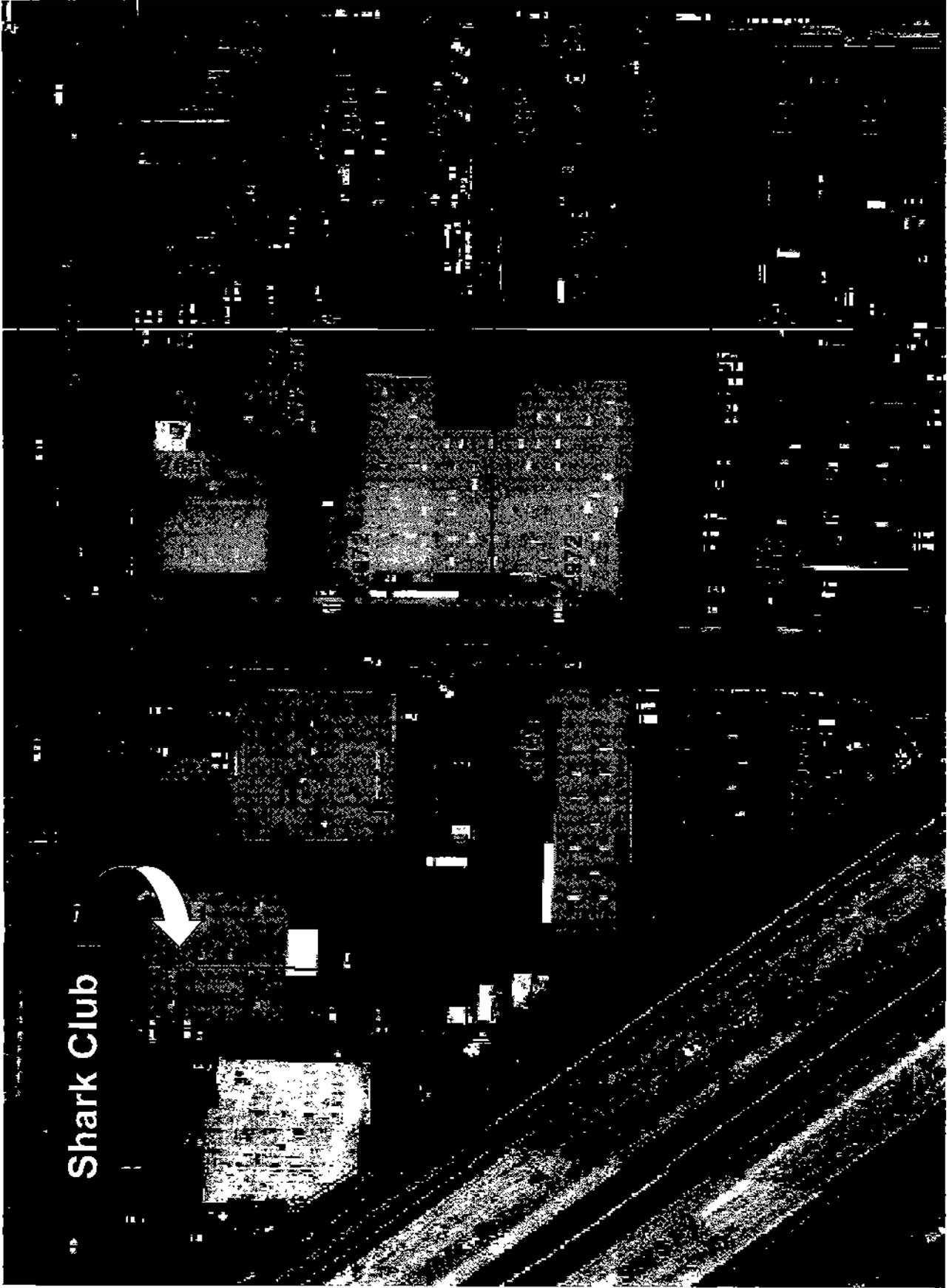
Jon Hanour
Shark Club
841 Baker Street
Costa Mesa, CA 92626

SCHEINLEY BAY



f

Location of Shark Club and other assembly uses in comparison to Pentridge Cove



Shark Club

Approved on- and off-site parking for Shark Club

BOUWENS-KILLEEN, WILLA

From: Jon Hanour [REDACTED]
Sent: Tuesday, March 04, 2008 1:07 PM
To: BOUWENS-KILLEEN, WILLA
Subject: Randolph Street parking in Pentridge Cove
Attachments: PentridgeCoveParkingResults 2_29-3_1.xls; ATT16402098.htm

Hi Willa,

Here is the summary of the parking log for last weekend. As you can see, there are certainly no parking issues here with respect to any of the local businesses.

For example, over the three day period, only one Shark Club customer parked on Randolph Street in Pentridge Cove. However, the two persons that arrived in that car later left the Shark Club with an additional 2 persons who were believed to be Pentridge Cove residents. That effectively brings the number to zero for all three days.

There were, however, twelve groups of Pentridge Cove residents who walked to The Huddle, Shark Club and Mesa over the three day period.

I have two thoughts on the claims made by the two Pentridge Cove residents who appeared at the Planning Commission hearing.

First, it is possible that Pentridge Cove residents who are walking to the local businesses are creating the appearance that non-residents are parking on Randolph.

Second, when Gods & Heros holds its late night "Afterhours" parties, no parking is available for those customers - resulting in the need for the use of Randolph Street in Pentridge Cove.

Given the results of this study, it certainly does not appear to make sense for the Shark Club to hire additional staff to monitor the parking on Randolph Street in Pentridge Cove.

Willa, please let me know how you feel about this situation.

Pentridge Cove Pedestrian and Parking Log

Customers who go with Pentridge Cove

Day of Week	Date	Huddle	Mesa	Shark Club
Friday	2/22/08	0	0	0
Saturday	2/23/08	1	0	1
Weekend total		1	0	1

Pentridge Cove Residents who walk to local businesses

Day of Week	Date	Huddle	Mesa	Shark Club
Friday	2/22/08	2	1	0
Saturday	2/23/08	2	0	3
Weekend total		4	1	3

February 28, 29
March 1

Pentridge Cove Pedestrian and Parking Log

Pentridge Cove Pedestrian and Parking Log

Pentridge Cove

<u>Day of Week</u>	<u>Date</u>	<u>Huddle</u>	<u>Mesa</u>	<u>Shark Club</u>
Thursday	#####	0	0	0
Friday	#####	0	0	0
Saturday	#####	0	1	1
Three day total		0	1	1

Pentridge Cove Pedestrian and Parking Log

Pentridge Cove

<u>Day of Week</u>	<u>Date</u>	<u>Huddle</u>	<u>Mesa</u>	<u>Shark Club</u>
Thursday	#####	2	0	0
Friday	#####	3	0	1
Saturday	#####	4	0	2
Three day total		9	0	3

PLANNING DIVISION STAFF REPORT

AGENDA NO. 7.b.

SITE LOCATION 769, 801 & 841 Baker St. &
2969 & 2972 Century Place

APPLICATION NO. PA-98-18

AP # 418-202-02, 03, 06, 13, 14
(Owner of Record)

MANDATORY ACTION DATE August 22, 1998

APPLICANT John Hanour
Hanour Corporation

AUTHORIZED AGENT _____

ADDRESS 841 Baker Street
Costa Mesa, CA 92626

ADDRESS _____

APPLICANT IS REMINDED THAT ALL ORDINANCES AND REGULATIONS GOVERNING THE USE OF THE LAND OR BUILDING(S) TO WHICH THIS APPLICATION PERTAINS MUST BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT.

PREPARED BY Willa Bouwens-Killeen, Senior Planner

DATE PREPARED May 5, 1998

LAST UPDATE _____

REQUEST:

A conditional use permit to allow off-site valet parking and employee parking for the Shark Club, and to amend PA-91-23A to allow an increase in the occupant load from 272 to 594, and amend PA-93-32A to allow two dance floors (one for private parties only; the second only for Thursday, Friday and Saturday nights), a maximum area of 925 square feet (1 dance floor, 180 square feet permitted).

STAFF RECOMMENDATION:

Approve as modified, subject to conditions.

FINAL COMMISSION ACTION: May 11, 1998

Approved by adoption of Planning Commission Resolution PC-98-30, based on analysis and information contained in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B" with modifications.

(4-0, Chris Fewel absent)

APPLICANT NOTIFIED ns DATE May 14, 1998

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92628-1200

I. PLANNING COMMISSION MEETING OF MARCH 23, 1998

Continue to the meeting of April 13, 1998, to allow the applicant additional time to meet with staff.

II. PLANNING COMMISSION ACTION - MEETING OF MARCH 23, 1998

Consistent with the revised request of the applicant, Planning Commission continued the item to the meeting of May 11, 1998.

III. PLANNING COMMISSION MEETING OF MAY 11, 1998 - DESCRIPTION**A. Subject Property**

1. Location - 769, 801 and 841 Baker Street, and 2969 and 2972 Century Place
2. General Plan designation - Baker Street properties - General Commercial; Century Place properties -Light Industry
3. Zone - Baker Street properties - C1 and C2; Century Place properties - MG
4. Present Development - 769 Baker Street - automotive repair
801 Baker Street - retail store
841 Baker Street - Shark Club
2696 Century Place - gymnastics training facility
2972 Century Place - plant business
5. CEQA - Exempt, Class 1

B. Surrounding Property

1. North - (Across Baker Street) R3, apartments and I&R, City fire station.
2. South and East - MG, industrial
3. West - C1, commercial

C. Request

Amend PA-91-23A to allow an increase in the occupant load from 272 to 594; amend PA-93-32 to allow two dance floors (one for private parties only; the second only on Thursday, Friday and Saturday nights) totaling 925 sq.ft. (one dance floor, 180 sq. ft. originally permitted); and a conditional use permit to allow off-site valet and employee parking for the Shark Club.

D. Background

The Shark Club was originally approved under Planning Action PA-89-62. This approval not only included the conditional use permit for billiards, but also included a conditional use permit for off-site parking on the abutting property to the east (801 Baker Street). At the time, beer and wine were the only alcoholic beverages permitted to be sold.

In 1991, the Shark Club requested a supplement to the original conditional use permit to allow dancing on Thursdays, Fridays, and Saturdays; a full-service bar; and no-charge valet parking (PA-91-23). Although Planning Commission approved the full-service bar and no-charge valet parking, they denied the request for dancing. A maximum occupant load of 272 was included as a condition of approval. Subsequently, the applicant obtained a type 47 Alcohol Beverage Control (ABC) license (on-sale general for a bona fide eating place).

The most recent request (PA-93-32) was approved by City Council on appeal (Planning Commission had approved the request but a property owner of one of the apartments appealed the decision). PA-93-32 allowed dancing at the Shark Club, limited to a 10' by 18' dance floor in the existing bar area (southeast corner of building). Dancing was restricted to Thursday, Friday, and Saturday only, except for private parties Sunday through Wednesday.

In 1996, the applicant obtained building permits to provide additional exits and to increase the number of bathrooms; these modifications allowed an increase in occupant load to 594, under the Uniform Building and Fire Codes. However the applicant stated that they have allowed occupancies to exceed that approved by the City since the club originally opened in 1990.

In 1997, the applicant contacted ABC to modify their license to reflect City Council's approval of dancing. When the ABC contacted the City, it became apparent that the occupant load had been increased without previous modification of the conditional use permit. Discussions with the applicant to resolve the occupant load issue revealed that the dance floor area had been increased and that off-site valet and employee parking - other than on 801 Baker Street - had already been instituted.

II. PROJECT DESCRIPTION

The applicant proposes to modify two of the past conditional use permits as well as adding a new conditional use permit.

Planning Action PA-91-23 included a 272 maximum occupant load requirement. The applicant proposes to increase the occupant load to 594.

Planning Action PA-93-32 allowed a 180 sq.ft. dance floor, with the dance floor placed in the bar (southeast corner of the Shark Club). The floor was to be used Thursday through Saturday nights only; use of the dance floor by private parties the other four nights of the week was also approved. The applicant now proposes two dance floors totaling 925 sq.ft.; one dance floor would remain in the bar (southeast corner of the club), with the second dance floor located in the northeast quadrant of the club. As previously approved, one dance floor could be used seven nights a week for private parties; the second dance floor could be used Thursday through Saturday only.

Lastly, Planning Application PA-98-18 is a request to allow off-site parking at 769 Baker Street and 2969 and 2972 Century Place. (Off-site parking at 801 Baker Street was approved under the original conditional use permit PA-89-62.) The applicant proposes to use these new off-site areas for employee and valet parking only.

A conditional use permit is required for the off-site parking. Planning Commission review of the other two items was also required because they represent a modification of existing conditional use permits.

III. PLANNING STAFF ANALYSIS

Staff's main concerns involve potential impact of increased occupant load on parking, traffic, and residential neighbors in the area, and whether an increase in dance floor area will cause the Shark Club to become more of a nightclub than a restaurant, as it was originally approved.

Increase in Occupant Load/Parking

The applicant wishes to increase occupant load from the 274 figure approved by Planning Commission under PA-93-32 to 594. The physical improvements needed to support a 594 occupant load (additional exits and restrooms) have been made. The minimum parking requirement for the club is 217 spaces, when based on restaurant/bar parking standards (10

parking spaces per 1,000 sq.ft. of gross floor area for the first 3,000 sq.ft., and 20 parking spaces per 1,000 sq.ft. of gross floor area for all remaining floor area). However, when a conditional use permit is necessary, code allows the requirement of additional parking spaces at a ratio not to exceed 30 spaces per 1,000 sq.ft. of gross floor area when entertainment and/or dancing are provided.

Staff reviewed the parking plan submitted by the applicant. The plan includes off-site parking spaces at 769 Baker Street and 2969 and 2972 Century Place. (These spaces are in addition to the off-site parking already approved under PA-89-62 at 801 Baker Street.) Staff also inspected the site to confirm there were no obstructions of the spaces shown on the plan. Adjusting the plans for the existing icemaker behind Shark Club, the proposed gate that will provide access between the Shark Club site and the valet parking at 841 Baker Street and 2969 Century Place, 247 parking spaces are shown to be provided. A maximum of 31 employees (including valets) are on-site at any one time; therefore, staff considers 216 parking spaces to be available for patron parking.

Staff requested, and the applicant had prepared, a study which counted the occupancy of vehicles arriving at the Shark Club on a Thursday, Friday and Saturday evening between 8 p.m. and closing. Based on that study, average occupancy is 2.11 persons per vehicle. At this ratio, the 216 available customer parking spaces would accommodate 456 patrons. Total occupant load, including the 31 employees, would equal 487.

The off-site parking is only available in the evening hours. This avoids conflicts with the other businesses that need their parking during normal business hours. PA-89-62 authorized the Shark Club to be open during lunch without providing of off-site parking.

Staff would like to limit all the off-site parking to no-charge valet parking. If, for some reason, a patron leaves their car on one of the off-site lots, the valet could then move the car to the Shark Club lot. This would avoid impacting the other businesses' parking during the day when it is needed.

Transportation Services Division has conditioned that the eight parking spaces located at 769 Baker Street and accessible only from Baker Street, be limited to employee parking. This will limit the amount of vehicular activity that would directly impact this busy street.

A condition will be included limiting all parking on the other side of Century Place, with the exception of the previously-discussed eight spaces

at 769 Baker, to valet and employee parking. This will limit the number of people crossing the street to access the Shark Club.

A condition is included requiring modification of the valet operation due to some past instances where cars have stacked into Baker Street waiting to be served by the valets.

Lastly, as far as parking is concerned, the applicant will be required to provide some type of lease agreement between themselves and the off-site property owners to ensure that the parking remains available even if the property is sold. Should parking be lost, staff would re-evaluate the occupant load to reflect the fewer available parking spaces.

Dance floors

Originally, one, 180 sq. ft. dance floor was permitted in the bar area of the club. With the exception of private parties, the dance floor could only be used Thursday, Friday and Saturday nights. The applicant now proposes two dance floors totaling 925 sq.ft. in area. One dance floor would remain in the bar (southeast corner of the club), with the second dance floor located in the northeast quadrant of the club. As previously approved, one dance floor could be used seven nights a week for private parties; the second dance floor could be used Thursday through Saturday only.

In the past, the applicant has stated that the dance floors provide an activity for people waiting for billiards tables. Although some of that focus may have changed, the floor plan still shows the dance floor as an ancillary use to the primary billiards use: a maximum of 925 sq.ft. of dance floor area is shown while dining, drinking, billiards and the required circulation area is shown at 7,228 sq.ft. Furthermore, the club is still licensed under a Type 47 ABC license (on-sale general for a bona fide eating place); ABC requires that the sales of food equal or exceed the sale of alcoholic beverages. Exchange of the current ABC license for a public premises (bar) license would require Planning Commission approval through a conditional use permit.

Police Department Input

The Police Department has expressed concerns with increasing occupant load to 594 as proposed by the applicant, based on the potential for increased police calls to the site.

The primary purpose of the conditional use permit is to analyze land use compatibility and impacts. Although an increased occupant load may be reflected in an increased demand on police services, it does not appear that the increase would have a significant land use impact as long as adequate parking is provided. Although the club has operated in excess of the 272 occupant load for a number of years, Planning staff and Code Enforcement have not received complaints regarding this use in the past few years.

Additional Comments

Concern has been expressed with the ability to easily convert the alcove in the southwest corner of the building, as well as the bar area in the southeast corner of the building, into private rooms. To ensure ease of visibility into all public areas of the club, staff has included a condition prohibiting the separation and/or screening of these areas by any type of opaque material or construction.

To confirm, the entertainment approved by this conditional use permit is limited to customer dancing to recorded music with or without a DJ. Any change requires modification of the conditional use permit.

The attached conditions of approval include the applicable conditions of approval from PA-89-62, PA-91-23, and PA-93-32.

IV. PLANNING STAFF RECOMMENDATION

Approve planning application by adoption of Planning Commission resolution, based on findings contained in Exhibit "A", subject to conditions contained in Exhibit "B".

RESOLUTION NO. PC-98-30

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-98-18 AND AMENDING PLANNING
APPLICATIONS PA-91-23 AND PA-93-32**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Hanour Corporation, authorized agent for Gonser Family Trust, Jim Dobias, and Jim Page, with respect to the real property located at 769, 801 and 841 Baker Street and 2969 and 2972 Century Place, requesting approval to increase the occupant load, allow two dance floors and off-site parking in the C1 and MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 11, 1998.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in exhibit "A", and subject to the conditions contained in exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-98-18 and amendments to PA-91-23 and PA-93-32 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Applications PA-91-23A, PA-93-32, and PA-98-18, and upon applicant's compliance with each and all of the conditions 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 11th day of May, 1998.


Chair, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13–29(g)(2) in that the proposed increase in occupant load 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 club has been operating in excess of the approved occupant load for several years without recent complaint to the Planning Division or Code Enforcement. Furthermore, the physical improvements necessary to support an increase in occupant load already exist. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13–29(g)(2) in that the proposed off-site parking 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 off-site parking will be limited to employee and valet parking, limiting the number of people crossing Century Place. Parking will be used by the Shark Club only in the evenings, when the other businesses are closed. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan for the property.
- C. The information presented substantially complies with Costa Mesa Municipal Code section 13–29(g)(2) in that the proposed increase in dance floor area 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 dancing will remain an ancillary use to the primary billiards club use. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- D. 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.
- E. The project is exempt from Chapter XII, Article 3 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. This approval constitutes the combining of all the applicable conditions of approval of the three previous conditional use permits (PA-89-62, PA-91-23 and PA-93-32).
3. Occupant load shall be limited to 594 people (employees and customers) If there is any change in the availability of parking for the Shark Club, the permit shall be returned to the Planning Commission for review of the appropriate occupant load.
- Plng./ 4. The maximum occupancy, not to exceed that approved under Police PA-98-18, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
5. When requested by the Development Services Director, the applicant shall provide proof that the off-site parking remains available for the use of the club between 8 p.m. and closing, every day the club is open.
6. All off-site customer parking shall be valet only.
7. There shall be no charge for valet parking in any of the lots.
8. Valet attendants shall remain until all club patrons' vehicles have been removed from all valet-parked lots. If any of the patrons leave their valet-parked cars behind on any of the off-site lots, the applicant shall be responsible for moving the cars onto the 841 Baker Street property.
9. No-charge valet parking shall be provided from 8 p.m. until closing, every day the club is open.
10. The applicant shall submit and implement an operational plan detailing changes to the valet drop-off area so cars do not stack onto Baker Street. The plan shall also delineate how customers will be discouraged from using off-site lots while still allowing efficient access for valets.

11. All lots where parking will be provided shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. The position of such lighting shall not disturb the normal privacy and use of any nearby residences.
12. An adequate number of security personnel shall be provided to ensure all parking lots are monitored, from 8 p.m. until closing, every day the club is open. The Development Services Director, upon consultation with the Police Department, may waive parking lot security on nights when dancing is not held. Security personnel shall provide parking management, noise control as well as general security of all on- and off-site parking lots.
13. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer for security purposes.
14. A maximum of two dance floors shall be permitted, the combined area of which shall not exceed a total of 925 sq.ft. One dance floor shall be located in the northeast quadrant of the building; the second dance floor shall be located in the southeast (bar area) of the building. One dance floor may be used seven nights a week for private parties; the second dance floor may be used Thursday through Saturday only.
15. Live entertainment and/or dancing may only be permitted subject to City issuance of a "public entertainment permit." Contact Code Enforcement (754-5059) for application information.
16. Entertainment shall be limited to patron dancing to recorded music, with or without a DJ. Any changes to the type of entertainment will require Planning Commission approval of an amendment to the conditional use permit.
17. Any change in the operational characteristics including, but not limited to, hours of operation, change in ABC license type or provision of entertainment, will require Planning Commission approval of an amendment to the conditional use permit.
18. With the exception of the restrooms, public areas shall not be enclosed, physically separated or otherwise visually screened by any type of opaque materials.
19. There shall be no room or designated area reserved for the exclusive use of "private club members."
20. No adult entertainment shall be permitted on the premises at any time. This includes, but is not limited to, topless female entertainers, bikini dancers, lingerie models, and/or mud wrestling.
21. The applicant shall continue to inspect and promptly clear any debris or litter dropped by the club's patrons along Century Place and in the residential neighborhood to the north of the site.

22. The applicant and/or his successors in interest shall continue to work with the neighbors on the north side of Baker Street to alleviate noise, light, and glare resulting from operation of the club.
23. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
24. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
25. Hours of operation shall not exceed 3:00 a.m. All activities at the site, including private functions, shall terminate at 3:00 a.m..
26. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and meals during the same time period. The applicant shall at all times maintain records which reflect separately the gross sales of food and gross sales of alcoholic beverages of the business. The records shall be kept no less frequently than on a quarterly basis and shall be made available to the development services director or his designee on demand.
27. The restaurant shall remain a "bona fide eating place" as defined by section 23038 of the California Business and Professions Code.
28. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the applicant.
29. There shall be no sales of alcoholic beverages for off-site consumption.
- Ping./ Trans. 30. The eight spaces located on the north side of the building at 769 Baker Street shall be limited to employee parking only. The remaining parking spaces at 769 Baker Street and at 2972 Century Place shall be limited to employee and valet parking only.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "city" pertains to the City of Costa Mesa.

- Ping. 1. Should the parking lot be restriped, the parking stalls shall be double striped in accordance with City requirements. Furthermore, all compact stalls shall clearly be identified as "compact" or "small car only".

- Bldg. 2. If construction is required, comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
3. The applicant shall confirm with the Building Division that the existing plumbing fixtures are adequate to serve the approved occupancy. This requirement shall be satisfied within 30 days of Planning Commission action.
- Fire. 4. Provide crash posts in space between parking spaces 27 and 28 to ensure that the dance floor exit will not be blocked by a parked car.
5. Ensure that the requirement for a Fire Department permit for a place of assembly is satisfied.
- Police 6. All conditions of the California Alcoholic Beverage Control Board shall be complied with.