



PLANNING COMMISSION

AGENDA REPORT

VII.1

MEETING DATE: JANUARY 10, 2011

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-95-10 A1 TO AMEND CONDITIONAL USE PERMIT FOR THE CORNER OFFICE RESTAURANT LOCATED AT 580 ANTON BOULEVARD, SUITE 201

DATE: DECEMBER 23, 2010

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, SENIOR PLANNER
(714) 754-5610 or mashabi@ci.costa-mesa.ca.us

DESCRIPTION

The applicant is requesting an amendment to Planning Application PA-95-10, a Conditional Use Permit for the Corner Office Restaurant located at 580 Anton Boulevard:

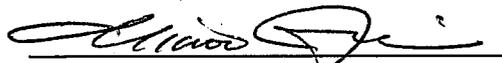
- Extend the hours of operation of the restaurant from 12:00 a.m. to 1:00 a.m.
- Establish a maximum 450 square foot outdoor patio area north of the main entrance within the common areas of the Lakes Retail Center with a maximum of 20 seats. The operating hours of the patio are proposed from 10:00 a.m. to 10:00 p.m.

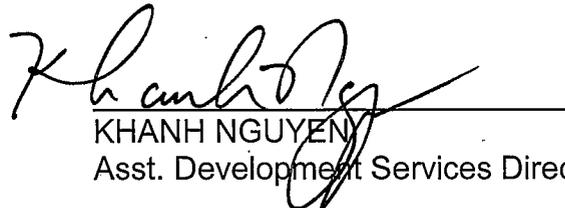
APPLICANT

The applicant is Eric Strauss on behalf of Barbara Allensworth, the property owner.

RECOMMENDATION

Adopt Planning Commission resolution, subject to conditions.


MINOO ASHABI, AIA
Senior Planner


KHANH NGUYEN
Asst. Development Services Director

BACKGROUND:***Project Site***

The property is located at 580 Anton Boulevard in the Lakes Retail Center east of the future site of the Orange County Museum of Art (Attachment 3). The property is zoned PDR-HD (Planned Development Residential-High Density) and has a General Plan Designation of High Density Residential. The property is also located in the North Costa Mesa Specific Plan area.

On February 13, 1995, the Planning Commission approved Conditional Use Permit PA-95-10 to allow expansion of the existing sports bar and restaurant into the adjacent tenant space. The Corner Office is currently occupying a 9,454 square feet of tenant space at the southeast corner of the retail center.

The "Corner Office Restaurant" has been in business under this ownership since 2000 and is currently operating under a conditional use permit (PA-95-10, Attachment 4). In 2006, the restaurant was hosting large parties above the restaurant's capacity and there were a few major incidents such as an assault with a deadly weapon and police service calls that led to the Planning Commission's revocation of the conditional use permit. On March 21, 2006, the City Council conducted a subsequent revocation hearing due to the business owner's appeal of the Planning Commission's decision. The City Council reversed the Planning Commission's decision to revoke the Conditional Use Permit. However, Council denied the live entertainment license and required that the business close at 12: p.m. and provide additional security.

The reports and minutes of those meeting can be accessed at the following link:
<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

Since 2006 when the new requirement was put into place, there have not been any major incidents involving an assault with a deadly weapon or disturbances. In the past year, the Police Department indicated that there have been minor service calls to the restaurant with a few instances of drunk and disorderly conduct.

ANALYSIS

The proposed outdoor seating area is opposite of the main entrance and facing the common areas shared by other tenants and the Wyndham Hotel (Attachment 5). The Marriott Hotel's guest pool is on the south side of the proposed outdoor seating. The applicant is proposing to create an approximately 450 square foot outdoor seating area with a maximum of 20 seats. The applicant indicated that the size of the proposed patio area is to minimize any noise impacts to the adjoining properties (Attachment 6). In addition, the applicant proposes that the hours of operation of the outdoor patio in the evening will be limited to 10:00 p.m.

The addition of a 450 square foot outdoor patio would require 4-5 additional parking spaces (450 square feet x parking rate of 10 spaces per 1,000 square feet). The applicant is currently negotiating an off-site parking agreement with the Marriott Hotel to allow Corner Office employees to park in the Marriott's parking structure. The applicant has indicated that the off-site parking spaces will be used strictly by employees and not the restaurant customers.

Justification for Approval of Planning Application PA-95-10 A1

Staff supports approval of the amendment request for the following reasons:

- The proposed extension of hours of operation of the restaurant by an additional hour (from 12:00 a.m. to 1:00 a.m.) would not have a negative affect on the neighboring properties. The main entrance to the restaurant and the parking lot is located along Anton Boulevard and is therefore not in close proximity to residential uses or the Marriott hotel guest areas.

On a related note with regard to the commercial frontage along Anton Boulevard, the landscape area consisting of evenly spaced Canary Island Pines and turf is in good condition, except for the area west of the main drive. This grassy area is devoid of any trees.

Condition of approval No. 14 requires that one 24-inch box tree be planted in this area within 90 days of the approval of the CUP.

- The new outdoor patio will enhance use of the lakeside common area. The Lake is a major amenity in this area that has been the location of outdoor weddings, corporate events, and festivals. However, The Lakes Pavilions retail center currently does not have a major restaurant tenant since Avo's Mediterranean Cuisine vacated the property several years ago. Currently, the Flame Broiler which is the only other occupied tenant space in the center has a few tables and chairs in the outdoor common areas. However, the common area of the retail center is largely unused because of the number of vacancies in the center. The proposed outdoor seating will take advantage of the lakeside views and ambience while closing at 10:00 p.m. to avoid any late night noise disturbances
- The hours of operation for the outdoor seating area will be consistent with other uses in the center and the adjacent hotel uses. The outdoor patio area will have limited hours and be open from 10:00 a.m. to 10:00 p.m. Because these hours for the outdoor dining are consistent with the outdoor dining hours of the Marriott Hotel, these hours will not have a negative impact on the neighboring residents or the hotel guests at the Marriott Hotel.

Condition of approval No. 2(D) specifically identifies that the outdoor patio area shall close by 10:00 p.m.

- Adequate parking is available to accommodate the outdoor seating area. There are 113 parking spaces for all tenants and the center is mostly vacant with the exception of the Corner Office and Flame Broiler. The applicant noted that the Marriott Hotel has agreed to allow additional parking (approximately 15 spaces) within the hotel parking structure located south of the restaurant for Corner Office employees. A formal agreement has not been executed to date.

Condition of approval No. 12 requires that the applicant secure off-site employee parking at the Marriott Hotel to satisfy the parking requirement for the patio seating. The off-site parking agreement shall be approved by the Development Services Director within 90 days of the approval of this amendment to the CUP. This deadline can be extended by the Development Services Director.

- Proposal is in conformance with North Costa Mesa Specific Plan. The proposed outdoor patio is consistent with goals and policies of the specific plan in that it will contribute to existing land uses with integration of indoor and outdoor activities. Given that the Lakes Pavilion Center is largely vacant at this time, the request is considered a reasonable measure to promote business vitality.
- The Police Department does not have security concerns with extended hours to 1:00 a.m. Staff's support of this amendment request is largely based on the fact that there has been no recurrence of the disturbances that precipitated the review of the CUP in 2006. Since 2006, the Police Department indicated that there have been no major incidents, and the applicant has been operating consistent with the conditions of approval.

ENVIRONMENTAL DETERMINATION

If approved, the use would be exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. Denial of the request would be subject to statutory exemption from CEQA under Section 15270 for projects that are disapproved.

GENERAL PLAN CONFORMITY

Approval of the extended hours of operation and outdoor patio will be consistent with the General Plan, North Costa Mesa Specific Plan that encourages use of patios and plazas in commercial areas.

ALTERNATIVES

The Commission has the following alternatives:

1. Approve PA-95-10 A1 for the proposed amendments to extend the hours of operation of the restaurant from 12:00 a.m. to 1:00 a.m. and establish a 450 square foot outdoor patio area north of the main entry within the common areas of the Lakes shopping center with maximum 20 seats with operating hours from 10:00 a.m. to 10:00 p.m.
2. Deny PA-95-10 A1 for the proposed amendments. If the application is denied by the Planning Commission, the use would be prohibited on the property and the applicant could not submit a similar application for six months.

CONCLUSION

The applicant is requesting to extend the hours of operation and provide an outdoor patio area to take advantage of the lakeside views and ambience. Staff believes that the proposed hours of operation for the patio seating will not have a negative impact on the neighboring residents or the hotel guests. Staff is supportive of extending the hours of operation largely because there has been no recurrence of the disturbances that precipitated the review of the CUP in 2006.

- Attachments:
1. Planning Commission Approval and Denial Resolutions
 2. Applicant's Request Letter
 3. Location Map
 4. Resolution of approval for PA-95-10
 5. Site Photos
 6. Submitted Plans

cc: Deputy City Attorney
Public Services Director
City Engineer
Transportation Svs. Manager
Fire Protection Analyst
Staff (4)
File (2)

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

Barbara Allensworth
1175 South Hidden Canyon Rd.
Anaheim, CA 92807

File: 011011PA9510 A1	Date: 122310	Time: 4:45 p.m.
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RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING AMENDMENT TO PLANNING APPLICATION PA-95-10 A1 A CONDITIONAL USE PERMIT FOR CORNER OFFICE RESTAURANT LOCATED AT 580 ANTON BOULEVARD, SUITE 201

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

WHEREAS, an application was filed by Eric Strauss, authorized agent to the property owner of real property located at 580 Anton Boulevard to amend PA-95-10, a conditional use permit for the Corner Office Restaurant to allow extending the hours of the restaurant from 12:00 a.m. to 1:00 a.m. and provide an approximately 450 square feet of outdoor patio with maximum 20 seats operating from 10:00 a.m. to 10:00 p.m.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 10, 2011 where all persons had the opportunity to speak for and against the proposed project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** PA-95-10 A1 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 Application PA-95-10 A1 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of January, 2011.

Sam Clark, Vice-Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS: – APPROVAL (PA-95-10 A1, 580 ANTON BLVD., SUITE 201)

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g) because:
1. The proposed outdoor seating area and hours of operation are substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.
 2. The existing development is legal, nonconforming with respect to parking. Approval of the amendment would not result in adverse parking impacts as conditioned.
 3. 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 proposed amendment, as conditioned, is substantially compatible with developments in the same general areas. Granting the amendment to 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, operation of restaurant and the outdoor seating area will be subject to conditions of approval to minimize any noise impacts to surrounding uses. Based on the project description, the proposed use will not substantially intensify the existing restaurant use or negatively impact surrounding properties. In addition, granting the amendment to conditional use permit will not allow a use, density, or intensity, which is not in accordance with the General Plan designation for the property.
- 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 for existing construction.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- E. The proposed amendment to conditional use permit meets the broader goals of the General Plan, the North Costa Mesa Specific Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.

EXHIBIT "B"CONDITIONS OF APPROVAL (PA-95-10 A1, 580 ANTON BLVD., SUITE 201)

- 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 se/Vices 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.~~ The hours of operation for the restaurant may be extended to 1:00 a.m. with the exception of the outdoor seating area that shall only be between 10:00 a.m. to 10:00 p.m. (amended per PA-95-10 A1 on January 10, 2011)
 - * E. ~~There shall be no expansion of outdoor seating or tables in conjunction with this use.~~ The outdoor seating area shall be limited to maximum 450 square feet and maximum 20 seats located on the concrete pad at the retail center common area facing the lake. There shall be no removal of landscaping on the common areas. (amended per PA-95-10 A1 on January 10, 2011)
 - 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 PA-95-10 shall remain dosed 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 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. 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.
 - * 11. The use shall be limited to the type of operation described in the staff report and applicant's letters dated January 10, 2011, subject to conditions. Any change in the operational characteristics including change in hours of operation for the outdoor seating, shall be subject to Planning Division review and may require an amendment to the approval, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 - * 12. The applicant shall secure additional off-site employee parking through a formal executed agreement subject to review and approval by the Development Services Department within 90 days of approval of the CUP amendment. This deadline can be extended by the Development Services Director.
 - * 13. The uses shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant shall institute

whatever operational measures necessary to comply with this requirement.

- * 14. One 24-inch box Canary Island Pine tree shall be planted in the landscaping area along Anton Boulevard west of the main drives within 90 days of the approval of the CUP.
- * 15. All parking spaces shall be open to retail center patrons. Curb painted assigned parking for Corner Office and Flame Broiler shall be removed within 90 days of approval of the CUP amendment.

* Amended 01/10/2011

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-95-10 A1, A CONDITIONAL USE PERMIT FOR CORNER OFFICE RESTAURANT LOCATED AT 580 ANTON BOULEVARD SUITE 201

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

WHEREAS, an application was filed by Eric Strauss, authorized agent to the property owner of real property located at 580 Anton Boulevard to amend PA-95-10, a conditional use permit for the Corner Office restaurant to allow extending the hours of the restaurant from 12:00 a.m. to 1:00 a.m. and provide an approximately 450 square feet outdoor patio with maximum 20 seats operating from 10:00 a.m. to 10:00 p.m.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 10, 2011 where all persons had the opportunity to speak for and against the proposed project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A, the Planning Commission hereby **DENIES** Planning Application PA-95-10 A1 with respect to the property described above.

PASSED AND ADOPTED this 10th day of January, 2011.

Sam Clark, Vice-Chair
City of Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS:--(DENIAL)

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 2. The project is not compatible and harmonious with uses on surrounding properties.
 - 3. The project is not consistent with the General Plan.
 - 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. Granting the Master Plan amendment will be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.
- C. The Costa Mesa Planning Commission has denied Planning Application PA-10-33. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

October 28, 2010

City Of Costa Mesa
P.O. Box 1200
77 Fair Drive
Ca. 92626

Appl: Zoning Application ZA-10-17
580 Anton Blvd. Suite 201-Corner Office

In regards to your letter dated October 22, 2010 we are providing the additional information for our submitted plans.

Tenant Summary/Parking.

- 1). Attached is current tenant list updated.
- 2). The Assistant Manager, Anthony Hartwell of the Marriott Hotel for the additional 14 parking spaces, is currently on vacation and will return November 15, 2010. We would like to provide the formal agreement upon his return.

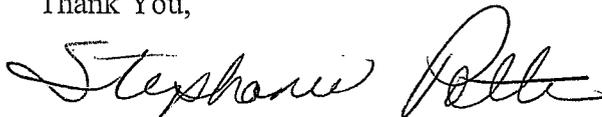
Outdoor Dining Area:

Attached in our location on the overall site plan. The proposed patio will be located within the Lakes common area. Please see attached patio proposal and 5.2 of Lakes Pavillion Association guidelines for public open space lot rights and uses.

Signage:

Attached is the proposed sign facing the courtyard and the Lakes. The signage is 16 SF with 6" lettering. Also attached is a photo of the location where proposed sign will be located.

Thank You,



Our business is an upscale and respected sportsbar and grill, however, we would like to extend the premises to add a fenced patio. There is an existing patio slab that is 10'9"x41'4". We would like to enclose the slab for patio use. There are no residences close to our location that would be impacted. The 3400 Avenue of the Arts condo complex is the closest and they are over 500 feet away. Our adjoining neighbors are the Marriott Suites and the Wyndham Hotel. Both the hotels as well as our closets common area neighbor, Flame Broiler, all have outdoor seating. We would like to serve food and alcohol on the patio until 10:00 pm. The patio will be closed at 10:00 pm. Previously one of the problems the City of Costa Mesa had with adding the patio was the parking. We have worked an arrangement with Marriott Hotel to obtain 14 parking spaces for our employees for a fee we have agreed on. We have consulted with the Alcohol Beverage Control in regards to obtaining a caterers permit to serve alcohol outside. They have stated they see no reason that the permit could be issued.

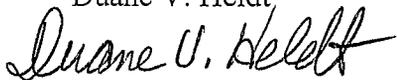
The Lakes Pavillion Center has definitely fallen on to hard times. We are one of two businesses in this complex in operation. We have been at this same location for 10 years. The allure of the lakeside and the grassy manicured area is sought out by many of our customers as a place to relax and dine.

We would also like to extend our nightly closing hours on Wed., Thurs., Fri., & Sat. to 1:00pm. We are working with "Friends of the Center" a professional group that is promoting the Orange County Performing Arts Center. We are offering 20% off a customer's food bill when they present their Rewards Card. Also a lot of the "performers" themselves stay in the local hotels. The Wyndham Hotel specifically refers their guests to our establishment for food and beverage after show time that would benefit Corner Office if we could stay open until 1:00. They are high energy late night people with Big Appetites. We would like to be able to stay open an additional hour for their enjoyment. There is no other food and beverage within walking distance for them to enjoy. It has proven to be a good source of revenues when they return which is now on a regular basis.

We would like to add signage of the north side of the building. We would like for the guests of the two hotels to know there is a restaurant in the center for their use. With permission we would consult with the signage restrictions and ask for the city's consideration in installing an additional sign.

Thank you for your attention in the matter.

Duane V. Heldt



Stephanie Potter



ASHABI, MINOO

From: spotter [krnrofcsteph@roadrunner.com]
Sent: Wednesday, December 01, 2010 12:02 PM
To: ASHABI, MINOO
Subject: Corner Office CUP

To: City of Costa Mesa
Attn: M. Ashabi

From: Corner Office Sports Grill

Re: CUP

We have submitted a CUP to add patio seating to our establishment. The proposed hours of operation for the patio are 11:30 am to 10:00 pm Monday through Friday and 10:00 am to 10:00 pm Saturday and Sunday during the football season. We would like to place 5 tables on the patio with seating for 4 at each table, providing seating for 20 at one time.
Thank you for your attention in this matter.

Best Regards

Stephanie Potter
Managing Parnter

December 20, 2010

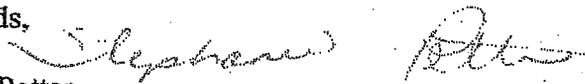
To: The City of Costa Mesa
Attn: Minoo Ashabi

From: Corner Office Sports Grill

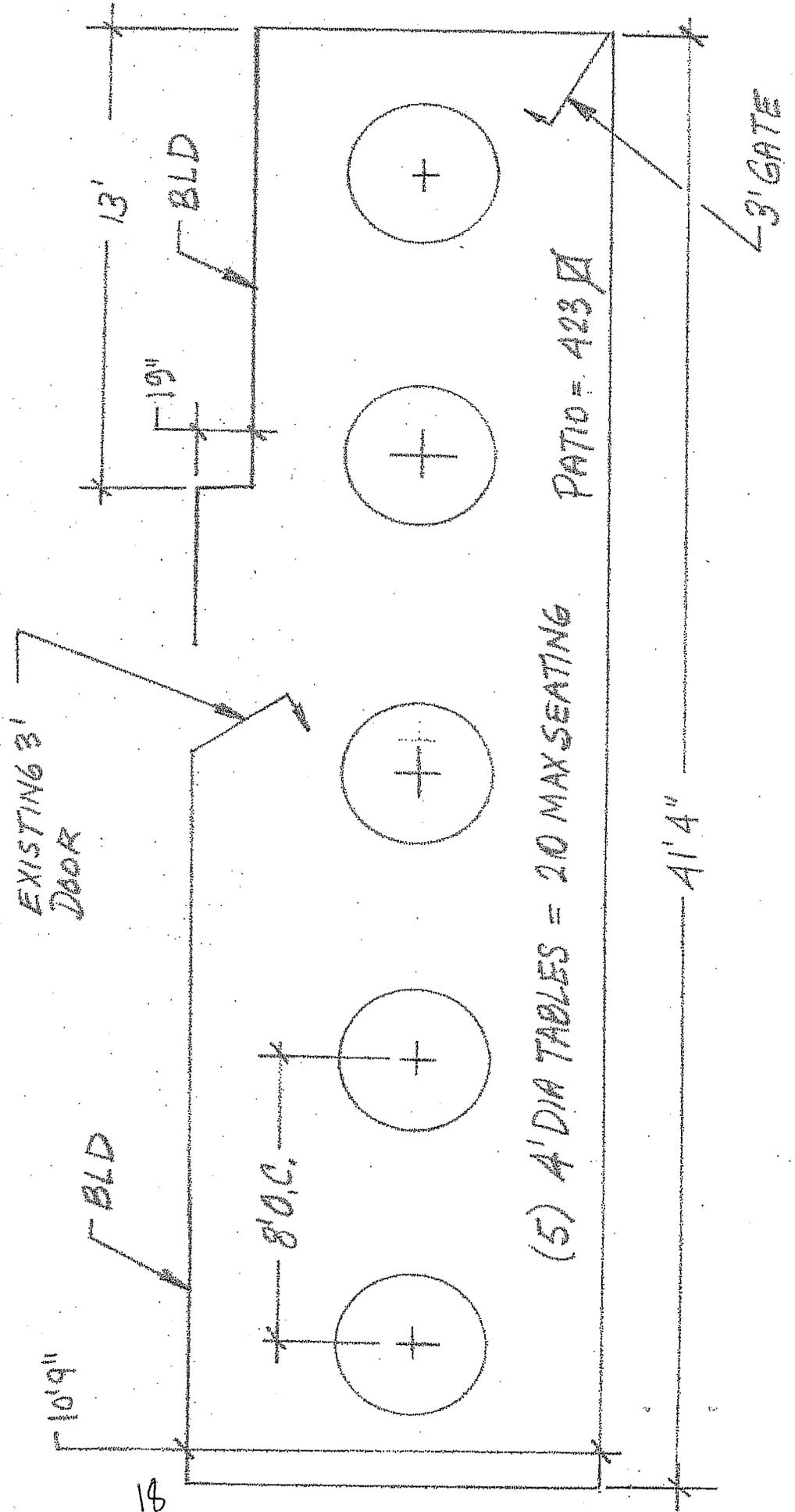
Re: Patio plan

Attached is the proposed floor plan for the patio area of the restaurant. It does not seem that we could accommodate 5 tables in the area with less footage than originally requested. Considering the position of the gate and door openings from the building and the exit gate, less space would crowd the tables and chairs. Please contact me with any additional comments or questions.

Best regards,

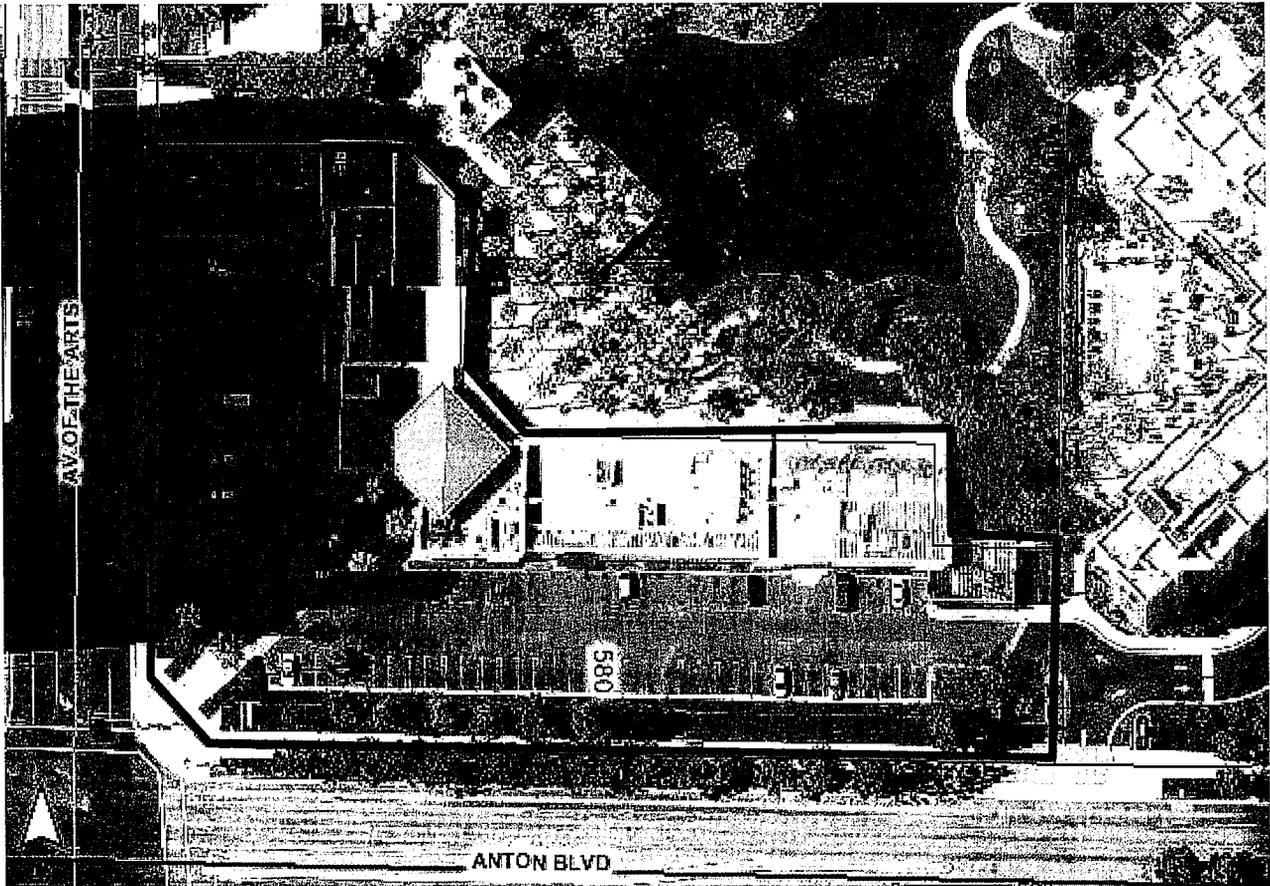

Stephanie Potter
Corner Office Sports Grill

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**ATTACHMENT 3
LOCATION MAP**

580 Anton Blvd.



PA-95-10 A1

Corner Office Sports Grill

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"

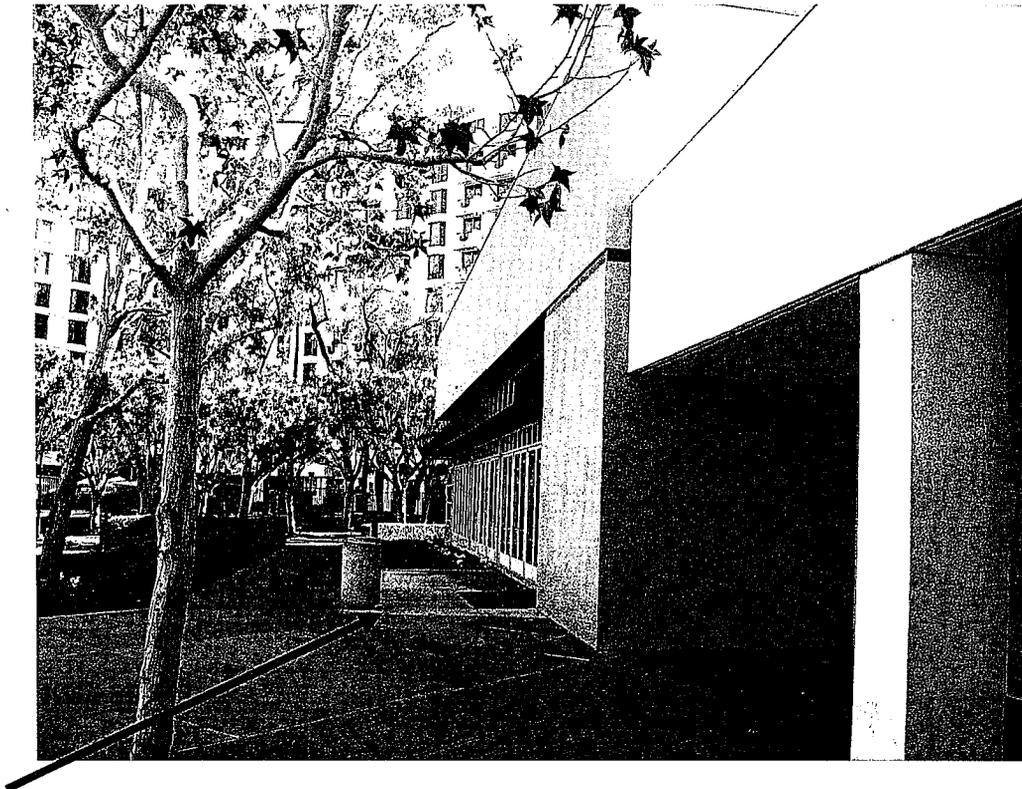
The following is a list of up coming sporting events that Corner Office will supply security guards to monitor the premises. Security is provided by Orange County Security & Valet Company.

March 16- March Madness
March 17- March Madness
April 3- Final NCAA game
May 1- Lakers 5th game playoff (estimated)
June 19- NBA 6th game finals (estimated)
June 21-NBA 7th 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

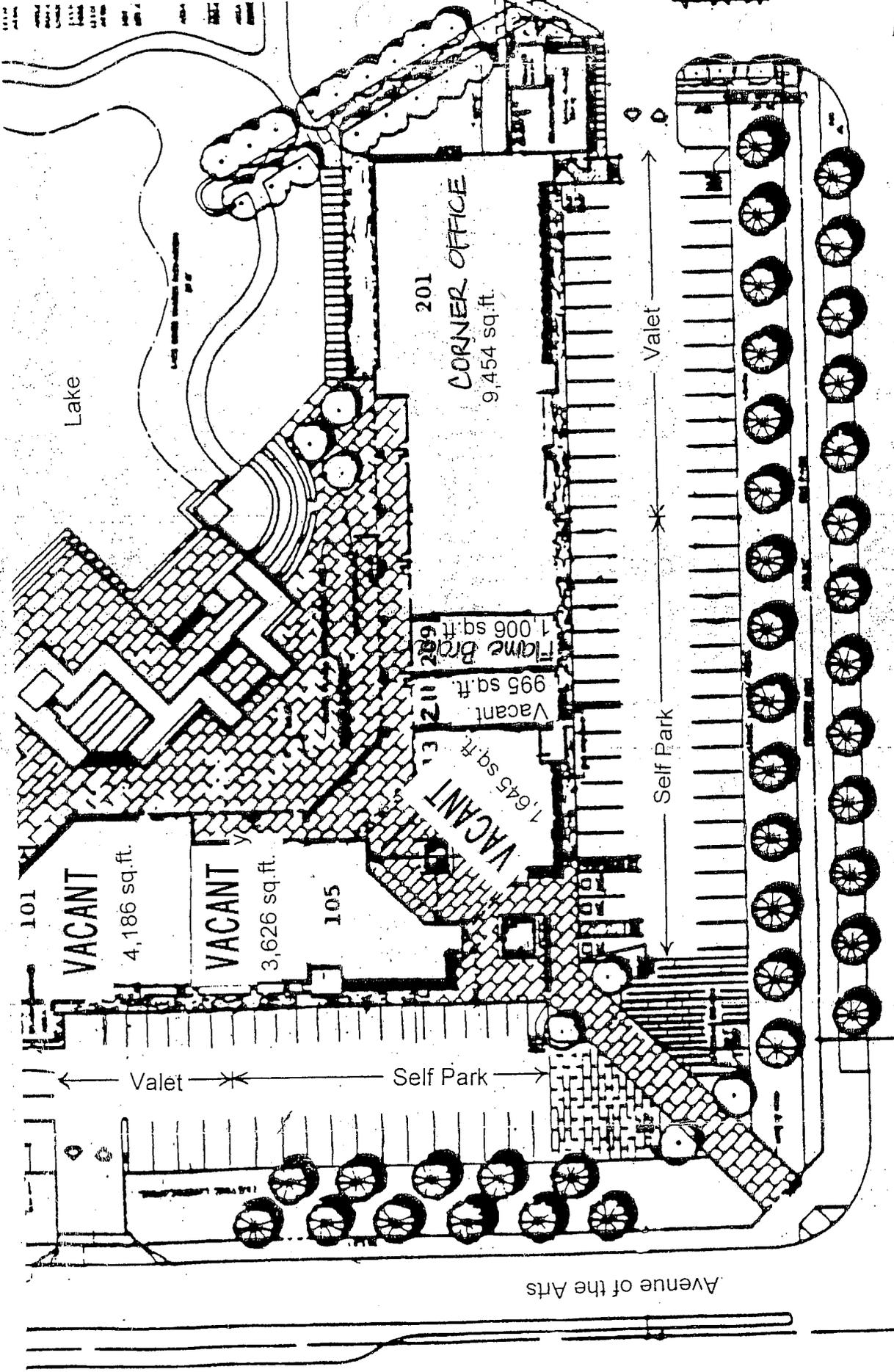
This list is an estimate and will be evaluated on a need be basis. Corner Office will furnish a list for sporting events for 2007 when dates become available.



View of "Corner Office" front Entrance



View of "Corner Office" proposed outdoor patio



Retail Uses: 7,272 SF
 Approved Restaurant Uses: 13,640 SF
 Current Restaurant Uses: 10,460 SF

Total: 20,912 SF

Parking spaces provided: 113 spaces

(ZE-84-96A - approved parking reduction for 9,500 SF of retail use and 11,300 SF of restaurant use)

PATIO
18'9" X 41'4"
3'6" H. W.L. Closure

GATE

EXIT

EXIT

28

Pool
Pool

Dec. 234

BAR

Service Area
Kitchen

BILLIARD ROOM

DINING ROOM

enter/
exit

PA-10-33 File

Handwritten notes and scribbles at the bottom left of the page.