



# **PLANNING COMMISSION**

## **AGENDA REPORT**

VI.4

MEETING DATE: SEPTEMBER 12, 2011

ITEM NUMBER

SUBJECT: 6-MONTH REPORT ON OPERATION OF THE CORNER OFFICE

DATE: AUGUST 9, 2011

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER  
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### **DESCRIPTION**

On January 10, 2011, the Planning Commission approved an amendment to Planning Application PA-95-10, a Conditional Use Permit for the Corner Office Restaurant located at 580 Anton Boulevard for the following:

- 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.

The Planning Commission requested that compliance with the conditions (i.e., on-site security, operational hours) be monitored by the Police Department and a report be provided in six-months.

The Police staff has monitored the site more specifically during the past few weeks and reports the following:

- There has been no incidents that required police service call or monitoring;
- The applicant has adhered to the hours of operation for the restaurant and exterior seating area;
- No complaints have been received from the residents and/or nearby businesses.
- In general, the restaurant operation has been low key and even closing earlier than allowed.

Police staff will continue to monitor the business operation in the upcoming months of football season and report any non-compliance to the Commission.

### **RECOMMENDATION**

Receive and file.

MINOO ASHABI, AIA  
Senior Planner

CLAIRE FLYNN, AICP  
Acting Asst. Development Services Director

Attachment: Exhibit B of PC Resolution

cc: Doug Johnson, PD

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, safely 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