



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ethan Edwards, AICP, Associate Planner
DATE: August 25, 2009

SUBJECT: CONDITIONAL USE PERMIT NO. 09-018 (BJ'S RESTAURANT EXPANSION)

APPLICANT: Jeff Bergsma, Team Design, 221 Main Street 'S', Huntington Beach, CA 92648

BUSINESS

OWNER: Joan Leguay, BJ's Restaurants, Inc., 7755 Center Avenue, Suite 300, Huntington Beach, CA 92647

PROPERTY

OWNER: Robert Koury, 200 Main Street, Suite 206, Huntington Beach, CA 92648

LOCATION: 200 Main Street, Suites 101 & 102, 92648 (east side of Main Street, between Olive Avenue and Walnut Avenue – Downtown)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

The proposed project is a request to permit the expansion of an existing restaurant with alcohol sales by occupying approximately 986 sq. ft of the adjacent retail suite (former vitamin store); to participate in the Downtown Parking In-Lieu Fee Program for five parking spaces; and to permit up to 400 sq. ft. of outdoor dining area with alcohol on private property. The project also includes a façade improvement including new paint and new storefront to replace existing windows and doorway within Suite 102. In addition, a new outdoor dining railing would be installed to match the approved Main Street railing theme.

The subject suite is located within the Main Promenade building, a mixed use development consisting of commercial and parking facilities. The existing restaurant is located within Suite 101. This project proposes to expand the restaurant into the adjacent Suite 102. Tenant improvements include upgraded kitchen equipment, new seating, lighting and millwork. Additionally, the expansion would allow for the addition of a full-service bar and state-of-the-art audio system similar to the existing BJ's Restaurant located at the intersection of Beach Blvd. and Edinger Ave. The hours of operation for the restaurant including outdoor dining and alcohol service are between 11:00 AM and 12:00 AM (midnight) Monday through Thursday; between 11:00 AM and 1:00 AM Friday; between 10:00 AM and 1:00 AM Saturday; and 10:00 AM and 12:00 AM (midnight) Sunday. Live entertainment has not been proposed for this location and is not part of this request.

The 986 sq. ft. restaurant expansion requires a total of ten on-site parking spaces. The previous retail use of the area to be expanded is credited with five parking spaces which may be applied towards the restaurant's on-site parking requirement. The remaining five required parking spaces cannot be provided on-site therefore, the applicant requests participation in the Downtown Parking In-Lieu Fee Program. The applicant would be required to show evidence of a City agreement assuring in-lieu fee participation for the five parking spaces. The fee per space, which is established by City Council Resolution, shall be paid by

the property owner or tenant and may be in a lump sum payment or paid on an annual basis for up to fifteen years and secured by a mechanism established in the conditions of approval.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	SP-5 (Downtown Specific Plan District 5/Coastal Zone)	Commercial Uses/Parking Facility
North of Subject Property (across Olive Avenue):	MV-F6/25-sp-pd	SP-5	Post Office/Commercial
East of Subject Property (across 3 rd Street):	MV-F6/25-sp-pd	SP-5	Commercial/Residential
South of Subject Property (across Walnut Avenue):	MV-F6/25-sp-pd	SP-5	Commercial
West of Subject Property (across Main Street):	MV-F6/25-sp-pd	SP-5	Commercial

The City approved Conditional Use Permit No. 88-34 and Coastal Development Permit No. 88-27 to permit a 32,073 sq. ft. commercial building integrated with a 5-level parking structure (Main Promenade) on October 18, 1988. In addition, prior City actions for Suite 101 include: Conditional Use Permit No. 93-22 and Coastal Development Permit No. 93-12 to permit a restaurant with beer & wine approved on December 7, 1993; Conditional Use Permit No. 95-37 and Coastal Development Permit No. 95-12 to permit 272 sq. ft. of outdoor dining approved on February 13, 1996; and Conditional Use Permit No. 00-21 to permit outdoor dining with alcohol on private property for three suites (BJ’s, Crabby Kenny’s & Sunset Grill) and the expansion of BJ’s outdoor dining area from 272 sq. ft. to 400 sq. ft.. This request was approved on June 22, 2000.

The existing approved outdoor dining area is approximately 272 sq. ft and this request proposes to increase the area 128 sq. ft. for a maximum total of 400 sq. ft. All of the outdoor dining area is proposed to be on private property. The previously approved 400 sq. ft. of outdoor dining (CUP No. 00-21) was never constructed by the applicant and the right to expand the outdoor dining area was never exercised. However, the right to have outdoor dining with alcohol was exercised.

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

July 15, 2009

September 15, 2009

Entitlement Plan Amendment No. 09-006 was filed on June 16, 2009 and deemed complete July 15, 2009. Conditional Use Permit No. 09-018 was filed on July 29, 2009. The application is scheduled for public hearing before the Planning Commission on September 9, 2009.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which states that minor alterations to existing or approved structures are exempt from further environmental review.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Building & Safety, Fire, Police, Public Works, Economic Development, Community Services, and Planning have reviewed the application and identified applicable code requirements (Attachment No. 4) with no major concerns. The Police Department has expressed minor concerns with expanded alcohol consumption resulting in the following suggested conditions of approval (Attachment No. 5):

1. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons.
2. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages.
3. Live entertainment shall not be permitted unless a conditional use permit for this specific use is reviewed and approved.
4. Food from the regular full menu shall be available up to one hour prior to the scheduled closing time.

Planning staff concurs with the Police Department's suggested conditions of approval. The applicant has reviewed the suggested conditions of approval and concurs with staff's recommendations.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

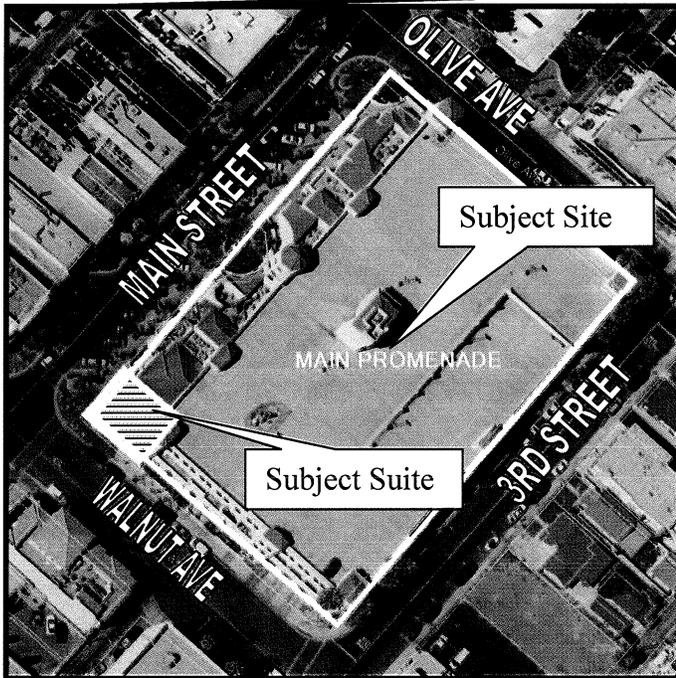
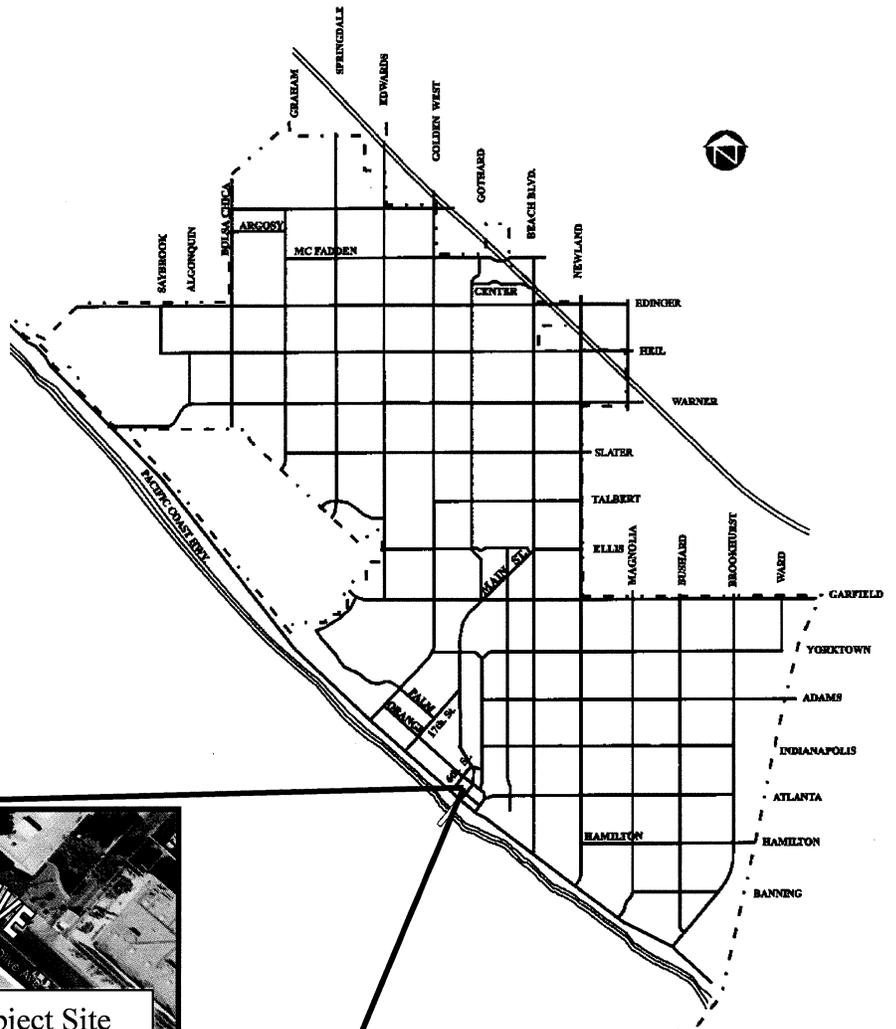
There have been no public meetings regarding this request. The project is scheduled for a Design Review Board meeting on August 20, 2009 to review the associated façade improvement. Design Review Board comments on the proposed exterior improvements will be provided in the September 9, 2009, Planning Commission staff report. To date, there have been no comments from the public regarding this request.

PLANNING ISSUES

The primary issues with the proposed restaurant expansion are related to compliance with the on-site parking requirements, potential land use adjustments and determination that adequate parking is provided in compliance with the Downtown Parking Master Plan and participation in the In-Lieu Fee Parking Program. In addition, the issue of land use compatibility and compliance with the Downtown Specific Plan are identified and include the expansion of the restaurant and outdoor dining, the sale and consumption of alcoholic beverages. In general, the proposed entitlements are consistent with scope and intent of the development in the downtown and supported by the General Plan and the Downtown Specific Plan including the Downtown Parking Master Plan.

ATTACHMENTS:

1. Vicinity Map
2. Project Narratives received June 16, 2009 and August 12, 2009
3. Site, Demolition, & Floor Plan received and dated June 16, 2009
4. Code Requirements Letter dated July 29, 2009 (for informational purposes only)
5. Police Department Suggested Conditions of Approval received August 12, 2009



VICINITY MAP

**CONDITIONAL USE PERMIT NO. 09-018
(200 MAIN STREET, SUITE 101)**

ATTACHMENT NO. 7.0

**BJ's Pizza and Brewery
Downtown Huntington Beach**

BJ's Pizza and Brewery located at Main Street and Walnut is requesting an extension of operating hours to be consistent with its other Huntington Beach and Southern California locations.

BJ's Restaurants, Inc. currently owns and operates 84 casual dining restaurants. BJ's offers an innovative menu featuring signature deep dish pizza complemented with its critically acclaimed handcrafted beers.

BJ's has solid roots in the City of Huntington Beach; not only is it home to our corporate headquarters but Huntington Beach is home to two of our restaurants. Our Beach and Edinger restaurant, opened in 2000 and our Main Street, opened in 1994 have both been award-winning restaurants. Our larger Beach and Edinger location showcases an environment which creates a high energy, fun and family friendly dining environment, to compliment our extensive menu.

At our smaller Main Street restaurant, capacity constraints have limited BJ's ability to offer the same guest experience to our customers that we provide at our Beach and Edinger restaurant. BJ's does however have an immediate opportunity to enhance this restaurant as the adjacent retail space (vacated vitamin store) has become available.

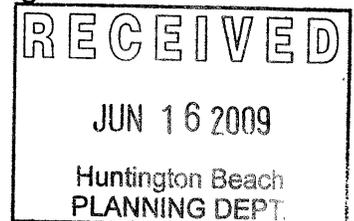
BJ's is proposing a 986 sf expansion of the interior restaurant and a 136 s.f. expansion of the existing patio. The interior expansion will include an enhanced décor package including upgraded seating, lighting and millwork. In addition the expansion will allow for the addition of a bar and a state of the art audio visual system similar to the Beach and Edinger location.

This interior expansion will provide an opportunity to expand the menu as the additional room will allow for the addition of several pieces of kitchen equipment. The bar addition will require BJ's to change from a Type 41 Liquor License to a Type 47 License and this application process is undertaken with the State Alcohol Beverage Control.

The Operating Hours of the Beach and Edinger restaurant are from 11a.m. to 12 a.m. (midnight) Monday through Thursday; from 11a.m. until 1 a.m. on Friday; from 10 a.m. until 1:00 a.m. on Saturday; and on Sunday 10 a.m. until 12 a.m. (midnight). BJ's is proposing that the Main Street restaurant hours be increased to match these operating hours. The extended closing hours will be much earlier than the adjoining restaurants; Hurricane's and Crabby's. Patio beverage service will include different glass styles for alcohol and non-alcoholic beverages. BJ's has proven itself to be a respected restaurant operator for the past 15 years in the City of Huntington Beach and has a sound relationship with the Huntington Beach Police Department and State Alcohol Beverage Control.

BJ's continues to innovate and out-perform our competition. We believe that this will broaden the approachability of our concept to changing consumer demographics, coupled with our unwavering focus to deliver a higher quality dining experience. The expansion and enhancements proposed at our Main Street location is a sign of our continued commitment to these goals.

ATTACHMENT NO. 2.0

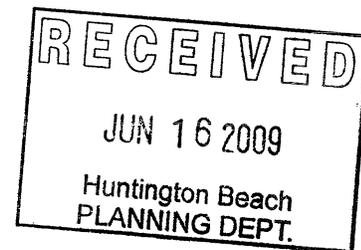


BJ's Pizza and Brewery
200 Main Street
Suite 101
Huntington Beach, CA 92648

June 16, 2009

Narrative for Entitlement Plan Amendment

1. BJ's Pizza and Brewery is an existing 3,464 s.f. restaurant (C.U.P. 9322) with Outdoor Dining (95-37).
2. The scope of proposed work is to convert 996 s.f. of adjacent retail space into an expansion of the existing restaurant; expand kitchen; enlarge the restrooms; add booths and tables to existing dining room; add full service bar and increase the outdoor dining area by 1281 s.f.
3. The proposed operating hours are 11 am to 12 am (midnight) Monday through Thursday; from 11 am until 1 am on Friday; 10 am until 1 am on Saturday; Sunday 10 am until 12 am (midnight). (See attached for further explanation.) There are 10 to 20 employees working at any given time.
4. The reason for initiating this E.P.A. application is a change of use from retail to restaurant and expansion of outdoor dining.
5. The surrounding uses are retail stores and food service.
6. The population serviced by the proposed project is both visitor serving and neighborhood serving.



ATTACHMENT NO. 2.1

BJ's Pizza and Brewery
200 Main Street
Suite 101
Huntington Beach, CA 92648

August 12, 2009

Narrative for Entitlement Plan Amendment

1. BJ's Pizza and Brewery is an existing 3,464 s.f. restaurant (C.U.P. 9322) with Outdoor Dining (95-37).
2. The scope of proposed work is to convert 996 s.f. of adjacent retail space into an expansion of the existing restaurant; expand kitchen; enlarge the restrooms; add booths and tables to existing dining room; add full service bar and increase the outdoor dining area by 1281 s.f.
3. The proposed operating hours are 11 am to 11 pm Sunday through Thursday and from 11 am until 12 am Friday and Saturday. (See attached for further explanation.) There are 10 to 20 employees working at any given time.
4. The reason for initiating this E.P.A. application is a change of use from retail to restaurant and expansion of outdoor dining. We request participation in the In-Lieu Parking Program to satisfy parking requirements.*
5. The surrounding uses are retail stores and food service.
6. The population serviced by the proposed project is both visitor serving and neighborhood serving.

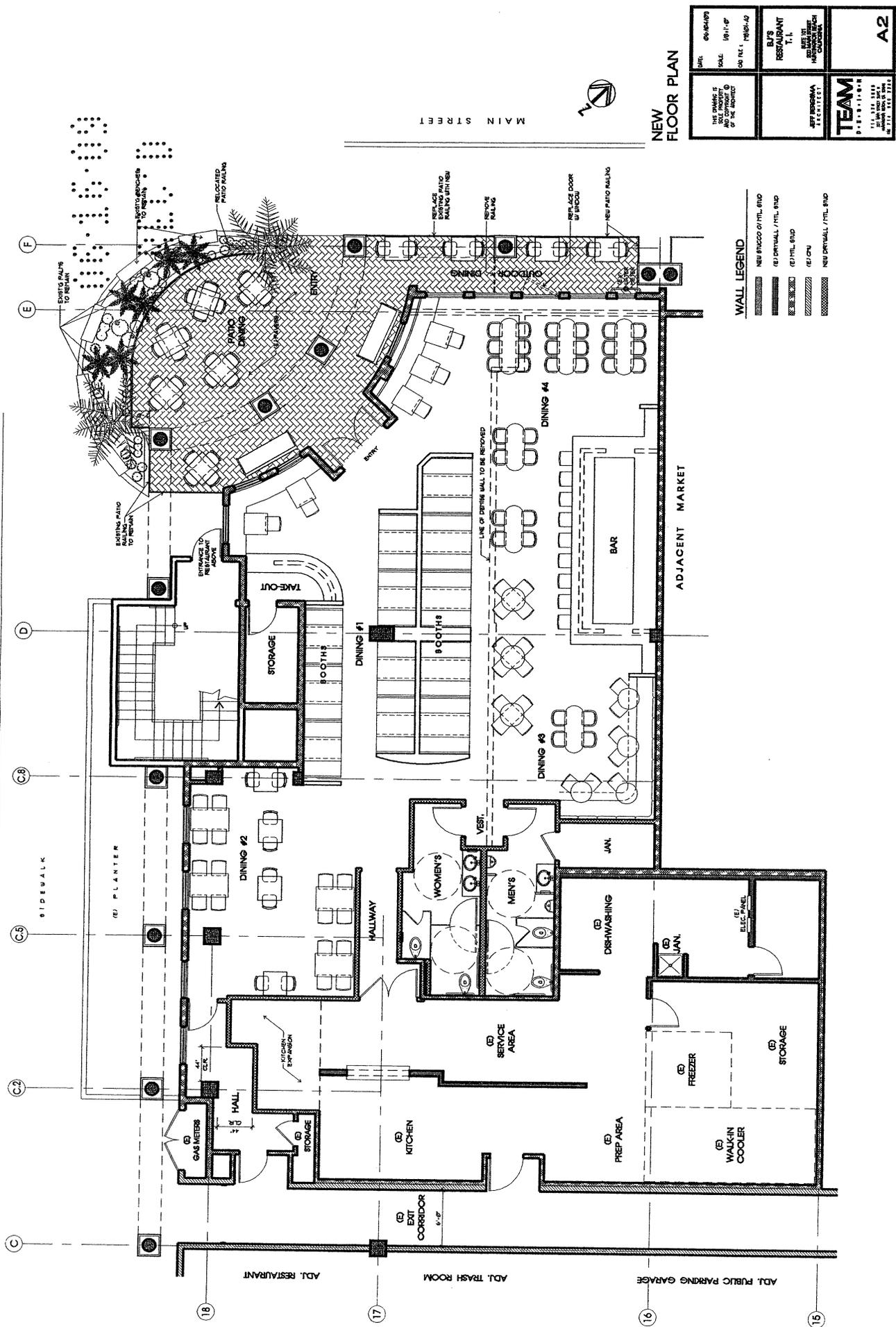
* Amended

ATTACHMENT NO. 2.2

BJ'S PIZZA & BREWERY RESTAURANT EXPANSION & TENANT IMPROVEMENT

SUITE 101 200 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA

GENERAL NOTES	STATISTICS	SHEET INDEX	PROPERTY OWNER	VICINITY MAP
<p>1. THE CHANGES AND SPECIFICATIONS ARE INTENDED TO CORRECT ALL LACKS AND OMISSIONS IN THE ORIGINAL SUBMITTALS TO THE CITY OF HUNTINGTON BEACH, CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HUNTINGTON BEACH, CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HUNTINGTON BEACH, CALIFORNIA.</p> <p>2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF HUNTINGTON BEACH, CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HUNTINGTON BEACH, CALIFORNIA.</p> <p>3. APPROVAL BY THE BUILDING INSPECTOR DOES NOT CONSTITUTE AN ENDORSEMENT OF THE CONTRACTOR'S WORK OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED TO THE CITY OF HUNTINGTON BEACH, CALIFORNIA.</p> <p>4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HUNTINGTON BEACH, CALIFORNIA.</p>	<p>A.P.N.: 931-187-33 C.U.P.: 93-27199-31 ZONING: M-1, S.F. 15 OCCUPANCY: A3 RESTAURANT CONSTRUCTION: TYPE II, A FULLY FIRE SPRINKLED</p> <p>OUTDOOR DINING EXISTING: 3,464 SF. EXPANSION: 936 SF. TOTAL: 4,400 SF.</p> <p>PARKING EXISTING RETAIL: 200 / 15 = 141 PROPOSED RESTAURANT: 2003 / 200 = 10 TOTAL: 151</p> <p>* REDEVELOPMENT AGENCY AGREEMENT</p>	<p>T1 TITLE SITE PLAN A1 EXISTING FLOOR PLAN AND DEMOLITION A2 NEW FLOOR PLAN A3 EXTERIOR ELEVATIONS</p> <p>FIRE DEPT. NOTES</p> <p>1. FIRE SPRINKLER SYSTEM WILL BE INSTALLED OR HOOPED AUTOMATICALLY THROUGHOUT THE ENTIRE PROJECT. (SEE PLAN FOR DETAILS) 2. CORRECT WITH CITY INSPECTION AND INSURE INSPECTION 3. CORRECT WITH MFC CHAPTER 14, FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION IN THE PLAN NOTES</p>	<p>ROBERT KOURY PROPERTIES 200 MAIN STREET SUITE 206 HUNTINGTON BEACH, CA 714-374-3070</p> <p>OPERATOR / TENANT BJ'S RESTAURANT, INC. 7785 CENTER AVE. SUITE 300 HUNTINGTON BEACH, CA 92647 714-800-2408</p>	<p style="text-align: center;">HUNTINGTON BEACH</p>
<p>SITE PLAN</p>				



NEW FLOOR PLAN

DATE: 06/20/2019	BY: BJS	TEAM ARCHITECTS 111 S. 15th St., Suite 200 Milwaukee, WI 53233 TEL: 414.224.1111 FAX: 414.224.1112	A2
SCALE: 1/8" = 1'-0"	PROJECT: BJS RESTAURANT T.I.		
DATE: 06/20/2019	BY: BJS	111 S. 15th St., Suite 200 Milwaukee, WI 53233 TEL: 414.224.1111 FAX: 414.224.1112	TEAM ARCHITECTS

WALL LEGEND

[Pattern]	NEW BRICK / TFL END
[Pattern]	EXIST. BRICK / TFL END
[Pattern]	NEW TFL END
[Pattern]	EXIST. TFL END
[Pattern]	NEW CMU
[Pattern]	EXIST. CMU
[Pattern]	NEW PARTIAL / TFL END

THE DRAWING IS NOT VALID UNLESS APPROVED AND SIGNED BY THE ARCHITECT

DATE: 06/20/2019
 SCALE: 1/8" = 1'-0"
 JOB NO.: 19061-00

BY: BJS RESTAURANT T.I.
 111 S. 15th St., Suite 200
 Milwaukee, WI 53233
 TEL: 414.224.1111
 FAX: 414.224.1112

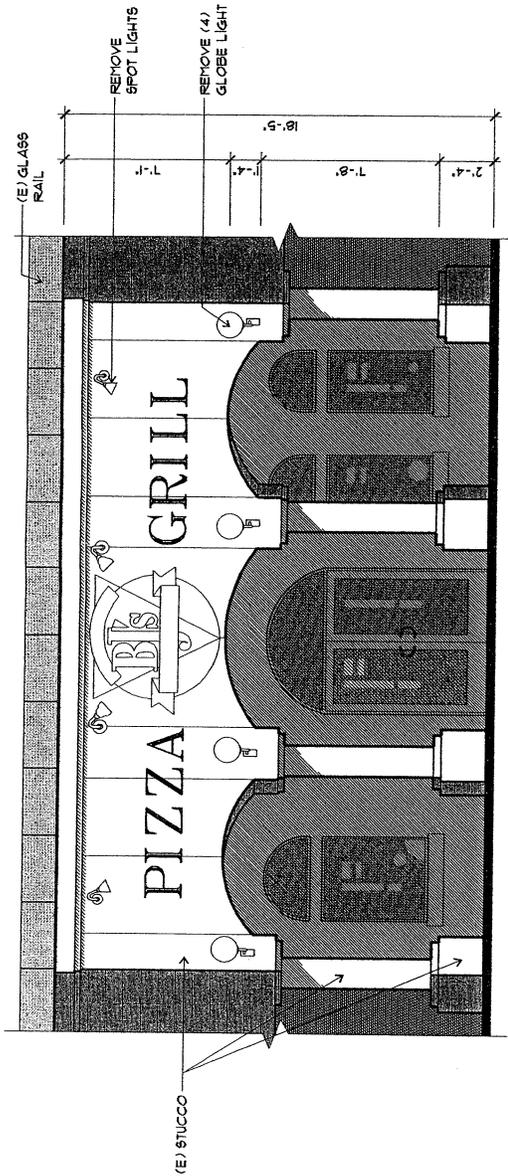
DATE: 06/20/2019
 SCALE: 1/8" = 1'-0"
 JOB NO.: 19061-00

BY: BJS RESTAURANT T.I.
 111 S. 15th St., Suite 200
 Milwaukee, WI 53233
 TEL: 414.224.1111
 FAX: 414.224.1112

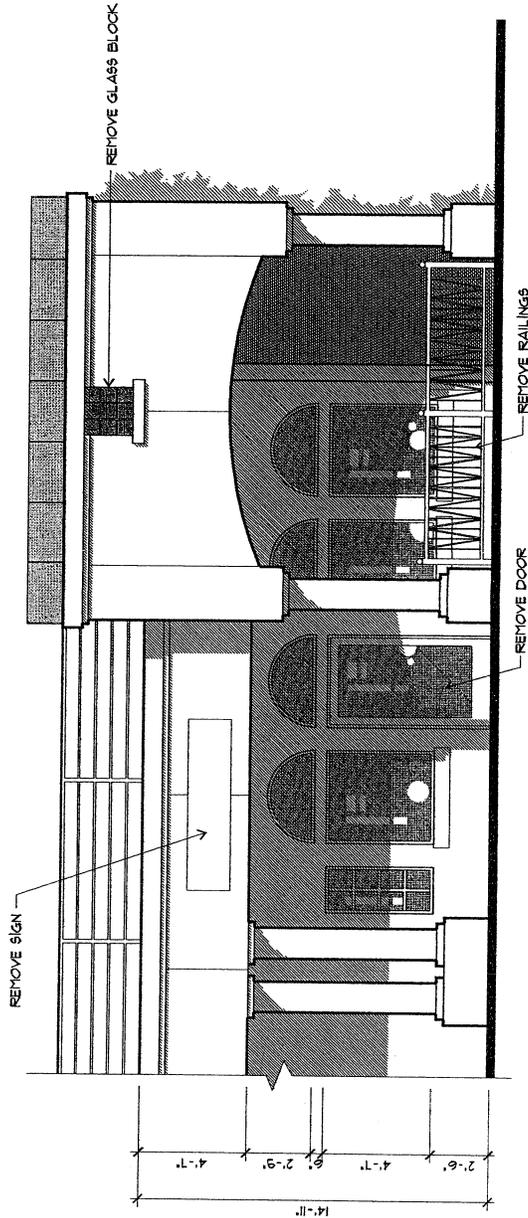
DATE: 06/20/2019
 SCALE: 1/8" = 1'-0"
 JOB NO.: 19061-00

BY: BJS RESTAURANT T.I.
 111 S. 15th St., Suite 200
 Milwaukee, WI 53233
 TEL: 414.224.1111
 FAX: 414.224.1112

02.15.09
02.15.09



MAIN / WALNUT ELEVATION

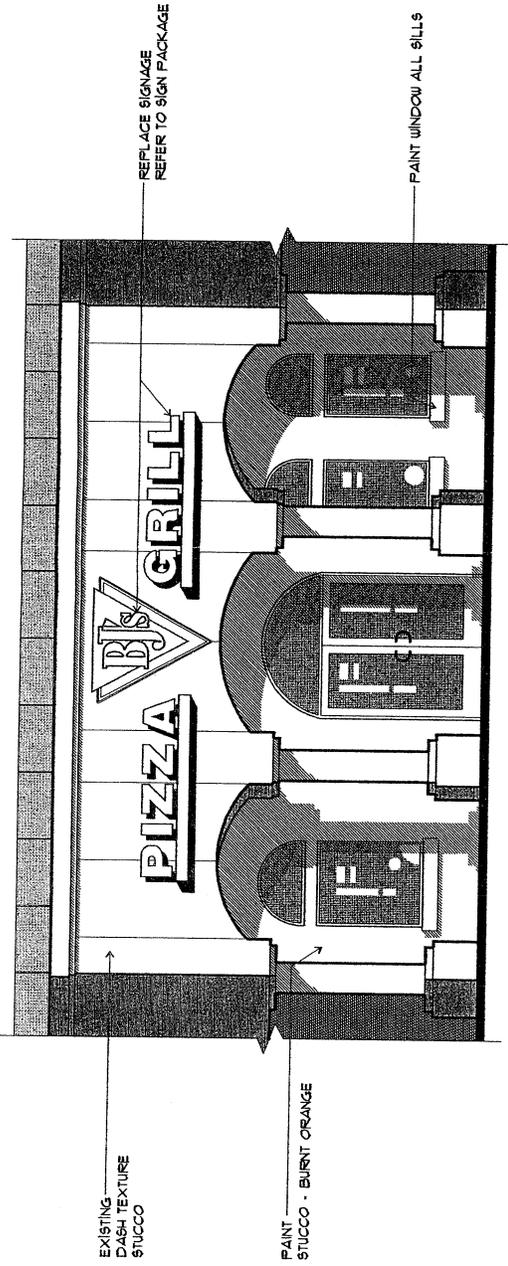


MAIN STREET ELEVATION

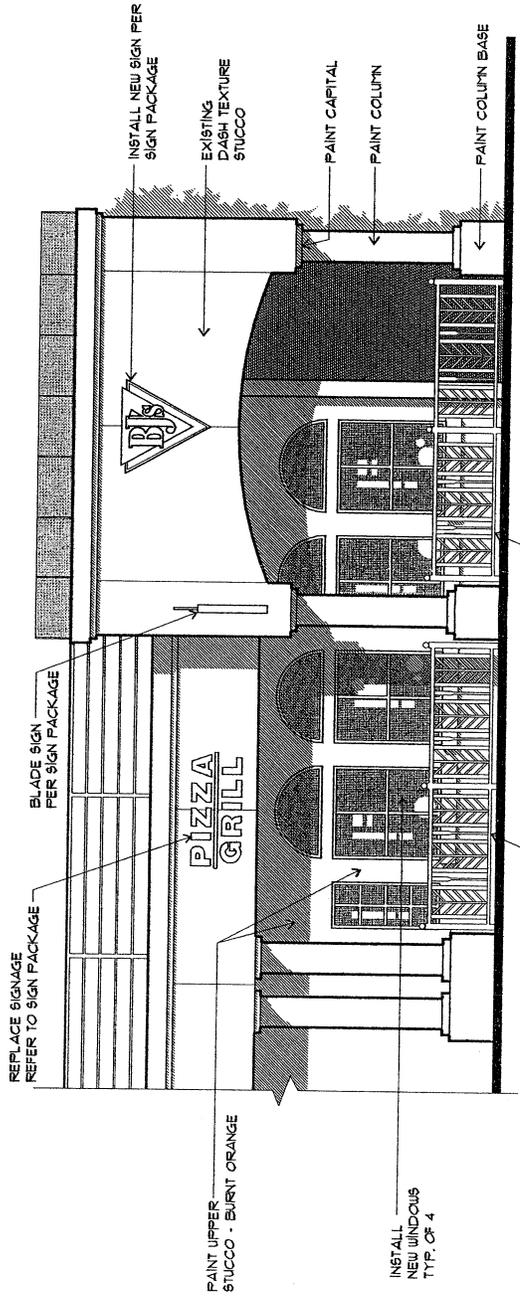
EXISTING
ELEVATIONS

DATE: 04/08/09	SCALE: 3/16"=1'-0"	000 1021, 1028&1-A3
THE DRAWING IS THE PROPERTY OF THE ARCHITECT	BY: B.J.'S RESTAURANT T.L.	DATE OF: 10/10/08
JEFF BERENSON ARCHITECTS	1111 11th Street, Suite 100, San Francisco, CA 94103	415.774.3333
TEAM		A3

000000
000000



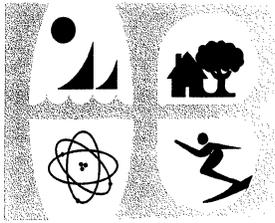
MAIN / WALNUT ELEVATION



MAIN STREET ELEVATION

PROPOSED ELEVATIONS

DATE: 04/21/19	DATE: 04/21/19
SCALE: 3/8"=1'-0"	SCALE: 3/8"=1'-0"
DATE P.L.T.: 19081-AD	DATE P.L.T.: 19081-AD
THE DRAWING IS NOT PART OF THE PROJECT	THE DRAWING IS NOT PART OF THE PROJECT
ART BIGNONA ARCHITECT	B'S RESTAURANT T.I. SEE US AT 1000 W. 10TH ST. SUITE 100
TEAM	ART BIGNONA ARCHITECT
BIGNONA ARCHITECTURE	ART BIGNONA ARCHITECT
100 W. 10TH ST. SUITE 100	100 W. 10TH ST. SUITE 100
MINNAPOLIS, MN 55401	MINNAPOLIS, MN 55401
A4	A4



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

July 29, 2009

Jeff Bergsma
Team Design
221 Main Street 'S'
Huntington Beach, CA 92648

SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 2009-006 (200 MAIN STREET, SUITE 101 & 102) / PROJECT IMPLEMENTATION CODE REQUIREMENTS

Dear Applicant,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at ethan.edwards@surfcity-hb.org or 714-536-5561 and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP
Associate Planner

Enclosure(s)

xc:

Jason Kwak, Building and Safety Department – 714-536-5278
Brian Smith, Police Department – 714-536-5994
Darin Maresh, Fire Department – 714-536-5564
Simone Slifman, Econ. Dev. Department – 714-536-5186
Josh McDonald, Public Works – 714-536-5561
David Dominguez, Community Services – 714-536-5309
Herb Fauland, Planning Manager
Jason Kelley, Planning Department
Property Owner
Project File

ATTACHMENT NO. 4.0



HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: July 29, 2009
PROJECT NAME: COACH'S RESTAURANT EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-154
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-006
DATE OF PLANS: JUNE 1, 2009
PROJECT LOCATION: 200 MAIN STREET, SUITE 101 & 102, HUNTINGTON BEACH (APN: 937-192-33)
PLAN REVIEWER: ETHAN EDWARDS
TELEPHONE/E-MAIL: 714.536.5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG
PROJECT DESCRIPTION: EPA: To permit approximately 996 sq. ft. expansion of an existing restaurant by occupying the adjacent vacated retail suite (vitamin store) and expanding the existing outdoor dining area by approximately 136 sq. ft. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment of five parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; a new bar to accommodate a new Type 47 liquor license; and extending the hours of operation.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

ENTITLEMENT PLAN AMENDEMNT NO. 2009-006:

1. The floor plans approved by the Planning Commission shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical,

mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

- b. The property owner shall submit an In-Lieu Parking Fee Participation Agreement to the Planning Department. The agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the Orange County Recorder. The recorded agreement shall remain in effect for the term specified, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(City Council Resolution Nos. 6720 and 6721)**
3. Prior to issuance of building permits, the following shall be completed:
 - a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 4. During construction, the following shall be adhered to:
 - a. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
 5. The final building permit(s) cannot be approved, until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - d. A copy of the recorded In-Lieu Parking Fee Participation Agreement and proof of full payment or first installment payment to the City Treasurer shall be submitted to the Planning Department.
 - e. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
 6. The use shall comply with the following:
 - a. All work shall be conducted wholly within the building except as otherwise approved.
 - b. Hours of operation shall be limited to between 11:00 AM and 12:00 AM (midnight), Monday through Thursday; between 11:00 AM and 1:00 AM, Friday; between 10:00 AM and 1:00 AM, Saturday; and, 10:00 AM and 12:00 AM (midnight), Sunday.
 - c. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - d. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be

submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.

- e. Only the uses described in the narrative shall be permitted (See attached Narrative).
7. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
8. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
9. This approval shall not become effective until the ten calendar day appeal period following the approval of the entitlements has elapsed.
10. This approval shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
11. The Planning Commission reserves the right to revoke EPA 2009-006 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
12. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
13. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements.
14. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
15. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning.



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: 6/24/09

PROJECT NAME: BJ'S RESTAURANT EXPANSION

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-169

ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-006 AND DESIGN REVIEW NO. 2009-017

DATE OF PLANS: JUNE 16, 2009

PROJECT LOCATION: 200 MAIN STREET, SUITES 101 & 102, HUNTINGTON BEACH (APN: 937-192-33)

PLAN REVIEWER: DETECTIVE BRIAN SMITH #1168

TELEPHONE/E-MAIL: (714) 536-5994 / BJSMITH@HBPD.ORG

PROJECT DESCRIPTION: **EPA:** To permit approximately 996 sq. ft. expansion of an existing restaurant by occupying the adjacent vacated retail suite (vitamin store) and expanding the existing outdoor dining area by approximately 136 sq. ft. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment of five parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; a new bar to accommodate a new Type 47 liquor license; and extending the hours of operation. **DRB:** To review the design, colors, and materials of the proposed façade & landscape modifications.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Within the past year, there has only been one report of criminal directly related to the BJ's Restaurant located at 200 Main Street Suite 201. The single report involved an intoxicated male who spit on the manager after he was unable to find his mobile phone. The report indicates the male did not consume any alcoholic beverages at the location.

ATTACHMENT NO. 34

The proposed modification does not appear to significantly alter the businesses design and function as a full service restaurant currently operating with a Type-41 (On Sale Beer and Wine Eating Place) Department of Alcoholic Beverage Control license.

The Police Department does not believe the modification to a Type-47 (On Sale General Eating Place) license, nor the extended hours of operations will drastically affect the business activity or increase the potential to create public nuisances, as the locations primary business and emphasis will continue to be operating as a full service restaurant without live entertainment.

In order to reduce the likelihood of patrons becoming overly intoxicated and minors obtaining alcoholic beverages, we are requesting the following conditions:

1. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons.
2. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages.

In order to prevent the location from operating as a night club or public premise, we request the following conditions:

3. Live entertainment will not be permitted.
4. Food from the regular full menu must be available up to one hour prior to the scheduled closing time.



**CITY OF HUNTINGTON BEACH
DEPARTMENT OF BUILDING & SAFETY
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: JULY 9, 2009
PROJECT NAME: BJ'S RESTAURANT EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-169
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-006 AND DESIGN REVIEW NO. 2009-017
DATE OF PLANS: JUNE 16, 2009
PROJECT LOCATION: 200 MAIN STREET, SUITES 101 & 102, HUNTINGTON BEACH (APN: 937-192-33)
PLAN REVIEWER: JASON KWAK, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL: (714) 536-5278 / jkwak@surfcity-hb.org
PROJECT DESCRIPTION: **EPA:** To permit approximately 996 sq. ft. expansion of an existing restaurant by occupying the adjacent vacated retail suite (vitamin store) and expanding the existing outdoor dining area by approximately 136 sq. ft. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment of five parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; a new bar to accommodate a new Type 47 liquor license; and extending the hours of operation.
DRB: To review the design, colors, and materials of the proposed façade & landscape modifications.

The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2007 California Building Code (CBC), 2007 California Mechanical

ATTACHMENT NO. 4.6

Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

2. Due to the change of occupancy group from M (retail) to A (assembly) in the addition area, provide building analysis to verify the existing building's floor area is within the CBC allowable area limitations for mixed use buildings.
3. Please note that a fire rated occupancy separation is required between the proposed area to be converted to an A occupancy area and the existing adjacent retail area (M occupancy) per Table 508.3.3.

ATTACHMENT NO. 4.7

PLANNING DEPARTMENT DEVELOPMENT REVIEW REQUEST

TO: Steve Bogart, Public Works
Eric Haghani, Building
Chief Ken Small, Police

Darrin Maresh, Fire
Kellee Fritzall, Economic Development
David Dominguez, Community Services

FROM: Ethan Edwards Ext: 5561

DATE: JUNE 22, 2009

PC ZA DRB STAFF

PETITION(S): Planning Application No. 09-169: Entitlement Plan Amendment No. 09-006,
Design Review 09-017

REQUEST(S): **EPA:** To permit approximately 996 sq. ft. expansion of an existing restaurant by occupying the adjacent vacated retail suite (vitamin store) and expanding the existing outdoor dining area by approximately 136 sq. ft. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment of five parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; a new bar to accommodate a new Type 47 liquor license; and extending the hours of operation. **DRB:** To review the design, colors, and materials of the proposed façade & landscape modifications.

LOCATION: 200 Main Street, Suites 101 & 102, Huntington Beach (APN: 937-192-33)

ZONE: Downtown Specific Plan (SP5 (district 3)-CZ)

GENERAL PLAN: Mixed Use Vertical (MV-F6/25-sp-pd)

EXISTING USE: Commercial (existing restaurant & vacant retail store)

Please submit your concerns and recommended changes or conditions in writing on or before **July 10, 2009**.

COMMENTS: (Use attachments or back side of sheet if necessary)

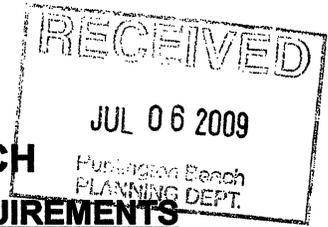
COMMUNITY SERVICES HAS NO CONCERNS WITH THE PROPOSED PROJECT OTHER THAN THAT THE APPROPRIATE PARK FEES BE APPLIED PER 230.02 OF THE ZONING CODE.

RESPONSE BY: DAVID DOMINGUEZ Extension 5/209

Attachments: 1. Plans 2. Narrative



CITY OF HUNTINGTON BEACH
PROJECT IMPLEMENTATION CODE REQUIREMENTS



DATE: JULY 6, 2009
PROJECT NAME: B.J.'s PIZZA AND BREWERY
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 09-169
ENTITLEMENTS: ENTITLEMENT PLAN AMENDMENT 09-006; DRB REVIEW 09-017
DATE OF PLANS: JUNE 16, 2009
PROJECT LOCATION: 200 MAIN STREET, SUITES 101 & 102, HUNTINGTON BEACH
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
PLAN REVIEWER: SIMONE SLIFMAN
TELEPHONE/E-MAIL: (714) 536-5186 / simone.slifman@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT APPROX. 996 SQ. FT EXPANSION OF THE EXISTING RESTAURANT BY OCCUPYING A PORTION OF ADJACENT VACATED RETAIL SUITE AND EXPANDING THE EXISTING OUTDOOR DINING AREA BY APPROXIMATELY 136 SQ. FT.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The Economic Development Department has reviewed the proposed project and has the following comments/concerns:

The project will require five (5) additional parking in-lieu spaces, for which an agreement is currently being negotiated with the property owner. The Department has no further comments at this time.

ATTACHMENT NO. 4.9



HUNTINGTON BEACH FIRE DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JULY 6, 2009
PROJECT NAME: EXPANTION OF BJ'S PIZZA AND BREWERY
ENTITLEMENTS: PLANNING APPLICATION NO. 09-169
PROJECT LOCATION: 200 MAIN STREE SUITE 101 & 102, HUNTINGTON BEACH, CA
PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 536-5561/ Ethan.Edwards@surfcity-hb.org
PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL: (714) 536-5531/ dmaresh@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT APPROXIMATELY 996 SQ. FT. EXPANSION OF AN EXISTING RESTAURANT BY OCCUPYING THE ADJACENT VACATED RETAIL SUITE (VITAMIN STORE) AND EXPANDING THE EXISTING OUTDOOR DINING AREA BY APPROXIMATELY 136 SQ. FT. THE RETAIL TO RESTAURANT EXPANSION WILL REQUIRE PARTICIPATION IN THE PARKING IN-LIEU FEE PROGRAM RESULTING IN PAYMENT OF FIVE PARKING SPACES (10 SPACES REQUIRED FOR NEW RESTAURANT AREA, 5 SPACE CREDIT FOR EXISTING RETAIL AREA). THE PROPOSAL ALSO INCLUDES MODIFYING THE OPERATION TO PERMIT: AN INTERIOR REMODEL TO ACCOMMODATE ADDITIONAL OCCUPANCY; A NEW BAR TO ACCOMMODATE A NEW TYPE 47 LIQUOR LICENSE; AND EXTENDING THE HOURS OF OPERATION. DRB: TO REVIEW THE DESIGN, COLORS, AND MATERIALS OF THE PROPOSED FAÇADE & LANDSCAPE MODIFICATIONS.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 22, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

Building Construction

Exit Signs And Exit Path Markings will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)

Posting Of Room Occupancy is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the

ATTACHMENT NO. 4,10

capacity of the room posted in a conspicuous place near the main exit per HBFC sec. 1004.3 (FD)

Policy For Maintaining Room Occupancy is required. The Fire Department would like to review your security policy that identifies the training and procedures that your business will use to insure the business occupancy load will be adhered to.

Egress Illumination/Emergency Exit Lighting with emergency back-up power is required. Provide means of egress illumination per HBFC 604.2.4 and UBC 1003.2.9. (FD)

Exit Ways and Aisles Plan is required for this project. HBFC section 408.2.1. Plans shall be submitted indicating the seating arrangement, location and width of exit ways and aisles for approval and an approved copy of the plan shall be kept on display on the premises. (FD)

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. (FD)
- b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. (FD)

OTHER:

- a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. (FD)
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648

or through the City's website at www.surfcity-hb.org

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JULY 17, 2009
PROJECT NAME: BJ'S PIZZA & BREWERY
ENTITLEMENTS: EPA 09-06, DR 09-17
PLNG APPLICATION NO: 2009-0169
DATE OF PLANS: JUNE 16, 2009
PROJECT LOCATION: 200 MAIN STREET, SUITES 101 & 102
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG
PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT 
TELEPHONE/E-MAIL: 714-536-5509 / JOSHUA.MCDONALD@SURFCITY-HB.ORG
PROJECT DESCRIPTION: EPA: TO PERMIT APPROXIMATELY 996 SQ. FT. EXPANSION OF AN EXISTING RESTAURANT BY OCCUPYING THE ADJACENT VACATED RETAIL SUITE (VITAMIN STORE) AND EXPANDING THE EXISTING OUTDOOR DINING AREA BY APPROXIMATELY 136 SQ. FT. THE RETAIL TO RESTAURANT EXPANSION WILL REQUIRE PARTICIPATION IN THE PARKING IN-LIEU FEE PROGRAM RESULTING IN PAYMENT OF FIVE PARKING SPACES (10 SPACES REQUIRED FOR NEW RESTAURANT AREA, 5 SPACE CREDIT FOR EXISTING RETAIL AREA). THE PROPOSAL ALSO INCLUDES MODIFYING THE OPERATION TO PERMIT: AN INTERIOR REMODEL TO ACCOMMODATE ADDITIONAL OCCUPANCY; A NEW BAR TO ACCOMMODATE A NEW TYPE 47 LIQUOR LICENSE; AND EXTENDING THE HOURS OF OPERATION. DRB: TO REVIEW THE DESIGN, COLORS, AND MATERIALS OF THE PROPOSED FAÇADE & LANDSCAPE MODIFICATIONS.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

ATTACHMENT NO. 4.12

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF A BUILDING PERMIT:**

1. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and are in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water service, meter, and backflow protection device shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). The new domestic water service shall be a minimum of 2-inches in size. (ZSO 230.84)
2. When fire sprinklers are required by the Fire Department for the proposed development, a separate dedicated fire service line shall be installed with a backflow protection device that conforms to the current Water Division Standards. (ZSO 230.84)
3. Traffic impact fees for commercial development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$163 per net new added daily trip is adjusted annually. This project is forecast to generate 72 new daily trips for a total traffic impact fee of \$11,736.00. The rate is subject to an annual adjustment on December 1st. (MC 17.65)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL
INSPECTION OR OCCUPANCY:**

1. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf . (ZSO 240.06/ZSO 250.16)



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT CONDITIONS OF APPROVAL

DATE: 6/24/09

PROJECT NAME: BJ'S RESTAURANT EXPANSION

PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 2009-169

ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2009-006 AND DESIGN REVIEW NO. 2009-017

DATE OF PLANS: JUNE 16, 2009

PROJECT LOCATION: 200 MAIN STREET, SUITES 101 & 102, HUNTINGTON BEACH (APN: 937-192-33)

PLAN REVIEWER: DETECTIVE BRIAN SMITH #1168

TELEPHONE/E-MAIL: (714) 536-5994 / BJSMITH@HBPD.ORG

PROJECT DESCRIPTION: **EPA:** To permit approximately 996 sq. ft. expansion of an existing restaurant by occupying the adjacent vacated retail suite (vitamin store) and expanding the existing outdoor dining area by approximately 136 sq. ft. The retail to restaurant expansion will require participation in the Parking In-Lieu Fee Program resulting in payment of five parking spaces (10 spaces required for new restaurant area, 5 space credit for existing retail area). The proposal also includes modifying the operation to permit: an interior remodel to accommodate additional occupancy; a new bar to accommodate a new Type 47 liquor license; and extending the hours of operation. **DRB:** To review the design, colors, and materials of the proposed façade & landscape modifications.

A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Within the past year, there has only been one report of criminal directly related to the BJ's Restaurant located at 200 Main Street Suite 201. The single report involved an intoxicated male who spit on the manager after he was unable to find his mobile phone. The report indicates the male did not consume any alcoholic beverages at the location.

The proposed modification does not appear to significantly alter the businesses design and function as a full service restaurant currently operating with a Type-41 (On Sale Beer and Wine Eating Place) Department of Alcoholic Beverage Control license.

ATTACHMENT NO. 3.0

The Police Department does not believe the modification to a Type-47 (On Sale General Eating Place) license, nor the extended hours of operations will drastically affect the business activity or increase the potential to create public nuisances, as the locations primary business and emphasis will continue to be operating as a full service restaurant without live entertainment.

In order to reduce the likelihood of patrons becoming overly intoxicated and minors obtaining alcoholic beverages, we are requesting the following conditions:

1. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons.
2. Alcoholic beverages shall be served in a distinctive container different from non-alcoholic beverages.

In order to prevent the location from operating as a night club or public premise, we request the following conditions:

3. Live entertainment shall not be permitted unless a conditional use permit for this specific use is reviewed and approved.
4. Food from the regular full menu shall be available up to one hour prior to the scheduled closing time.

ATTACHMENT NO. 5.1