

Planning Commission Agenda Item

November 19, 2012

TO: Chair Steiner and

Members of the Planning Commission

THRU: Leslie Aranda Roseberry

Planning Manager

FROM: Robert Garcia

Associate Planner

SUBJECT

PUBLIC HEARING: Conditional Use Permit No. 2873-12, Minor Site Plan Review No. 0697-12 and Design Review Committee No. 4640-12 – BJ's Restaurant and Brewhouse, located at 460 S. The City Drive (Outlets at Orange).

SUMMARY

The applicant proposes a new restaurant of 8,376 SF and a new patio area of 1,718 SF at the former Firestone Tires building site at the Outlets at Orange. In addition, the applicant is requesting an Alcoholic Beverage Control (ABC) Type 47 (On-Sale General - Eating Place) License to have onsite consumption of alcohol for the guests of the eating establishment.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 48-12 entitled:

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2873-12, MINOR SITE PLAN REVIEW NO. 0697-12, AND DESIGN REVIEW COMMITTEE NO. 4640-12 TO ALLOW A NEW RESTAURANT OF 8,376 SF AND A NEW PATIO AREA OF 1,718 SF WITH AN ALCOHOLIC BEVERAGE CONTROL TYPE 47 (ON-SALE GENERAL FOR A BONA FIDE EATING PLACE) LICENSE AT THE SITE OF THE FORMER FIRESTONE TIRES BUILDING AT 460 S. THE CITY DRIVE (OUTLETS AT ORANGE)

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Section 17.10.030 authorizes the Planning Commission to review and take action on Conditional Use Permits. A Conditional Use Permit is required for an ABC license in the Urban Mixed Use (UMU) zone. OMC Section 17.10.060 (D) requires a Minor Site Plan Review for projects that meet the minimum criteria for consideration as a Minor Site Plan application. OMC Section 17.10.070 requires the approval of Design Review when a project requires exterior improvements and for all projects within a Redevelopment Project Area. Section 17.30.030 establishes standards for any on-sale establishment license subject to an approved Business Establishment Alcohol Management and Education Program. Pursuant to OMC 17.08.20, the Planning Commission has the final project determination on the Conditional Use Permit, Minor Site Plan Review, and Design Review Committee applications. The final determination by the Planning Commission on these applications may be appealed to the City Council pursuant to the time periods and requirements established in the OMC for appeals.

PUBLIC NOTICE

On November 8, 2012, the City sent a Public Hearing Notice to a total of 608 property owners/tenants within a 300-foot radius of the project site and persons specifically requesting notice. The project site was also posted in two locations with the notification on that same date.

ENVIRONMENTAL REVIEW

The new restaurant square footage is part of the former Block at Orange Expansion Project. At the time of the expansion approval, an Addendum to the Environmental Impact Report (EIR) served as the environmental review of the modified Block at Orange Expansion project. The Block at Orange Expansion Project was reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., the State CEQA Guidelines, and the City of Orange Local Guidelines for Implementing CEQA (Local CEQA Guidelines). There is no public review required.

PROJECT BACKGROUND

Applicant:	BJ's Restaurant and Brewhouse
Property Owner:	Orange City Mills Limited Partnership
Property Location:	460 S. The City Drive
Existing General Plan	Urban Mixed Use 30-60 DU/AC 1.5-3.0 FAR (UMIX)
Land Use Element designation:	
Existing Zoning	Urban Mixed Use (UMU)
Classification:	
Old Towne:	No
Redevelopment Project Area:	Yes (Formerly)
Specific Plan/PC:	None
Site Size:	73 acres (10,000 Proposed Pad SF)
Circulation:	Vehicular access to the subject site is via Chapman Avenue,

	The City Drive, Lewis Street, and Metropolitan Drive. The City's Master Plan of Arterial Highways designates Chapman		
	Avenue as an "Augmented Primary" Highway with a minimum		
	right-of-way width of 100 feet, The City Drive is designated as		
	an "Augmented Major Arterial" highway with an ultimate		
	right-of-way width of 120 feet, and both Lewis Street and		
	Metropolitan Drive are designated as "secondary" arterials with		
	ultimate right-of-way widths of 80 feet.		
Existing conditions:	The Outlets at Orange is currently developed with a variety of		
	retail shops and restaurants, a movie theater, bowling alley and		
	a skate park. The Outlets currently contains nine buildings with		
	a gross building area of 887,877 square feet.		
Surrounding land uses	North – High-rise and mid-rise office towers and a high-rise		
and Zoning:	hotel zoned UMU.		
	South – Garden Grove (State Route 22) Freeway.		
	East – County of Orange jail and court facilities, and UCI		
	Hospital zoned PI		
	West – Mid-rise office tower zoned UMU.		
Previous	There have been multiple entitlements granted on the subject		
Applications/Entitlements:	site since the site was initially developed in 1970 with The Cit		
	Shopping Center and Office Tower.		

PROJECT DESCRIPTION

The applicant proposes a new stand alone BJ's Restaurant and Brewhouse at the Outlets of Orange. The proposal consists of a new restaurant of 8,376 SF and a new patio area of 1,718 SF at the former Firestone Tires building site. Articulation on each building elevation is provided by architectural features and by visual elements including:

- Pilasters, reveals, canopies, cornices, varying rooflines and wainscot treatments
- Building materials include natural stones and slates
- Outdoor areas with a tiled entry, benches and a covered dining patio
- A color and material palette that complements the interior
- Two murals are displayed on the building exterior and one in the interior

The applicant is also requesting the sale of alcoholic beverages, (Type 47 On-Sale General - Eating Place), to have on-site consumption of alcohol for the guests of the eating establishment. BJ's Restaurant and Brewhouse is a full menu food service restaurant. Patron seating is provided in the dining area, enclosed patio area and in the bar area. The establishment's hours of operation are 8:00 a.m. to 12:00 a.m. Sunday through Thursday, and 8:00 a.m. to 2:00 a.m. Friday and Saturday.

The proposed colors and materials of the exterior will assist in adding a different theme to the eclectic nature of the Outlets at Orange. Creative building elements and identifying features are used to create a high quality project with visual interest and an architectural style. The proposed colors and materials are similar to those of other locations of the restaurant national restaurant chain. The proposed pad will require the removal of three landscape islands and nine trees. The

proposed plan calls for the replacement of the three landscape islands and the addition of 13 trees. Parking spaces will also be replaced on the site in the area of the newly constructed Nordstrom Rack. Signs are not part of this proposal. Signs shall be submitted separately to comply with the existing sign program for the shopping center.

Development Standards

	Required	Proposed	Code Section
Building Height	45 Feet	35 feet	17.19.120
Floor Area Ratio (FAR)	1.5 - 3.0 F.A.R.	.31 F.A.R	General Plan
Loading area (non-	10' X 80'	10' X 80' (multiple loading	17.34.160
residential)		areas)	
Parking (non-residential)	4,727 spaces	3,674 spaces on-site (6,201	17.24.060
		available via shared	17.24.100
		parking agreements)	
Setback, Front	10 feet	10 feet	17.19.120
Setback, Rear	0 feet	+ 10 feet	17.19.120
Setback, Side	0 feet	+ 10 feet	17.19.120
Setback, Side	0 feet	+ 10 feet	17.19.120

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

<u>Conditional Use Permit:</u> The applicant is requesting a Conditional Use Permit to for the sale of alcoholic beverages, (Type 47 On-Sale General - Eating Place) to have on-site consumption of alcohol for the guests of the eating establishment.

Required Findings:

- 1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.
- 2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
- 3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
- 4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

<u>Minor Site Plan:</u> The applicant is proposing a Minor Site Plan to allow a new stand alone BJ's Restaurant and Brewhouse at the Outlets of Orange.

Required Findings:

- 1. The project design is compatible with surrounding development and neighborhoods.
- 2. The project conforms to City development standards and any applicable special design guidelines or specific plan requirements.

- 3. The project provides for safe and adequate vehicular and pedestrian circulation, both onand off-site.
- 4. City services are available and adequate to serve the project.
- 5. The project has been designed to fully mitigate or substantially minimize adverse environmental effects.

<u>Design Review Committee:</u> The applicant is requesting approval of a Design Review Committee application to make interior and exterior improvements to an existing tenant space at the Outlets at Orange. The new restaurant would have an outdoor patio dining area.

Required Findings:

1. The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards and their required findings.

ANALYSIS/STATEMENT OF THE ISSUES

<u>Issue 1: Approved Expansion</u>

The proposed restaurant square footage is part of the Outlets at Orange (former Block at Orange) modified expansion approved by the City Council on June 8, 2012, which allowed 105,000 SF of new retail and restaurant space. The modified expansion project replaced a previous approved project, which consisted of 120,000 square feet of new retail space; two new hotels with one parking structure each; 500 dwelling units with an attached parking structure; one new parking structure for general use; a fast food restaurant; and a gas station.

Should the proposal be approved the 10,000 SF pad for the BJ's Restaurant and Brewhouse would be the second pad to be build from the proposed expansion. It would join the 35,000 SF pad for the Nordstrom Rack building completed in 2011. The construction of the remaining 60,000 square feet of building space, reconfiguration of parking spaces and drop-off areas is anticipated to move forward in 2013.

Issue 2: Parking

The current Municipal Code requires 4,727 spaces for The Block shopping center and 7,795 for the entire Block area, including the Outlets at Orange, One City Tower, and the Parkway West Properties. While the onsite parking supply of 3,674 is less than the 4,727 required by code, the City approved the original shopping center in 1996 and its expansions in 2004 and 2010 based on the concept of shared parking. Although the proposal will displace 70 parking spaces, these parking spaces will be replace on the site, adjacent to the newly constructed Nordstrom Rack once the full entitlements are reached.

Issue 3: Existing Licenses within 600 feet of the Site

Staff identified one facility with alcoholic beverage licenses that is located within a 600-foot proximity to the restaurant's entrance. For information purposes, staff has identified the other alcoholic beverage licenses within the Outlets at Orange (Attachment No. 5)

Existing Licenses

Establishment Name	License Type	Address
TGI Fridays	Type 47 (On-Sale General – Eating Place)	3339 City Boulevard East
Outlets at Orange		
Dave & Busters	Type 47 (On-Sale General – Eating Place)	20 City Boulevard West
Lucky Strike	Type 47 (On-Sale General – Eating Place)	20 City Boulevard West
El Torito	Type 47 (On-Sale General – Eating Place)	3520 The City Way
Buffalo Wild Wings	Type 47 (On-Sale General – Eating Place)	20 City Boulevard West
Alcatraz Brewing Company	Type 75 (On-Sale General – Brew-Pub)	20 City Boulevard West
Lascaris Italian Cucina	Type 41 (On-Sale Beer and Wine- Eating Place)	20 City Boulevard West
Café Tu Tu Tango	Type 47 (On-Sale General – Eating Place)	20 City Boulevard West
Market Broiler	Type 47 (On-Sale General – Eating Place)	20 City Boulevard West
Twin Dragon	Type 41 (On-Sale Beer and Wine- Eating Place)	20 City Boulevard West
Rubios Fresh Mexican Grill	Type 41 (On-Sale Beer and Wine- Eating Place)	20 City Boulevard West

<u>Issue 4: Sensitive Receptors</u>

The OMC requires a Conditional Use Permit for the sale of alcoholic beverages to ensure there will be no adverse impact on surrounding land uses or allow the availability of alcoholic beverages to minors. When reviewing alcohol permits, the Zoning Ordinance details specific land uses that are sensitive to alcohol activities, but does not establish any specific distances for these uses. The State Alcoholic Beverage Control Board investigation requires applicants to identify the sensitive land uses within 600 feet of the site. There are no sensitive receptors in the vicinity of the subject property.

Issue 5: Census Tract Alcohol and Crime Statistics Information

The Orange Police Department's Vice Unit (OPD) reviewed the proposal and had no objections to the CUP to allow alcoholic beverage service within the restaurant and outdoor patio area provided that the recommended conditions were imposed on the applicant (Attachment 3). However, the OPD is not in support of the "Happy Hour" drink specials. OPD is of the belief that allowing "Happy Hour" drink specials would encourage consumption of larger amounts of alcoholic beverages in shorter periods of time. Other establishments like Buffalo Wild Wings and AMC Theatres located at the Outlets at Orange currently have a "Happy Hour" restriction.

The applicant is applying for an ABC license in a Reporting District (RD 071) that is considered a high crime area. The current crime figures show 307 crimes in this reporting district. The average reported crimes per district is 77, therefore, the crime statistics indicate this district had 230 more crimes than the average district, 299% above the average reported crimes per district (Attachment 4). This includes 21 arrests in the surrounding area for Driving Under the Influence (DUI). These 21 arrestees admitted to drinking alcoholic beverages while visiting restaurants within the Outlets at Orange.

Crime Statistics

Census Tract Arrests	Citywide Average Arrests	Percent Difference
307	77	299 % below

While the statistics provided below indicate that, the subject establishment is in a high crime area that is over concentrated with on-sale alcohol licenses, much of this may be attributed to the restaurant's location at the Outlets at Orange, a destination place. Destination places may create an over concentration of alcohol licenses by definition, however, other factors should be considered as location, purpose of proposed uses, goal of the destination place, etc. The high crime rate in this reporting district is also attributed to a number of issues as petty thefts, burglary, curfew violations, etc.

Census tracts are defined as small geographical areas established by local committees and approved by the Census Bureau, which contain a population segment with relatively uniform economic and social characteristics and clearly identifiable boundaries averaging approximately 1,200 households.

Alcohol Licenses

	Existing	Allowed
On Sale Licenses	18	8
Off Sale Licenses	3	4

Although the applicant's application is in an over concentrated census tract, and in an area that is considered a high crime. BJ's Restaurant and Brewhouse is a national restaurant chain and while the restaurant is new to Orange, the restaurant chain has a good reputation in the surrounding cities as related by their respective police departments that were queried. The OPD has given strong consideration to the manner in which the national chain operates their restaurants. Further, the OPD believes that the request for the CUP serves the interest of their business and the City of Orange with the conditions being requested. Serving alcohol is not likely to adversely impact the surrounding community with the recommended conditions of approval.

ADVISORY BOARD RECOMMENDATION

The Design Review Committee (DRC) reviewed the proposal at its November 7, 2012 regular scheduled meeting. The DRC, after some discussion, recommended approval of the proposal as it relates to the on-site improvements.

ATTACHMENTS/EXHIBITS

Attachments to Report:

- 1. Planning Commission Resolution No. 48-12
- 2. Vicinity Map

- 3. Orange Police Department Vice Unit's Memorandum regarding Conditions of Approval for CUP 2873-12 dated October 25, 2012
- 4. Orange Police Department Vice Unit's Memorandum regarding Recommending Approval of CUP 2873-12 dated October 25, 2012
- 5. PC Evaluation Map
- 6. Census Tract Map
- 7. Restaurant Menu

Exhibits provided to the Planning Commission:

- A. Submitted Plans and Exhibits date labeled November 19, 2012
- cc: Nina Raey Vice President Fancher Development Services, Inc 1342 Bell Avenue, Suite 3-K Tustin, CA. 92780

Aaron Schultz City of Orange