



CITY OF COSTA MESA

PLANNING COMMISSION

Agenda

Monday, August 12, 2024

6:00 PM

**City Council Chambers
77 Fair Drive**

The Commission meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having system outages or experiencing other critical issues, the meeting will continue in person.

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- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the PCPublicComments@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.

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Note regarding agenda-related documents provided to a majority of the Commission after distribution of the agenda packet (GC §54957.5): Any related documents provided to a majority of the Commission after distribution of the Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

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As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing. Agendas and reports can be viewed on the City website at <https://costamesa.legistar.com/Calendar.aspx>.

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PLANNING COMMISSION REGULAR MEETING

AUGUST 12, 2024 – 6:00 P.M.

**ADAM ERETH
CHAIR**

**RUSSELL TOLER
VICE CHAIR**

**JOHNNY ROJAS
PLANNING COMMISSIONER**

**ANGELY ANDRADE
PLANNING COMMISSIONER**

**KAREN KLEPACK
PLANNING COMMISSIONER**

**JON ZICH
PLANNING COMMISSIONER**

**DAVID MARTINEZ
PLANNING COMMISSIONER**

**TARQUIN PREZIOSI
ASSISTANT CITY ATTORNEY**

**SCOTT DRAPKIN
ASSISTANT DIRECTOR**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS AND PRESENTATIONS

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA
Comments are limited to three (3) minutes, or as otherwise directed.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the Planning Commission, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. The public can make this request via email at PCPublicComments@costamesaca.gov and should include the item number to be addressed. Items removed from the Consent Calendar will be discussed and voted upon immediately following Planning Commission action on the remainder of the Consent Calendar.

1. [JULY 22, 2024 UNOFFICIAL MEETING MINUTES](#) [24-315](#)

RECOMMENDATION:

Planning Commission approve the Regular Meeting Minutes of July 22, 2024.

Attachments: [July 22, 2024 Unofficial Meeting Minutes](#)

PUBLIC HEARINGS:

1. [MINOR CONDITIONAL USE PERMIT \(ZA-22-35\) TO CONSIDER 24-316 MODIFICATION OF CONDITIONS FOR "ARENA OC" AND TO CONSIDER A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A NEW TYPE 90 "MUSIC VENUE" ABC LICENSE AT 2968 RANDOLPH AVENUE](#)

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities;
2. Approve Minor Conditional Use Permit (ZA-22-35) based on findings of fact and subject to conditions of approval; and
3. Make a Finding of Public Convenience or Necessity for a New Type 90 "Music Venue" ABC License.

Attachments: [Agenda Report](#)

- [1. Resolution](#)
- [2. Applicant Letter](#)
- [3. Vicinity Map](#)
- [4. Zoning Map](#)
- [5. Site Photos](#)
- [6. Security Policy](#)
- [7. Police Dept. Memo](#)
- [8. Project Plans](#)
- [9. Public Comments](#)

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

DEPARTMENTAL REPORTS:

1. PUBLIC WORKS REPORT
2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY REPORT

ADJOURNMENT**PLANNING COMMISSION MEETING:**

Costa Mesa Planning Commission meets on the second and fourth Monday of each month at 6:00 p.m.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an affected party files an appeal to the City Council, or a member of City Council requests a review. Applications for appeals are available through the City Clerk's Office; please call (714) 754-5225 for additional information.

CONTACT CITY STAFF:

77 Fair Drive, Costa Mesa, CA 92626
Planning Division (714) 754-5245
planninginfo@costamesaca.gov



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 24-315

Meeting Date: 8/12/2024

TITLE:

JULY 22, 2024 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION

RECOMMENDATION:

Planning Commission approve the Regular Meeting Minutes of July 22, 2024.

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**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION**

July 22, 2024

CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Chair led the Pledge of Allegiance.

ROLL CALL

Present: Chair Adam Ereth, Vice Chair Russell Toler, Commissioner Angely Andrade, Commissioner Karen Klepack, Commissioner David Martinez, Commissioner Jonny Rojas, Commissioner Jon Zich

Absent: None

Officials Present: Assistant Director of Development Services Scott Drapkin, Planning and Sustainable Development Manager Bill Rodrigues, Planning and Sustainable Development Manager Anna McGill, Assistant City Attorney Tarquin Preziosi, Director of Public Works Raja Sethuraman, Assistant Planner Christopher Aldana, Senior Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

None.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Martinez informed the public of the upcoming community meetings regarding the Fairview Developmental Center and the concert in the park event. He also informed Public Works Department of streetlights that have gone out and need replacing.

Chair Ereth thanked the former Transportation Manager Jennifer Rosalas for all her work through the years for the City of Costa Mesa.

CONSENT CALENDAR:

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No member of the public nor Commissioner requested to pull a Consent Calendar item.

1. APPROVAL OF MEETING MINUTES: JUNE 24, 2024

MOVED/SECOND: Toler/Ereth

MOTION: Approve recommended action for Consent Calendar Item No. 1.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Klepack, Martinez, Rojas, Zich

Nays: None

Absent: None

Abstained: Andrade

Motion carried: 6-0-1

ACTION: Planning Commission approved the minutes of the regular meeting of June 24, 2024.

PUBLIC HEARINGS:

1. ORDINANCE ADOPTION FOR A FIRST AMENDMENT (DA-20-05) TO THE AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA DEVELOPMENT AGREEMENT (DA-94-01) TO ALLOW FOR A 20 YEAR TIME EXTENSION THAT WOULD EXPIRE OCTOBER 31, 2044; TO AMEND PROVISIONS PERTAINING TO THE RATE AND METHODOLOGY FOR CALCULATING TRAFFIC IMPACT FEES; AND, TO AMEND PROVISIONS RELATED TO THE SETBACK OF A FUTURE PARKING STRUCTURE; LOCATED AT 3333 FAIRVIEW ROAD

Project Description: The Automobile Club of Southern California proposes to amend their Development Agreement (DA-94-01) with the City of Costa Mesa to allow for a 20 year time extension that would expire on October 31, 2044; to amend provisions pertaining to the rate and methodology for calculating traffic impact fees; and, to amend provisions related to the placement of a future parking structure for property generally located at 3333 Fairview Road.

Environmental Determination: Pursuant to CEQA Guidelines Section 15162 this project is within the scope of the June 20, 1994-certified Final Environmental Impact Report (FEIR) #1045 (State Clearinghouse No. 94021036) for the Automobile Club Expansion project. The effects of the project were examined in the 1994 FEIR, and all feasible mitigation measures and alternatives developed in the 1994 FEIR are incorporated into this project and no new mitigation measures are required. Therefore, the 1994 FEIR for Automobile Club Expansion project is determined to be adequate to serve as the environmental documentation for this project, that no further environmental review is required, and that all requirements of CEQA are satisfied.

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Five ex-parte communications reported.

Commissioner Martinez met with the applicant onsite on July 17, 2024.

Commissioner Klepack met with the applicant and representative on July 19, 2024.

Commissioner Zich met with the applicant's management team onsite.

Vice Chair Toler participated in a Zoom meeting with the applicant and representatives on July 19, 2024.

Chair Ereth participated in a phone conversation with the applicant's representative.

Christopher Aldana, Assistant Planner, began his presentation of the staff report.

Chair Ereth paused the presentation to announce he needed to recuse himself from this item due to a conflict of interest.

Vice Chair Toler took control of the meeting.

Christopher Aldana, Assistant Planner, continued with his presentation.

The Commission asked questions of staff including:

Commissioner Martinez inquired what the approval process would be for a new parking structure, office building and proposed second bridge over the flood control channel if the development agreement wasn't in place. Staff responded that the applicant would need to reapply and submit a master plan. Commissioner Martinez inquired if staff looked at the proposed Class 1 bicycle trail along the Greenville-Banning flood control channel as part of this request. Staff responded that they did not look at the trail because none of the proposed improvements for the site would conflict with the planned Class 1 trail. Commissioner Martinez asked staff about the requirements of the parking structure beside the setback. Staff responded that the other requirements are height limitations, number of parking spaces and adherence to development standards. Commissioner Martinez asked if the parking structure location was set and couldn't be modified. Staff responded that if the applicant wanted to, they could push it farther away from minimum setback. Commissioner Martinez clarified his question by asking if the applicant could move the structure over to a different parcel. Staff stated that would need to go through a review and approval process to determine if that would be allowed. Commissioner Martinez asked if the parking structure will have an impact on water quality because of its proximity to the flood channel. Staff responded by stating that this was unlikely as the water that would flow in that direction would have to

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be filtered and cleansed before it discharges into the channel. Commissioner Martinez asked if parking was a revenue generating land use. Staff respond that this was unlikely but that the applicant would better be able to respond to that question. Commissioner Martinez asked staff if adding more parking on the site would reduce the reliance on the automobile. Staff respond that the added parking spaces are provided to meet parking requirements of the 1994 development code. Commissioner Martinez asked staff if adding more parking would encourage or discourage driving to the site. Staff respond that the provided parking was based on the requirements of the 1994 development code.

Commissioner Klepack asked if the building codes when this project was first approved would stay in place or change to current codes. Staff responded that the planning and zoning codes were locked in. However, they would have to meet all the current building and safety codes including energy codes.

The Chair opened the Public Hearing.

Anita Lorz Villagrana, applicant's representative stated they read the staff report and agreed with its findings.

The Commission asked questions of the applicant including:

Commissioner Zich asked the applicant what facilities their company was considering closing when they consolidate. The applicant's team responded that they have a big presence in southern California that is continuing to grow and that they believe that they will continue to grow in Costa Mesa.

Commissioner Martinez asked the applicant how pedestrians or bicyclists have access to the site and how it might change. The applicant's representative responded that the only pedestrian access is by the bus stop. Commissioner Martinez asked if the employees have key card access to the building. The applicant's representative stated that employees do have access with keycards. Commissioner Martinez asked if the applicant still planned on building the proposed second bridge over the flood control channel. The applicant's representative stated they would look at measures to reduce traffic where pedestrians will walk and they will look to see if that bridge is still relevant to the project during the permitting process. Commissioner Martinez asked if the expanded office building would encompass the current security area. The applicant said the security check point would stay in its current location.

The Chair opened public comments.

No public comments.

The Chair closed public comments.

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The Commission asked questions of staff including:

Commissioner Zich asked why the 1994 Planning Commission vote on the Development Agreement failed by a 2-2 vote. Staff responded that two of the 1994 Planning Commissioners, Mr. Karonda and Ms. Cowan, voted No to the original motion. Mr. Karonda voted No because he felt that AAA should do more to contribute funds to the 405-freeway access and Ms. Cowan expressed her concern that AAA could sell the entitlement to a third party with whom the City had not negotiated terms of the Development Agreement.

The Chair closed the Public Hearing.

Commissioner Martinez made a motion to approve the item with the following modifications:

1. The parking structure is not approved (pursuant to Land Use Element Policies 5.6, 5.7, and 6.13; Circulation Element Policies 4.9, 5.5, 7.33, 9.5, and 11.3; and Noise Element Policy 2.8)
2. The applicant, the City, and the County (including the OC Flood Control District) will work towards the construction of a Class I multi-purpose trail along the flood control channel (pursuant to Circulation Element Policies 5.7, 7.4, 7.5 9.2, and 9.12)
3. Pedestrian access will be provided to the site (pursuant to Circulation Element Policies 5.13 and 11.7)
4. More bicycle parking will be added upon full buildout (pursuant to Circulation Element Policy 9.4)

The motion failed for lack of a second.

Commissioner Zich made a motion to approve the item with staff's recommendation. Seconded by Commissioner Rojas.

Commissioner Zich stated that for as long as he has lived in the City of Costa Mesa, the Auto Club, has been a stellar business entity for the city. He stated when he conducted his site visit, he was impressed with the quality of maintenance, the appearance of the facility and the employee amenities. He stated this is a land use decision and honoring the development agreement and work they have done so far should be a top priority in the city.

Commissioner Rojas agreed with Commissioner Zich's statements. He stated that this is a land use decision and that he has no reason not to support the motion.

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Commissioner Martinez asked if the maker of the motion was willing to modify his motion to request the parking structure be built in a way that would allow it to potentially be built into housing in the future.

Commissioner Zich did not accept Commissioner Martinez's proposal.

Commissioner Martinez continued his comment stating that he is not in support of the motion due to the reasons in his original motion. He stated that he did not agree with the additional parking and felt the site was not to being used to its potential.

Vice Chair Toler stated he is in support of the motion. However, he does agree with some of the comments made by Commissioner Martinez. He stated his support is due to wording in the original Development Agreement which gives the owner the option to apply for a subsequent development agreement allowing them to make changes that are necessary or appropriate. He stated that he hopes the applicant and City Council in 2044 considers the environment, surrounding neighborhoods and pedestrians when they revisit this item.

MOVED/SECOND: Zich/Rojas

MOTION: To move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Toler, Klepack Rojas, Zich

Nays: Martinez

Absent: None

Recused: Ereth, Andrade

Motion carried: 4-1-2

ACTION: The Planning Commission adopted a resolution to:

1. Find, pursuant to CEQA Guidelines Section 15162, that the project is within the scope of the June 20, 1994-certified Final Environmental impact Report (EIR) #1045 (State Clearinghouse No. 94021036) for the Auto Club Expansion project. The effects of the project were examined in the 1994 FEIR, and all feasible mitigation measures and alternatives developed in the 1994 FEIR are incorporated into this project and no new mitigation measures are required. Therefore, the 1994 FEIR for the Automobile Club Expansion project is determined to be adequate to serve as the environmental documentation for this project, that no further environmental review is required, and that all requirements of CEQA are satisfied; and
2. Adopt Resolution 2024-XX recommending City Council approval of the first amendment (DA-20-05) to the Automobile Club of Southern California Development Agreement (DA-94-01) by adopting an ordinance to allow for a 20-year time extension until October 31, 2044; to amend provisions pertaining to the rate and methodology for calculating traffic impact fees; and, to amend provisions related to the setback of a future parking structure.

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RESOLUTION PC-2024-17 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING CITY COUNCIL APPROVAL OF THE FIRST AMENDMENT (DA-20-05) TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COSTA MESA AND INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA (DA-94-01) TO ALLOW FOR A 20 YEAR TIME EXTENSION THAT WOULD EXPIRE ON OCTOBER 31, 2044; AND TO UPDATE THE RATE AND METHODOLOGY FOR CALCULATING TRAFFIC IMPACT FEES; AND, TO AMEND PROVISIONS RELATED TO THE SETBACK OF A FUTURE PARKING STRUCTURE; LOCATED AT 3333 FAIRVIEW ROAD

The Vice Chair explained the appeal process.

The Commission took a break at 6:54 p.m.

The Commission returned from break at 7:03 p.m.

Commissioner Andrade arrived at 7:03 p.m.

2. PLANNING APPLICATION 21-28 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2285 NEWPORT BOULEVARD (“MEDLEAF”)

Project Description: Planning Application 21-28 is a request for a Conditional Use Permit to allow a 2,400-square-foot retail cannabis storefront use with delivery in an existing one-story commercial building located at 2285 Newport Boulevard.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Commissioner Zich received an email from the applicant.

Commissioner Andrade received an email from the applicant.

Commissioner Martinez met with the applicant on July 19, 2024.

Commissioner Klepack met with the applicant on July 18, 2024.

Vice Chair Toler received an email from the applicant.

Chair Ereth received an email from the applicant.

Michelle Halligan, Senior Planner, presented the staff report.

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The Commission asked questions of staff including discussion of:

Commissioner Zich asked staff which condition of approval addressed the proposed mural. Staff responded that it was under condition of approval number 32.

Commissioner Martinez asked if the applicant owned the parcel. The staff responded that the parcel was owned by a different party. Martinez asked if there will be a right turn only sign or a one way only sign on the fence for the customers coming out of the driveway. Staff responded that was not conditioned. However, that can be conditioned if necessary. Martinez asked about the fence on the site plan between the neighboring cannabis site at 2301 Newport. Staff responded that they are separate properties and they do not share parking. Martinez referenced the public comment received from the Assistance League regarding sharing security with 2301 Newport tenants and asked if what they were proposing in their comment was allowed. Staff responded the security plans only referenced security on their site and that if they would like to work with their neighbor and share security that is up to them. However, security personnel must remain within 50 feet of the site. Martinez expressed his concerns about the trees along Newport Boulevard. He stated there was only a four-foot walkway width with the current tree placement. He asked staff if there was a way to relocate the trees. Staff responded that Public Works has the discretion to remove the trees if they are diseased or not within ADA compliance. However, they would not relocate the trees on that site. Martinez asked a procedural question about murals and the process for getting murals approved after the conditional use permit was already approved. Staff responded that there isn't a process to have the Arts Commission refer a mural back to the Planning Commission, but staff has recommended a condition of approval that would allow the mural to be reviewed by the Planning Commission.

Commissioner Andrade asked about the neighboring cannabis sites proposed timeline for opening. Staff responded they have 160 days after they obtain their cannabis business permit, and their cannabis business permit will expire mid-November.

Chair Erath asked staff for information on the adjacent car wash's current business hours. Staff stated the car is open daily 8:00 a.m. to 6:00 p.m. Erath asked if there was any discussion with the applicant about a phase one site assessment since the previous uses of the proposed site included smog testing, auto glass tinting, auto sales and auto repair. Staff responded they did not condition a phase one site assessment because they wanted to leave that decision to the planning commission. Erath confirmed with staff that the residential neighborhood buffer requirements from the amended Cannabis Ordinance do not apply because this site is grandfathered in. Staff responded that was true since the pre-applicant was reviewed before the amendments to the cannabis ordinance. Erath confirmed with staff that the final proposed mural will come to the Planning Commission after the initial Art commission review. Erath inquired what the Police Department's

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comments and requirement for security are at this site with the use proposed. Staff stated the Police Department determined that a 24-hour security guard is not required at this site and stated the hours of operation are the only hours that a security guard will need to be present on site.

Assistant Director Drapkin noted that the traffic impact fee shown on Page 13 of the staff report was incorrect due to an editing error. City Engineer Yang noted that the valuation would be approximately \$28,000.

Commissioner Martinez asked if the adjacent two cannabis sites were conditioned to have a 24-hour security guard. Staff stated they both do have a condition for 24 hour security because that was the requirement at the time of their application review.

The Chair opened the Public Hearing.

Sean Maddocks, applicant, stated he had read and agreed to the conditions of approval.

Karen Hannawi, applicant gave a presentation.

The Commission asked questions of the applicant including discussion of:

Commissioner Rojas asked the applicant what distinguishes them from other approved cannabis store fronts. The applicant stated a proven and successful delivery business sets them apart.

Commissioner Martinez asked the applicant if the property owner has reviewed and agreed to all the exterior improvements. The applicant stated the owner reviewed and agreed to the improvements. Martinez asked if the tent on the Fairview roadside of the property will remain on the property in the delivery area. The applicant stated the discussion of the delivery area is still being progress and that the tent will be relocated based on security features. Martinez asked the applicant was open to removing or providing an easement for the sidewalk for ADA compliance. The applicant stated that the easement is not within their power since they do not own the property. The applicant also stated that a conversation on tree removal is premature due to cost being unanticipated. Martinez asked staff to respond to the cost of tree removal. Staff responded that it would be between \$500-\$1,000 for the removal of a tree and replacement cost would be between \$500-\$1,000 per replacement tree.

Commissioner Andrade asked the applicant to expand on the gate separating the properties. The applicant stated that keeping a gate between them and a competing use is something they believe is valuable. The applicant added that it will also help to keep customers from parking in neighboring sites parking spaces.

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Chair Ereth commented that the rendering in the applicants comment letter did not show tress along the sidewalk and asked the applicant if they had already been planning on removing the trees. The applicant stated that was an overside of the render since they did not go out to look at the property before they drew up the renderings. The applicant stated they never planning on removing the trees or widening the sidewalk. Ereth asked about the ADA ramp that is currently on the property but is not shown in the rendering. The applicant stated they will be keeping the ADA ramp on the property. Ereth asked the applicants the reason they chose a site between two competing uses. The applicant stated when they chose the site they had not know there would be two competing uses on either side. Ereth asked the applicant how long after they started the application process did they get a notice to proceed to Planning Commission. The applicant stated it had been about three years.

Commissioner Zich asked the applicant if they would have applied for this site if they knew there would be two competing uses on either side of them. The applicant stated they would have still applied for use on the proposed site. Commissioner Zich expressed his concerns for the renderings not reflecting the reality of the proposed design. Staff responded that this project by code that does not require the applicant to do offsite improvements. Commissioner Zich asked staff if they had any plans to remedy the ADA compliance of the sidewalk. Staff responded they work with the owners of the property or the city will take on the responsibility of removing the trees.

Chair Ereth asked staff if there would be any possibility of encroachment adding space to make it ADA complainant in the future from the trees that would limit back up space for cars in the future. Staff responded it would go into the landscape space and not the parking area.

Commissioner Andrade stated it should be a goal to keep mature trees since Costa Mesa is a tree city. She added that it helps pedestrians walk or ride bikes remain cool during and would like the city to make their best effort to maintain the mature trees.

Commissioner Martinez asked staff if there was a landscape requirement to provide distance between the parking lot and sidewalk area. Staff responded that is correct. However, the site that has been approved is legal non-conforming landscaping setbacks.

Commissioner Andrade asked the applicant about their recruitment process. The applicant stated they will post jobs online and hosting a job fair onsite.

The Chair opened public comments.

Dinette Mendez spoke in favor of the item.

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Mike Cassia spoke in favor of the item.

Connor Lockman spoke in favor of the item.

Speaker four spoke in favor of the item.

Tiffany Somersby spoke in favor of the item.

Adam Lawton spoke in favor of the item.

The Chair closed public comments.

Commissioner Rojas asked staff the City's plans for correcting the issue of the sidewalk not being in ADA compliance. The applicant responded would be willing to contribute up to a certain limit towards the removal or making the sidewalk ADA compliant.

Commissioner Martinez asked staff how many trees will be added to the onsite. Staff responded that 9 trees would be added.

The Chair closed the Public Hearing.

Commissioner Zich commented that the trees can cause a safety issue for traffic. He stated he does not think it is appropriate to ask the applicant to contribute towards the cost of the tree removal.

Commissioner Rojas stated he supports Commissioner Zich's comments.

Vice Chair Toler stated he agrees with Commissioner Zich's comments. He agrees with adding trees to make walkability more pleasant for pedestrians. However, he does not think the applicant should be responsible for the cost.

Commissioner Andrade stated this was a heavily trafficked area and if the city can use some of the traffic impact fees to improve the sidewalk.

Commissioner Martinez requested staff work with the property owner and applicant to get an easement to build a sidewalk or get a class one tree removal to improve the sidewalk.

Commissioner Klepack agrees that the cost should not be put on the applicant.

Chair Erath stated he finds that this application does not conform to one the primary findings, General Plan Land Use Element Policy 1.1 which seeks a mix and balance of housing opportunities, commercial goods and services, and employment opportunities.

UNOFFICIAL UNTIL APPROVED

Chair Ereth made a motion to Deny the application. Seconded by Commissioner Andrade.

Commissioner Andrade spoke in support of the motion.

Commissioner Zich made a substitute motion to approve the application. Seconded by Commissioner Rojas.

Commissioner Zich stated the applicant is entitled to open this business based on the requirements for when they applied for this business.

Commissioner Rojas spoke in support of the motion.

Commissioner Martinez asked staff if the city will address ADA compliance of the sidewalk. Staff responded they will be looking into the issue. Commissioner Martinez provided comments on the proposed mural and stated he doesn't believe it needs to come back to Planning Commission for final approval.

Commissioner Andrade asked staff how they will prioritize the sidewalk issue. Staff stated they will not reprioritize their current projects. However, they will assess the site and make necessary improvements.

MOVED/SECOND: Zich /Rojas

MOTION: Approve staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Toler, Klepack, Rojas, Martinez, Zich

Nays: Ereth, Andrade

Absent: None

Recused: None

Motion carried: 5-2

ACTION: The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-28, subject to conditions of approval.

RESOLUTION PC-2024-18 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-28 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (MEDLEAF) IN THE C2 ZONE AT 2285 NEWPORT BOULEVARD

The Chair explained the appeal process.

UNOFFICIAL UNTIL APPROVED

OLD BUSINESS:

None.

NEW BUSINESS:

None.

DEPARTMENTAL REPORTS:

1. Public Works Report – None.
2. Development Services Report – None.

CITY ATTORNEY’S OFFICE REPORT:

1. City Attorney – None.

ADJOURNMENT AT 8:41 PM

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

77 Fair Drive
Costa Mesa, CA 92626

Agenda Report

File #: 24-316

Meeting Date: 8/12/2024

TITLE:

MINOR CONDITIONAL USE PERMIT (ZA-22-35) TO CONSIDER MODIFICATION OF CONDITIONS FOR "ARENA OC" AND TO CONSIDER A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A NEW TYPE 90 "MUSIC VENUE" ABC LICENSE AT 2968 RANDOLPH AVENUE

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTED BY: GABRIEL VILLALOBOS, ASSISTANT PLANNER

**CONTACT INFORMATION: GABRIEL VILLALOBOS 714-754-5610
GABRIEL.VILLALOBOS@COSTAMESACA.GOV**

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities;
2. Approve Minor Conditional Use Permit (ZA-22-35) based on findings of fact and subject to conditions of approval; and
3. Make a Finding of Public Convenience or Necessity for a New Type 90 "Music Venue" ABC License.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 12, 2024

ITEM NUMBER: PH-1

SUBJECT: MINOR CONDITIONAL USE PERMIT (ZA-22-35) TO CONSIDER MODIFICATION OF CONDITIONS FOR “ARENA OC” AND TO MAKE A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A NEW TYPE 90 “MUSIC VENUE” ABC LICENSE AT 2968 RANDOLPH AVENUE

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: GABRIEL VILLALOBOS, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT: GABRIEL VILLALOBOS
714-754-5610
GABRIEL.VILLALOBOS@COSTAMESACA.GOV**

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities;
2. Approve Minor Conditional Use Permit (ZA-22-35) based on findings of fact and subject to conditions of approval; and
3. Make a determination in support of a Finding of Public Convenience or Necessity for a New Type 90 “Music Venue” ABC License.

APPLICANT OR AUTHORIZED AGENT:

The authorized agent is F. Michael Ayaz, representing the property owner Jerry Palanjian.

PLANNING APPLICATION SUMMARY

Location:	2968 Randolph Avenue	Application Number(s):	ZA-22-35
Request:	Minor Conditional Use Permit to consider modifying entitlements for Arena OC (formerly "Commissary Lounge") including allowing dancing for an existing business that is permitted for live entertainment and allows for the sale and on-site consumption of alcoholic beverages after 11:00 p.m., to consider modifying the business's hours/days of operation, and to consider a Finding of Public Convenience or Necessity pursuant to City Council Policy 500-8 for the conversion of an existing Type 48 "On-Sale General – Public Premises" Alcoholic Beverage Control ("ABC") license to a Type 90 "Music Venue" ABC license.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	MG (General Industrial)*	North:	C1 (Local Business)
General Plan:	Light Industrial	South:	MG (General Industrial)
Lot Dimensions:	140 FT x 224.34 FT	East:	C1 (Local Business)
Lot Area:	0.72 acres	West:	MG (General Industrial)
Existing Development:	Existing one-story 16,000-square-foot industrial building with 30 on-site surface parking spaces and 24 off-site spaces pursuant to a recorded parking agreement.		
*Property is located within the SoBeca Urban Plan area, the provisions of the urban plan do not have any applicability as there is no mixed-use development onsite.			

DEVELOPMENT STANDARDS COMPARISON

Development Standard		Required/Allowed MG Dev. Standard	Proposed/Provided
Building Height		2 Stories / 30 ft	1 Story / 15 ft. 2 in.(no change)
Setbacks:			
Front		10 ft.	19 ft. 6 in.
Side (left/ right)		0 ft. / 0 ft.	0 ft. / 40 ft.
Rear		0 ft.	46 ft.
Parking		0 spaces*	29 on-site parking spaces 24 off-site parking spaces
CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)		
Final Action	Planning Commission**		
* Assembly Bill 2097 (AB2097) limits cities from imposing minimum parking requirements to development projects located within ½ mile of a major transit stop. This project site meets location criteria to benefit from AB 2097.			
** The Zoning Administrator has forwarded this application to the Planning Commission pursuant to CMMC Section 13-11(b).			

EXECUTIVE SUMMARY:

The applicant (Arena OC) is requesting Planning Commission approval to modify entitlements for an existing bar/lounge approved with entertainment located on Randolph Avenue, which was formerly known as "The Commissary". Specifically, this application seeks to modify conditions to allow dancing, expand the operating hours to open an hour earlier, and to operate on Sundays and major holidays. In addition, a "Finding of Public Convenience or Necessity" is requested for the issuance of a Department of Alcoholic Beverage Control (ABC) Type 90 License.

The project has been noticed as required by the Costa Mesa Municipal Code (CMMC) and staff has received response letters from nearby property owners and residents voicing concerns regarding parking, noise, and land use compatibility. In addition, the Costa Mesa's Police Department have also indicated project concerns (further described below in this report). In light of these concerns, staff has included specific operational conditions for the Planning Commission consideration.

Based on review of the application, as conditioned and as further detailed in the below report, staff finds that the application is in compliance with applicable requirements of the City's General Plan, Zoning Ordinance, and provisions of State law. Staff is recommending that the Planning Commission find the project exempt from the California Environmental Quality Act (CEQA) and approve the application based on findings of fact and subject to conditions of approval contained in the attached resolution.

SETTING:

Arena OC is located at 2968 Randolph Avenue (see the below Exhibit 1) and is currently operating under previously approved City land use entitlements. It is situated on the east side of the street between Baker Street and Bristol Street in the same tenant space formerly occupied by "The Commissary". The applicant is the same business operator as "The Commissary".

EXHIBIT 1: LOCATION MAP



The project site is designated Light Industrial by the City's Land Use Element of the General Plan and is zoned MG (General Industrial). The Light Industrial designation is intended for less intense small manufacturing and service industries, as well as larger industrial operations that can limit disruptions to surrounding uses. The MG zone allows for a variety of land uses including a wide range of light and general industrial activities and other conditionally permitted uses such as establishments selling alcohol with live entertainment.

The property is located within the SoBeca Urban Plan area, which is a local planning area characterized by a variety of unique uses that include retail, food establishments, offices, automobile services, and industrial uses. Allowed uses include a mix of housing and retail/service commercial businesses, light industrial uses, creative studios, retail campuses, and entertainment and restaurant uses that attract local residents and visitors. The SoBeca Urban Plan is an overlay zone that seeks to improve the area by encouraging the development of live/work units or residential development. The overlay zone supersedes the underlying zoning provisions; however, only if activated through the approval of a residential master plan application. At this time, because there is no residential/live/work uses proposed, the provisions of the SoBeca Urban Plan do not apply to the project site.

The project site is located adjacent to other industrially zoned properties to the south and west and commercially zoned properties to the north (along Baker Street) and east (along Bristol Street). Pentridge Cove, a residential condominium community, is located approximately 350 feet away on the north side of Baker Street. Additionally, the subject property is located within a major commercial area of the City, with destinations such as "The LAB" and "The Camp" located in close proximity. Other similar businesses near the project site include several breweries and nightclub/bars such as "Gunwhale Ales", "Green Cheek Beer", "Salty Bear Brewing", "The Huddle" and "Mesa". The remainder of the nearby area consists of other light industrial and commercial land uses including offices, retail stores, and automotive repair shops.

BACKGROUND:

Site and Improvements

The subject property is comprised of Lots 9 and 10 of Tract 3631, which were legally created on March 17, 1960. Each lot is rectangular in shape and measures 70 feet wide by 224.30 feet deep, and have an area of 15,701 square feet.

On April 8, 1960, the Building Department issued Permit No. 11277 to construct a 16,000 square-foot, one-story (15-foot tall) light industrial building. At 100 feet wide, this building extended across the existing lot line and necessitated that Lots 9 and 10 be combined for the purpose of complying with applicable codes. Other on-site improvements included a 19' – 6" landscaped front setback, and an on-site surface parking lot located adjacent to the building and along the rear property line. Access to the site is provided from a driveway shared with Lot 8 (2960 Randolph Avenue). City records show that an easement was

recorded for access purposes as well as to share parking between the two sites. With the addition of the parking spaces at 2960 Randolph Avenue (Lot 8), the total available shared parking for the project is approved with 48 spaces.

The project site was initially occupied as an industrial warehouse used for manufacturing purposes. In 1984, the building was internally divided to accommodate multiple tenants. As of today, the building is divided into four tenant spaces that are occupied by the following uses: Process Creative Production Company (office use), Pacific Point Church (religious use), Mellowist (retail use), and Arena OC (formerly Commissary (bar/lounge use)).

It should be noted that an unpermitted approximate 1,250 square-foot structure has been constructed at the rear of the property. This structure appears to be used for storage purposes and serves the Pacific Point Church. While the structure conforms to setback requirements, it exceeds the properties floor area ratio (FAR).

EXHIBIT 2: SITE AERIAL



As a result of unpermitted structure, the subject property on-site parking has been reduced by approximately five spaces. Additionally, Lot 8 is improved with a one-story, 7,500-square-foot light industrial building that is occupied by an auto wholesaler/machine shop and a microbrewery known as Gunwhale Ales. Gunwhale Ales has installed four picnic benches in two of the parking spaces beside their tenant space. Staff does not have record of issuing Gunwhale Ales a temporary use permit for the tables in the parking lot; however, Gunwhale Ales has expressed interest in permitting this seating area.

Separately, staff will be working with the brewery to determine if this outdoor area can be permitted subject to applicable City codes, or require the benches to be removed. However, as a result of the unpermitted picnic benches encumbering two parking spaces, and the unpermitted storage building encumbering approximately five parking spaces, the actual available parking for the use is less than approved.

EXHIBIT 3: ON-SITE GROUND LEVEL VIEW



Prior Entitlements

On January 14, 2013, the Planning Commission approved Conditional Use Permit PA-12-26 by a vote of 5-0. This approval allowed a bar/lounge (i.e., “Commissary Lounge¹”) to operate Thursday through Saturday from 9:00 p.m. to 2:00 a.m., and included a finding of public convenience or necessity in support of a Department of Alcoholic Beverage Control (ABC) Type 48 (On-Sale General - Public Premise) license.

The Type 48 license is most often issued to bars and allows for the sale of beer, wine and distilled spirits for consumption on the premises. Minors are not allowed to enter the premises and food service is not required. In addition to being able to sell a full complement of beer, wine, and distilled spirits, the City’s approval also allowed for live entertainment in the form of a disc jockey only. The Planning Commission’s approval

¹ The Commissary Lounge was initially approved through PA-07-36 in 2008 and operated at The LAB at 2960 Bristol Street, Suite A101 as a wine bar/art gallery that conducted shows and music-related events with live entertainment in the form of a disc jockey (live music and dancing were prohibited).

included a number of operational conditions of approval. A link to the January 14, 2019, Planning Commission Minutes is provided below:

<https://www.costamesaca.gov/home/showpublisheddocument/9719/636490563866670000>

The 5,403 square-foot “Commissary” tenant space included a 4,256 square-foot lounge area, a 314-square-foot bar area, an 85-square-foot entry, a 389 square-foot restroom area, and a 359 square-foot storage area.

On February 21, 2019, the Zoning Administrator approved Minor Conditional Use Permit ZA-18-51. This approval modified the 2013 conditional use permit by allowing additional forms of live entertainment such as live bands, comedians, poetry readings, and karaoke. The Zoning Administrator approval also allowed electronic game machines in an area not exceeding 570 square feet of the existing floor area. A link to the Minor Conditional Use Permit (ZA-18-51) is provided below:

<https://www.costamesaca.gov/home/showpublisheddocument/36569/636863604424930000>

Public Safety and Calls for Service

Since July 2021, the Costa Mesa Police Department has received 39 calls for service associated with the address of 2968 Randolph Avenue (subject property). A copy of the police log is provided as an attachment to the staff report.

The Police Department has also reviewed the application, visited the site and has provided a Memorandum regarding the proposed modifications to the approved operations (the Police Memorandum is provided as an attachment to this report). The Police Memorandum indicates that the current use averages approximately 12 police calls for service a year, which is not considered excessive based on other similar bars and night clubs operating in the City. However, the Police indicate that previous 18 and over clubs that have operated in the City have created “an unsafe environment and undue burden upon the community resulting in increased calls for service”. The Police Memorandum specifically indicates that previous types of calls for service include fights and physical altercations, intoxicated persons causing disturbances, drinking in public, noise disturbances and littering in surrounding businesses and residential neighborhoods. Lastly, the Police Memorandum indicates that “the changes being requested would allow for a licensing change and the addition of 18–20-year-olds into an environment that sells alcohol and is primarily an adult entertainment environment, which creates an inherent concern of underage drinking and ultimately has the potential to become a detriment to the community”.

Type 90 On-Sale General Music Venue Alcohol License

Senate Bill (SB) 793 became effective on January 1, 2023, and resulted in the State of California's newest Alcoholic Beverage Control license: Type 90 On-Sale General Music Venue. The California Department of Alcoholic Beverage Control (ABC) website describes this license type as authorizing the sale of beer, wine, and distilled spirits for consumption on the premises in a music entertainment facility as defined in Business and Professions Code Section 23550. Sale, service, and consumption of alcoholic beverages are limited to the time period from two hours before a live performance until one hour after the live performance. Minors are allowed on the premises under a Type 90 License. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified. One of the provisions of the Type 90 License that differentiates it from the existing issued Type 48 license is that this ABC license does not limit occupants to over 21 years of age.

SB 793 defines a music entertainment facility as a publicly or privately owned live performance venue, concert hall, auditorium, or an enclosed arena where music or entertainment events are presented for a price of admission. The facility does not have to be used exclusively for music or entertainment events. SB 793 further stipulates that a music entertainment facility must satisfy all of the following criteria:

- The facility has defined performances and audience spaces;
- The facility includes mixing equipment, a public address system, and a lighting rig;
- The facility employs one or more individuals to serve a number of specified roles, including a sound manager, promoter, stage manager and a box office manager;
- There is a paid ticket or cover charge to attend performances and artists are paid or do not play for free or solely for tips, except for fundraisers or similar charitable events; and,
- Performances at the facility are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.

According to the author of the Senate Bill, "SB 793 will provide much needed relief for California's independent venues to ensure they are able to recover economically after the COVID-19 pandemic by creating a new license category for music entertainment venues. The pandemic has had a devastating impact on California's live entertainment venues, which were among the first businesses required to close in March 2020, and will likely be among the last to reopen. California State law does not offer a type of liquor license tailored to the unique needs of the State's live entertainment venues. As a result, venue operators face challenges in accessing liquor licenses and complying with their operating requirements".

REQUEST:

Consistent with the requirements of the Type 90 ABC license, Arena OC seeks to establish itself as a focused live entertainment venue. In conjunction with the ABC License change, the applicant is also requesting approval to modify prior entitlements, including:

- 1) To allow dancing;
- 2) To open at 8:00 p.m. (currently permitted to open at 9:00 p.m.), and
- 3) To open on Sundays and major holidays (currently permitted to operate Thursday through Saturday)

In addition, pursuant to State Department of ABC regulations, the applicant is asking the City to make a finding of public convenience or necessity for their requested Type 90 license. The State has informed the City that a determination of public convenience or necessity (i.e., PCN) is required because the census tract that Arena OC is located in is entitled to seven licenses and 57 exist (including their current Type 48 license). Therefore, there is an overconcentration of alcohol licenses in this Census Tract. However, and it is important to note that the requested change in ABC license would not result in a net increase in ABC licenses in the Census Tract. In addition, the City's 2013 and 2019 approvals already establish the underlying land use approvals necessary for a live entertainment venue, and the City previously made a finding of public convenience or necessity in support of the existing Type 48 ABC license for this location. Though the applicant is seeking to convert their Type 48 license into a Type 90 license with the Department of ABC, there is no difference in the types of alcohol that can be served and consumed on the site.

STANDARD OF REVIEW:

All planning applications should demonstrate compatibility to applicable goals, objectives, and policies of the City's adopted General Plan. When evaluating the applicant's request to modify prior conditional use permit and minor conditional use permit approvals, staff also considers whether or not the modification aligns with the findings required to be made pursuant to Costa Mesa Municipal Code Section 13-29(g)(2)(a-c). Those findings generally require the use to:

- Be compatible with and not be materially detrimental to nearby properties;
- Not be materially detrimental to the health, safety and general welfare or injurious to nearby properties; and
- Not allow a use, density or intensity not in accord with the general plan designation and applicable specific plan.

When considering the applicant's requested finding of public convenience or necessity, the standard is whether or not the City believes that public convenience or necessity is served by the issuance of the additional license. This requirement comes from State law as this process does not exist within the Costa Mesa Municipal Code; however, City Council Policy 500-8 authorizes the Planning Commission to be the decision-making body for this type of request. Section 23958.4 of the California Business & Professions Code uses a ratio of alcohol licenses (either on-sale or off-sale) to population within a census tract compared to the ratio of those alcohol licenses to population in the county as-a-whole. When the census tract ratio exceeds the countywide ratio, an "overconcentration" or "undue concentration" is deemed to exist. When an over or undue concentration exists,

ABC will not approve a new alcohol license unless the City makes a finding that public convenience or necessity would be served by the issuance of the license.

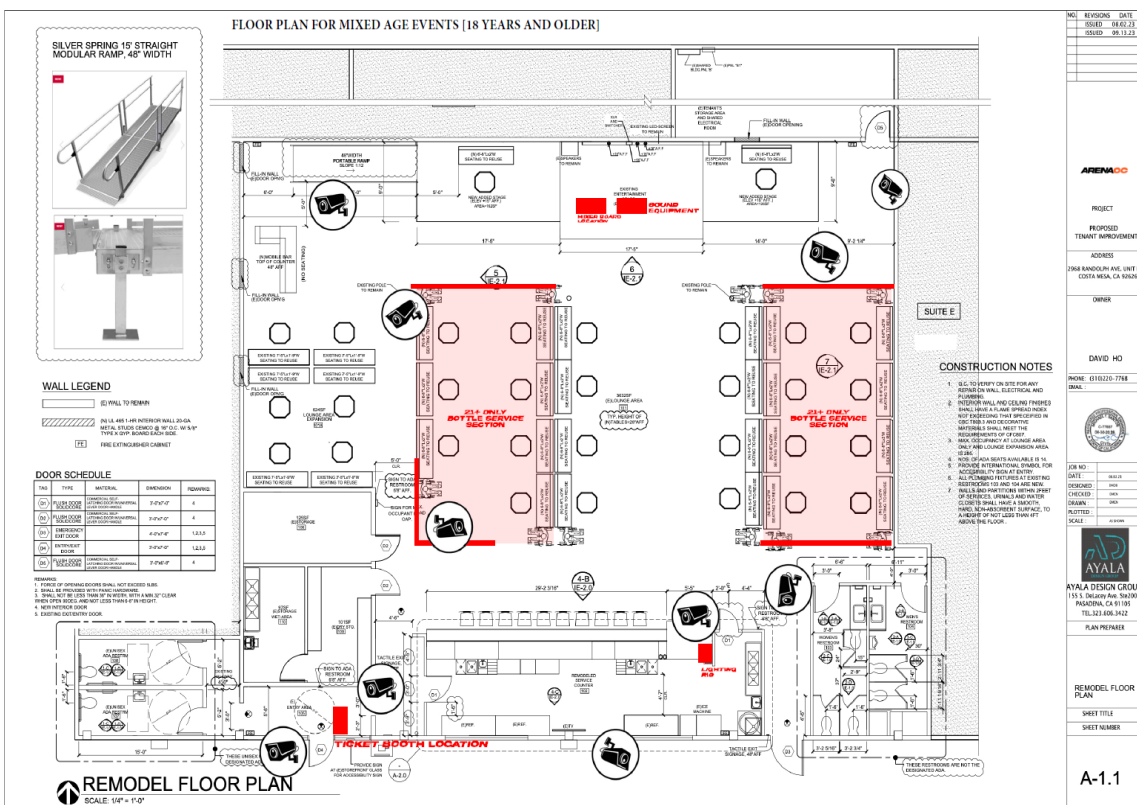
The City's review is limited to only the applicant's current specific requests as the City's approvals of the original conditional use permit in 2013 and its modification in 2019 already establish the land use right to sell beer, wine, and distilled spirits Thursday through Saturday from 9:00 p.m. to 2:00 a.m. with live entertainment.

DESCRIPTION:

Floor Plan

Arena OC occupies a 5,403 square foot tenant space in a 16,000 square foot multi-tenant building (see the below Exhibit 4). Entry to the tenant space is obtained from the on-site parking lot. Upon entering the facility, patrons must pass through the box office. As proposed, all events are ticketed and advertised online through the business's website and social media platforms as required under the Type 90 ABC license.

EXHIBIT 4: PROPOSED FLOOR PLAN



The proposed floor plan includes a large open area and a bar located along the back wall. An elevated stage is located opposite the bar at the front of the venue. Several rows of seating are arranged perpendicularly to both the stage and a smaller bar located across

the main entertainment area. The area intended for dancing is located between the third and fourth rows of seats in an open area. A lighting rig is built into the ceiling and lighting can be directed to highlight both the dance floor and the performance stage.

The seating areas located left and right of the dance floor will be roped-off and can be purchased as reserved seating. Security guards will be stationed at each roped-off entry to the reserved seating areas. All other patrons will purchase general admission tickets to the venue and will be allowed to observe performances from other than the reserved seating areas. The venue has two sets of restrooms.

Security Plan

Arena OC has prepared a Security Policy & Procedure Manual (Manual) and is included as an attachment to this report. The Manual is intended to provide employee procedures to reduce and eliminate potential problems that may arise during the course of business, and prevent neighborhood disturbances. The security procedures include both the use of electronic video surveillance and security guards. Specifically, the applicant proposes ten security cameras to be installed (two exterior cameras and eight interior cameras), and seven security guards (two guards will be stationed at the facility's exterior doors and the other five will monitor the interior spaces). The manual also includes provisions for employee training – including for alcohol beverage servers and managers.

The Manual includes direction for employee screening of all customers to ensure that that occupants are 18 years of age or older, and that they are issued a brightly-colored, large, tamper-proof wristband that properly identifies the guest by their age cohort (i.e., under 21 years and over 21 years of age). The Manual also identifies what types of identification are acceptable to verify a person's age. The Manual requires that ID be checked not only upon entry but also before serving alcoholic beverages.

Other topics covered by the Manual include guidelines for handling intoxicated persons, dealing with unacceptable guest behavior, and a conflict resolution process up to and including guest removal. Because Arena OC proposes to allow customers aged 18 and above, the Manual stipulates that only persons 21 and over are allowed within the bottle service area and that an entire group must be present before being escorted by an employee to their table in this age-restricted area. In addition, the Manual requires that prior to the service of alcohol in this area, Arena OC employees are directed to re-check the age identification for all guests being served. The bottle service area will be monitored by security personnel to ensure that alcoholic drinks are not provided to underage persons.

Parking

Arena OC currently operates within a 5,403-square-foot portion of a larger 16,000-square-foot building that is occupied by other businesses including offices, a retail shop, and a church. Each of these businesses is not in operation when Arena OC proposes to operate, which is Thursday through Sunday from 8:00 p.m. to 2 a.m. Per a recorded reciprocal

parking and shared access agreement, the subject property also shares parking spaces with a brewery and automotive shop at 2960 Randolph Avenue. The neighboring brewery use (Gunwhale Ales) was approved through a CUP (PA-15-50) and was conditioned to operate Thursday through Saturday from 12 p.m. to 8:30 p.m. to accommodate the parking demands for the existing bar/lounge.

Current entitlements require 48 parking spaces for Arena OC (formerly The Commissary). This parking ratio is compliant with the Costa Mesa Municipal Code's standard for food and beverage establishments. As mentioned earlier, there is a recorded reciprocal parking agreement with the adjacent property that provides a total of 48 parking spaces; however, due to unpermitted site plan changes made to both the subject and shared parking site, less parking spaces are currently available than previously approved.

In September 2022, Assembly Bill 2097 (AB 2097) was signed into law by Governor Newsom and became effective on January 1, 2023. The primary objective of this legislation is to limit local governments from imposing minimum parking regulations on commercial and residential projects that are located within 0.5 miles of a major transit stop. AB 2097 defines "major transit stop" as an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Staff has reviewed the nearby public transit facilities and determined that the subject property is located within 0.5 miles of a major transit stop (the intersection of Bristol Street and Baker Street). Therefore, and notwithstanding the above parking assessment, pursuant to AB 2097 the City of Costa Mesa cannot impose a minimum parking requirement on this land use entitlement.

ANALYSIS:

Modifications to Existing Conditions of Approval

Staff supports the applicant's request to permit dancing in that the provision of dancing is a complimentary use to the permitted music venue, which would also be substantially compatible with many of the other customer serving uses (including bars, restaurants and breweries) that operate in the SoBECA area.

In addition, staff supports the applicant's request to open at 8:00 p.m. instead of 9:00 p.m. Prior conditions limiting business hours were based on the availability of shared parking; however, with the State's enactment of AB 2097, the City is barred from imposing a minimum parking requirement on uses in this area and therefore parking availability is no longer a project limitation. Also, similar live music venues such as "The Observatory", "Constellation Room", "La Santa", "The Yost" in Santa Ana and "The Coach House in San Juan Capistrano" open as early as 7:00 p.m. and therefore the proposed hours of operation are consistent with similar venues in the local area and region.

Staff also supports the applicant's request to open on Sundays and major holidays. The surrounding area consists of a varied mix of land uses that generally do not operate on Sundays, and therefore potential impacts of traffic and parking are lessened. In addition, Arena OC does not operate Sunday through Wednesday and therefore permitting an additional day of operation will allow the business to be more market competitive and therefore also consistent with General Plan Land Use Element Policy 6.7 which "encourages new and retain existing business that provide local shopping and services". Approving an additional day of operation is also consistent with General Plan Land Use Element Objective LU-6C which states to "retain and expand the City's diverse employment base, including office, retail/service, restaurants, high-tech, action sports, boutique and prototype manufacturing, and industrial businesses", in that the additional day of operation would add additional employment opportunities in the City. Lastly, other nearby operating similar uses such as "The Huddle" and "Mesa" operate on Sundays.

Type 90 ABC License

Pursuant to Section 23552 of the California Business and Professions Code, an on-sale general public premises licensee may exchange that license for a music venue license, subject to the qualifications of the premises as specified by the requirements listed in Table 1 below. The applicant has submitted a floor plan and operational plan that demonstrates how their venue complies with the requirements of the Type 90 ABC license, which is more specifically detailed below in Table 1.

Table 1: Type 90 ABC License Compliance

Requirement	Proposed
Defined performance and audience spaces	An approximately 450 SF existing stage area will be used as performance space. The audience space is comprised of approximately 4,256 square feet of floor area and includes seating and standing, room only areas.
Mixing equipment, a public address system, and a lighting rig.	lighting and sound equipment. The venue would include large digital screens large located behind the stage and dynamic lighting installed on the ceiling along with sound equipment for disc jockeys.
One or more individuals to serve not less than two of the following roles: a) A sound engineer b) A booker c) A promoter d) A stage manager e) Security personnel	The Arena OC will include employees that serve as stage manager, sound and lighting engineer, booker/promoter, box office manager and security personnel.

f) A box office manager	
There is a paid ticket or cover charge to attend performances at the facility and artists are paid and do not play for free or solely for tips, except for fundraisers or similar charitable events.	Tickets will be available for purchase online or at the door.
Performances at the facility are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.	Performances at the facility will be advertised through their website and on social media.

Public Convenience or Necessity (PCN) Finding

Based on the Countywide ratio, the State requirements limit the applicable census tract 639.08 to seven on-sale licenses. Pursuant to State records, 57 on-sale licenses already exist within this census tract. If the applicant's request is approved, the number of on-sale licenses within the census tract would remain at 57 licenses. A PCN finding can be made for the requested upgrade in ABC license as there will be no increase in the number of ABC licenses in the census tract. This request would not be considered a premise-to-premise transfer as the business is already located at the subject property and has operated there under an on-sale license type. The request would convert the Type 48 license to a Type 90, which both allow for similar onsite consumption and similar alcohol types. If approved, the Type 48 license would become inactive and could not be used at this location anymore. The applicant has the ability to sell the Type 48 license to another location as a premise-to-premise transfer.

As confirmed in an email exchange between City staff and ABC staff, if the Type 90 license is approved, the existing Type 48 license will be surrendered by the applicant upon issuance of a Type 90 license. Type 48 licenses are in high demand and, as such, are a commodity that can be sold. Since ABC only allows one alcohol license to be in use by a business at a time, the Type 48 license will remain unused in the Census Tract until it is sold. If/when sold, there is no ABC requirement that the Type 48 license remain in this census tract or even the City of Costa Mesa.

GENERAL PLAN CONFORMANCE:

The following analysis further evaluates the proposed project's consistency with specific policies and objectives of the 2015-2035 General Plan.

1. **Policy LU-1.1:** Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.

Consistency: The project will allow for continuation of an existing land use that provides commercial services in the form of enhanced live entertainment. The proposal to amend an existing ABC license and allow

for the establishment of a new, and the first Type 90 ABC license, within the City would establish the subject property as a music venue for live entertainment and nightlife destination within the City. The use would not remove any commercial or residential land, thus maintaining the balance of housing opportunities, commercial goods and services, and employment opportunities.

2. **Policy LU-6.7:** Encourage new and retain existing businesses that provide local shopping and services.

Consistency: Arena OC (formerly known as “Commissary”) has existed at the subject property since the approval of conditional use permit PA-12-26 in 2013. The proposed amendment intends to allow the business greater flexibility in the type of events at the subject property including various types of musical acts and events that are intended for patrons 18 years and older.

3. **Objective LU-6C:** Retain and expand the City’s diverse employment base, including office, retail/service, restaurants, high-tech, action sports, boutique and prototype manufacturing, and industrial businesses.

Consistency: Permitting an additional day of operation (Sunday) will result in additional employment opportunities in the City.

FINDINGS:

Pursuant to Title 13, Section 13-29(g), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required findings:

- *The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.*

The proposed amendment to the permitted use is substantially compatible with developments in the SoBECA area, including numerous restaurants, bars and breweries, and would not be materially detrimental to other properties within the area in that the business is existing and the proposed changes, including operating an hour earlier, opening on Sunday and permitting dancing are not anticipated to result in detrimental effects to properties within the area. Additionally, the project is conditioned to account for concerns regarding neighborhood compatibility, including a condition requiring a Planning Commission reevaluation of the approval six months and one-year from opening.

- Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

The proposal will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood as the project is conditioned to address potential safety concerns. In addition, the applicant will operate consistent with a Security Policy and Procedure Manual that outlines training and protocols that staff will be instructed to follow, and includes information such as providing specific wristbands to distinguish patrons under 21 years of age from those that are older, providing numerous security guards in strategic areas and installing video surveillance.

- Granting the minor conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

The proposal will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The subject property includes a land use designation of Light Industrial which allows for certain commercial recreational uses, provided that the commercial use is determined to be complementary to the industrial area. The business is already in existence and this proposal would generally maintain existing operations that include the service of on-site alcohol and to be closed at 2 a.m. The proposed modifications that include opening an hour earlier, operating on Sundays and permitting dancing is not inconsistent with the General Plan. The SoBECA Urban Plan is not applicable in that the project does not include a request for residential or live/work.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. This application is for the proposed amendment of prior entitlements associated with an existing beverage serving establishment to allow for a change in ABC license type and modification of previous operational conditions of approval. There will be no increase in floor area for the site, no significant exterior changes and the business operations will remain relatively similar to what currently exists onsite in relation to potential environmental impacts. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies in that the Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location, and would not impact any historic resources.

ALTERNATIVES:

The Planning Commission can consider the following alternatives:

1. Approve the application with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
2. Continue the application to a date certain. The Planning Commission may need more information from staff or the applicant to inform their decision-making. In this case, it would be appropriate to continue the application to a date certain so the requested information can be gathered for presentation to the Planning Commission.
3. Deny the application. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW:

The draft Resolution has been approved as to form by the City Attorney's Office.

PUBLIC NOTICE:

Pursuant to CMMC Section 13-29(d) three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site on July 25, 2024. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site on July 26, 2024.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper on July 27, 2024.

As of the date of distribution of this report, staff has received five written public comments. These comments are attached for the Planning Commission's reference and generally express concerns about parking availability, patrons illegally parking on neighboring properties, traffic congestion, noise levels, disturbing the peace in nearby residential areas, loitering, trash, and vandalism. Any public comments received after the agenda is posted (prior to the August 12, 2024, Planning Commission meeting) will be provided under separate cover.

CONCLUSION:

Planning staff has determined that the project, as conditioned, will be compatible with surrounding properties and will not impose any substantial health and safety risks and will not be materially detrimental to the general area. However, the Costa Mesa Police Department has expressed certain concerns about this type of land use and, specifically notes that there are a number of similar uses in this immediate area and the City that, collectively, have generated calls for service. The Planning Commission should consider the Police Department concerns and determine if the proposed operational conditions would eliminate the applicable Police concerns.

RESOLUTION NO. PC-2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION ZA-22-35 FOR A MINOR CONDITIONAL USE PERMIT TO AMEND EXISTING CONDITIONS OF APPROVAL AND REPLACE AN EXISTING TYPE 48 ABC LICENSE WITH A TYPE 90 “MUSIC VENUE” LICENSE IN THE MG ZONE FOR THE PROPERTY LOCATED AT 2968 RANDOLPH AVENUE

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Zoning Application 22-35 was filed by F. Michael Ayaz, authorized agent for the property owner, Jerry Palanjan requesting approval of the following:

A Minor Conditional Use Permit application to replace an existing ABC liquor license (Type 48 “On-Sale General – Public Premises”) with a Type 90 “Music Venue”, and modifications to conditions of approval, including expanded hours of operation, expanded operating days and to allow dancing;

WHEREAS, a duly noticed public hearing held by the Planning Commission on August 12, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities;

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Zoning Application 22-35 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 Zoning Application 22-35 and upon applicant’s compliance with each and all of the conditions in Exhibit B, and 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.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 12th day of August, 2024.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2024-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on August 12, 2024 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2024-__

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings: The proposed amendment to the permitted use is substantially compatible with developments in the SoBECA area, including numerous restaurants, bars and breweries, and would not be materially detrimental to other properties within the area in that the business is existing and the proposed changes, including operating an hour earlier, opening on Sunday and permitting dancing are not anticipated to result in detrimental effects to properties within the area. Additionally, the project is conditioned to account for concerns regarding neighborhood compatibility, including a condition requiring a Planning Commission reevaluation of the approval six months and one-year from opening.

Finding: Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding: The proposal will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood as the project is conditioned to address potential safety concerns. In addition, the applicant will operate consistent with a Security Policy and Procedure Manual that outlines training and protocols that staff will be instructed to follow, and includes information such as providing specific wristbands to distinguish patrons under 21 years of age from those that are older, providing numerous security guards in strategic areas and installing video surveillance.

Finding: Granting the minor conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The proposal will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property. The subject property includes a land use designation of Light Industrial which allows for certain commercial recreational uses, provided that the commercial use is determined to be complementary to the industrial area. The business is already in existence and this proposal would generally maintain existing operations that include the

service of on-site alcohol and to be closed at 2 a.m. The proposed modifications that include opening an hour earlier, operating on Sundays and permitting dancing is not inconsistent with the General Plan. The SoBECA Urban Plan is not applicable in that the project does not include a request for residential or live/work.

- B. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. This application is for the proposed amendment of prior entitlements associated with an existing beverage serving establishment to allow for a change in ABC license type and modification of previous operational conditions of approval. There will be no increase in floor area for the site, no significant exterior changes and the business operations will remain relatively similar to what currently exists onsite in relation to potential environmental impacts. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies in that the Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location, and would not impact any historic resources.
- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation as described in the staff report, i.e., live entertainment in the form of live bands, comedians, spoken word/poetry readings, and karaoke. The applicant is entitled to operate pursuant to the California Department of Alcoholic Beverage Control Type 90 (On-Sale General – Music Venue) license except when said provisions are refined by these conditions of approval. Any change in the operating characteristics including, but not limited to, hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Costa Mesa Municipal 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)].
 2. The conditions of approval and code requirements included herein shall supersede and replace the conditions of approval and code requirements for Conditional Use Permit PA-12-26 and Minor Conditional Use Permit ZA-18-51.
 3. Street address shall be displayed in a manner visible to the public street and clearly legible for quick identification by emergency service personnel. Numerals shall be a minimum 12" in height with not less than $\frac{3}{4}$ " stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than $\frac{1}{4}$ " stroke and shall contrast sharply with the background.
 4. The licensee shall not employ or use the services of any full or part time active or reserve peace officer currently employed by the City of Costa Mesa for security purposes.
 5. Pursuant to Costa Mesa Municipal Code Section 9-193(2), the applicant must obtain a "Public Entertainment Permit," which is renewable on an annual basis, and shall maintain said permit in good standing by adhering to conditions stipulated as part of that permit.
 6. A maximum occupancy of 296 people, determined by City of Costa Mesa Building Division and Fire Department, has been established pursuant to applicable provisions of the Uniform Building Code and other applicable codes, shall be conspicuously posted in public view within the premises, and shall not be exceeded at any time. It shall be the responsibility of management to ensure that this occupancy limit is not exceeded. This occupancy limitation is inclusive of all patrons, employees, contractors, and other individuals within the licensed premises at any given time.
 7. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant

and/or business owner shall institute appropriate security and operational measures as necessary to comply with this requirement.

8. There shall be no sales of alcoholic beverages for off-site consumption and no alcoholic beverage obtained inside the venue shall be taken outside of or beyond the demising walls of the venue.
9. The parking lot shall be posted with signs directing customers and employees to be considerate when entering, exiting, starting their cars and leaving the parking lot. Signage should clarify and security personnel shall enforce that loitering of patrons, employees, and contractors is not allowed, and any unnecessary or excessive noise created by patrons, employees, and contractors is prohibited.
10. All lots where parking is provided shall be properly illuminated.
11. Qualified and trained security personnel shall be provided to ensure that all parking lots are monitored during the days and hours the business is in operation. Security personnel shall provide parking management, noise control as well as general security of parking areas.
12. Customer and employee parking shall occur on-site and shall be prohibited on any other privately owned lot or private street not associated with the licensed premises. If parking problems arise, the operator shall institute appropriate operational measures to eliminate issues within 30 days to address the problem.
13. A reciprocal parking and access agreement shall be maintained on both properties to reflect the proposed sharing of the parking lots at 2960 and 2968 Randolph Avenue. The required parking spaces shall be exclusively available to the proposed Arena OC at least 30 minutes prior to the opening of the venue for business on the approved business days.
14. The business operator shall include a conspicuous and prominent notification in their online advertisement, social media, and at the point of sale for online tickets that onsite parking is limited and that use of a ridesharing service or alternate means of transportation to and from the site are recommended. Furthermore, the business operator shall provide notice that parking in nearby residential developments or other unaffiliated private property is not allowed and that the illegally parked vehicle is subject to tow without warning.
15. All sales and service staff (within 90 days of hire) shall complete Responsible Beverage Service (RBS) training with a provider approved by the California Department of Alcoholic Beverage Control. A copy of the training certificates shall be kept on premises and presented to any authorized City official upon request.
16. Music or other entertainment shall not be audible beyond the property lines in which the licensed premises is located.
17. No outdoor seating or patio area shall be permitted.
18. The applicant shall maintain free of litter all areas of the premises.
19. A copy of the conditions of approval for the conditional use permit must be kept on 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.
20. Hours of operation shall be limited to the hours of 8:00 p.m. to 2:00 a.m., Thursday through Sunday and on the following holidays: New Year's Eve, Valentine's Day, St. Patrick's Day, Cinco de Mayo, Memorial Day, Fourth of July, Labor Day, Halloween, Veteran's Day, Thanksgiving, and Christmas Day.
 21. At the discretion of the Director of Economic and Development Services, upon receipt of noise complaints by the City of Costa Mesa, the applicant shall submit an acoustical analysis prepared under the supervision of a person experienced in the field of acoustical engineering to evaluate existing and projected noise levels and recommend the use of noise attenuation measures and/or noise insulation techniques to muffle sound to a level that conforms to the provisions of Costa Mesa's Noise Ordinance. This is to ensure that any noise impacts to nearby uses are adequately mitigated. The person preparing the report shall, under the direction of a person experienced in the field of acoustical engineering, perform an inspection of the site prior to the opening of the business to the public to ensure that noise attenuation measures are implemented or underway, as recommended by the acoustical expert.
 22. The conditions of approval and ordinance or code provisions of Minor Conditional Use Permit ZA-22-35 shall be blueprinted on the face of the site plan as part of the plan check submittal package for any future building permit applications submitted to the City.
 23. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the indemnitors' joint and several obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
 24. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
 25. The project is subject to compliance with all applicable Federal, State, and local laws.

26. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made without prior Planning Division written approval.
27. No modification(s) of the approved building interior, including but not limited to, floor plan layout, age restricted areas, or gross floor area, shall be made without prior approval from the City. Applicant shall contact the City of Costa Mesa's Economic and Development Services Department's Planning Division to initiate this process.
28. A review of this entitlement shall be conducted by the Planning Commission as soon as possible after both the sixth-month and one-year opening operation anniversary date to determine if the business is operating in good faith and whether any modifications to business operations or conditions of approval are warranted. If the business is not operating in good faith or other adverse impacts are determined to exist, the Planning Commission may adjust existing conditions of approval or add new conditions to address the concern up to an including initiating a revocation of this use's entitlement.
29. All patrons must be 18 years or older and must provide valid, state-issued identification for entry.
30. If bottle service is to occur within the licensed premises, it shall only be allowed within the specified age-restricted areas shown on the approved project plans.
31. No patrons under the age of 21 are allowed in the age-restricted areas shown on Sheet A-1.1 of the approved plans when bottle service is offered.
32. All age-restricted areas shall be separated from the general areas of the licensed premises by a physical barrier. The physical barrier shall not obscure visibility into the age-restricted areas and the barrier may include a rope or other identifier to clearly mark the restricted area.
33. Security personnel shall be stationed by each age-restricted area when bottle service is occurring to monitor and secure the restricted areas to ensure that minors do not enter into these areas or are otherwise allowed access to alcohol not served by employees of the establishment.
34. Colored wristbands shall be provided to customers over the age of 21 and under the age of 21. Patrons under 21 years of age must be provided distinctly different wristbands for identification than those patrons above the legal drinking age. Wristbands must be of a type and material that is tamper-proof to ensure under age patrons are easily identifiable and unable to purchase alcohol at the establishment. Wristbands given to patrons between the ages of 18 and under 21 shall be of a color that is highly visible and easily contrasts with the wristbands given to patrons who are 21 and older. Wristband color for each age cohort shall be randomly selected by management on a daily basis and

shall avoid repeating colors or creating recognizable patterns in order to reduce the ability to counterfeit or falsify age identifiers. Management shall maintain a log of wristband colors by age cohort assigned each day and shall make said log available for inspection upon demand of the City of Costa Mesa.

35. The applicant shall submit to the City of Costa Mesa a Security Policy & Procedure Manual for approval. The policy manual shall be kept on the premises at all times and all staff shall be trained on the security policies outlined in said document. No changes to the approved Security Policy & Procedure Manual shall be made by management until first approved by the City of Costa Mesa. Updates to the security plan may be required at the request and subject to the Costa Mesa Police Department approval.
36. The applicant shall maintain a log of the number of employees, security personnel, and patrons in attendance each night the business is in operation and shall provide this log to City officials upon demand for purposes of verifying compliance with the business's maximum occupancy of 296 persons.

CODE REQUIREMENTS

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

- PIng.
1. Development shall comply with all requirements of Article 1, Chapter 5, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.
 2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
 3. All on-site utility services shall be installed underground.
 4. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation vault, wall cabinet, or wall box under the direction of the Planning Division.
 7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
 8. All unpaved areas visible from public right-of-ways shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.

9. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to neighbors.
10. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
11. Transformers, backflow preventers, and any other approved above-ground utility improvements shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
12. Applicant shall maintain compliance with all applicable ABC regulations at all times.
- Bldg. 13. Prior to building permit issuance, the conditions of approval shall be on the approved Architectural plans.
14. Comply with the requirements of the following current adopted codes, California Building Code, California Electrical code, California Mechanical code, California Plumbing code, California Green Building Standards Code and California Energy Code (or the applicable adopted, California Building code California Electrical code, California Mechanical code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the California Building Code.
15. A change of occupancy shall require compliance with current California Building codes and Disabled access requirements of Chapter 11B of the California Building Code.
16. Prior to building permit issuance, the Applicant shall submit a plan to the County of Orange Health Dept. for review and approval.
17. A change of occupancy shall require compliance with current California Building codes and Disabled access requirements of chapter 11B of the California Building Code.
18. Any increase in building occupancy may only occur if approved by the City based on the completion of code required life-safety upgrades to the venue.
- Fire 19. Comply with the requirements of the current California Fire Code and referenced standards as amended by the City of Costa Mesa.
- Bus. 20. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Lic.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

- AQMD
1. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
 2. Prior to the Building Division (AQMD) issuing a demolition permit, contact South Coast Air Quality Management District located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909-396-2000

OR

Visit their web site:

<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>

The Building Division will not issue a demolition permit until an identification number is provided by AQMD.

- Cable
3. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Sani.
4. It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.
- State
5. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.



May 10, 2024

City of Costa Mesa
Development Services Department
Attn. Gabriel Villalobos
77 Fair Drive
P.O. Box 1200
Costa Mesa, CA 92628-1200

File No. ARE01-1001

RE: Land Use Project Application for Blessed Black Wings LLC doing business as Commissary Lounge; 2968 Randolph Avenue, Unit #2, Costa Mesa, CA 92626

Dear Mr. Villalobos:

In response to the City's request, please see the revised letter of justification which responds to all additional questions regarding the project to allow or otherwise grant the appropriate entitlement permitting the change of Applicant's existing Type 48 liquor license from the California Department of Alcoholic Beverage Control (hereinafter "ABC") to a new Type 90 Music Venue license, add entertainment in the form of dancing, and obtain a finding from the City for public convenience and/or necessity, as described more fully herein.

REQUEST

Applicant requests that the City allow for the premise to operate under a Type 90 license, which is more conducive to the proposed use as a music and live entertainment venue. Additionally, Applicant requests that the condition prohibiting dancing be removed, as patron dancing is a natural byproduct of live music events. Applicant is requesting to change its operating hours to Wednesday-Sunday 8:00 pm to 2:00 a.m. (and holidays if they do not fall in Applicant's proposed operating days). Lastly Applicant seeks a finding of "public convenience and necessity" (Business and Professions Code Section 23958.4(b) (2)), as the premise will be located in an area that has been determined by the state of California Department of Alcoholic Beverage Control to have an undue concentration of licenses as defined in Business and Professions Code Section 23958.4(a).

Currently the Applicant operates under a Type 48 (On-Sale General- Public Premises) ABC license, which authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold, where no food service is required. The premise has always been, and will continue to be, a music venue as evidenced by the previous City approvals for the premises and historical documentation provided with previous applications and available to all that desire to

search. Until January 1, 2023, the Department of Alcoholic Beverage Control did not have a license that truly encompassed all operational uses of the premise, (i.e., a music venue), and as such Applicant was forced to apply for and operate under a Type 48 ABC license. The State legislature, finally, provided a license type that encompasses this distinctive use by way of CA Senate Bill 793 (SB 793) which created the Type 90 Music Venue License effective as of January 1, 2023. The Type 90 license cures a longstanding gap in the alcoholic beverage licensing scheme by allowing premises with live entertainment, such as Commissary Lounge, to incorporate the ancillary use of alcoholic beverage service with the prevailing use as a live music venue.

SB 793 Amends §23320 of the California Business and Professions Code, to include, but not be limited to, the creation and/or establishment of a “music venue license” to be issued to a music entertainment facility that may be open to all ages and provide alcoholic beverage service only to adults. Alcoholic beverages may only be consumed on the premises during the time period of two hours before a live performance at the venue, throughout the performance, and one hour after the live performance. No food or kitchen is required under this license use.

The Applicant shall strictly comply with and/or meet the requirements set forth in Sections 23320 and 23550 of the ABC Act. ABC retains both the statutory and Constitutional jurisdiction to:

- 1) Complete a thorough investigation of the applicant and applied for premises to ensure compliance with ALL the requirements of the Type 90 ABC licenses prior to issuance by ABC of the same;
- 2) Issue the Type 90 License; and
- 3) Ensure ongoing compliance by any Type 90 Licensee following issuance of the license.

During both correspondence and in person meetings with staff, the Applicant’s representative and members of staff have reviewed the previous entitlements to include several issues related thereto, to include the approved “use” and parking. After said discussion and meetings the Applicant contends, and the City has agreed, that there is no actual “change” to the existing use, rather it is a change of the ABC license type; and as such, there will not be a change and/or impact in the required parking. Such contention is based, among other things, on the history of the location, the entitlements thereon, the operations of the business and the availability of the new ABC licenses which more accurately meets the needs of the venue, and representations made by City staff. Moreover, there is, nor will be, no change or increase of square footage from the previously approved application in 2019.

BACKGROUND

Applicant has operated Commissary Lounge at its current location since early 2013 under a Type 48 license, (operating since 2008 at the previous Bristol Street location). The license for the current premise has been in operation for nearly a decade with no record of disciplinary action or operating restrictions from ABC. Modifications to the existing use were granted by the City to include pre-recorded music via DJ in 2013, and live entertainment in the form of live bands, comedians, spoken word/poetry readings, karaoke, and electronic game machines in 2019. [See previous conditions of approval outlined below].

The property is zoned MG (General Industrial) and has a plan designation of General Industrial. The site consists of two parcels (2968 Randolph Avenue and 2960 Randolph Avenue) which share a common driveway. The premise is located on the east side of Randolph Avenue, south of Baker Street, and consists of an existing one-story 16,000 square foot industrial building. Applicant proposes to occupy and continue using the existing approximate 4,300 square feet of the existing building, with the previous hours of operation being from 9:00 pm to 2:00 a.m. Thursday through Saturday.

HISTORY OF ENTITLEMENTS

PA-12-26

On January 14, 2013, the City of Costa Mesa Planning Commission approved a CUP and PCN which allowed the Applicant to move its operations (i.e., Type 48 license, live entertainment, etc.) to the current site and allowed revisions to the hours/days of operations to Thursday, Friday, and Saturday 9:00 pm to 2:00 am.

ZA-18-51

On February 21, 2019, the City of Costa Mesa approved Applicant's Conditional Use permit to allow an amendment to Planning Application PA-12-26, allowing operations until 2:00 AM that included live entertainment in the form of live bands, comedians, spoken word/poetry readings, and karaoke, as well as to allow four or more electronic game machines not to exceed 570 square feet of floor area within the establishment. No physical expansion or increase in floor area for the establishment; days and hours of operation also remain unchanged.

PROJECT

Overall Proposed Use

Applicant seeks to change its ABC license to a type of use that is more conforming with the current and historical operations of the Applicant as a live music venue. Applicant is also requesting to change its operating hours to Wednesday-Sunday 8:00 pm to 2:00 a.m. and the following holidays (if they do not fall in Applicant's proposed operating days): New Years Eve, New Years Day, July Fourth, St. Patrick's Day, Christmas Eve, Christmas, Cinco De Mayo, Mardi Gras, and Halloween. The Applicant's premise is located in a vibrant urban district known as South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan. The Applicant seeks to contribute to this growing area by providing patrons with an immersive entertainment experience featuring live performances, and other cultural events. All events will be open to the public via ticket sales. Private events will not be held, and the Applicant understands that any private or special events would require CUP approval and a parking study from the City.

Acquiring a Type 90 license will enable the Applicant to enhance its offerings by serving alcoholic beverages while maintaining a family-friendly atmosphere that welcomes patrons of all ages. This change in license type allows for Applicant to be more inclusive with patrons that are allowed be on the premises, while also providing for more restrictions in service of alcohol as it

can only be served within a specific time frame before and after a live event. As expounded further below, with this change in license Applicant is proposing various restricted areas for alcohol service, stringent multipoint ID checks, and wristbands for all patrons with color differentiation for patrons under 21 years of age.

Applicant is not expanding the building footprint in any way, a proposed interior remodel will upgrade the interior space to remove the arcade games, provide a permanent stage area, audience/dance area, and updated seating for event patrons. The plans provided with this application depict a stage area with three parts on against the north wall of the interior. Seating areas are existing and are indicated stage right and stage left, and in front of the bar area. If an event involves bottle service, areas are indicated on the plans where only patrons 21 years of age or older may remain; the area in between these sections will be the dancing/standing area facing the stage that is available to all patrons. Applicant will sell tickets online and at the designated ticket booth.

Parking

As referenced above during both written correspondence and face-to-face meetings with staff, this office and members of the staff have thoroughly examined the previous entitlements, addressing various issues including approved usage and parking arrangements. Following these discussions and meetings, the Applicant asserts, and the City previously concurred, that there is no actual alteration to the existing usage; rather, it involves a change in the type of ABC license. Consequently, there will be no alteration or impact on the required parking. This assertion is supported by factors such as the historical use of the location, existing entitlements, business operations, and the availability of new ABC licenses that better suit the venue's needs. Additionally, there will be no change or increase in square footage from the previously approved application in 2019.

With 4,300 square feet a total of 46 parking spaces are required as established through PA-12-26, with 53 spaces present, the premise meets the parking requirement. A reciprocal parking agreement is in place with the landlord of the premise and adjacent businesses, which allocates the required number of parking spaces required for the proposed use. This agreement is on file with the City. Additionally, Applicant believes use of parking areas will be alleviated by patrons' use of transportation services such as Uber and Lyft. Lastly Applicant is agreeable to removing the gate from the west side of the building allowing access to the existing parking spaces in continuation of the current parking lot and would be willing to agree to a condition of approval requiring the same.

Scheduled events will be marketed online, with tickets and admission fees available to purchase online or at the door (given available patron capacity).

Wristband Identification:

All patrons entering the establishment, regardless of age, will be provided with wristbands upon entry. Wristbands for individuals under 21 years of age will be distinctively colored to facilitate easy identification. Proposed wristbands will be provided to CMPD for assessment and

viability of security protocols to ensure that wristbands cannot be removed or transferred to other patrons.

ID Checks:

Rigorous ID checks will be conducted at the entrance to verify the age of all patrons. This includes scanning IDs or using other verification methods to ensure accuracy at the point of entry. Additionally, ID checks will be carried out at tables where bottle service is provided upon entry into the VIP area. This secondary check serves as an extra layer of verification to prevent underage individuals from accessing alcohol.

Bottle Service Protocol and Age-Restricted Areas during 18 and over events:

If an event includes patrons who are 18 years of age or older, Applicant will have restricted areas for VIP/bottle service, which will only be exclusively for patrons aged 21 or older. These areas will be roped off and have 4-6 standing security personnel, in addition to roaming security personnel, who will monitor these areas to ensure those under 21 are not allowed access to areas where there is bottle service.

Patrons opting for bottle service must adhere to specific guidelines to ensure compliance with age restrictions and responsible drinking practices. All members of the party must be present before they are escorted to the bottle service area. This ensures that underage individuals are not attempting to gain access to the area. Strict enforcement of age requirements will be upheld in the bottle service area, with only individuals aged 21 or older permitted entry. IDs will be rechecked by the host for each member of the party at a table for bottle service before alcohol is served.

Staff Training and Security Protocols

Applicant has composed a comprehensive Security Policy and Procedure Manual, which has been provided to the City previously and is again provided with the amended application submission. In addition to internal training on all protocols, all staff members will undergo comprehensive training on the protocol, including proper ID verification techniques and handling procedures for underage patrons. Training sessions will emphasize the importance of adherence to legal regulations and maintaining a safe environment for all patrons.

Clear signage will be displayed throughout the establishment, informing patrons of the age-restricted areas and the importance of ID compliance. Information regarding the alcohol service protocol will be communicated through various channels, including social media, website announcements, and in-person interactions with patrons.

Regular audits and spot checks will be conducted to ensure compliance with the protocol. Feedback from patrons and staff will be solicited to identify areas for improvement and refine the protocol as needed.

The City has clearly acknowledged the SoBECA area of retail and fine dining as essential to tourists, locals, and the community's economy, as the growth from The LAB Anti-Mall has grown exponentially in the last decade to now include several restaurants, breweries, shops, and hotel accommodations via the Residence Inn by Marriott. Applicant seeks to add to the City's mission of expansion of this area by continuing to contribute to the local economy and local culture and acknowledges the importance of the City's plan to build their nightlife and culture centers around a particular area, where a thriving entertainment scene can contribute mightily to those centers for people to gather.

PERMITTED USE PER MUNICIPAL CODE

As the existing use is compliant with Costa Mesa Municipal Code Sections 13-29(e); 13-29(g)(2), exempt under CEQA guidelines and is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code, Applicant proposes that the change in license type from a Type 48 ABC license to a Type 90 ABC license will continue to conform to the City's relevant Municipal Code Sections. Moreover, entertainment and on sale alcohol sales and consumption have long been approved and operational at the site. As such, we request either an administrative approval of the request with revised and added conditions as reasonable required or that the application be processed as a MCUP given the change, in all practicality is the ABC license type.

PERMITTED USE UNDER CALIFORNIA BUSINESS & PROFESSIONS CODE §23550

Under *California Business and Professions Code §23550* a Type 90 license must meet the following requirements:

(c) "Music entertainment facility" means a publicly or privately owned live performance venue, concert hall, auditorium, or an enclosed arena where music or entertainment events are presented for a price of admission. The facility does not have to be used exclusively for music or entertainment events. A venue is not a "music entertainment facility" for purposes of this article unless it satisfies all of the following criteria:

- (1) The facility has defined performance and audience spaces.*
- (2) The facility includes mixing equipment, a public address system, and a lighting rig.*
- (3) The facility employs one or more individuals to serve not less than two of the following roles:*
 - (A) A sound engineer.*
 - (B) A booker.*
 - (C) A promoter.*
 - (D) A stage manager.*
 - (E) Security personnel.*
 - (F) A box office manager.*

(4) There is a paid ticket or cover charge to attend performances at the facility and artists are paid and do not play for free or solely for tips, except for fundraisers or similar charitable events.

(5) Performances at the facility are marketed through listings in printed or electronic publications, on websites, by mass email, or on social media.

Applicant will meet all of the Type 90 requirements, per B&P Code 23550, above with the updates to the facility via a defined audience and stage area with proper lighting and sound equipment to provide the best possible live performance experience for its patrons. Tickets will be available for purchase online and at the designated ticket booth at the entrance. The premise will have employees that serve as stage manager, sound and lighting engineer, booker/promoter, box office manager and security personnel.

APPLICANT'S MISSION

In the current market landscape, entertainment venues must constantly adapt to stay relevant by offering diverse seating options, accommodations, and overall aesthetics. Music venues, in particular, have witnessed ongoing development and evolution to cater to patrons' varying preferences. Some venues aim to replicate intimate settings, while others opt for a more expansive stadium or arena atmosphere.

For example, this office has previously processed a type 90 ABC license for a comedy club, which shares similarities with dining facilities in terms of seating arrangements. In a comedy club, tables are typically arranged in a vertical layout, with patrons facing each other while the stage for entertainment is positioned to one side. Despite the dining-like setup, there is no doubt that such an environment constitutes an entertainment venue.

Respectfully it is not the City's position to determine or advise any venue how they should set up, rather they meet the definition by providing entertainment and providing those services that are customary in entertainment venues such as this.

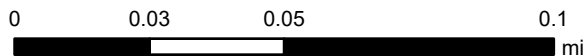
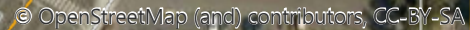
In keeping with the successful formula established by the current businesses owned and operated by the Applicant's principal, Applicant seeks to develop Commissary Lounge into an establishment that stays current with the times. Applicant seeks to maintain the City's vision for the SoBECA area, while deftly navigating the needs of the community and contributing to the local culture and economy.

In conclusion, the applicant respectfully requests that the application herein be approved and looks forward to a great working relationship with the City of Costa Mesa, the surrounding businesses, and the community at large.

Very truly yours,

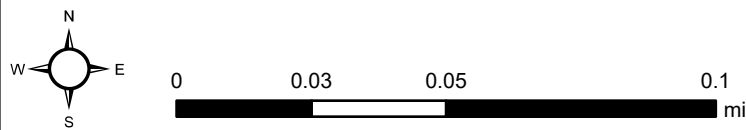
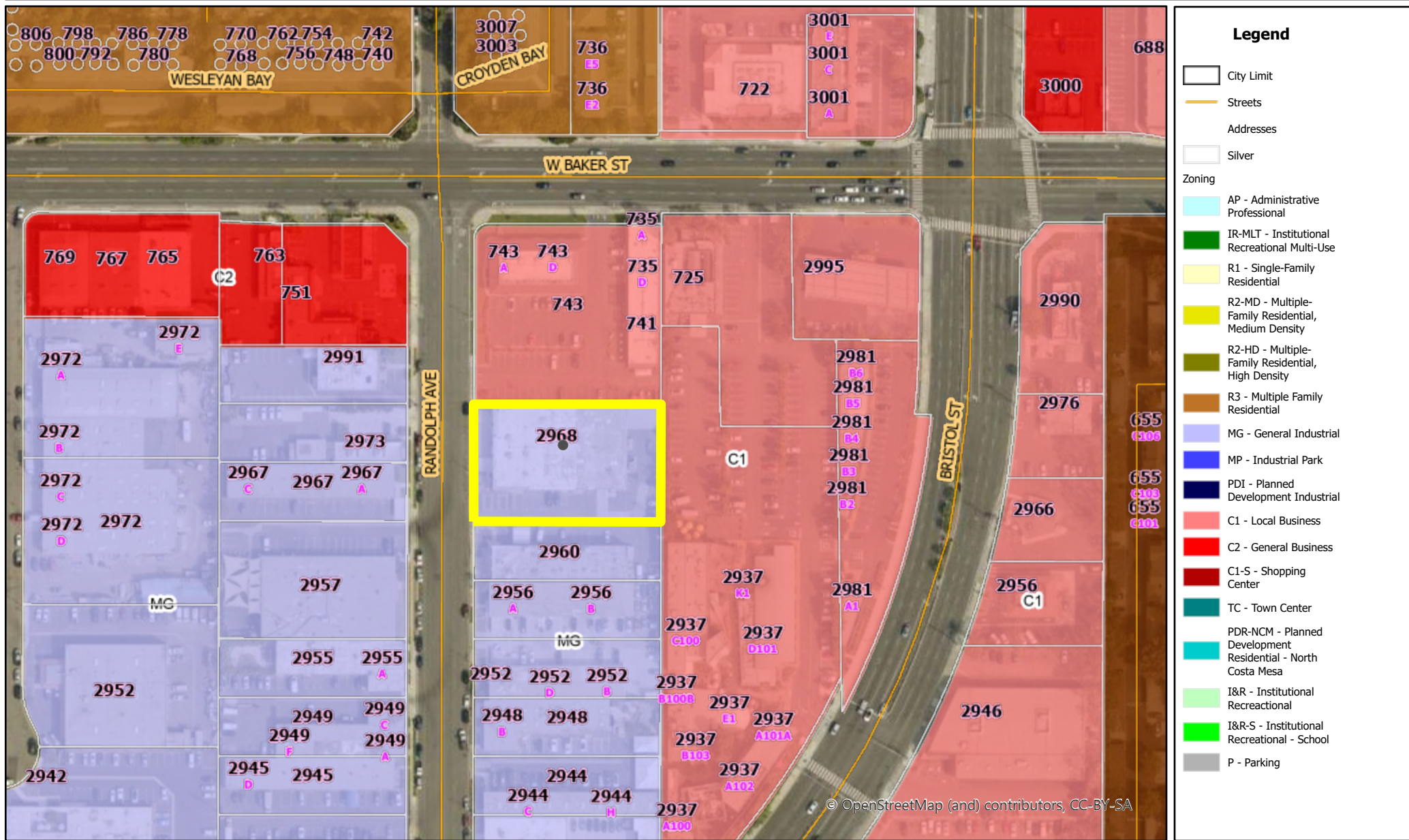


F. MICHAEL AYAZ



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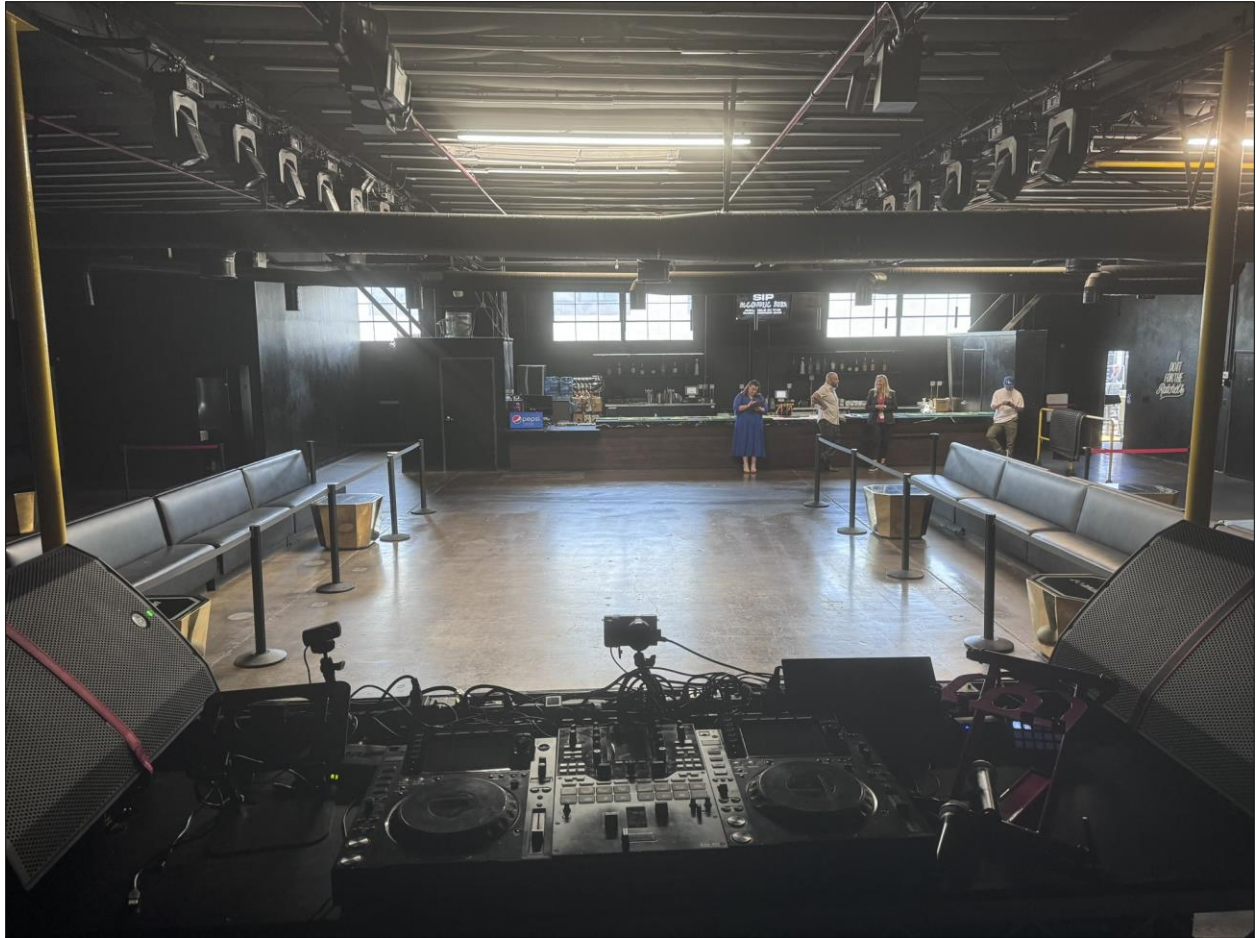
SITE PHOTOS – 2968 RANDOLPH AVENUE



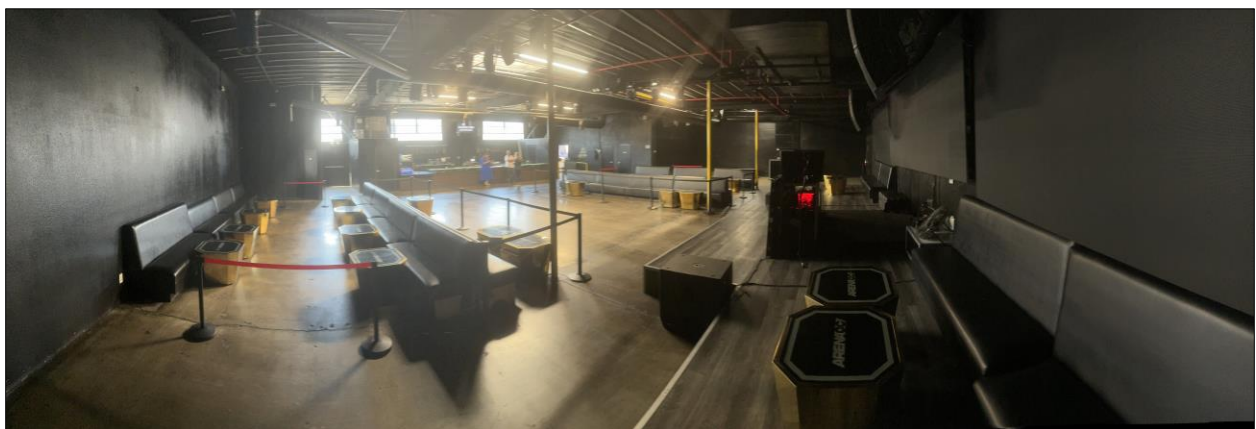
Panoramic view of interior of establishment, including stage, dancefloor, and age-restricted areas



Lighting rig and speakers existing within establishment



View from behind stage



Panoramic view from rear corner of establishment



Bar area existing within establishment



Secondary bar existing within establishment



Front entrance for establishment

ARENA OC SECURITY POLICY & PROCEDURE MANUAL

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Introduction

This Policy and Procedures (P&P) manual was created so that employees have clear and visible guidelines on how to deal with issues that may arise during business operations. Any employee who has a question concerning security, security procedures or issues surrounding the safety rules and regulations of ARENA OC should use this manual. It is to be used by all employees of ARENA OC as a reference and a guide. This guide should be viewed as a living and changing document, meaning that if a new, undefined issue is discovered, management should define the issue, the question or the incident and find a solution for that issue. This solution should then be added to this P&P manual. Any employee who discovers an issue that is not addressed in this manual can and should bring that issue to the attention of management.

This Policy and Procedure manual is a valuable tool that can help employees and management keep ARENA OC a safe and enjoyable place to work and visit for all.

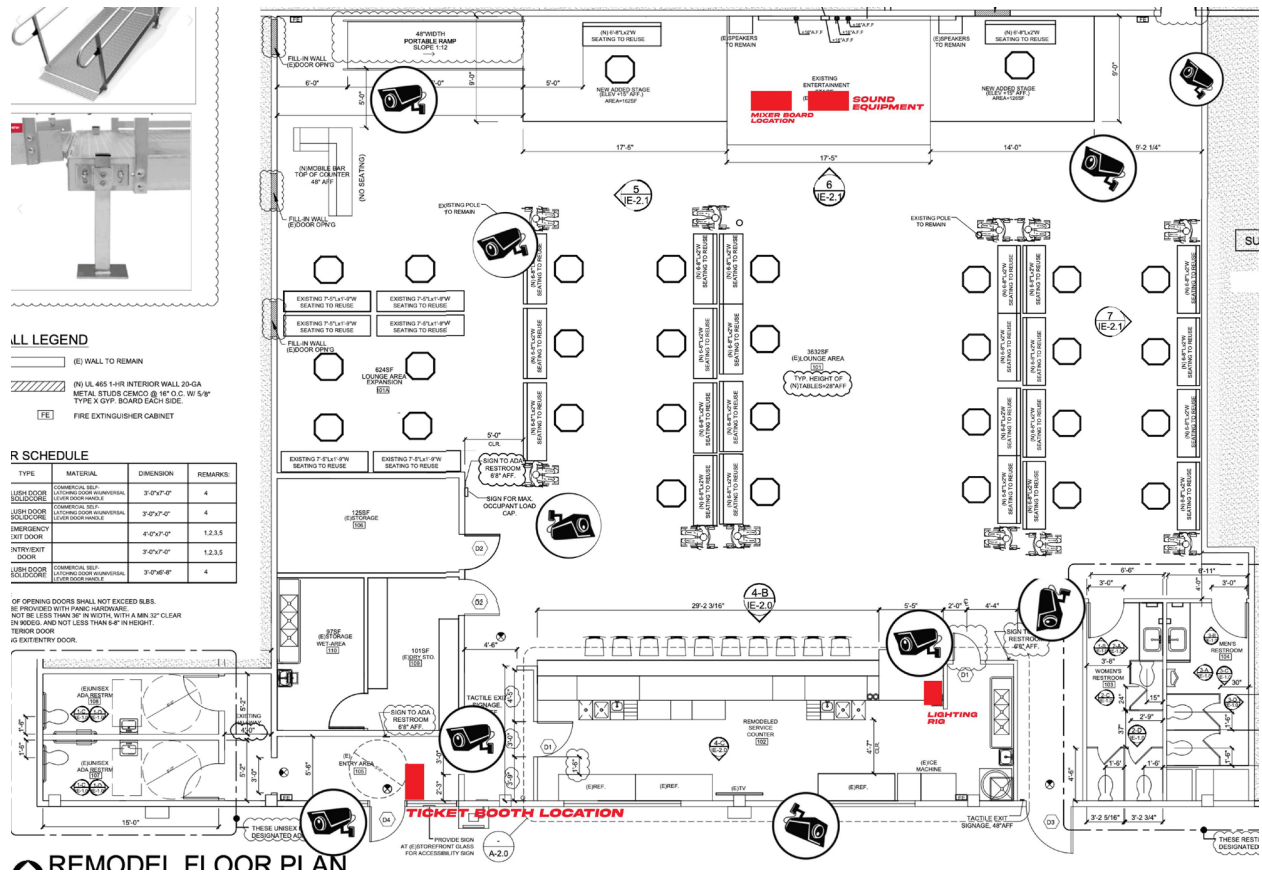
Background

Employees within the music venue business have many areas of responsibility that can cause problems for themselves, the venue, and the guests. Issues such as criminal law violations, beverage control administrative violations and civil lawsuits stemming from complaints lodged by guests are the areas that most affect employees, especially the employees acting as security personnel. This manual was designed to help employees reduce and eliminate potential problem areas.

If used correctly, this manual will help you with everyday duties as well as when out-of-the-ordinary issues arise. Additionally, if you use this manual correctly, it can be a valuable tool for your employer. This manual can help minimize complaints from law enforcement, from the California Alcoholic Beverage Control (ABC), the Costa Mesa Police Department (CPD) and from disgruntled guests. Use it as a reference or use it for continued training, but whatever you do... Keep it and use it.

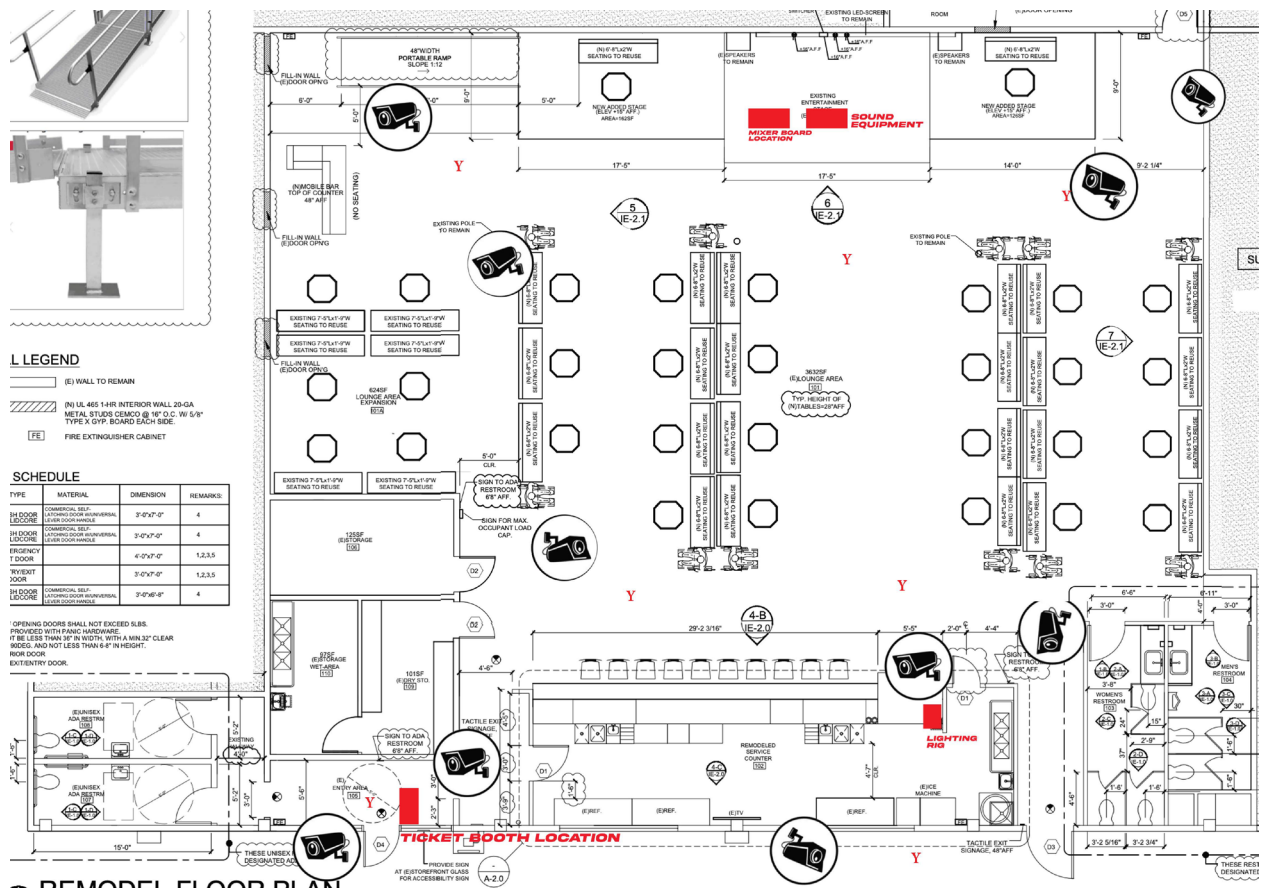
Electronic Video Surveillance

ARENA OC uses video surveillance throughout the entire venue and in several locations outside. The video system will record incidents in and around ARENA OC. Coverage with the video system will include the stage area, the entrances, the exits, the dance floor(s), the bar(s), the alcohol service wells, the hallways in and around the venue and the parking areas. Only Management will have access to the video monitoring system and will allow unlimited access to any agency of law enforcement upon request. See floor plan below with video camera locations:



Need for Security

While ARENA OC's primary function and operation is that of a music venue, providing entertainment in the form of music, comedy, and other theatrical live performances (**not to include any adult entertainment as defined by the Costa Mesa Municipal Code**) and as such will provide security at all times at the venue. Security personnel ("Y") will routinely roam areas and be established at the entrance.



Chapter One

A. Mandatory Compliance

- a. It is the responsibility of every employee employed by ARENA OC and every employee acting as a security guard provided by any other contracted security company to learn, abide by and have a copy of ARENA OC security manual. Every guard will also be familiar with the content, instructions and/or expectations of any policy that applies to his/her specific assignment in and around ARENA OC.
- b. It is the responsibility of every employee employed by ARENA OC to maintain a current copy of the security manual. Additionally, if the manual is lost, stolen, or misplaced, it is the employee's responsibility to obtain a new copy from their supervisor or manager immediately.
- c. Management expects input from ARENA OC employees on the content and possible changes to the current manual or to any new sections that may be added later. In the event of any significant changes to this P&P manual, management will supply the changes to employees and provide any necessary training so the employees may become familiar with the changes.
- d. Management may terminate any employee who violates, disregards or does not follow any of these guidelines. These guidelines are provided to help and protect employees, management, and our guests. They must be followed.

Chapter Two

A. Training & Education

- a. All employees are required to attend all training events provided or sponsored for them by ARENA OC management, other training companies or other organizations. Training topics that improve your ability to work in the hospitality industry should be considered. ARENA OC will periodically offer training on topics such as identification reading, guest service, liabilities, and fire safety.

B. Assembly Bill 1221 (2017) created the Responsible Beverage Service Training Program Act with the intention of reducing alcohol-related harm to local communities. The bill required the Department of Alcoholic Beverage Control to create the Responsible Beverage Service Training Program (RBSTP) to ensure on-premise servers of alcoholic beverages and their managers are educated on the dangers of serving alcohol to minors and over-serving patrons.

C. To meet the new training requirement, ALL employees of ARENA OC who are alcohol servers or managers must register in the RBS Portal, take training from an authorized RBS Training Provider, and pass the ABC Alcohol Server Certification exam within 30 days of completing the training.

- a. All ARENA OC server and management employees shall attend the Responsible Beverage Service Training Program within 60 days of being hired by ARENA OC. Each server and manager shall supply Arena OC Management and/or ownership a certificate of completion for the statutory required RBSTP from an authorized RBS Training Provider and will maintain a personal copy of their own.
- b. ARENA OC employees should advise management of any additional training that is completed on or off duty. Supplying a certificate of completion or diploma to management will ensure you are given credit during evaluation or promotion periods.

Chapter Three

A. Employee Conduct

- a. ALL employees of ARENA OC understand and acknowledge that may and, in some circumstances, must, per current State of California law, register and complete a state and national criminal background check. They further acknowledge that some criminal convictions that may be found may disqualify the employee from employment. In the case of employees who are also licensed security personnel, this requirement is state law and ARENA OC management has no ability to alter this fact. More information will be supplied to service employees during the interview and hiring processes.
- b. Employees of ARENA OC agree not to commit any act that is in violation of any Federal, State, or local laws. This applies to every employee while at ARENA OC or when they are not at work. Such violation could be considered a violation by ABC regulations, Costa Mesa Municipal Code and subject the employee to termination.
- c. Employees of ARENA OC shall be permitted to work in an atmosphere free from discrimination and sexual harassment. Discrimination is unlawful. It creates a negative atmosphere that reduces work productivity, morale, and destroys professionalism. Employees shall not discriminate against, nor sexually harass any ARENA OC employee, or any patron of ARENA OC. Such violation subjects the employee to discipline or termination. Additionally, ALL employees are required to undergo the statutorily required sexual harassment training provided by management.
 - i. Discrimination is defined, but not limited to: Unequal treatment of employees or applicants for employment based on their sex, race, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition (including cancer, HIV and AIDS) age, marital status, family care leave, political beliefs or sexual orientation.
- d. It must also be understood that you cannot predict how guests and fellow employees will take any joke or off-color comment that you may make. Do not make off-color comments thinking that only the person you are

- talking to can hear you and that this person will also not take offense to it. Simply put, do not make off-color comments while you are at work.
- e. Employees of ARENA OC agree not to use any Federal, State or locally illegal or illicit narcotic or drug. Such a violation could subject the employee to immediate termination. Should ARENA OC management have reasonable suspicion that an employee might be under influence of an illegal substance, they may ask the employee to submit to a drug test.
 - f. It is expressly prohibited for any employee to consume alcohol before or during their shift at ARENA OC. Should management have reasonable suspicion that an employee has consumed alcohol as they begin their shift or during their shift, they may ask the employee to submit to a breath test or other chemical test to determine the presence of alcohol.
 - g. Employees of ARENA OC agree to follow the rules and regulations contained within this P&P manual. Any act or omission of any section of this manual is grounds for immediate termination.

Chapter Four

A. Employee Dress Code

- a. Employees and primarily security personnel are tasked with keeping guests safe while they enjoy ARENA OC. This task can be made easier if all security personnel are easily recognizable by employees and guests. A modified uniform is mandatory for all security personnel of ARENA OC
- b. All employees must be neat and clean when they are working their shift.
- c. This uniform must not be accessorized with chains, patches, embroidery (other than employee name), or other clothing that may be interpreted by guests as excessive, aggressive or “macho”.
- d. Black gloves can be considered intimidating and are not to be worn while working as an employee. If hand protection is desired during security duties, opaque or latex gloves are acceptable forms of hand protection and will be supplied by management. For employees assigned to outside duties during winter months or during inclement weather, gloves can be worn after approval from management.

Chapter Five

A. Narcotics Use and Possession

a. Illegal Use or Possession by Guest

1. Any employee observing or having reason to believe that a guest is in possession of or is using any illegal drug, narcotic or controlled substance, MUST:
 - i. Not initiate solo contact with guest alone.
 - ii. Immediately notify a supervisor & call for back-up security.
 - iii. Wait for management's direction before proceeding. If management deems it appropriate to make contact with the guest, employees will assist where needed.
 - iv. Complete a detailed written report of the incident.
 - v. If a guest becomes violent or other circumstances arise, management and/or security shall call local authorities.
 - vi. If a guest is removed from the venue, security, using flashlights, should walk the area of where guest was contacted to see if any illegal substance was dropped on the floor.
2. Management shall call the authorities to report.

b. Illegal Use or Possession by Employee or Contracted Employee

1. Use of any illegal drug, narcotic or controlled substance is absolutely prohibited while employed by ARENA OC. It must be remembered that any illegal drug activity within ARENA OC, by guests, employees or entertainers can subject the business to criminal or administrative sanctions. This activity will not and must not be tolerated by employees or management.
2. Drug testing may occasionally be requested of employees. Failure to either take the test or failure to pass the test may be grounds for immediate termination.

c. Found Narcotics

1. If any illegal substances are found in or around the property of ARENA OC, management must be notified immediately.

Managers have two options when suspected illegal substances are discovered.

i. Option One

1. The employee discovering the item should immediately notify the nearest employee to come to their location so two people can observe the item and two people can be involved in securing the item correctly and safely. Having two people involved in this process will reduce the possibility of a single employee being accused of violating this policy or of stealing the drugs. Additionally, using two people will assist in proving that correct action was taken regarding the item found.
2. One of the employees must notify management to assist them.
3. The employee, with another employee and a manager will place the suspected item in a bag and lock it in the safe immediately. Again, two employees should observe this. The use of rubber gloves supplied by management will be used when handling suspected substances.
4. Costa Mesa Police Department (CPD) should immediately be called to notify them of the “Found Narcotics” on the premise. (Police non-emergency number is 714-754-5280.) CPD has many duties and responsibilities nightly. One of those responsibilities is to respond to calls from parents, citizens, businesses and employees who find illegal or dangerous items. Law enforcement agencies have a set policy on what their actions are regarding found narcotics. Calling CPD to take possession of found narcotics WILL NOT affect your liquor license. Calling CPD is also very important to show that the employees don’t want illegal substances on their premise.

5. When CPD responds, the officer(s) will be escorted to the office safe by management. The officers will remove the item and take possession of it. Document the officer's name and their identification number along with the time the officer took possession of the item.
6. If CPD does not or cannot respond to the venue by the time the venue closes, the item will be destroyed by management and one other employee. This destruction is to be completed in the following manner.
 - a. While using gloves, management and one employee will remove the item from the safe and destroy the item by flushing it down a toilet. CPD will again be called to notify them that the premise is now closed and that two employees destroyed the item by flushing it down a toilet.

ii. Option Two

1. If management deems it appropriate, CPD will not be called but instead, a manager and one employee will take the substance to the nearest restroom and destroy it as detailed above in Option One.
2. If any illegal substance is found, a detailed report must be written explaining who discovered the item, what employee acted as a second witness, what the substance looked like, what it was packaged in, where it was discovered, who called CPD, what time they were called, if they ever responded and if they did, their names, and if they didn't respond, who destroyed the item and how it was destroyed. This documentation will assist ARENA OC management or ownership in defending themselves in any future civil or criminal cases involving any illegal substance, found or otherwise.

3. Employees are encouraged to attend training on narcotics and other drugs so they may better understand the dynamics of use, possession, packaging and what the drugs look like.
4. Under no circumstance will any employee of ARENA OC place any suspected found narcotics in their pocket or on their person while waiting for management or authorities to respond. Such an action could possibly subject the employee to arrest for possession of that illegal substance.

Chapter Six

A. Security Personnel Equipment

- a. To properly complete the duties of an employee at ARENA OC, security personnel should have a minimum of equipment. This equipment may be used for safety or just to make the job easier for the host. Management has the final decision on what is allowable equipment. Although the job of security personnel can be completed without such equipment, here is a simple list of possible equipment.
 - i. Flashlight – This light should not be the full sized, 4-D Cell battery type, but instead, the smaller 2-AAA battery Maglite® or the rechargeable Streamlight® Stinger™. These two flashlights are small enough for the host to put them in their pocket. Additionally, these lights are too small to use as an impact weapon.
 - ii. Ultraviolet Light or Black-Light – This light will be used to screen identification for holograms.
 - iii. Radio's – Communication is an important component for any employee. If used, each host must have a radio that can be clipped to their belt. This allows the employees' hands to be free for other tasks. Additionally, each host must have a functioning headset. All radios must be able to synchronize on one single frequency. Management has the final approval on all radios.
- b. Additional optional equipment might include a jeweler's loop or negative magnifier and an identification recognition book.
- c. Under no circumstance will pepper spray, mace or any other chemical agent ever be carried by any ARENA OC employee during their work shift. Even if a security personnel has completed the state mandated training for chemical agents, they are expressly prohibited from carrying or using it while employed at ARENA OC. The unauthorized use and violation of this section could cause serious injury or death to employees or guests and subject the security personnel to immediate termination and or legal action. Additionally, no guest should be allowed to bring pepper spray into ARENA OC
- d. Any other equipment that a host wants to use must be approved by ARENA OC management before it can be used on the premise.

Chapter Seven

A. Guest Service

- a. ARENA OC management is absolutely committed to providing the best possible guest service for our guests. To that end, all employees of ARENA OC should act as if they are “Owners” and “Management” in respect to dealing with guests and any problems they may encounter while at ARENA OC. The mindset for every employee should be to satisfy the guest without compromising safety.
- b. All employees will make every effort to “Welcome” guests of ARENA OC and should always “Be nice” and “Respectful” to guests, even if the guest is being asked to leave or is being escorted out of the venue.
- c. All ARENA OC employees are expected to resolve problems in a friendly, professional, and courteous manner. If the problem cannot be resolved to the satisfaction of both the employee and the guest, the employee should seek immediate assistance from management.
- d. ARENA OC employees must remember that providing the best possible guest service will enhance the total experience for the guest while they are at ARENA OC and also aid the employee in the event they must intervene in a guest-to-guest dispute. Your commitment to providing great guest service will determine whether many guests ever return to our establishment.
- e. Management will not tolerate any blatant discourtesy and disrespect towards guests of ARENA OC. Failure to treat guests with respect and failing to “Be Nice” may result in immediate termination of discipline of the employee.
- f. Employees are encouraged to take courses or classes on communication and body language. Having these two skills will allow employees to better provide positive and quality guest service.

Chapter Eight

A. Identification Procedures

- a. Screening identification (ID) of a guest must be completed with the utmost care. The screening process is the first line of defense in stopping under-age drinkers from entering ARENA OC. Additionally, screening ID is normally the first contact guests will have with any ARENA OC employee. The ID screener must make this first contact a positive one.
- b. When tasked with checking ID service staff will ID all guests. The following rules should be adhered to:
 - i. All guests should have their ID screened.
 - ii. Anyone who appears to be near 21 years of age should be asked their age. This question is important as any minor decoy used by ABC or CPD must be honest about their age if asked.
 - iii. All patrons will be issued a wristband which must be worn for the entire duration of their presence on the premise. Anyone identified to be under 21 years of age will be issued a different color wristband than those patrons who are 21 years of age or older.
 - iv. Wristbands will be a bright color and large enough for employees and staff to identify anyone under the legal drinking age.
 - v. Wristbands will be made of a material that is tamper proof and non-transferable with a secure locking mechanism once placed on the wrist of each patron.
- c. Identification that will be accepted at ARENA OC must be issued by a state or federal agency. The general guidelines of ABC will be followed with a few exceptions.
- d. ARENA OC will accept the following forms of ID:
 - i. Current valid, non-expired state driver's license.
 - ii. Current valid, non-expired state identification card.
 - iii. Current valid, non-expired military identification. Because current military ID's do not list the physical description on the rear, any question of the identity of the person should force the ID checker to ask for another form of valid ID.

- iv. Current, non-handwritten United States Passports or Visa's.
 - v. Federal Immigration & Naturalization Services Identification (I-551 or Green Cards)
- e. Screening of the actual ID will be done in a methodical and precise way both upon entry and by waitstaff before serving any alcoholic beverage. An example of a screening routine follows although employees may create and follow their own routine providing it follows ARENA OC procedures and covers the important points necessary.
 - i. Require valid photo identification from all guests, regardless of their age.
 - ii. If the guest appears to be near the age of 21, ask the person their age.
 - iii. Have the person remove the ID from its holder (wallet or purse)
 - iv. Once in the hand, feel the entire ID for nicks, cracks, and scrapes.
 - v. Look at the ID and do a cursory screening for any common security features used.
 - vi. Look at the photo on the ID while looking at the person in front of you. Holding the ID in front of the person's face will aid in finding flaws commonly seen when a borrowed ID is used by a minor. Check the photo from top to bottom in this possible order; Hair line, Hair type or cut, Eyebrows, Nose edges, Ears, Lips, Chin, and Neck lines.
 - vii. Look at the birth date and any red areas that might state the actual age of the person.
 - viii. Look at the expiration date.
- f. In 2000 the State of California passed a law allowing any liquor-licensed establishment that is presented with a fake, borrowed, or otherwise bad form of ID to confiscate that ID. Per state law, if an ID is confiscated the following two events must take place:
 - i. A receipt must be given to the guest whose ID is confiscated. This receipt can be of any style and can contain any information related to the ID and the guest.

- ii. The ID must be sent to any law enforcement agency within 48 hours.
(The law does not outline what law enforcement agency the ID must be sent to).
- g. When an employee or another employee discovers a borrowed, fake, or otherwise bad form of identification, the policy of ARENA OC is to confiscate the ID from the guest and contact CPD.
- h. It must finally be remembered that all employees working at ARENA OC are relying on staff to properly screen ID and catch the bad or borrowed IDs before the purchase of alcohol. If a server provides alcohol to a minor, the server of the alcohol could be arrested or receive a citation.

Chapter Nine

A. Weapons

- a. The only weapons that will be allowed inside ARENA OC will be those brought in by on-duty uniformed or undercover law enforcement officials.
- b. Under no circumstance will any ARENA OC employee EVER bring a weapon to work. A weapon will be defined as, but are not limited to:
 - i. Handgun
 - ii. Knives (Small pocketknives and blades within pocket “Leatherman” tools are authorized)
 - iii. Switchblades or Butterfly knives
 - iv. Saps
 - v. Brass knuckles
 - vi. Nunchukas
 - vii. Any other object that could be used as a weapon such as a metal pipe or wooden restaurant.
- c. Under no circumstance will any guest be allowed to bring any weapon into ARENA OC
- d. If a weapon is detected on a guest, management will be summoned as will two or three additional security team members.
- e. Occasionally off-duty law enforcement officers will enter ARENA OC to enjoy the atmosphere as a guest. They may, on occasion, be carrying their off-duty weapon. It must be remembered that if this off-duty officer becomes intoxicated and gets into an altercation that weapon may inadvertently be displayed or used. Management must weigh the option to allow the off-duty officer to enter with their weapon, to ask the person to lock the weapon in their car or to ask the person to leave the premise.
- f. Management must be requested if any question relating to allowing off-duty law enforcement carrying a weapon to enter the venue arises.
- g. If a weapon is discovered abandoned anywhere on the property of ARENA OC, CPD will be called to take possession of the weapon immediately.

Chapter Ten

A. Law Enforcement

- a. Having and maintaining a good working relationship with local law enforcement is absolutely necessary to run a safe venue. It is required that all ARENA OC employees work with local authorities in every situation.
- b. Occasionally, uniformed, or plain clothes law enforcement officials will want to enter ARENA OC to conduct routine police investigations or ABC premise inspections. These inspections are randomly completed by officials and normally are quick and painless.
- c. **Employees will never delay any official from entering ARENA OC for any reason. Such delay could subject the employee to arrest for delaying a peace officer in the performance of their duties.**
- d. Employees should notify management immediately when officials arrive for an inspection or an investigation.
- e. One employee should “shadow” officials during their inspection or investigation on ARENA OC property. This “shadow” will not be involved in the inspection or investigation and will only be there to observe any issues that may arise. This “shadow” will prepare a detailed report of the police visit. The “shadow” will not take the place of a management representative who must also stay with the official. The “shadow” should be open and conspicuous, not overt. They should be there to respond to questions and comments.
- f. By accepting the ABC liquor license, ARENA OC agrees that any area in the licensed premise is open to inspection. This includes all areas within the physical walls of ARENA OC. This includes offices, kitchen(s) bar(s), storage area(s), locker room(s), bathroom(s) and any other closed or confined space within ARENA OC. Delaying officials could result in the arrest of the employee.

Chapter Eleven

A. Off-Duty Law Enforcement

- a. Occasionally off duty law enforcement will visit ARENA OC as a guest. They are to be treated with the same guidelines as any other guest.
- b. It will be entirely up to the management as to whether off-duty law enforcement officials will be allowed preferential treatment such as head of line placement or not paying the cover charge. Additionally, they will not be allowed to violate any ARENA OC policy or procedure such as carrying a weapon in the venue.
- c. In the event that an off-duty official is involved in any altercation, management must always consider calling CPD to make a report or to deal with the official. Management must consider this issue and have a plan that has been discussed with employees.
 - i. Occasionally, when an off-duty official is involved in an altercation they may identify themselves as “cop” or “police”. This notification might change the way that the employee operates. However, if only a verbal notification is given and no other documentation is seen, management must be told immediately, and the decision must be made to call CPD or not.
- d. For issues related to weapons being carried into ARENA OC by off-duty law enforcement see Chapter Nine.

Chapter Twelve

A. Intoxicated Persons

- a. It is not against the law to be intoxicated or to allow an intoxicated person into a liquor licensed establishment such as ARENA OC, however, it is against the law for an obviously intoxicated person to be served alcohol or to allow them to consume alcohol. The law describes drunk in public as someone who is obviously intoxicated and cannot take care of themselves or is a danger to others. This definition is in the opinion of the actual law enforcement official when they step into ARENA OC to observe guests.
- b. Every ARENA OC employee, especially security staff and servers, are expected to know and be able to recognize the signs and symptoms of someone who is over-intoxicated from alcohol. Although the following list is not all of the possible outward signs to look for, here are some of the more common signs to help you identify someone who is over-intoxicated:
 - i. Slurred speech
 - ii. Excessively loud
 - iii. Bloodshot eyes
 - iv. Abnormally loud
 - v. Short or rude
 - vi. Slack facial muscles
 - vii. Un-kept clothing appearance (shirts incorrectly buttoned, zipper's unzipped)
 - viii. Using tables or the bar for balance
 - ix. Staggering or weaving when walking or standing
 - x. Lack of balance
- c. If an employee suspects that a person may be over-intoxicated before they enter the restaurant, they should politely offer to call the person a cab so they may go home. The employee should also let the person know that they will not be allowed inside the restaurant. REMEMBER; be very cautious when approaching a possibly over-intoxicated person alone. If at all possible, always have at least one other employee,

- preferably two other employees present when you decide to talk to a possibly over-intoxicated person.
- d. If you turn a person away for being over-intoxicated, try to see if they have a friend to take them home. If they do not and are alone, offer them a taxi, Uber or Lyft and be ready to call one for them. An additional step may be to offer them a bottle of water to go on the house.
- B. Stopping Service to Over-Intoxicated Persons (Cutting Off)
- a. It is not against the law to be intoxicated. However, it is against the law to be so intoxicated that a person is a danger to themselves or to other people. Generally, law enforcement observes the person, talks to them and then will make a fair determination as to whether the person is so intoxicated that they can't care for themselves. ARENA OC employees should do the same fair evaluation when deciding to stop service to a guest.
 - b. Any employee may approach you and ask for you to assist with stopping alcohol service and asking a person to leave ARENA OC. This includes management, servers, bartenders, and other security personnel.
 - c. Caution must be taken when it has been determined that a person is over-intoxicated and must have alcohol service stopped. Violence surrounding removing a guest's alcoholic beverage could occur if not done with tact and caution.
 - d. Management must always be notified when a guest is being cut off and should always be present to observe the incident.
 - e. Never approach any guest to stop alcohol service alone. Always have at a minimum of 2 employees, preferably 3 or 4 employees present.
 - f. If at all possible, try to have a friend of the intoxicated person assist you with stopping the person from drinking and leaving the premise.
 - g. Any employee can make the determination to cut off a guest; however, security should always be called to manage the guest in case they become combative.
 - h. If a server, bartender, or employee decides that a guest needs to be cut off, all other employees must respect that decision and back the decision of the first employee without question. Failure to do so will seriously undermine morale and could be cause for termination.

- i. It must be remembered that bartenders and servers may not always recognize that a guest is over-intoxicated. Guests may have others order their drinks or they may be able to control themselves while the server or bartender talks to them. Employees must be vigilant and ever aware of over-intoxicated persons and never be worried about approaching anyone to talk to them and if necessary, stop alcoholic service.
- j. As soon as possible after the guest is cut off, all other bartenders, servers, security personnel and managers **MUST** be notified of the person being cut off so they can observe and keep the person from consuming any additional alcohol.
- k. Finally, when a person is cut off, ARENA OC employees may offer the person a free bottle of water, some sort of food and a taxicab, Uber or Lyft. As you discuss this with the person it is always a good idea that if there is not a taxi or other ride share is already near ARENA OC, call one for the person anyway. If the over intoxicated person who is cut off decides not to take the taxi or ride share, and wants to walk away or possibly drive home, all employees should feel comfortable to tell the guest that police will be called if they decide to drive intoxicated.
- l. Proper documentation must be completed whenever a guest is cut off or asked to leave. At a minimum, the information to collect for documentation should be the guest's name, their clothing description and how they left the venue.

Chapter Thirteen

A. Unacceptable Guest Behavior

- a. Occasionally a guest will be asked to stop a certain activity that may cause an incident with another guest or employee. These occasions can be very dangerous to security personnel and must be handled with the utmost care.
- b. Besides over-intoxicated guests, there are several other unacceptable behaviors that a guest may be doing. The following list should be used as a guide to help security personnel decide whether to approach a guest.
 - i. Throwing any object at other guests, employees, or entertainers.
 - ii. Touching, grabbing, or pinching any employee or guest. If an employee or guest is touched and feels it was inappropriate, they should be asked if they want the person to leave. If they say, “yes” and there is a reasonable basis to believe the accusation, that guest may be asked to leave. We want to create and maintain an environment free of sexual harassment by guests.
 - iii. Being excessively loud or vulgar.
 - iv. Trying to pick a fight.
 - v. Arm wrestling.
 - vi. Beating on any equipment.
 - vii. Jumping on the bar, stage, or other areas where guests are generally prohibited.
 - viii. Any other activity that may cause harm to the guest, another guest, an employee, or any entertainer.
- c. If the guest refuses to stop the offending behavior or is caught doing this activity again a management must be notified immediately.
- d. If a guest is contacted for any of the described activity, they will be asked politely and with respect to stop the activity and told why so they understand. They should be told that if they don’t stop this activity, they will be asked to leave the premise. They should also be told that if they are caught doing this type of activity again, they will be asked to leave the premise.

- e. As mentioned, several times in prior chapters, never approach the guest alone to ask them to stop offending behavior. A calm guest can turn violent quickly without notice.
- f. If the activity has not stopped, notify management, and request other employees. Allow management to talk to the guest. All employees should act as “back up” for management.

Chapter Fourteen

A. Conflict Resolution and Use of Force

- a. The use of force by security personnel is the largest reason for criminal charges against employees and also the largest reason for civil judgments against restaurants, bars or restaurants. At ARENA OC, management demands that employees learn and use effective communication skills to lessen the possibility of any use of force.
- b. By law, every liquor establishment must provide for a safe environment for any guest and for any employee who works there. To provide this safe environment, it is recognized by the management of ARENA OC that the limited use of force may occasionally and rarely be necessary.
- c. ARENA OC does not have a “Hands Off” policy, but instead, employees of ARENA OC will use communication skills, tact, restraint and control in dealing with potentially violent guests and only as a last resort will they put their hands on a guest.
- d. ARENA OC does have a no “Head & Neck” policy. This means that employees will not grab any guest by the head or neck. This includes head locks, full nelsons, half nelsons, carotid restraints, choke holds and any other hold that involves the head or neck. The only exception to this rule is if grabbing the guest’s head or neck was done to stop that guest from using force on another guest or employee of ARENA OC. Any employee that violates this policy may be subject to immediate termination.
- e. It is the absolute policy of ARENA OC that any employee who must use force must **only use the amount of force necessary to stop a threat** from a guest towards another guest or towards an employee. This means that if an employee is struck once and the guest then stops fighting, the employee may not strike the guest because the threat has already stopped. This specific point must be completely understood by every security guard. If a security guard uses any excessive force after a guest has stopped aggression, that employee is subject to immediate termination and criminal liability.

- f. The following are specific areas that must be adhered to with regard to aggressive and combative guests where force is unavoidable. Employees should avoid the following:
- i. Strike any person in the face, head or neck unless this strike was to stop deadly force being used by the guest on another guest or another employee or themselves.
 - ii. Use any force that goes beyond stopping the threat from the combative guest.
 - iii. Use their flashlight as an impact weapon unless the use of this flashlight as a weapon was to stop the guest from using deadly force.

Any employee who violates any portion of this section will be subject to immediate termination.

- g. When ARENA OC employees approach a fight between guests they must immediately start to yell to the guests; “Security, Stop Fighting”. This first level of force may help stop the fighters or anyone else that might want to get involved in the fight. This will also tell all involved what employees want done.
- h. Once employees place their hands on the combatants, they must continue to say; “Stop Fighting”. This further tells all involved what they want done. Additionally, when the fighters realize that employees are grabbing them, the fighters may decide to turn on security and fight them.
- i. After the fighters are separated and employees are trying to calm them down, security personnel must be ready for the fighters to turn their aggression towards them. If this happens, employees will then change their function from separating the fighters to subduing and detaining them. When this shift takes place, employees must start yelling; “Stop Resisting” until the fighter is in handcuffs, restrained or stops resisting.
- j. If local authorities are requested to assist ARENA OC employees, it is mandatory to obtain the officer’s name and identification number that was in charge before they leave. The best practice is to ask for a business card from all of the officials and make notes as to what their jobs were on the rear of the cards.
- k. Any use of force by any employee must be properly documented in writing. The security guard, using whatever level of force, must write a

- detailed report. If other employees assisted, they must also write a detailed report on their actions. All reports must be written before any employee leaves at the end of their shift. Failing to provide this report may subject the host to immediate termination.
- l. Management must review all reports from employees for completeness and accuracy. If an employee has difficulty writing their report, they may elect to have another employee write the report based on the employees' statements. The employee will read the statement and then sign it stating that it accurately portrays what they saw, said or did.
 - m. Occasionally, a guest may attempt to destroy ARENA OC property. The minimal force necessary must be used to stop this destruction of property. All proper force guidelines must be followed for stopping the guest who is caught destroying property.
 - n. **REMEMBER**, any use of force must be considered a last resort. Using verbal commands and requests along with body positioning may stop many violent situations before they escalate.

Chapter Fifteen

A. Removal of Guests

- a. It is understood by management that on occasion a guest will act in such a manner that dictates they be asked to leave ARENA OC. It is also understood by management that on occasion the guest will not desire to leave of their own accord and will have to be escorted out by security personnel. Before a guest is removed physically, management MUST be notified to speak to the individual.
- b. If it is decided by ARENA OC employees that a guest must be asked to leave, employees will not act alone. It is expressly prohibited for any ARENA OC employee to attempt to remove a guest alone.
- c. Management must be present for any action surrounding the removal of guests.
- d. If the guest decides to leave on their own, caution should still be taken to assure there is no surprise attack against any ARENA OC employees. Again, no guest will be escorted from ARENA OC by a single employee, even if they decide to leave on their own. Additionally, ARENA OC employees will not put their hands on the guest who is walking out of the venue on their own.
- e. If the guest is leaving on their own, employees are advised to stay a minimum of 5 feet behind the guest. If traveling up or down stairs with the guest that is leaving on their own, stay a minimum of 6 feet behind the guest. Finally, never assume guests leaving on their own will not turn violent, always expect the worse.
- f. If the guest declines to leave on their own, a manager will attempt to convince the guest to leave on their own. The manager may tell the guest that they must leave, or they may face charges of trespassing.
- g. As a last resort, after management speaks to the guest, security personnel may have to physically remove the guest with the least amount of force necessary. When this is done, care must be taken when placing hands on the guest. The potential for violence goes up when employees attempt to place their hands on guests who are intoxicated or angry.
- h. When a guest is restrained and being escorted out, all extra employees not involved must know a guest is being removed. Extra employees

- should work to clear a path or warn other employees working so they may stop the lines. This provides added elements of safety for the removed guest and employees.
- i. If, during removal of the guest, any other ARENA OC guest is assaulted, that guest must have the opportunity to make a private person's arrest before the assaulting guest is allowed to leave.
 - j. When any guest is removed from ARENA OC for any reason, a detailed report will be written, and management will review the report for accuracy.
 - k. If during the removal of any guest anyone involved is injured, medics should be considered to evaluate the injury. This is especially important for guests who are injured or who claim to be injured.
 - l. It is also the policy of ARENA OC that nothing in this section or anywhere else in this policy manual that prohibits any employee or other employee from acting to stop a guest who is so combative or dangerous that their actions could cause great bodily harm or death to another employee or guest. This may include intervening and placing their hands on a combative guest immediately and before management or other employees can be requested for assistance.

Chapter Sixteen

A. Report Writing

- a. There are two methods to document incidents at ARENA OC. One is a full report, and the other is an incident log. A report is larger, longer and contains much more information. An incident log is short, perhaps a paragraph or a few lines on a page.
- b. Incident logs will be used for minor issues such as an abandoned ID, guests caught drinking in the parking lot, refusing entry, and guests who are cut off and leave without any violence. There may be other incidents that fit this category that are not listed.
- c. The incident log may be an actual logbook or individual pages with incidents documented on them. However minor incidents are documented, it is the policy of ARENA OC to keep these minor incidents for 2 years.
- d. Report writing is a major component of limiting ARENA OC liability involving any incident. Management realizes that although important, report writing can be boring and tedious. Nevertheless, reports must be completed in a timely manner and with the utmost accuracy. Attempting to remember an incident 18 months after the incident is extremely hard and a well-written report will help the employee to remember important facts.
- e. All reports must be completed before the employee leaves at the end of their shift.
- f. Reports will be written for all the following instances:
 - i. Any fight or violent incident on any portion of ARENA OC property.
 - ii. Any injury to any employee or any injury to a guest of ARENA OC
 - iii. Any use of force by an employee.
 - iv. Any action taken by any law enforcement or ABC officers in or on the grounds of ARENA OC. This action could be an arrest in the parking lot, a police officer walks through of the premise, an ABC bar check or if a guest is so violent that police enter to

assist security personnel. This action could also be by Fire Marshals, Code Compliance or Health Code Inspectors.

- v. Any confiscated narcotics or any found narcotics on the premise of ARENA OC.
- g. If at all possible, due to the prevalence and the use of “Date Rape” drugs, a report should also be written if a ARENA OC employee is concerned for the welfare of an over-intoxicated female guest leaving ARENA OC with a male guest. This report should contain as much information as possible surrounding any other guests she is leaving with and any vehicle she is leaving in. Additionally, this report should also contain all of the affected guests’ outward physical symptoms of intoxication or of being under the influence of any substance.
- h. Any employee who fails to use either incident logs or reports to document incidents or issues at ARENA OC is subject to immediate termination. If any employee is not sure if they should write a report or incident log, they should err on the side of the better, more thorough report.
- i. It is understood that on occasion, an employee of ARENA OC may not have the correct training or education to write a proper report. In these situations, another employee or manager may write the report for that employee as they tell the story to the writer employee. When the report is finished the first employee will read the report then sign their name to it along with a statement advising that the report was not written by them but was read and was exactly what they told the writer employee.
- j. Management will review all reports for accuracy and completeness.
- k. Reports will be kept for a period of two years.

Chapter Seventeen

A. Banned or 86'd List

- a. This list is maintained by management and covers several serious offenses that can be committed at ARENA OC. Here are just a few of the offenses that can cause a guest to be banned for life or 86'd for life.
 - i. Anyone who gets into a fight in the restaurant or in the parking lot.
 - ii. Anyone who brandishes a weapon. This includes a gun, knife, bat, broken bottle, glass, or any other weapon that can cause serious bodily injury.
 - iii. Anyone caught using or selling any narcotic.
 - iv. Any guest who refuses to pay their tab. (Management Decision)
 - v. Any chronic drunk or any guest who after a certain number of drinks always becomes a problem for the staff of the premise.
- b. This list is not all-inclusive and there may be other activities that may require banning a guest for life. All employees should have input to management as to whether a certain activity should cause a guest to be banned for life.
- c. Management reserves the right to ban a guest for a shorter period of time if that punishment is deemed appropriate for a certain guest. This shorter banned list will be judged on a case-by-case basis per each individual guest's activity.
- d. Any employee who knowingly allows any guest who has been deemed banned for life to enter ARENA OC without prior approval of senior management may be terminated.
- e. No prior 86'd guest can be removed from the banned list without management's consent. No other employee has the authority to remove someone from the banned list.

Chapter Eighteen

A. Injuries to Guests

- a. Management must be notified immediately about any guest or employee injury.
- b. If a guest is injured during an altercation with another guest or security, medical attention should be sought for the guest. If paramedic's respond and the guest refuses care, a detailed report should be completed by security.
- c. Security personnel are not doctors and will not decide as to whether the person has a serious enough injury to require medical care. Always err on the side of caution even when deciding to call paramedics for a guest, even if the person tells you they do not want assistance.

Chapter Nineteen

Age-Restricted Areas during 18 and over events:

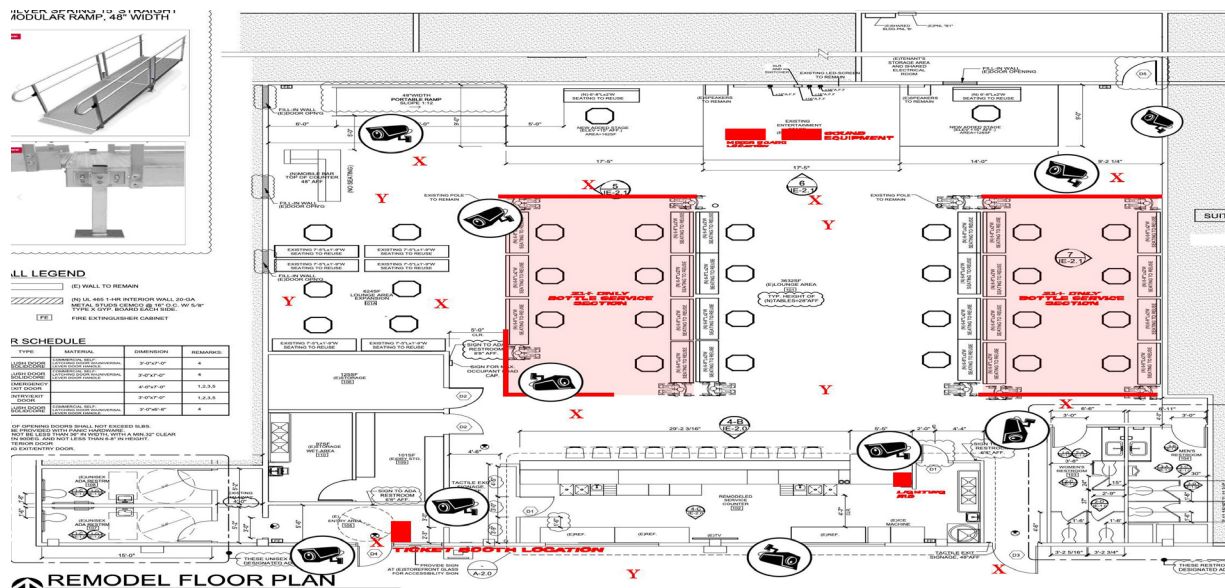
Designated areas exclusively for patrons aged 21 or older during events that include patrons 18 years and older: these areas will be clearly demarcated and monitored to ensure compliance by all employees and security personnel. Anyone under the age of 21 will not be permitted in restricted areas for any reason.

Dedicated security personnel will be assigned to monitor bottle service area entrance and remain stationed there throughout the entirety of the event unless there is an emergency.

Bottle Service Protocol:

Patrons opting for bottle service must adhere to specific guidelines to ensure compliance with age restrictions and responsible drinking practices. All members of the party must be present before they are escorted to the bottle service area. This ensures that underage individuals are not attempting to gain access to the area. Strict enforcement of age requirements will be upheld in the bottle service area, with only individuals aged 21 or older permitted entry. IDs will be rechecked by the host for each member of the party at a table for bottle service before alcohol is served.

The floor plan below shows locations of roaming (indicated by “Y”) and stationed (indicated by “X”) security personnel during mixed age events:



****This manual may be adjusted from time to time as may be required. Maintain a full and accurate copy of this manual and know its contents.**

City of Costa Mesa Police Department

Memorandum



DATE: August 6, 2024

TO: Scott Drapkin, Asst. Director Development Services

FROM: Ronald A. Lawrence, Chief of Police

SUBJECT: Minor CUP-2968 Randolph Ave. Unit 2

This memo is to communicate concerns the Costa Mesa Police Department (CMPD) has regarding the Minor CUP change for the property at 2968 Randolph Ave. Unit 2, known as Arena OC, which would lead to the issuance of an ABC Type 90 alcohol license and allow for an 18 and over nightclub environment at this location.

It should be noted that the current business averages approximately 12 police calls for service per year, which is not excessive, and the concerns outlined does not imply that the current business is derelict in any way.

Concerns of CMPD are based upon previous problems related to an 18 and over club in the past, in that same area. A previous 18 and over club created an unsafe environment and an undue burden upon the community resulting in increased calls for service from surrounding neighbors for CMPD and CMFR. The types of calls for service associated included:

- Fights and physical altercations
- Intoxicated persons causing disturbances
- Drinking in public, noise disturbances and littering in surrounding business and residential neighborhoods

Specifically, the previous business generated extensive community complaints from residents at the Pentridge Cove Condominium complex. This current applicant's business is actually closer to this residential complex than the previous club.

This business has already established a nightclub environment, which is advertised on social media with photos of DJs, dancing and bottle service, which can be viewed at an Instagram platform called: arenaoc. The changes being requested would allow for a licensing change and the addition of 18-20 year olds into an environment that sells alcohol and is primarily an adult entertainment environment, which creates an inherent concern of underage drinking and ultimately has the potential to become a detriment to the community.

Respectfully submitted for consideration,

A handwritten signature in blue ink that reads "Ronald A. Lawrence". The signature is written over a horizontal line.

Ronald A. Lawrence
Chief of Police

NO.	REVISIONS	DATE
	ISSUED	08.02.23
	ISSUED	09.13.23

ARENAOC

PROJECT
PROPOSED
TENANT IMPROVEMENT
ADDRESS
2968 RANDOLPH AVE. UNIT B
COSTA MESA, CA 92626

OWNER
DAVID HO

PHONE: (310)220-7768
EMAIL :



JOB NO :	
DATE :	08.02.23
DESIGNED :	DMDB
CHECKED :	DMEN
DRAWN :	DMEN
PLOTTED :	
SCALE :	AS SHOWN

AYALA
AYALA DESIGN GROUP
155 S. DeLacey Ave. Ste2001
PASADENA, CA 91105
TEL.323.606.3422

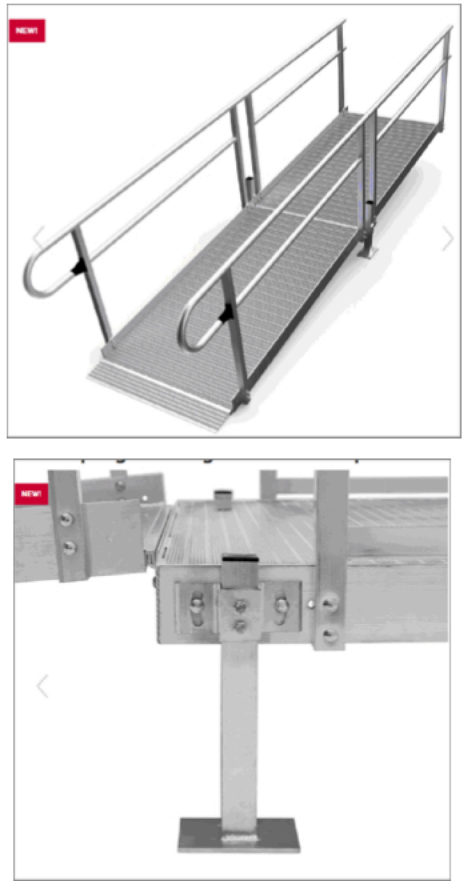
PLAN PREPARER

REMODEL FLOOR
PLAN

SHEET TITLE
SHEET NUMBER

A-1.1
105

SILVER SPRING 15' STRAIGHT
MODULAR RAMP, 48" WIDTH



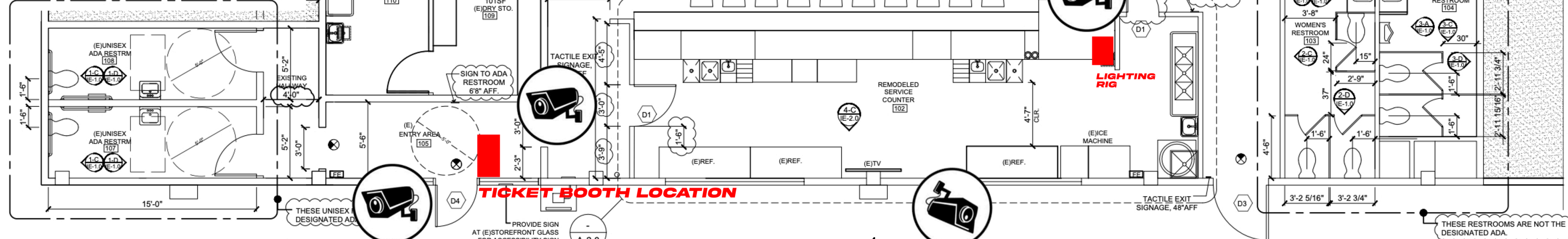
WALL LEGEND

- (E) WALL TO REMAIN
- (N) UL 465 1-HR INTERIOR WALL 20-GA METAL STUDS CEMCO @ 16" O.C. W/ 5/8" TYPE X GYP. BOARD EACH SIDE.
- (FE) FIRE EXTINGUISHER CABINET

DOOR SCHEDULE

TAG	TYPE	MATERIAL	DIMENSION	REMARKS:
D1	FLUSH DOOR SOLIDCORE	COMMERCIAL SELF- LATCHING DOOR W/UNIVERSAL LEVER DOOR HANDLE	3'-0"x7'-0"	4
D2	FLUSH DOOR SOLIDCORE	COMMERCIAL SELF- LATCHING DOOR W/UNIVERSAL LEVER DOOR HANDLE	3'-0"x7'-0"	4
D3	EMERGENCY EXIT DOOR		4'-0"x7'-0"	1,2,3,5
D4	ENTRY/EXIT DOOR		3'-0"x7'-0"	1,2,3,5
D5	FLUSH DOOR SOLIDCORE	COMMERCIAL SELF- LATCHING DOOR W/UNIVERSAL LEVER DOOR HANDLE	3'-0"x6'-8"	4

- REMARKS:
- FORCE OF OPENING DOORS SHALL NOT EXCEED 5LBS.
 - SHALL BE PROVIDED WITH PANIC HARDWARE.
 - SHALL NOT BE LESS THAN 36" IN WIDTH, WITH A MIN.32" CLEAR WHEN OPEN 90DEG. AND NOT LESS THAN 6-8" IN HEIGHT.
 - NEW INTERIOR DOOR
 - EXISTING EXIT/ENTRY DOOR.

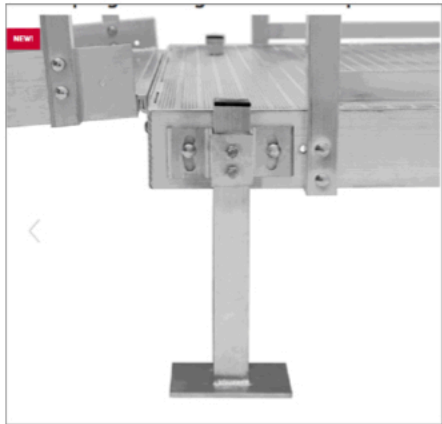


CONSTRUCTION NOTES

- G.C. TO VERIFY ON SITE FOR ANY REPAIR ON WALL, ELECTRICAL AND PLUMBING.
- INTERIOR WALL AND CEILING FINISHES SHALL HAVE A FLAME SPREAD INDEX NOT EXCEEDING THAT SPECIFIED IN CBC T803.3 AND DECORATIVE MATERIALS SHALL MEET THE REQUIREMENTS OF CFC807.
- MAX. OCCUPANCY AT LOUNGE AREA ONLY AND LOUNGE EXPANSION AREA IS 285.
- NOS. OF ADA SEATS AVAILABLE IS 14.
- PROVIDE INTERNATIONAL SYMBOL FOR ACCESSIBILITY SIGN AT ENTRY.
- ALL PLUMBING FIXTURES AT EXISTING RESTROOMS 103 AND 104 ARE NEW.
- WALLS AND PARTITIONS WITHIN 2FEET OF SERVICES, URINALS AND WATER CLOSETS SHALL HAVE A SMOOTH, HARD, NON-ABSORBENT SURFACE, TO A HEIGHT OF NOT LESS THAN 4FT ABOVE THE FLOOR.

FLOOR PLAN FOR MIXED AGE EVENTS [18 YEARS AND OLDER]

SILVER SPRING 15' STRAIGHT
MODULAR RAMP, 48" WIDTH



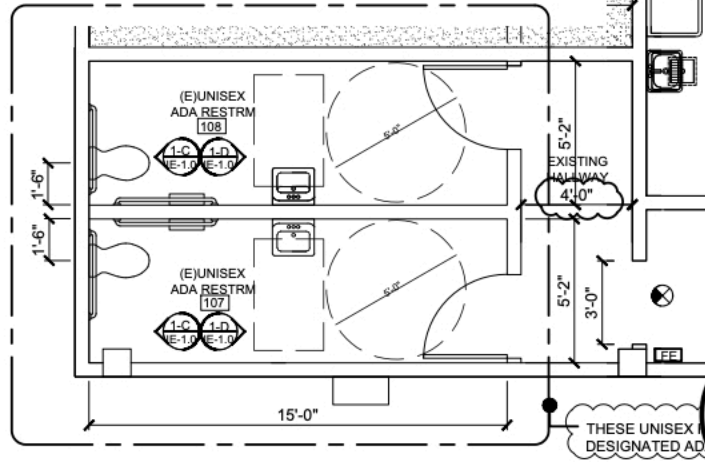
WALL LEGEND

- (E) WALL TO REMAIN
- (N) UL 465 1-HR INTERIOR WALL 20-GA METAL STUDS CEMCO @ 16" O.C. W/ 5/8" TYPE X GYP. BOARD EACH SIDE.
- FE FIRE EXTINGUISHER CABINET

DOOR SCHEDULE

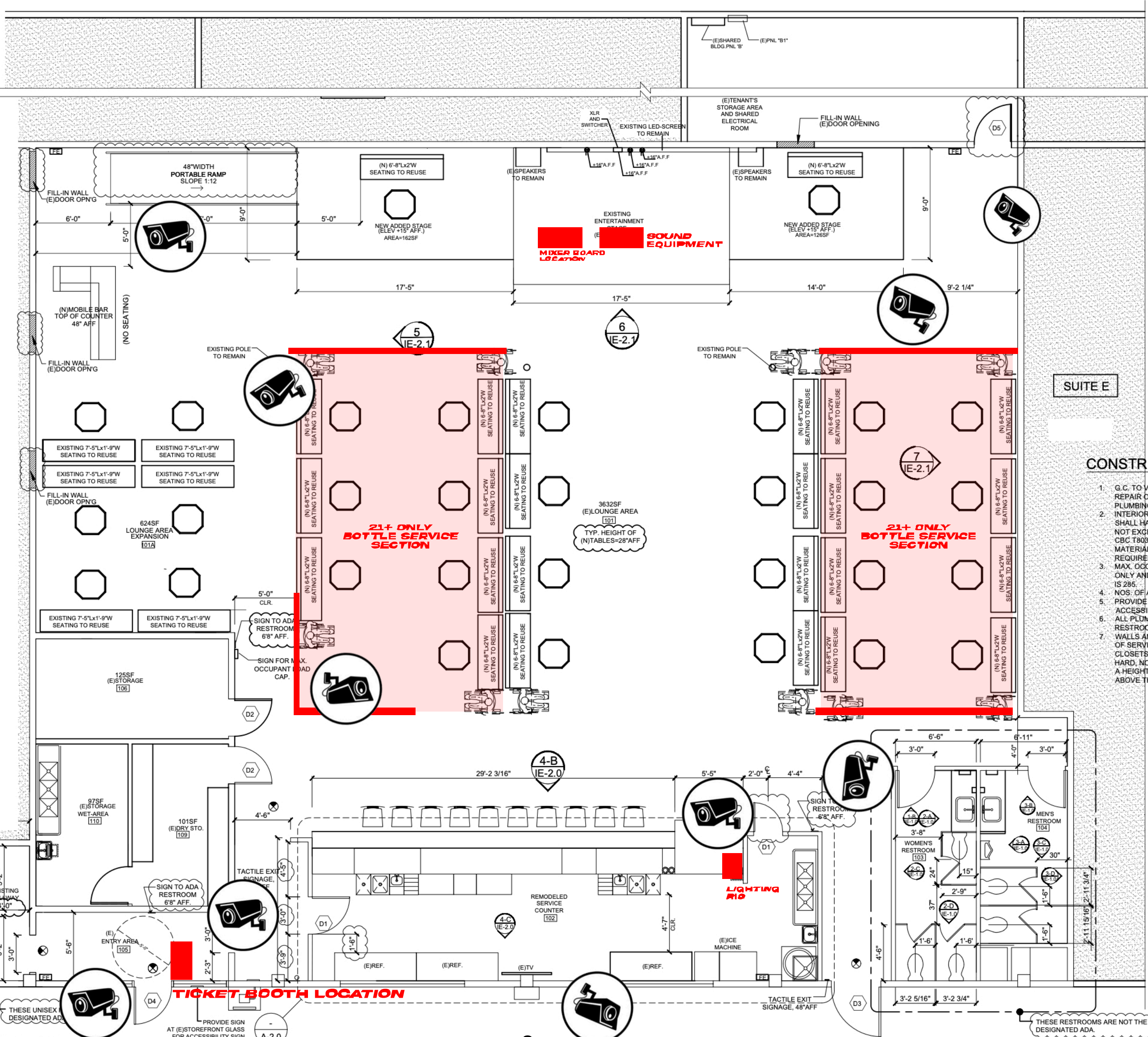
TAG	TYPE	MATERIAL	DIMENSION	REMARKS
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D3	EMERGENCY EXIT DOOR		4'-0"x7'-0"	1,2,3,5
D4	ENTRY/EXIT DOOR		3'-0"x7'-0"	1,2,3,5
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 - NEW INTERIOR DOOR
 - EXISTING EXIT/ENTRY DOOR.



REMODEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



CONSTRUCTION NOTES

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- MAX. OCCUPANCY AT LOUNGE AREA ONLY AND LOUNGE EXPANSION AREA IS 285.
- NOS. OF ADA SEATS AVAILABLE IS 14.
- PROVIDE INTERNATIONAL SYMBOL FOR ACCESSIBILITY SIGN AT ENTRY.
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- WALLS AND PARTITIONS WITHIN 2FEET OF SERVICES, URINALS AND WATER CLOSETS SHALL HAVE A SMOOTH, HARD, NON-ABSORBENT SURFACE, TO A HEIGHT OF NOT LESS THAN 4FT ABOVE THE FLOOR.

NO.

REVISIONS

DATE

ISSUED

08.02.23

ISSUED

09.13.23

ARENAOC

PROJECT

PROPOSED
TENANT IMPROVEMENT

ADDRESS

2968 RANDOLPH AVE. UNIT B
COSTA MESA, CA 92626

OWNER

DAVID HO

PHONE: (310)220-7768

EMAIL :

JOB NO :

DATE :

DESIGNED :

CHECKED :

DRAWN :

PLOTTED :

SCALE :

AYALA
DESIGN GROUP

AYALA DESIGN GROUP
155 S. DeLacey Ave. Ste2001
PASADENA, CA 91105
TEL.323.606.3422

PLAN PREPARER

REMODEL FLOOR
PLAN

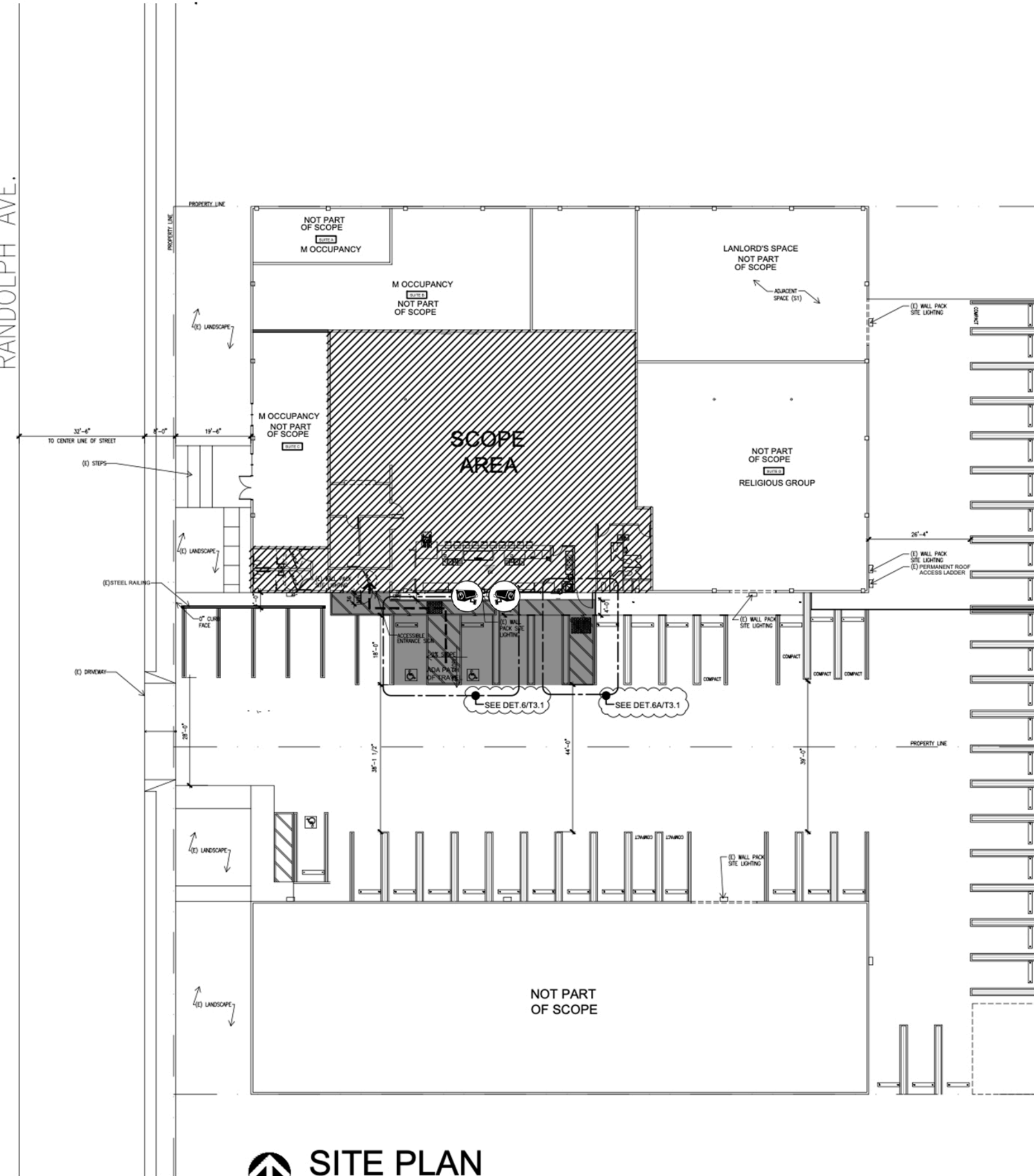
SHEET TITLE

SHEET NUMBER

A-1.1

106

RANDOLPH AVE.



SITE PLAN
SCALE: 1/16" = 1'-0"

2968 RANDOLPH AV. UNIT #2 COSTA MESA, CA 92626

PROJECT INFORMATION

BUILDING CODE:
a. 2022 CALIFORNIA BUILDING CODE (CBC)
b. 2022 CALIFORNIA MECHANICAL CODE (CMC)
c. 2022 CALIFORNIA ELECTRICAL CODE (CEC)
d. 2022 CALIFORNIA PLUMBING CODE (CPC)
e. 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBC)
f. 2022 CALIFORNIA ENERGY EFFICIENCY STANDARDS (CEES)
g. CITY OF COSTA MESA MUNICIPAL CODE

BUILDING INFORMATION:
PARCEL APN: 418-162-02
CONSTRUCTION TYPE: TR 3631 LOTS 9 & 10
LOT AREA: V-B
BUILDING AREA: 31,401 S.F.
SCOPE AREA (UNIT 2): ± 16,000 S.F.
BUILDING STORY: ± 4,300 S.F.
FIRE SPRINKLERS: 1
OCCUPANCY GROUP: YES (NO ALTERNATION TO (E) SPRINKLER REQUIRED)
UNSEPARATED MIXED OCCUPANCIES: A-2 (NO CHANGE OF OCCUPANCY)
PARKING:

EXISTING PARKING STALLS	
TYPE OF PARKING	QTY
STANDARD	50
HANDICAP	3
TOTAL	53

PARKING STALLS REQUIRED: 46
PARKING STALLS PROVIDED: 53

CONSTRUCTION ASSEMBLY

METAL STUD DRYWALL SYSTEM: ER-4943P, ESR-2347, ESR-1338
FLOOR/CEILING ASSEMBLIES: EXISTING
ROOF/CEILING ASSEMBLIES: EXISTING
INTERIOR FINISHES: ALL FINISHES SHALL MEET FLAME SPREAD INDEX AND SMOKE DEVICE INDEX INDICATED, CLASS B.

OCCUPANCY LOAD

AREAS	AREA/SEATS	OCC FACTOR	TOTAL
(E) LOUNGE AREA	3632SF	15	243
(E) BAR	314SF	200	3
(E) ENTRANCE	85SF	15	6
(E) STORAGE	359SF	200	2
(E) RESTROOM 103/104	167SF	0	0
(E) ACCESSIBLE RR 107/108	222SF	0	0
MODIFIED GAME AREA INTO LOUNGE-EXPANSION	624SF	15	42
GRAND TOTAL			296

OTHER NOTES:

- ALL WORK APPROVED THROUGH THIS BUILDING PERMIT IS STRICTLY FOR THE RENOVATION/ALTERATIONS PROPOSED TO RETURN THE SPACE TO THE PREVIOUSLY PERMITTED USE AND FOR ASSOCIATED UPGRADES BY THE CALIFORNIA BUILDING CODE AND ADA COMPLIANCE. A PLANNING APPLICATION IS IN PROCESS WITH CITY'S PLANNING STAFF AND THE APPROVAL OF THIS BUILDING PERMIT SHOULD NOT BE CONSIDERED AN APPROVAL OF ANY USE OR ACTIVITY OF THE SITE RELATED TO THE ENTITLEMENT IN PROGRESS. SUBSEQUENT BUILDING PERMITS MAY BE REQUIRED FOR ITEMS REQUESTED THROUGH THE PLANNING APPLICATION.
- ANY REQUESTED CHANGES TO THE PERFORMANCE AREA DEFINED IN THE PLAN SET WILL BE HANDLED THROUGH SUBSEQUENT BUILDING PERMITS, AND ONLY AFTER THE APPROVAL OF THE PLANNING APPLICATION CURRENTLY IN PROCESS.

VICINITY MAP



DRAWING INDEX

T-1.0	COVER SHEET
T-2.0	GENERAL NOTES
T-3.0	ADA DETAILS
T-3.1	ADA DETAILS
T-3.2	ADA NOTES
T-3.3	ADA NOTES
A-1.0	DEMOLITION PLAN
A-1.1	REMODEL FLOOR PLAN
A-2.0	ENLARGED SERVICE COUNTER PLAN & EXISTING EQUIPMENT LIST
A-3.0	FLOOR FINISH PLAN
A-3.1	EXITING PLAN
A-3.2	DETAILS
IE-1.0	EXISTING BATHROOM/REMODEL INTERIOR ELEVATIONS
IE-2.0	INTERIOR ELEVATIONS
IE-2.1	INTERIOR ELEVATIONS
E-0.1	ELECTRICAL FRONT SHEET
E-0.2	ELECTRICAL SPECIFICATIONS
E-0.3	ELECTRICAL SYMBOL LIST AND ABBREVIATIONS
E-0.3	SINGLE LINE DIAGRAM AND PANEL SCHEDULES
E-0.4	ELECTRICAL SITE PLAN
E-1.1	ELECTRICAL FLOOR PLAN
E-1.2	ELECTRICAL REFLECTED CEILING PLAN
E-1.3	PHOTOMETRIC PLAN
E-2.0	ELECTRICAL DETAILS
M-0.1	MECHANICAL GENERAL NOTES AND LEGENDS
M-3.1	MECHANICAL EXISTING FLOOR PLAN
P-0.0	PLUMBING FRONT SHEET
P-1.1	PLUMBING SITE PLAN
P-2.1	PLUMBING COLD AND HOT WATER DEMOLITION PLAN
P-3.1	PLUMBING COLD AND HOT WATER FLOOR PLAN
P-3.2	PLUMBING WASTE AND VENT FLOOR PLAN

SCOPE OF WORK

Interior : Remodel Service Counter . All Existing Seating will be reused. New Reflected Ceiling plan as per Electrical Plans. Remodel existing women's 104 and men's 105 bathroom (new tiles, relocation of dispensers, new mirror and vanity). All doors to be upgraded to commercial self-latching doors with universal lever door handle. Remove Door leading to the back storage/electrical room and add access from tenants storage. Demolished existing partial wall as indicated on plans.
Adding R24sf to main Lounge area (area used to be a game room).
Exterior: Update path of travel. Demolish existing Truncated domes, add and level asphalt where required.

DIRECTORY

PROJECT CONTACT / DESIGNER:
AYALA DESIGN GROUP
155 S. De LACEY AVE STE 2001
PASADENA, CA 91105
TEL: (323)606.3422

NOTE

AS A DESIGNER FOR THIS PROJECT HAVE PERFORMED A FIELD SURVEY OF THE FACILITY FOR COMPLIANCE TO THE CAC TITLE 24 DISABLED ACCESS REQUIREMENTS AS THEY AFFECT THIS PROJECT, AND THE FACILITY IS IN COMPLIANCE WITH THE REGULATIONS, EXCEPT FOR ANY REQUIRED DETAILED OR NOTED ON THESE PLANS.

SYMBOLS

(D1)	DOOR TYPE	1/A-2.0	INT. ELEVS
(W1)	WINDOW TYPE	A/A-2.0	SECTION
TA	FLOOR FINISH		
(W4)	WALL TYPE		NEW DOOR
1	STRUCTURAL GRID		TEMPERED GLAZING
(C1)	CEILING FINISH		EXT. ELEVS
P-C	WALL FINISH		
101	ROOM NUMBER		MARK OF ELEVATION

NO.	REVISIONS	DATE
	ISSUED	08.02.23
	ISSUED	09.13.23

ARENAOC

PROJECT

PROPOSED
TENANT IMPROVEMENT

ADDRESS

2968 RANDOLPH AVE. UNIT B
COSTA MESA, CA 92626

OWNER

DAVID HO

PHONE: (310)220-7768

EMAIL :



JOB NO :

DATE : 08.02.23

DESIGNED : DMDB

CHECKED : DMEN

DRAWN : DMEN

PLOTTED :

SCALE : AS SHOWN



AYALA DESIGN GROUP
155 S. DeLacey Ave. Ste2001
PASADENA, CA 91105
TEL.323.606.3422

PLAN PREPARER

COVER SHEET

SHEET TITLE

SHEET NUMBER

T-1.0

COLGAN, JULIE

Subject:

FW: Official Public Notice on August 12, 2024 for location at 2968 Randolph Avenue

From: Jeannine Hawkes <jeannine-hawkes@sbcglobal.net>**Sent:** Monday, August 5, 2024 8:24 PM**To:** PC Public Comments <PCPublicComments@costamesaca.gov>**Subject:** Official Public Notice on August 12, 2024 for location at 2968 Randolph Avenue

Good evening,

I have received the Official Public notice regarding the Arena OC located at 2968 Randolph Avenue and I am totally opposed to the City modifying entitlements for Arena OC. I am a senior citizen, work full time as a Trial Paralegal for a major law firm, and a part time Real estate agent. I have owned my unit in Pentridge Cove for 10 years, I am a board member on the Pentridge Cove I Homeowners Association, and started the neighborhood watch group back in 2017.

All owners and I are in opposition to any more dancing/alcohol and live entertainment establishments on Baker and Randolph which are too close in proximity to our 108-unit complex. In fact, this Arena OC location is **only 528 feet from our units**. In addition, you are removing the prohibition on dancing with the live entertainment which to me sounds similar to "erotic and/or topless dancing." We no longer want the riff raff spilling over into our communities, we are tired of it.

Regardless if it will be dancing as I have described above, the current noise level in our area on Baker and Randolph has become increasingly loud due to the so-called music that comes out of Mesa Lounge and keeps the owners up at night. The noise from Mesa with their open-air roof is extremely loud and annoying and bounces off the walls of our bedrooms at night. Owners have continuously complained to not only management at Mesa, but also to the CM police Department with no results in our favor.

So to add to the current noise level the City thought it would be a good idea to give approval to another establishment that will add to the noise level in our area. **We do not need, nor do we want another live music venue and alcohol this close to our units.** Our Pentridge Cove units were built in June 1980, Mesa was built and occupied in June 1980 and the Camp was built in 2002, without the slightest thought of the inconvenience to the owners of Pentridge Cove I, Pentridge Cove II, South Court townhouse apartments or any other residents.

If you were working for the City back in 2015/2016 you are aware of the problems with experienced with our noise complaints about the Shark Club and then the Mansion. Not only did we experience noise, but fights spilling over into our property, drugs and needles left on our property in addition to their guests parking and discarding alcohol containers on the property. During these current times we not only have to deal with the homeless living on our property, drunks screaming/yelling up and down Baker at night, and then the continuous burglaries and thefts in the shopping center located at 3300 Bristol. The last few years have been a true nightmare with the only quiet time during Covid 19.

For all of the above reasons please do not consider modifying entitlements for Arena OC to include removing the prohibition on dancing for a business that has live entertainment and allows for the sale and on-site consumption of alcoholic beverages after 11:00 p.m. to consider modifying the business' hours of operation.

A large group of us will be present at the hearing at City Hall on August 12th. If the City fails to listen to the tax paying residents, we will picket this establishment on a daily basis.

To consider a finding of public convenience or necessity pursuant to city council policy 500-8 for the conversion of an existing type 48 ABC license to a type 90 Music Venue ABC license creates interference with nearby residents' quiet enjoyment of their homes by generating or facilitating undue noise and is an undue invasion of our privacy.

Thank you for listening.

Jeannine Hawkes
752 Wesleyan Bay
Costa Mesa, CA 92626
714/310-5213

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

COLGAN, JULIE

Subject: FW: Public Comments Regarding ZA-22-35

From: Brian Tipton <brianjtipton@gmail.com>
Sent: Monday, August 5, 2024 2:25 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Cc: Christine Tipton <christineatipton@gmail.com>
Subject: Public Comments Regarding ZA-22-35

TO: Costa Mesa Planning Commission

FROM: Brian Tipton and Family

ADDRESS: 750 Wesleyan Bay, Costa Mesa

RE: Application No. ZA-22-35, Arena OC

Dear Planning Commission Members,

I am writing to express my concerns regarding the proposed changes to the operating hours of Arena OC as part of Application No. ZA-22-35. My residence is located at 750 Wesleyan Bay, just 150 yards from Arena OC, and the current noise levels from the establishment during its operating hours (9 PM to 2 AM on Fridays and Saturdays) are already disruptive to my sleep and quality of life.

I strongly oppose any extension of Arena OC's operating hours, whether it be additional days or expanded hours of operation. My family and I recently moved into our home with a two-year lease and the existing noise pollution is already noticeable. We chose this neighborhood with the understanding of certain noise levels, but any increase would be unacceptable.

I urge the Planning Commission to carefully consider the impact that expanded operating hours would have on the surrounding residential community. Maintaining the current hours of operation would be a reasonable compromise that allows Arena OC to continue its business while respecting the needs of its neighbors.

Thank you for your time and consideration of my concerns.

Sincerely,

Brian James Tipton

Rev. Dr. Brian James Tipton | Ph.D. | Bible and Cultures
Shared Teaching Pastor | The United Methodist Church
Provisional Deacon | The United Methodist Church
Adjunct Faculty | Drew Theological Seminary
714.552.6458 | brian@queerfaith.org

Pronouns: he/him/his
queerfaith.org

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COLGAN, JULIE

Subject: FW: Application No. ZA-22-35
Attachments: 8_2PCletter.pdf

From: Marie Maldonado <marie@cmcoc.net>
Sent: Friday, August 2, 2024 6:10 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: Application No. ZA-22-35

Please see attached. Thank you for your consideration.

Marie Maldonado
Property Manager
709 Randolph Ave.
Costa Mesa, CA 92626
714-277-9655

**COMMUNITY
MANAGEMENT
CORPORATION**

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Dear Planning Commissioner

It is very rare that we write to you with any concerns or complaints about our neighbors and other small businesses that decide to migrate to SoBeCa and invest in the area.

As you're aware, I've spent the last 32 years of my career working towards making this area a community for little American businesses "LAB". These are people/small creative business that do not want to be in a mall and wish to be a part of a creative local community....a village.

Over the past 30 years Randolph Street has finally started to realize its potential with many new local small businesses choosing to locate here. The SoBeCa overlay plan went into place over 20 years ago to create a walkable village for the locals. Today Randolph is truly an artist district that we can all be proud of. We do want to acknowledge and show our continued gratitude towards the city leadership for finally creating the angled parking opportunity on Randolph Street to better utilize this street and to take some pressure off of the smaller business's operators. Angled parking has been a complete success, and we are so grateful. Thank you.

With that said, we have rejected very few tenants in our portfolio at the Lab, the Camp and Randolph Street properties over the past 30+ years. One of these tenants was Commissary that ran a problematic bar at the Lab. The operator was disrespectful to the property and neighbors. Its operations did not fit the culture and the long-term vision of SoBeCa.

For these reasons, we decided not to renew the Commissary lease. Soon after, this business migrated to Randolph Street to a property

that we did not own. This business was later sold after much drama, drug dealing and violence that was created on Randolph Street. The City should have file showing fights and other violations from Commissary. The operations brought the wrong crowd and affected much of the other peaceful, family owned and well managed business on the street. The new owners have not changed the culture, and we still see many issues and the wrong customers visiting the bar and the impacting the street.

To make this a full nightclub with live music is a very scary proposition and further fuels the fire. I have much concern about the local families that visit our business and turning this street in to a drunken mess. Fights, littering and loitering in streets will have a significant effect on our business and tenants. (see past police record for Commissary). We have heard many complaints from both our tenants and neighboring businesses regarding the negative impact this is having on the neighborhood.

We have worked decades to bring this area to fruition and I think we all must be the guardians of making sure that we keep the integrity of product and respect to the long-term customers who have supported us over the years.

Please be diligent and make good decisions for Randolph St. that have a long-term benefit to our community.

Happy to have further conversations if needed.

Thank you kindly for your consideration and please reject this application.

Shaheen Sadeghi
LAB Holding

COLGAN, JULIE

Subject: FW: Application ZA-22-35, 2968 Randolph Avenue

From: Linda Sadeghi <Linda@thelab.com>

Sent: Wednesday, July 31, 2024 4:53 PM

To: PC Public Comments <PCPublicComments@costamesaca.gov>

Cc: PLANNING INFO <planninginfo@costamesaca.gov>; Lucy Xie <lucy@thelab.com>

Subject: Application ZA-22-35, 2968 Randolph Avenue

To Whom It May Concern:

We are in receipt of the Official Public Notice re an upcoming hearing on a MCUP proposed for 2968 Randolph Avenue.

We are the Landlord/Owner of the buildings located at 2991 Randolph (directly across the street from subject property), 2955 Randolph and 765 St. Clair and are expressing concern regarding future parking availability, potential late night noise and loitering/trash/vandalism impacts should the MCUP be approved.

There are currently multiple bars on Randolph Street with late night activity, and to impact that further at 2968 Randolph we feel would be a detriment to our tenants. The additional parking in the center of Randolph is already at capacity and we currently have existing bar patrons parking illegally in the evening on our properties. We have also experienced additional trash and even public urination on our properties after hours. Adding a nightclub environment on Randolph at the Commissary location could compound existing challenges.

Also, we believe additional alcohol use without related food requirement would also spell trouble for Randolph properties.

We do wish all small businesses well in our community as long as there is thoughtful consideration of impacts.

Regards,



LINDA SADEGHI

linda@thelab.com

Why join the Navy when you can be a pirate?

Steve Jobs

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COLGAN, JULIE

Subject: FW: ZA-22-35 / Arena OC/F at 2968 Randolph Ave

From: Ingrid <ishawzo@gmail.com>
Sent: Tuesday, July 30, 2024 11:31 AM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: Re: ZA-22-35 / Arena OC/F at 2968 Randolph Ave

Dear Costa Mesa Planning Commission:

I am a Costa Mesa resident, residing and owning directly across the street from the said applicant at 2968 Randolph Ave. I am writing to express serious concerns about noise and peace disturbance issues in our residential neighborhood stemming from the proposed new nightclub. This would be the second nightclub on this street, exacerbating existing problems for local residents. The existing club called Mesa is just feet away from this newly proposed applicant Arena OC.

The current nightclub already generates excessive noise levels late into the night, disrupting sleep and quality of life for nearby families. Adding another venue will double the noise pollution, traffic congestion, and public disturbances in our community.

Specific issues we're experiencing include:

- Loud music audible inside homes, even with windows closed
- Patrons shouting and causing disturbances when leaving in early morning hours
- **Increased daily litter and property damage**
- Parking overflow onto our residential streets taking up parking for paying homeowners

These disturbances violate our local noise ordinances and disturb the peace laws. Residents have a reasonable expectation of quiet enjoyment of their homes, especially during nighttime hours.

We respectfully request that the council:

- **Deny the permit for the proposed new nightclub**
- Increase enforcement of noise violations for the existing venue "MESA"
- **Consider implementing stricter regulations on operating hours and sound levels for nightclubs in residential areas**

Our neighborhood welcomes responsible businesses, but not at the expense of residents' wellbeing and property values. We ask that you prioritize the needs of tax-paying homeowners and families.

Thank you for your consideration and I look forward to a positive resolution in favor of families and homeowners who are already tolerating excessive noise levels coming from the existing nightclub venue, just feet away from this newly proposed project.

Regards,

--

Ingrid Ivankova
740 Wesleyan Bay
Costa Mesa, CA 92626

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COLGAN, JULIE

Subject:

FW: planning commission application ZA-22-35 Arena Club

From: David Smith <onedjsmith@gmail.com>

Sent: Monday, July 29, 2024 12:34 PM

To: PC Public Comments <PCPublicComments@costamesaca.gov>

Cc: Kitty McCall Smith <kitty@cfmedicine.com>; kelly.kat <kelly.kat@sbcglobal.net>; Christa Lorentz <peaches4teaches@yahoo.com>

Subject: planning commission application ZA-22-35 Arena Club

As a direct neighbor, homeowner, and representative of the Pentridge Cove I homeowners (direct neighbors), I would like to see the following considerations before this application is approved.

1. An acoustical engineer and his recommendations needs to be hired to assure the music does not cross the street to our condos, especially the bass beats. The planning commission did this once with the Mansion club which is no longer there and it needs to be done again. Measures can be taken, as they were before, to reduce/remove the sound migration. The Mesa club also needs to have this happen, however, as it has an open roof which makes the problem of sound worse - most of the problem is the bass beat traveling through the ground. Please have the Arena club do this simple thing by hiring an expert and following their recommendations.

2. Any new development in the area across Baker increases parking challenges in our neighborhood. At one time the businesses in the area had banded together to hire security guards, at least on the weekends to help mitigate this problem. Please consider making the club, with this application, hire guards again. The challenges to our parking become worse with more development and people searching for parking.

I do not have a problem with the club functioning and being granted this dancing permit as long as these two things are applied to the developer.

David Jordan Smith, AIA, CSI
Architecture and Construction Management
788 Wesleyan Bay
Costa Mesa, CA 92626
onedjsmith@gmail.com

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Rec'd 7/27/2024

OFFICIAL PUBLIC NOTICE

The Costa Mesa Planning Commission will conduct a public hearing as follows to consider:

Hearing Date:	August 12, 2024	Hearing Time & Location:	6:00 PM or soon thereafter City Hall Council Chambers 77 Fair Drive, Costa Mesa, CA; and virtual locations
Application No.	ZA-22-35	Applicant/Agent:	Arena OC/F. Michael Ayaz
Site Address:	2968 Randolph Avenue	Zone:	General Industrial (MG)
Contact:	Planning Division (714) 754-5245	Email Comments to:	PCPublicComments@costamesaca.gov

Description: Minor Conditional Use Permit to consider modifying entitlements for Arena OC (formerly "Commissary Lounge") including removing the prohibition on dancing for a business that has live entertainment and allows for the sale and on-site consumption of alcoholic beverages after 11:00 p.m., to consider modifying the business's hours of operation, and to consider a Finding of Public Convenience or Necessity pursuant to City Council Policy 500-8 for the conversion of an existing Type 48 "On-Sale General – Public Premises" Alcoholic Beverage Control ("ABC") license to a Type 90 "Music Venue" ABC license.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Additional Information: For more information, call (714) 754-5245, or email planninginfo@costamesaca.gov. Planning Division staff are available from 8:00 AM to 5:00 PM Monday through Thursday and alternating Fridays, except specified holidays. All interested parties may submit comments to the Planning Commission in regard to this application. Please refer to the Planning Commission meeting agenda for instructions regarding how to participate in the meeting. The Planning Commission meeting agenda and staff report will be posted online 72 hours prior to the meeting at: <https://costamesa.legistar.com/Calendar.aspx>. Members of the public may submit comments via email to PCPublicComments@costamesaca.gov. Comments received by **12:00 PM** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any written communications, photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City **NO LATER THAN 12:00 PM** on the day of the hearing via email or submitted to the Planning Department on a flash drive, or mailed to the Planning Department. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information. If you challenge this project in court, you may be limited to raising only those issues you, or someone else raised, during the public hearing or in written correspondence submitted to the City, during or prior to, the public hearing.

OFFICIAL PUBLIC NOTICE

7-28-2024 Delivered by email to PCPublicComments@costamesaca.gov & by 1st Class Mail


To: Costa Mesa Planning Commission
City of Costa Mesa
Development Services Department
Planning Division 714-754-5245
P.O. Box 1200
Costa Mesa, CA 92628
[77 Fair Drive Second Floor & Virtual locations]

From: Dr. Harold Cozen
1600 Cataluna Place
Palos Verdes Estates, CA 90274
Re: City Notice received regarding ZA-22-35
2968 Randolph Avenue
Applicant: Arena OC/F Michael Ayaz Zone: General Industrial (MG)
Hearing Date: August 12, 2024

I am the owner of properties addressed as 2941 Randolph Ave. [APN 418-161-10], 720 Randolph (aka 2920 Bristol) [418-174-02], 710 Randolph Ave. [418-174-03] and 700 Randolph Ave. [418-174-04].

As you are aware, parking is in short supply in this area. I am demanding that should this ZA-22-35 be approved, the conditions for approval include language that prohibits and prevents any parking on my above addressed properties at any time.

Thank you,


Dr. Harold Cozen