



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT

November 8, 2023

Paul Sanford
888 S. Disneyland Drive, Suite #100
Anaheim, CA 92802

**RE: ZONING APPLICATION 22-08 (PA-16-50 A2)
MAJOR AMENDMENT TO AVENUE OF THE ARTS HOTEL MASTER PLAN (PA-14-33) TO MODIFY THE PREVIOUSLY APPROVED PARKING CONFIGURATION, INCREASE IN BUILDING HEIGHT, RECONFIGURE THE PREVIOUSLY APPROVED ROOFTOP TERRACE AMENITIES AND MODIFY THE PROPOSED HOTEL WEST ELEVATION FOR THE RELOCATION OF THE ROOFTOP "CLUB LOUNGE"
3350 AVENUE OF THE ARTS, COSTA MESA**

Dear Mr. Sanford:

City staff's review of your zoning application for the above-referenced project has been completed. The application, as described in the attached project description, has been approved based on the findings and subject to conditions of approval and code requirements (see attached). The decision will become final at 5:00 p.m. on November 15, 2023, unless appealed by an affected party, including filing of the necessary application and payment of the appropriate fee, or called up for review by a member of the City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Daniel Inloes, at 714.754.5088, or at daniel.inloes@costamesaca.gov.

Sincerely,

Scott Drapkin
Assistant Director of Development Services/Zoning Administrator

Attachments: Report, Applicant's Letter, Neighbor Letter, Applicant Response Letter and Plans

cc: Engineering
Fire Marshal

PLANNING APPLICATION SUMMARY TABLE

| | |
|---------------------------|--|
| Location: | 3350 Avenue of the Arts |
| Application: | Zoning Application 22-08 (PA-16-50 A2) Major Amendment to Master Plan |
| General Plan Designation: | High Density Residential/North Costa Mesa Specific Plan |
| Zoning: | Planned Development Residential-High Density |

| Development Standard | Zoning or NCMSP Requirement | Proposed/Provided |
|-------------------------|--|---|
| Lot Size: | 3 Acres | |
| Floor Area Ratio (FAR): | 2.29 | 2.10 |
| Setbacks | | |
| Perimeter Open Space | 20' abutting public right-of-way | 20' on Avenue of the Arts |
| Open Space: | 42 percent | 45 percent |
| Rear: | None Required | 5 ft. Existing Hotel/17 ft. Proposed |
| Side: | None Required | 5 ft. south and 25 ft. north |
| Building Height: | 270 feet above grade level (304 feet above mean sea level) | 115 ft. above grade level |
| Parking: | Shared Parking Demand Analysis: Peak parking demand 243 spaces at 9 PM, on a weekend. | 249 parking spaces with an additional 78 parking spaces provided in a combination of double and triple valet tandem. |
| Hotel Rooms: | 388 | |

Project Site and Surrounding Uses

The property is zoned Planned Development Residential High Density (PDR-HD) and has a General Plan designation of High Density Residential. The site is located in the North Costa Mesa Specific Plan area and is therefore subject to the applicable Specific Plan provisions. The North Costa Mesa Specific Plan includes specific use and development standards for this site pursuant to "Area 5 – The Lakes".

The project site fronts "Avenue of the Arts" public right-of-way, and is located south of Sunflower Avenue and north of Anton Boulevard. The property is 130,680 square feet (three-acres) in area and is developed with a six-story, 238-room hotel. The site also includes a three-level detached parking structure developed with 280 parking spaces. The hotel was constructed in the early 1980s and began operations in 1986. The site is situated to the north of a recently constructed mid-rise residential project (580 Anton Boulevard), south of the 3400 Avenue of the Arts apartment complex and to the west (across Avenue of the Arts) is the recently completed Orange County Museum of Art (OCMA), and the Segerstrom Center for the Arts.

Approved Entitlements

Since 2007, the existing Hotel has requested approvals for various site modifications. A Master Plan was originally approved in 2007 with subsequent Master Plan amendments in 2015, 2016, and 2019. The following is a timeline and summary of the previously approved entitlements to the existing Hotel (based on modified applicant submittals, several of the below described entitlements were never permitted, expired or subsequently amended):

- Master Plan 06-75 and Vesting Tentative Tract Map No. 17172 were approved by the City Council on November 20, 2007. At this time, the City Council also adopted the project Final Program EIR - SCH#2007011125 (Resolution No. 07-89). The entitlement included demolition of the hotel's three-level parking structure, remodeling the hotel to reduce the number of rooms from 238 units to 200 units, construction of a seven-level parking structure containing 480 parking stalls, and adding a 23-story (maximum 270 feet from grade level) residential tower with 120 condominium units.
- Subsequent to the 2007 City Council approval, the Hotel ownership changed and the new Hotel ownership obtained permits for site renovations primarily consisting of existing Hotel upgrades (the aforementioned intensifications approved by the City Council in 2007 remained valid during this time; however, they were not part of this permit for site upgrades). The upgrades included adding a new outdoor seating area, a separate entrance to the existing hotel restaurant (Silver Trumpet) from Avenue of the Arts, and the renovation of all hotel rooms (this permit was approved pursuant to PA-10-31 and the work was completed).
- On April 13, 2015, the Planning Commission approved PA-14-33 to allow retention of the existing 238 hotel rooms, the addition of a 100-unit condominium tower

(reduced from the 120 units approved in 2007), and a six-story parking structure with 364 parking spaces (instead of the seven-level, 480 parking space structure approved in 2007). This amended Master Plan expired on November 20, 2017 and no permits were issued and/or completed.

- On November 28, 2016, the Planning Commission approved Master Plan PA-16-50 to demolish the existing parking structure and the one-story hotel lobby while retaining the 238 existing hotel rooms (this design is the basis of the current proposal). The proposal included a new six-level parking structure and a 15-story high-rise hotel with 150 rooms, for a total of 388 rooms (238 existing hotel rooms plus 150 new rooms), and a new front entry pavilion and lobby connecting the new tower to the existing hotel. No residential was proposed with this project. The proposed amendment also included a variance for the encroachment of development into the perimeter open space setback, and a parking deviation.
- On September 24, 2018, the Planning Commission approved a three-year time extension to PA-16-50 entitlement extending the approval until November 28, 2021.
- On November 7, 2019, the Zoning Administrator processed a Minor Conditional Use Permit ZA-19-87 to amend Master Plan PA-16-50 for design modifications to the approved Master Plan. At this time, the Zoning Administrator also approved an addendum to the Final Program Environmental Impact Report. The modifications included a new driveway approach leading to the upper level lobby, demolition of former and development of a new restaurant, new parking design with two levels of subterranean parking, a secondary vehicular access using the existing driveway on the northern portion of the site, new building design which lowered the overall building height to ten levels (approximately 104 feet), a new ground level banquet facility, and a revised plan for landscaping and hardscaping. The current hotel entitlements are valid as a result of the previously adopted City Council pandemic related urgency ordinances that allowed for a two-year time extension, and the Hotel applying for entitlement modifications prior to the two-year time frame.

ANALYSIS

Master Plan Compliance

Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-28(g)(2), a "major amendment" to a master plan is required if one or more of the following is proposed:

1. *A change in the use or character of the development;*
2. *An increase in the overall density or floor area ratio of the development;*
3. *An increase in overall coverage of structures;*
4. *A reduction or change in character of approved open space;*
5. *A reduction of required off-street parking;*
6. *A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks;*
7. *A reduction in required street pavement widths;*

8. *An increase of more than six (6) inches in building height; or*
9. *A decrease in building setback greater than can be approved by a minor modification by the development services director.*

As further discussed below, since the proposed hotel Master Plan amendments include a decrease in previously required off-street parking and an increase in the height of the Hotel, the proposed modifications necessitate processing a “major amendment” pursuant to the CMMC. Pursuant to CMMC Section 13-28 (G)(2), any proposed change determined by the Development Services Director as a “major amendment”, shall be subject to review and approval by the Zoning Administrator. Lastly, the CMMC requires that the following findings must be made prior to approval of a “master plan” (or the modification of a “master plan”):

1. “The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development.”
2. Compliance with “master plan findings for mixed-use development projects in the mixed-use overlay district are identified in Chapter V, Article 11, mixed-use overlay district”; and
3. “As applicable to affordable multi-family housing developments, the project complies with the maximum density standards allowed pursuant to the general plan and provides affordable housing to low or very-low income households, as defined by the California Department of Housing and Community Development. The project includes long-term affordability covenants in compliance with state law.” A detailed discussion of the applicable aforementioned findings is provided below under the “Findings” section of this report.

Summary of Proposed Hotel Modifications

The applicant is proposing to amend the current Hotel project design approved in 2019 pursuant to ZA-19-78. The proposed changes generally reduce the previously approved Hotel project (approved in 2019). The proposed Hotel facility changes generally include:

- (1) Reduction of previously approved overall hotel facility floor area (however, the total number of hotel rooms remains the same);
- (2) Modification of the previously approved parking configuration by raising the garage levels, minor reduction in total parking, and alteration of rear site circulation;
- (3) Increase in Hotel building height; and
- (4) Modifications to the proposed hotel west elevation (along Avenue of the Arts) for the relocation of the rooftop “club lounge” and the reconfiguration of the rooftop level terrace and bar.

1. Reduction of previously approved hotel facility floor area and parking area –

As shown in Table 1 below, the hotel ownership is proposing to reduce the intensity of the development in regards to floor area and parking areas as compared to the 2019 approved project design.

Table 1

| | 2019 Approved (ZA-19-87) | Proposed | Change |
|--|--|---|--|
| Hotel Rooms | 388 rooms | 388 rooms | No change |
| Hotel Public Serving Areas (ballroom, restaurant, outdoor dining, roof bar and terrace) | 20,650 SF (not including hotel room floor areas) | 15,537 SF (not including hotel room floor areas) | Decrease of 5,113 SF (-25%) |
| Hotel Non-public Serving Areas (areas exclusive to Hotel guests only) | 12,100 | 6,927 | Decrease of 5,173 SF (-43%) |
| Total Gross Hotel Building Area (including hotel rooms, public/non-public serving areas) | 131,809 SF | 120,860 SF | Decrease of 10,949 SF (-8%) |
| Total Gross Hotel Parking Area | 135,126 SF (335 parking spaces - including valet/tandem parking) | 121,855 (327 parking spaces - including valet/tandem parking) | Decrease of 13,271 SF and (-9% garage area and -8 parking spaces) |

The floor area changes include both a reduction in public serving areas (such as restaurants, roof terrace bar, outdoor dining and ballroom that are available to hotel guests and non-hotel guests), and also includes reduction in non-public serving areas (areas exclusive to hotel guests such as pool areas, private decks, hospitality areas and fitness areas). Although the number of hotel rooms remains the same as approved in 2019 (388 rooms), the hotel ownership is now proposing a 43 percent reduction in floor area allocated to guest amenities, and a 25 percent reduction in public serving amenities. Overall, the Hotel is proposing an approximate eight-percent decrease in overall gross Hotel area, and a reduction in the garage area of approximately nine-percent.

The below Exhibit 1 (as included in the application plans), identifies the specifically proposed changes to hotel amenities and compares the 2019 approved plans with the currently proposed floor area changes.

Exhibit 1 – Hotel Floor Area

| 2019 Approved | | | | Currently Proposed | |
|-----------------------------|-----|------------------|----------------|----------------------|--|
| Use | Lv. | Public/Hotel Use | Net Area(sf) | | |
| Ballroom | 1 | Public | 7,000 | 7,000 | |
| Meeting (Fire court) | 1 | Public | 1,350 | <i>Eliminated</i> | |
| Meeting (Lakeside) | 1 | Public | 1,300 | <i>Eliminated</i> | |
| Boardroom | 1 | Public | 400 | 500 | |
| Restaurant | 2 | Public | 4,500 | 3,551 | |
| Outdoor Dining | 2 | Public | 1,100 | 970 | |
| Lobby Lounge | 2 | Hotel | 1,750 | 1,232 | |
| Fitness | 5&6 | Hotel | 1,200 | 0, Expand Existing | |
| Hospitality Suite | 5 | Hotel | 500 | <i>Eliminated</i> | |
| Pool | 5 | Hotel | 700 exterior | 700 exterior | |
| Pool Deck | 5 | Hotel | 6,500 exterior | 3,300 exterior | |
| Club Lounge | 10 | Hotel | 1,450 | 1,695 | |
| Roof Bar & Terrace | 10 | Public | 5,000 exterior | 800 + 2,716 exterior | |
| Total | | | 32,750 | 22,464 | |
| Total Restaurant | | | 10,600 | 8,037 | |
| Total Conference | | | 10,050 | 7,500 | |
| Total Public Areas = | | | 20,650 | 15,537 | |

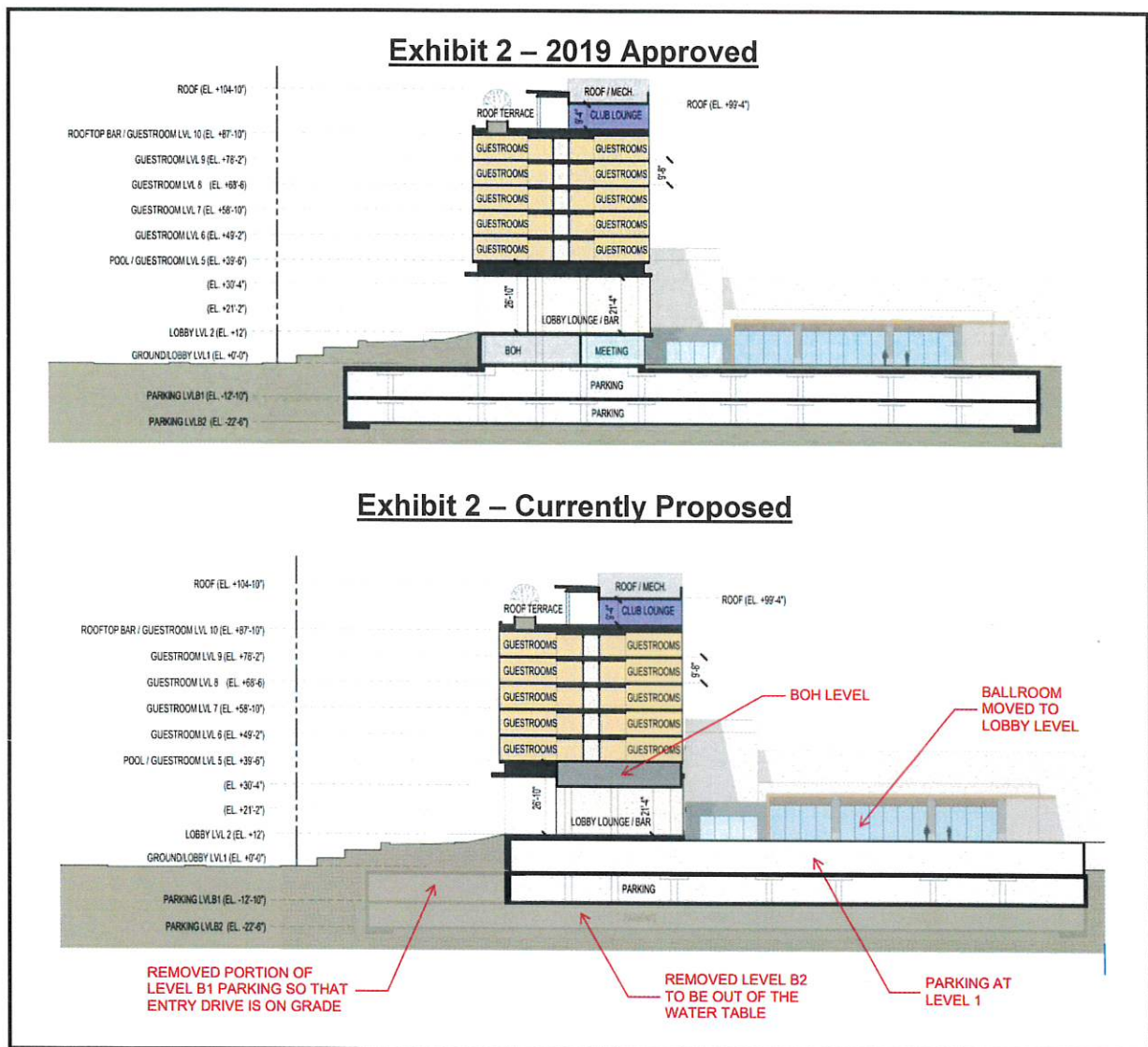
- Modification of the previously approved parking configuration by raising the lowest garage finished floor elevation, reduction in previously approved parking, and alteration of rear site circulation;**

Raising Lowest Garage Finished Floor Elevation

As shown in the below Exhibit 2, the Hotel was approved in 2019 with two levels of subterranean parking and a lowest finished grade floor elevation of 22' – 6" below grade. The applicant is now proposing to reconfigure the previously approved subterranean parking levels by raising the lowest finished grade floor elevation to 12' – 10" below grade. According to the applicant, this modification is in response to the final geotechnical/hydraulic engineering analysis that determined the previously approved lowest parking level elevation would conflict with the underlying natural water table.

As shown in the below Exhibit 2, the changes resulting from the parking level modifications generally cause a "shift-up" in certain hotel facility levels including relocating certain "back of house" (BOH) areas that are approved below the "Lobby Lounge/Bar" level to be relocated below the first new "Guestroom" (level five), and removal of a previously proposed meeting area. As also shown in Exhibit 2, the parking level changes require an increase in height to the "Ballroom", located at the rear of the property.

Exhibit 2 – Parking Levels Comparison (2019 Approved and Currently Proposed)



Reduction in Previously Approved Parking

In 2019, the Hotel project was approved with a total of 335 parking spaces, which included valet and tandem parking spaces, and exceeded the anticipated peak parking demand of 262 parking spaces. Based on a reduction in both public serving floor area and hotel guest amenity floor area (see Table 1 above), the applicant is now proposing an eight-space reduction in parking.

Similar to the 2019 approved project, the applicant submitted an updated engineered shared parking analysis to inform the revised project parking demand. The concept of shared parking is widely recognized in the transportation planning industry and accounts for the fluctuations in daily/hourly parking demand for different types of land uses within a development. Due to the unique parking characteristics of the project's mixed-use development (i.e. hotel guests, hotel restaurant, and hotel meeting/banquet rooms) using shared parking demand data

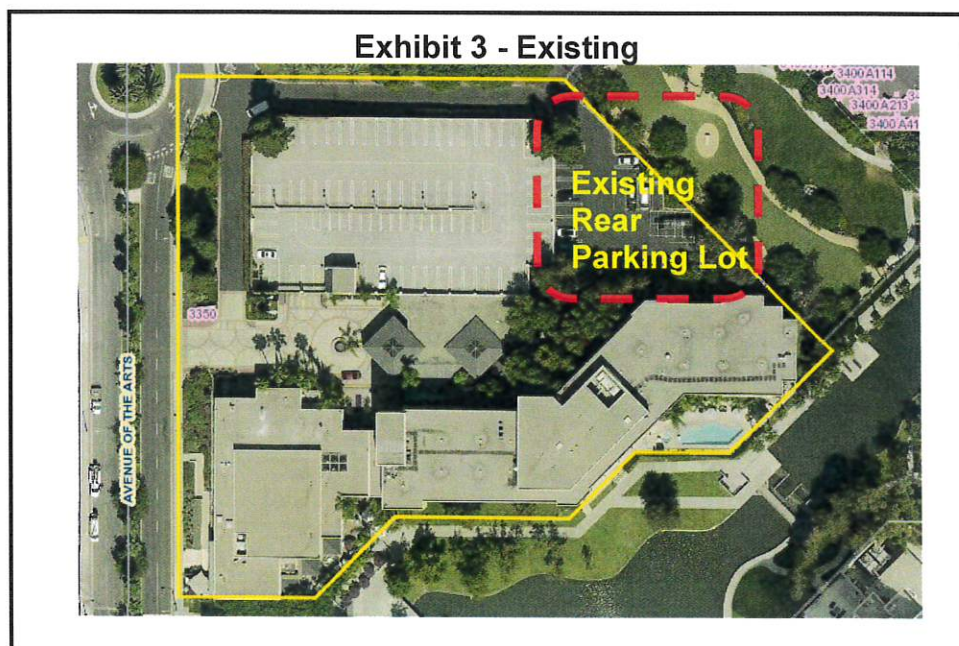
provides the most accurate portrayal of the sites actual peak parking demand. Additionally, because the restaurant and meeting rooms are located within the existing Hotel, an internal capture factor (facility guests/customers using more than one of the site's amenities during a visit) of 33% and 50% has been applied to the restaurant area and meeting space, respectively, to account for hotel guests utilizing the restaurant and meeting/banquet rooms.

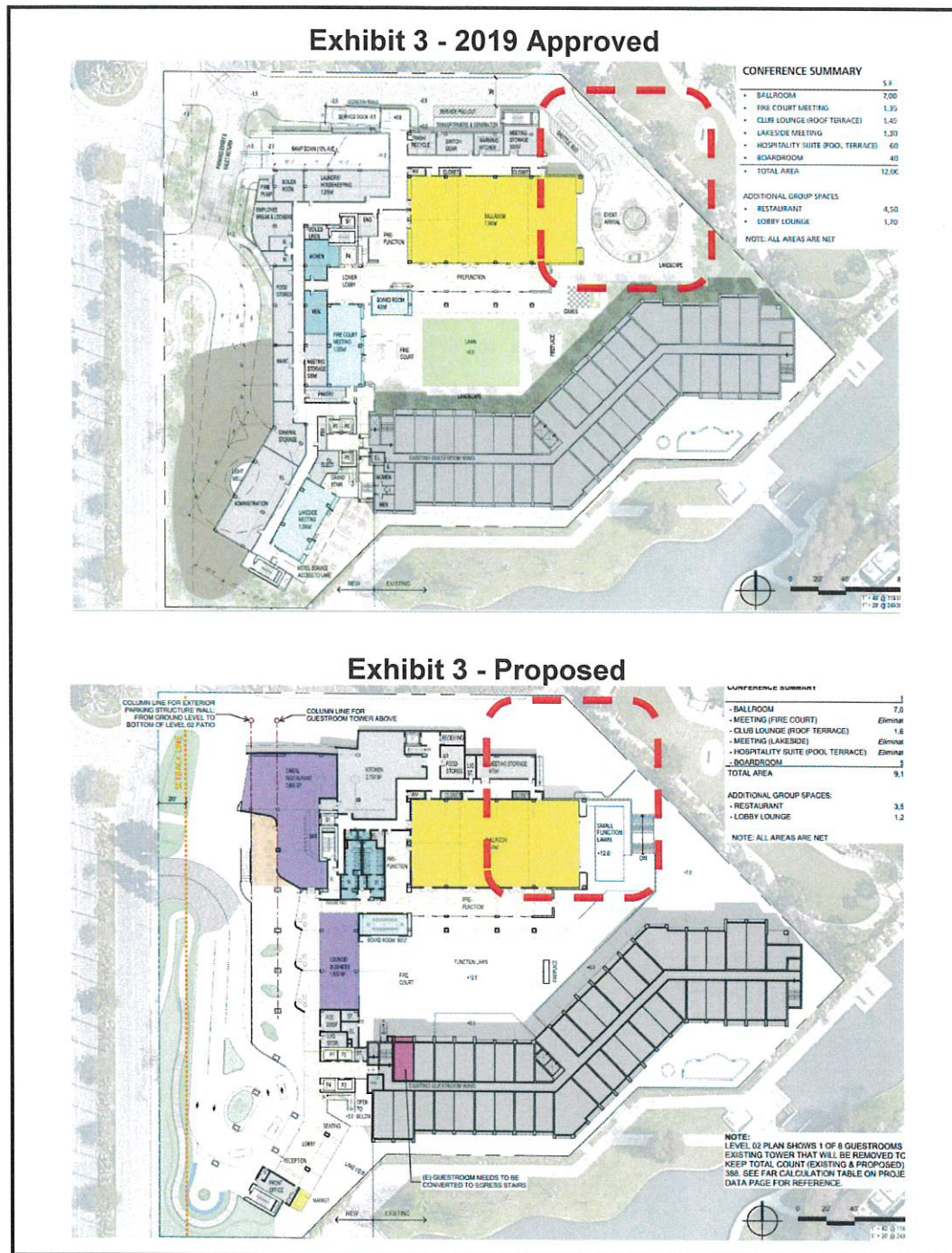
The objective of the shared parking analysis is to forecast the peak parking requirements for the project to determine the maximum parking needed for the proposed combined different land uses at the site. The recently submitted Shared Parking Demand Analysis indicates that the peak parking demand for the proposed redevelopment project results in a peak parking demand of 243 spaces at 9 PM, on a weekend. As proposed, the applicant has designed the project with 249 parking spaces. It should also be noted that an additional 78 parking spaces will be provided in a combination of double and triple valet tandem configurations, which creates an effective parking surplus of up to 84 spaces with the previously approved use of valet.

Alteration of approved Rear Site Circulation

The 2019 approved site plan included a Hotel "event drop-off" area located at the rear of the site which was intended to provide convenient guest access to the "Ballroom" and associated events. This area is currently developed with an at-grade surface parking lot. As a result of the parking structure changes, the "Ballroom" and adjacent stairway access is proposed to replace a portion of the 2019 previously approved "event drop-off" area (see the below Exhibit 3 for a pictorial comparison of the existing rear circulation conditions, 2019 approved rear circulation conditions and currently proposed rear circulation design).

Exhibit 3 – Rear Site Conditions (Existing, 2019 Approved and Proposed)



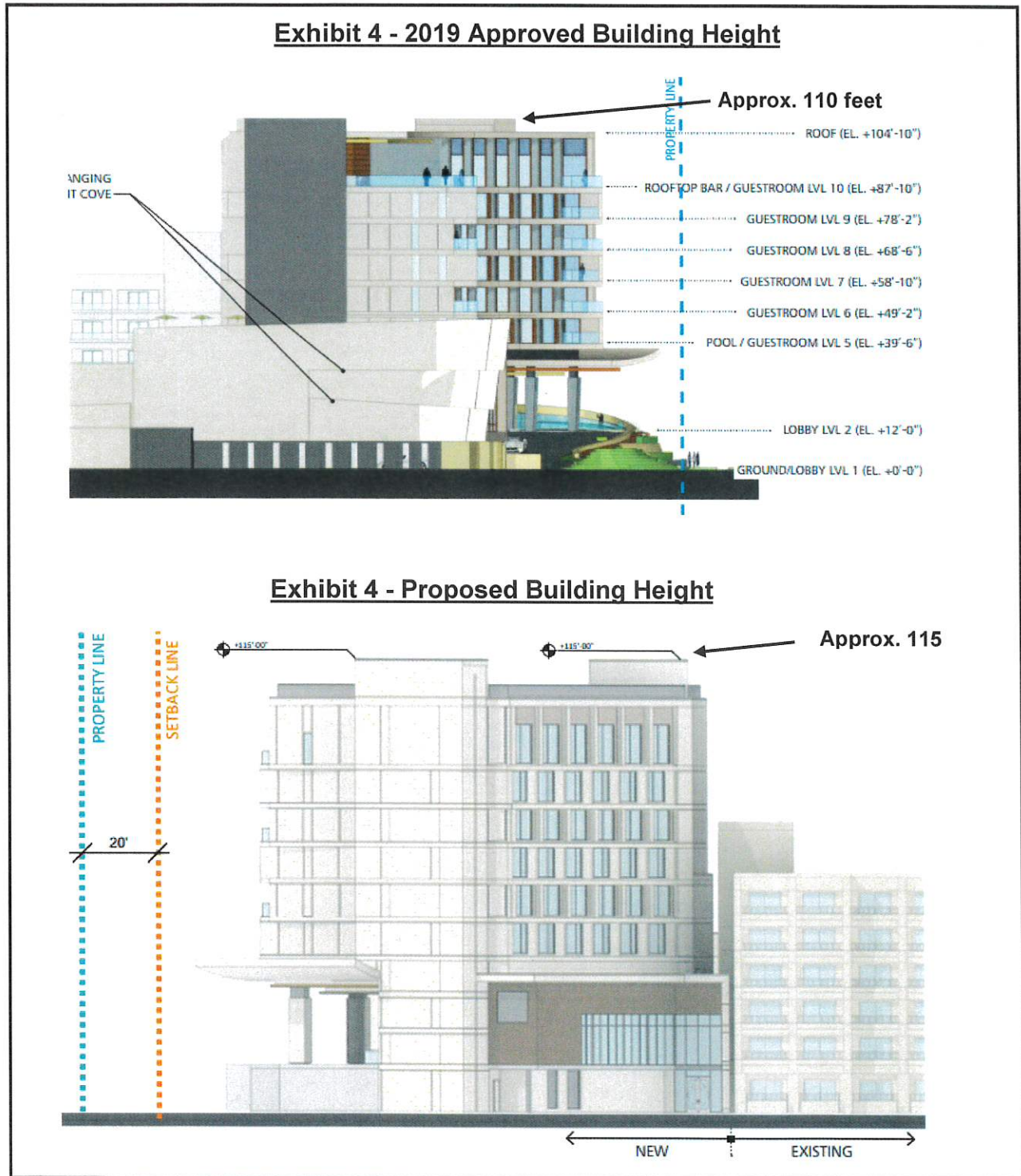


3. Increase in Hotel Building Height

Pursuant to the North Costa Mesa Specific Plan and Specific Plan Amendment SP-07-01, a site-specific building height of 270 feet above grade level (304 feet above mean sea level) is allowed for the subject site. The existing hotel maximum height is approximately 70 feet above grade. In 2019, the Hotel was approved with an increased roof elevation height of 104' – 10", with approximately five feet of additional height for roof parapet/equipment enclosures (See the below Exhibit 4). The applicant is now proposing an additional approximate five feet of roof height

(115 feet above grade) to account for changes in roof parapet/equipment enclosures, and changes in access stairs.

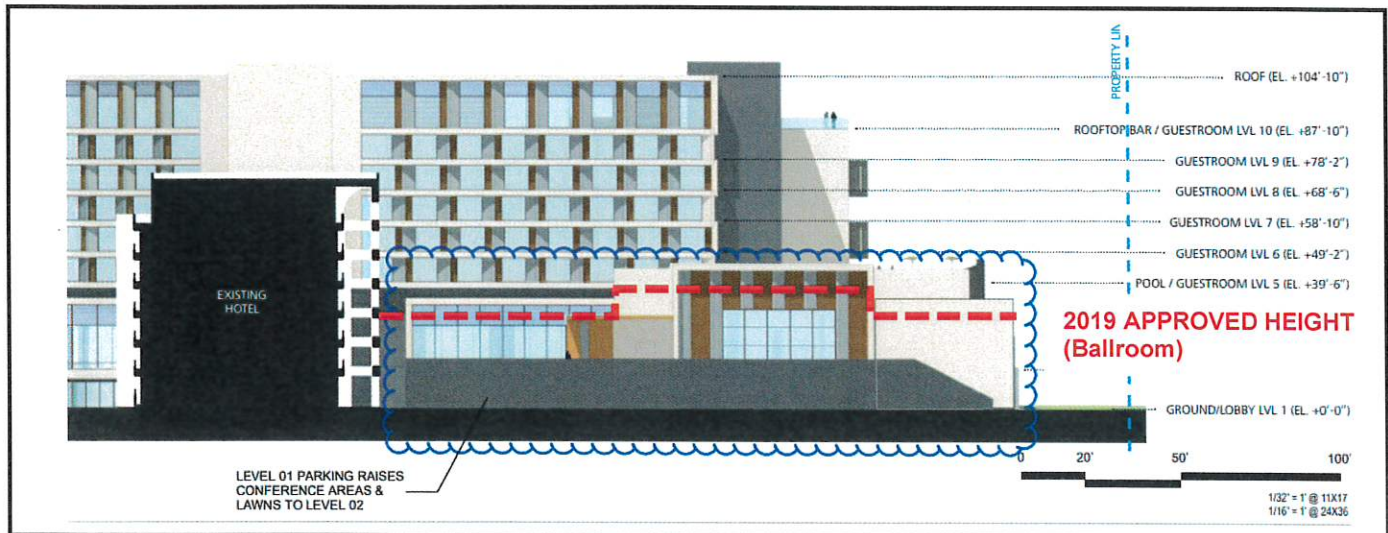
Exhibit 4 (2019 Approved Building Height and Proposed Building Height)



In addition, the roof height of the "Ballroom" proposed near the rear of the property has also increased based on the proposed increase in finished floor elevation of the lower subterranean garage (removal of basement garage level 2 and relocation of the Ballroom

to the Lobby Level). As indicated below in Exhibit 5, the proposed east elevation shows the proposed increased building height for the “Ballroom” and associated adjacent structures, with the red dashed line indicating the lower approved 2019 approved height.

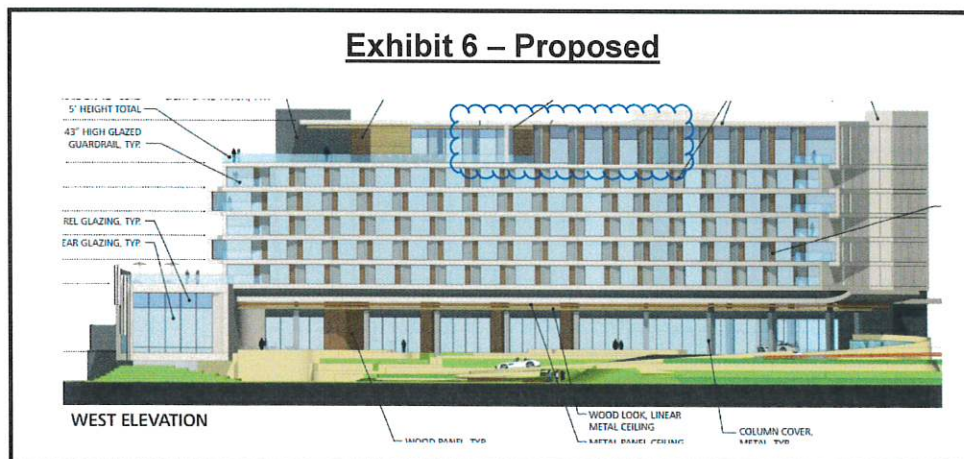
Exhibit 5 (East-Rear Facing Elevation Perspective)



4. Modifications to the proposed hotel west elevation (along Avenue of the Arts) for the relocation of the rooftop “Club Lounge” and the reconfiguration of the rooftop level terrace and bar.

Rooftop Terrace Elevation Changes - The proposed Hotel changes include modifications to the “Rooftop Bar/Guestroom Level” (upper floor level), which is limited to the area circled in blue as identified in the below Exhibit 6, “Proposed”. The purpose of the proposed changes at this level is to enclose a portion of the approved roof-top deck for the creation of an exclusive hotel guest private lounge/bar area. The proposed changes that will result from this modification do not significantly modify the previously approved aesthetics of the façade along Avenue of the Arts (West Elevation) in that the enclosure improvements along this façade continue window panes that match the existing westerly façade and fenestration. The reconfiguration of the rooftop terrace and bar are also proposed.

Exhibit 6 – West Elevation Façade Change Comparison (Approved and Proposed)



Environmental Determination

The City Council adopted the project's original Final Program EIR on November 20, 2007 under Resolution No. 07-89. On November 7, 2019, the Zoning Administrator approved an addendum to the Final Program Environmental Impact Report No. 1054 (SCH#20070111125). Pursuant to Government Code Section 15162(a), when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following results:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental

effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to Government Code Section 15162(a), the City of Costa Mesa (lead agency) has reviewed the proposed site changes and determined that the proposed modifications on the basis of substantial evidence in the light of the whole record results in a minor alteration of an existing approved facility that involves no expansion of the entitled use and a de-intensification when compared to the previous approval. Further, the changes will not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects in that the changes are limited to minor design alterations of an entitled project at an existing disturbed site, the proposed changes remain consistent with the original master plan approval and the North Costa Mesa Specific Plan, and no changes to environmental mitigation measures are required. Therefore, the proposed amendment to the previously approved master plan falls within the scope of the previously-approved EIR and its addendum, and no further environmental analysis is necessary.

CONFORMANCE WITH THE CITY OF COSTA MESA GENERAL PLAN

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa for the next two decades. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve local needs and attract regional and international spending, and continuing to provide cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that

development decisions and improvements to public and private infrastructure are consistent with the goals, objectives and policies contained in this Plan.

The North Costa Mesa Specific Plan was amended on September 9, 2019 to allow for an expansion of the Hotel up to a 2.29 FAR. The previous 2019 amended Hotel approval included a 2.18 FAR and the currently proposed FAR is 2.10. Lastly, the revised project complies with the following General Plan provision and policies:

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 proposed Hotel and improvements are anticipated to provide additional visitor serving amenities (“commercial services”) and employment opportunities.

2. **Policy LU-6.1:** *“Encourage a mix of land uses that maintain and improve the City’s long-term fiscal health”.*

Consistency: The proposed Hotel expansion will facilitate a use that provides visitor serving amenities in the City and consequently, the hotel guests will likely purchase local commercial goods and services. In addition, the Hotel is required to pay a City transient occupancy tax (TOT).

3. **Policy LU-3.12:** *“Ensure that new development reflects existing design standards, qualities, and features that are in context with nearby development”.*

Consistency: The proposed Hotel expansion includes a contemporary re-design of the facility with high-end materials, finishes and landscaping. The size and intensity are consistent with the neighboring properties.

4. **Objective LU-6A:** *“Ensure the long-term productivity and viability of the community’s economic base”.*

Consistency: The viability of the City’s economic base will benefit by the proposed development in that the Hotel expansion will facilitate a use that provides visitor serving amenities in the City, and will encourage local economic growth by providing business and visitor serving lodging. Consequently, hotel guests will purchase local commercial goods and services.

5. **Policy LU-6.10:** *“Encourage a broad range of business uses that provide employment at all income levels and that make a positive contribution to the City’s tax base”.*

Consistency: The proposed hotel improvements and investment will enhance an existing business by providing additional visitor serving amenities, and

employment opportunities at many employment income levels. In addition, the hotel is required to pay a City Transient Occupancy Tax (TOT).

6. **Policy LU-10A:** *"Promote structural improvements of visitor-oriented land uses".*

Consistency: The proposed hotel additions and ancillary improvements will enhance a local visitor-oriented land use and provide significant investment in both Hotel design and lodging capacity.

7. **Policy LU-10.4:** *"Consider the interest of quality of stay for visitors when evaluating projects near visitor-oriented land uses by requiring on-site amenities and upscale guest services".*

Consistency: The applicant is installing upscale amenities such as private meeting rooms, banquet areas, and a roof-top dining terrace, and is also providing guest valet services.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(5) – applicable Master Plan Findings:

Finding: *"The master plan meets the broader goals of the general plan, any applicable specific plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development".*

Facts in Support of Finding: The proposed modified Hotel enhancements remain cohesive with neighboring development and the immediate area. The proposed Hotel expansion includes a contemporary re-design of the facility with high-end materials, finishes and landscaping. The size and intensity are consistent with the neighboring properties. The proposed Hotel expansion will promote visitor serving amenities and other non-visitor serving amenities that will attract users from the adjacent Art Museum, Segerstrom Center and South Coast Plaza.

- B. See the above "Environmental Determination" section of this report.
- C. The applicant shall fulfill mitigation of off-site traffic impacts at the time of issuance of building permit by submitting to the Transportation Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council.

CONDITIONS OF APPROVAL

- Added 1. All conditions of approval from previous entitlements shall apply, including conditions/mitigation measures related to CEQA/EIR compliance.

- Added 2. All outdoor dining and patio areas (including the upper roof terrace bar and the "Function Lawn") shall be closed at 11 PM, and the business shall be conducted, at all times, in a manner that will allow for the quiet enjoyment of the surrounding neighborhood. Subject to the approval of the Development Services Director or designee, the Hotel shall institute whatever security and noise measures that are necessary to comply with the City's noise ordinance. The Hotel shall ensure that exterior noise is minimized during the hours of 11pm to 7am. In the event noise complaints are received, the Hotel shall institute whatever security and operational measures are necessary to comply with this requirement.
- Added 3. Background music shall be allowed on the upper roof terrace and the "Function Lawn" and shall be consistent with the City's Noise Ordinance.
- Added 4. No amplified sound (i.e. any music, announcements or other sounds) shall be audible in the adjacent residential areas. Amplified sound during events is allowed but must comply with the Costa Mesa Municipal Code.
- Added 5. Outdoor events shall be allowed on the "Function Lawn" in accordance with the City's noise ordinance and the project parking demand analysis. Temporary tents or canopies for events shall be allowed pursuant to Fire and Building Department approval, and in compliance with applicable safety codes. If an outdoor event occurs simultaneously with an indoor event (such as in the Ballroom or other area of the Hotel), the total number of occupants shall be limited based on Hotel parking capacity. Outdoor events shall conclude by 11PM, unless otherwise approved by the Director of Development Services. Special events requiring approval by the Director of Development Services shall be limited to one special event per month, assuming all necessary events permits are obtained from the City. In general, events shall have a hard stop at midnight and operations will begin ramp down noise activities after 10pm.
6. In the event the City receives complaints about noise from adjacent residences to the North of the Hotel, the Hotel shall pay for a noise study by an acoustical engineer contracted by the City which identifies the noise levels at the property line abutting residential properties. Noise monitoring shall occur for a four-hour period between 9:00pm and 1:00am for a minimum of 12 evenings at the discretion of the Development Services Director or designee. The noise study shall provide conclusions as to whether or not the operations of the Hotel comply with the City's Noise Ordinance with regard to the adjacent residences. If found not in compliance, the noise study shall make recommendations that shall be implemented by the applicant to reduce noise levels (as applicable) to ensure compliance with the Noise Ordinance.

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.

- Plng. 1. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division.
2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
4. All parking spaces proposed for this project must meet the Parking Design Guidelines which includes, but is not limited to, proper dimensions, double stripping and drive aisle width.
5. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg. 6. Comply with the requirements of the following adopted codes: 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code and 2019 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 2019 California Building Code.
7. Prior to the Building Division issuing any demolition permit, the applicant shall 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.
- Bus. 8. All contractors and subcontractors must have valid business licenses to do
Lic. 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.
- Fire 9. Comply with the requirements of the 2019 California Fire Code
requirements, including the referenced standards as amended by the City
of Costa Mesa.