

RESOLUTION NO. PC-2024**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PCUP-24-0001 FOR A CONDITIONAL USE PERMIT FOR A NEW ESCAPE ROOM AND A MINOR CONDITIONAL USE PERMIT FOR A DEVIATION FROM PARKING REQUIREMENTS AT 2706 HARBOR BOULEVARD, SUITES 200 & 202-205**

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

WHEREAS, Planning Application PCUP-24-0001 was filed by Andros Nguyen, authorized agent for the property owner, Mesa Verde Center LLC, requesting approval of the following: Conditional Use Permit for new escape room project and a Minor Conditional Use Permit for a deviation from parking requirements. The project proposes to convert suites 200 and 202-205 with cumulative square footage of 4,408 square feet into an escape room business.

WHEREAS, a duly noticed public hearing held by the Planning Commission on June 10, 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** Planning Application PCUP-24-0001 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 Planning Application PCUP-24-0001 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 10th day of June, 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 June 10, 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 Finding: The proposed use would be compatible and harmonious with developments in the same general area and would not be materially detrimental to other properties within the area. Parking impacts would be avoided because the escape room would limit the number of occupants, and the use would generally operate during offset hours from the surrounding uses. By doing so, any potential site circulation and/or use compatibility issues would be avoided.

Finding: Granting the 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: Granting the approval of the escape room use would not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. All business activities would be conducted within the building (underroof), and, prior to operations, the proposed tenant improvements will be reviewed by the City's Building and Fire Departments to ensure safety, suitable occupancy and the necessary occupant ingress and egress.

Finding: Granting the 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 use would be compatible with the existing uses in the commercial complex and meets the intent of the Local Business District in that the district encourages "a wide range of goods and services in a variety of locations throughout the City". Based on this, the proposed use is consistent with the General Plan's General Commercial land use designation intended land uses, and complies with the applicable development standards of the Zoning Code. Lastly, the proposed operations would occur within existing tenant spaces, and no additional floor area is proposed.

- B. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of existing facilities. This project site contains an existing building, and the application does not propose an increase in floor area.

The project would result in limited interior and exterior site improvements (such as signage) to adequately address operation and safety concerns as conditioned. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative environmental 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. Approval of Planning Application PCUP-24-0001 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. 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. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
 2. The conditions of approval for PCUP-24-0001 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 3. The hours of operation of the business shall be limited to between 6:30 PM to 10 PM, Monday through Friday, and 11 AM to 11:45 PM Saturday and Sunday.
 4. The maximum number of occupants – including employees – allowed in the building at any one time shall be no more than 17 people.
 5. The start of each game shall be staggered so that no more than two games start at the same time. There shall be a minimum 30-minute time gap between each game to allow adequate time for one group to depart before the arrival of the next group.
 6. No alcoholic beverages shall be served or consumed on the premises.
 7. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to the final review authority determined by the Economic and Development Services Director.
 8. A copy of the conditions of approval for the conditional use permit shall be kept on the 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.

9. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures in the sole and absolute discretion of the Economic and Development Services Director or his/her designee necessary to minimize or eliminate the shortage and/or problem, including, but not limited to, reducing the number of games, hours of operation and/or the maximum number of participants and/or occupants.
10. The applicant shall 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, or which are in any way related to, the applicant's project, or any approval granted by City related to the applicant's project. 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 applicant's 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. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
11. If any section, division, sentence, clause, phrase or portion of this approval 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.
12. Prior to operation, the City's Building and Fire Departments shall review the proposed tenant improvement floor plans to determine compliance with all building and safety and fire codes, and to ensure safety, suitable occupancy and the necessary occupant ingress and egress.
13. No signage shall be installed until a sign permit is issued by the City's Development Services Department.

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.

- P1ng.
1. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
 2. Outside security lighting shall be provided under the direction and upon the recommendation of the development services department and/or the police department.

- Bldg. 3. Comply with the requirements of the most recent adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards Code, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with Chapter 11B of the California Building Code.
4. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.
5. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code 705.8.
- Fire 6. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
- Bus. Lic. 7. 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.
8. Business license shall be obtained prior to the initiation of the business.