

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA TO UPHOLD THE PLANNING COMMISSION'S DECISION AND APPROVE PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS LOCATED AT 3150 BEAR STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 22-37 was filed by Alireza Mirzaeiramin, authorized agent for the property owner, the Khoshbin Company requesting approval of the following:

A conditional use permit for an event center in the AP zone; a conditional use permit for valet parking; minor conditional use permit for outdoor activities; and a minor conditional use permit to deviate from parking requirements. The proposed project would establish a new event center that would consist of three interior event spaces (including an auditorium), and a fourth event space in the Grand Courtyard.

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 26, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, a duly noticed public hearing held by the City Council on April 16, 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, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

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 City

Council hereby **APPROVES** Planning Application 22-37 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council 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 22-37 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 16th day of April, 2024.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16th day of April, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17th day of April, 2024.

Brenda Green, City Clerk

EXHIBIT A

FINDINGS

- A. **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: Operating consistent with the recommended condition of approval, the proposed event center is compatible with developments in the general area and would not be detrimental to nearby properties. The event center's daily activities would limit the maximum number of people on-site at any one time to no more than 225 (both guests and staff), would prevent the office use and event center from operating concurrently, would primarily occur indoors, and that any outside activity is conditioned to minimize potential noise impacts to the neighbors by limiting the number of musicians, types of musical instruments, and prohibiting amplified sound. There is also a condition that requires staggered arrival times to avoid potential traffic/circulation conflicts between persons departing from and arriving to the center between events. Closing times for the event center are also in line with the City's Noise Ordinance and condition the project to end outdoor activities by 9:00 p.m. and indoor activities by 10:00 p.m.

As for parking, the minor conditional use permit request to deviate from parking is also appropriate. The City's parking code would require 664 parking spaces based on the size of the suites and uses. However, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including attendees and staff), it is clear that the actual parking demand will be less than is otherwise required. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. Moreover, valet parking service will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized located deeper into the project site and, importantly, away from the homes. Only one valet attendant would be responsible for transporting the vehicle between its parked location and the owner of the vehicle. As such, more intense activity proximate to the common property line would be minimized.

Finding: Granting the conditional use permit or 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: Granting conditional and minor conditional use permits will not be detrimental to the health, safety, and general welfare

of the public or immediate neighborhood in that the operational characteristics of the event center have been limited to minimize negative impacts to the neighborhood. These characteristics include limiting the event's occupants to 225 people (including guests and staff), implementing a valet parking service, and prohibiting amplified sound outdoors. The event center will also not operate while any other uses are in operation. Finally, closing times have been implemented for the event center for both outdoors (9:00 p.m.) and indoors (10:00 p.m.). Additionally, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including attendees and staff), it is clear that the actual parking demand will be less than is otherwise required by code. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. And when valet parking service is utilized, it will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized located deeper into the project site and, importantly, away from the homes. Therefore, the proposed application requests will not have a detrimental effect to the health, safety, and general welfare of the public or nearby improvements.

Finding: Granting the conditional use permit or 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 proposed use is occupying the existing building and is not proposing any modification to its square footage. While the proposed use does increase the number of vehicular trips to the site and the number of potential occupants within the building, the offset hours and operations ensure that the use will remain in conformance with the General Plan.

- B. The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1), Existing Facilities. The Project proposes a conditional use permit for an event center with valet parking, and a minor conditional use permit for outdoor activities, and a deviation from parking requirements. No substantial physical improvements to the existing building would result from the project. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. 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 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

- PIng. 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. 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 and ordinance or code provisions of planning application PA-22-37 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Hours of operation shall be as outlined in the table below. Any change in the business description, hours or days of operation, etc. shall require further review of the CUP.

Use	Hours (Weekdays)	Hours (Weekends)
Interior Event Spaces	8:00 a.m.–10:00 p.m.	8:00 a.m.–10:00 p.m.
Grand Courtyard	8:00 a.m.– 9:00 p.m.	7:00 a.m.– 9:00 p.m.

4. All outdoor activities shall cease by 9:00 p.m., Sunday through Saturday.
5. 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.
6. The use shall be limited to the type of operation as described in the authorized agent’s letter of description and staff report. Any change in the operational characteristics including, but not limited to, the 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 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)].

7. The applicant shall defend, with the attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, and/or proceeding (collectively referred to as "proceeding") brought against the City, including its elected and/or appointed officials, agents, officers or employees arising out of or in any way related to the City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but shall 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 defense and indemnification provisions set forth in this section.
8. The third floor will remain blocked off to all persons at all times, with physical barriers, and will not be used for any purpose at any time, unless otherwise approved by the Planning Division.
9. Power to the third floor will remain disconnected aside from required life safety systems except for if construction, inspections or other activities related to modifications to the third floor are taking place. This condition shall not apply if the City formally approves the third floor to be occupied.
10. All events shall be limited to 225 people, including guests, waitstaff, caterers, organizers, musicians, valet attendants and any other individual or group associated with the event.
11. No more than two events shall occur per day. Events may not operate concurrently.
12. No other uses shall operate on-site while any event is taking place.
13. A one-hour gap shall be maintained between all events.
14. Events shall not start or end between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. These restrictions shall not apply to weekends.
15. No amplified music or music speakers shall be permitted outside of the building.
16. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing the event area and/or modification to the operational hours of the event center, providing subsidized use of Uber/Lyft or similar service, and/or acquisition of additional off-site parking area.
17. The parking areas and pedestrian paths shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the sites.
18. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the

parking lot.

19. No on-site food preparation is permitted. Food catering for special events shall not be provided by a food truck.
20. Any portion of the building and property not expressly approved as part of this application shall not be used for events.
21. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood and in compliance with the City's Noise Ordinance. The applicant shall institute whatever operational measures are necessary to comply with this requirement.
22. The applicant or 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 or any contiguous agency for security purposes.
23. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately.
24. Before the event center may operate, all permits required by the City shall be obtained. An approved final inspection for all required permits shall take place before the event center may operate. All work on-site shall be permitted and comply with all applicable development standards and other Planning Division requirements.
25. All traffic impact fees shall be paid prior to the issuance of any building permits associated with the event center.
26. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
27. Valet parking for the event center shall be free to all patrons of the events occurring onsite.
- Bldg. 28. Access to a public way shall be a direct and unobstructed. [CBC 1028.5] Where access to a public way cannot be provided, a safe dispersal area shall be provided where all of the following are met:
 1. The area shall be of a size to accommodate not less than 5 square feet for each person.
 2. The area shall be located on the same lot not less than 50 feet away from the building requiring egress.
 3. The area shall be permanently maintained and identified as a safe dispersal area.
 4. The area shall be provided with a safe and unobstructed path of travel from the building.
29. Any changes of use or occupancy shall comply with the most recent adopted codes and an egress, accessibility, area, and plumbing fixtures

analysis shall be provide for review.

30. Maximum allowable use area shall be determined in accordance with the applicable provisions of 2016 California Building Code sec. 506.2.
31. Comply with the requirements of the most recently adopted California Building Codes 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.
- Fire 32. Comply with the California Fire Code requirements, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
33. Changes of use or occupancy in existing structures shall not be made unless the use or occupancy is made to comply with the requirements of the adopted California Building and Fire Codes.
- Trans. 34. All uses on-site shall not generate more than 100 peak trips per hour.
35. At the time of issuance of Building Permit, submit to the Transportation Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the net daily trips generated by the proposed project. At the current rate the Traffic Impact Fee is estimated at \$2,009. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

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. 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.
- Bldg. 2. Comply with the requirements of the following adopted codes: 2022 California Residential Code, 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Residential Code, 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 2022 California Building Code.