



CITY OF COSTA MESA

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

ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

October 5, 2023

Alex Petrosian
421 Bernard St, Apt. 315
Costa Mesa, CA 92627

**RE: ZONING APPLICATION 21-10
MINOR CHANGE TO APPROVED MASTER PLAN FOR TRIANGLE SQUARE
1870 HARBOR BOULEVARD, SUITE A-209, COSTA MESA**

To Whom It May Concern:

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 (attached). The decision will become final at 5:00 PM on October 12, 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, Justin Arios, at 714.754.5667, or at justin.arios@costamesaca.gov or contact (714) 754-5245 or planninginfo@costamesaca.gov.

Sincerely,

Jennifer Le
Director of Economic and Development Services

Attachments: Report, Applicant Letter, and Approved Conceptual Site Plan

cc: Triangle Center LLC
10850 Wilshire Blvd, Suite 1000
Los Angeles, CA 90024

Engineering
Fire Marshal
Building Division
City Council

PROJECT DESCRIPTION

Zoning Application 21-10 is a request for the fifth amendment to the approved Master Plan for Triangle Square (PA-12-02) and second amendment to Zoning Application 11-25 to amend the approved hours of operation of live entertainment approved for Suite A-209 (La Vida Cantina) and to allow dancing.

Project Site / Environs

The project site is located at 1870 Harbor Boulevard, and is part of an existing commercial center, "Triangle Square". Specifically, the proposed project is located in Suite A-209, a tenant space currently occupied by a restaurant (La Vida Cantina) with approved ancillary live entertainment and outdoor dining.

The existing commercial development is zoned PDC (Planned Development Commercial) and has a General Plan land use designation of Commercial Center. The current Master Plan for Triangle Square was approved in 2012, with subsequent amendments and entitlements for specific uses. Major tenants currently include Yard House, TIME Nightclub, 24 Hour Fitness, Tavern + Bowl, Café Sevilla, along with other restaurants. Triangle Square is bounded by West 19th Street to the north, Newport Boulevard to the south and east, and Harbor Boulevard to the west.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	PDC (Planned Development Commercial)	North (across W. 19th St):	C1, C2 & PDC (Local Business, General Business & Planned Development Commercial) – commercial uses
General Plan:	Commercial Center	South / East (across Newport Blvd):	C2 & PDC (General Business & Planned Development Commercial) – commercial uses
Lot Dimensions:	Irregular		
Lot Area:	4.6 acres	West (across Harbor Blvd):	PDC (Planned Development Commercial) – Costa Mesa Courtyards
Existing Development:	Existing commercial development – Triangle Square commercial center.		

Previously Approved Entitlements for Suite A-209 (La Vida Cantina)

The Triangle Square commercial center was developed in the 1980's as a joint effort between the City's Redevelopment Agency and a private developer. The use was envisioned as a regional shopping and entertainment hub located off of SR-55/Newport Boulevard at the entry point to Costa Mesa. Commercial tenants at Triangle Square operate under a "Master Plan" which was originally approved in 1989 and establishes allowable uses and overall operational conditions of approval for the center. Changes in allowable uses or operational conditions of approval are processed as an amendment to the approved Master Plan (as amended) or under the authority granted by the Master Plan's conditions of approval.

On August 22, 2011, the Planning Commission approved Zoning Application 11-25, to allow a sit-down restaurant to be established, (El Corazon de Costa Mesa). The prior tenants included a variety of restaurants, including Upper Crust Pizza and Johnny Rockets. The approved restaurant was a 2,980 square foot Mexican restaurant with a 2,680 square foot outdoor dining patio (5,660 square feet total). The approval allowed the restaurant to operate past 11 PM and to serve alcoholic beverages. The approved hours of operation were 11 AM to 2 AM, Monday through Friday, and 10 AM to 2 AM Saturday and Sunday. Live entertainment, amplified music, and dancing was not permitted at the time. El Corazon de Costa Mesa ceased operation and was replaced by La Vida Cantina which opened in July of 2014.

On December 5, 2019, the Zoning Administrator approved an amendment to ZA-11-25 (processed under Zoning Application 19-80), to allow live entertainment for the existing restaurant (La Vida Cantina). The approval for live entertainment included a DJ and a guitarist (non-amplified). The live entertainment was approved to occur inside of the restaurant and no live entertainment was allowed on the outdoor patio. The guitar player was approved to perform from 5 PM to 9 PM on Fridays and Saturdays, and 6 PM to 9 PM on Tuesdays; the DJ was approved to perform from 11 AM to 4 PM on Sundays, and 9 PM to 12 midnight on Tuesdays. No dancing was proposed/allowed, and only recorded background music was allowed to be played on the outdoor patio speakers.

Link to the Zoning Administrator staff report for ZA-19-80 is provided in the following link:
<https://www.costamesaca.gov/Home/ShowDocument?id=40293>

In 2022, several Costa Mesa Police “calls for service” were prompted by the restaurant and after further investigation, it was determined that the restaurant was not operating pursuant to the approved Master Plan/Conditional Use Permit conditions of approval (specifically related to allowed entertainment). From that time forward, staff and the applicant have been working together to achieve operational compliance, and submit an updated application that modifies restaurant operations to include the restaurant’s entertainment objectives.

ANALYSIS

Minor Change to the Approved Master Plan

Pursuant to the City of Costa Mesa Municipal Code (CMMC) Section 13-28(g)(1), the proposed revisions to approved hours of operation for live entertainment conditioned for the subject tenant space can be processed as a minor change to the approved Master Plan and may be approved by the City’s Planning Division subject to certain criteria and “findings” (which are evaluated in detail in the Findings section below).

In addition, the approved Triangle Square Master Plan (PA-12-02) includes a condition of approval (Exhibit B3, Condition 3) which states: “Live entertainment, amplified music and/or dancing shall be subject to review and approval by the Development Services Director or his/her designee, and shall be subject to the operational conditions contained herein. City issuance of a public entertainment permit shall also be required.” This condition of the

previously-approved Master Plan authorizes the Director to approve or modify live entertainment, amplified music and/or dancing for uses operating under the Triangle Square Master Plan.

Proposed Live Entertainment for La Vida Cantina

As previously indicated, the existing approved restaurant operation hours are 11 AM to 2 AM, Monday through Friday, and 10 AM to 2 AM on Saturdays and Sundays, and are not proposed to change. The applicant is currently requesting to change the live entertainment (DJ and guitarist) hours to Monday through Saturday from 7 PM to 2 AM, and Sundays from 12-noon to 2 AM. The applicant is requesting to allow the guitarist to be able to perform on the outdoor patio (DJ would only be allowed in the inside of the restaurant); whereas currently the outdoor patio area is restricted to only recorded background music. Lastly, the applicant is requesting the approval of dancing within the restaurant in a dedicated dancing area. Table 1 below summarizes the proposed change in approved hours of operation for the restaurant and its associated live music and entertainment compared to the current use entitlements.

TABLE 1 - HOURS OF OPERATION FOR LIVE ENTERTAINMENT		
	ZA-19-80 Approved Hours of Live Entertainment (DJ and Guitarist)	Proposed Hours of Live Entertainment (DJ and Guitarist) and Dancing
Sunday	11 AM to 4 PM (DJ)	12-Noon to 2 AM
Monday	N/A	7 PM to 2 AM
Tuesday	6 PM to 9 PM (guitar player) 9 PM to midnight (DJ)	7 PM to 2 AM
Wednesday	N/A	7 PM to 2 AM
Thursday	N/A	7 PM to 2 AM
Friday	5 PM to 9 PM (guitar player)	7 PM to 2 AM
Saturday	5 PM to 9 PM (guitar player)	7 PM to 2 AM

Security

Triangle Square Existing Security

As described in the applicant letter, the proposed use will benefit from Triangle Square's existing on-site security, which consists of:

- One (1) officer on the morning day shift – 6:00 AM to 2:00 PM
- One (1) to two (2) officers on the swing shift – 2:00 PM to 10:00 PM
- Two (2) to four (4) officers on the late swing shift – 7:00 PM to 3:00 AM
- One (1) to two (2) officers on the graveyard shift – 10:00 PM to 6:00 AM

La Vida Cantina Security

In addition to Triangle Square's existing security, La Vida Cantina would provide their own security during all times of proposed live entertainment, summarized below:

- A minimum of eight security guards shall be employed when DJ and dancing is occurring (the applicant shall increase security as needed to manage operations);
- Three security guards shall be stationed at the front door for body checks/screening, and monitoring for minors;
- Two security guards shall be stationed on the outside of the patio boundary to ensure customers are entering the restaurant only from the front entrance;
- One security guard shall be stationed at the rear exit;
- Remaining guards will patrol the patio/dining area; and
- Security shall be contracted via a professional security service only.

Noise

The following noise mitigations shall be complied with:

- The DJ shall be located within the inside of the restaurant space only (and not within the outdoor patio);
- Amplified sound shall be only played from the existing restaurant speakers that are controlled and monitored by the restaurant management;
- Sound shall be directed downwards inside the patio space;
- Speakers on the patio shall be limited to providing sound levels to guests in the immediate areas where guests are sitting. No portable or similar event type speakers shall be allowed on the patio, and the volume of the outdoor speakers shall not interfere with the operations of any adjacent uses;
- Volume levels shall be monitored throughout the evening and kept at a level so it cannot be heard from adjacent properties. At no time shall music or other sound generated by the restaurant be audible at the subject property line on the easterly side of Newport Boulevard (as required by conditions for all eating and drinking establishments operating in the Triangle Square); and
- There shall be at least one staff person monitoring the restaurant doors to ensure that doors remain closed (when not in use) to prevent potential neighbor noise disturbance.

In addition, if noise complaints are received, the applicant may be required to complete and pay for the following:

- Acoustical sound tests to ensure that noise levels do not exceed required City noise standards;
- Install electronic limiters on the sound system to make sure restaurant operations do not exceed City noise limits; and
- Engage an acoustic expert to consult on the installation of sound mitigation measures to manage noise levels within City standards (including project conditions of approval).

REVIEW CRITERIA

All planning applications are reviewed pursuant to CMMC Section 13-29(e) to ensure proposals are compatible with the surrounding area, and in compliance with applicable zoning standards and General Plan policies.

The following are the applicable Review Criteria pursuant to CMMC Zoning Code Section 13-29(e):

(1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

The proposed project is compatible with the surrounding uses that exist or have been approved for the general area in that the project site is located within the zoning district of PDC (Planned Development Commercial), which is intended for retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. The project includes an intensification of a restaurant use to provide further entertainment. The restaurant is located in a multi-tenant retail center (Triangle Square) that includes several eating and drinking establishments that provide similar entertainment. Additionally, several nearby eating and drinking establishments located on Newport Boulevard also provide similar entertainment. Therefore, the project is similar to and harmonious with other site development and general neighborhood uses when operating in compliance with required conditions of approval.

(2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

The proposed project does not include any exterior on-site modifications to the existing commercial building and has been reviewed by the applicable City departments, including Planning Division, Building Division, Public Works, Fire and Police to ensure building safety issues are addressed. The existing parking lot and spaces are adequately designed for automobile and pedestrian circulation.

(3) Compliance with any performance standards as prescribed in the Zoning Code.

The proposed restaurant with live music and entertainment complies with applicable performance standards of the Zoning Code, and is conditioned to operate as described in this staff report. Furthermore, and as conditioned, the project is required to comply with CMMC Section 13-49 which provides development standards for establishments that serves food and beverages that are located within 200 feet of a residential district, as well as the conditions of approval for the approved Master Plan for the site.

(4) Consistency with the general plan and any applicable specific plan.

The proposed use is consistent with the General Plan land use designation of Commercial Center and is also consistent with the approved Master Plan for the Triangle Square.

(5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

The zoning application is for a project-specific case and as conditioned will not be setting a precedent for future development.

FINDINGS

The proposed project complies with Title 13, Section 13-29(g)(5), Master Plan applicable “findings,” based on the following:

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.

The proposed change in the approved hours of operation of live entertainment for the restaurant space currently occupied by La Vida Cantina is consistent with the intent of the Triangle Square Master Plan to provide a regional shopping center and also be an entertainment hub. The proposed use will continue to operate as a restaurant with live music and entertainment as well as not changing the existing restaurant hours of operation that were previously conditioned in the Master Plan. Additional operational conditions specific to noise, security and live entertainment have been added to minimize impacts and protect the integrity of neighboring uses. In addition, the proposed change to the Master Plan is consistent with the City’s applicable General Plan and Zoning Code provisions.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for Existing Facilities. 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. The use, as conditioned, is consistent with the applicable General Plan land use designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations.

The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL (revised for PA-12-02 A5 & ZA-11-25 A2 [ZA-21-10])

EXHIBIT B1

**The Following Uses Are Permitted Within Triangle Square
 As of October 2023**

Uses	Max. Allowable
<u>PLAZA LEVEL</u>	
Movie Theater	1,200 Seats
Restaurants	25,715 sq. ft.
New Restaurant	8,850 sq. ft.
Retail	9,132 sq. ft.
<u>STREET LEVEL</u>	
Health Club	20,989 sq. ft.
Bowling Alley	14,329 sq. ft. <i>(including 10 bowling lanes and a 4,000 sq. ft. restaurant)</i>
Retail Space	7,000 sq. ft.
Night Club	11,804 sq. ft.
Restaurants	15,040 sq. ft.
Retail	12,743 sq. ft.
<u>BASEMENT LEVEL</u>	
Health Club	34,400 sq. ft.

- In addition to the above uses, all uses permitted in the Planned Development Commercial (PDC) Zone shall be permitted in the Triangle. Conditional uses that may be allowed in the PDC Zone shall require an amendment to the Master Plan, with the exception of the following uses that shall be permitted in the Master Plan subject to an updated shared parking analysis:
 - Amusement Center (i.e. Comedy Club, Video Gaming)
 - Museum/Gallery
 - Recording Studio

EXHIBIT B2

The Following Conditions of Approval Shall Apply to All Uses in Triangle Square

1. The uses shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use 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 master plan, subject to approval by either the Development Services Director, Zoning Administrator, or Planning Commission, depending on the nature of the proposed change. Code allows the Planning Commission to modify or revoke any use within the center based on findings related to public nuisance and/or noncompliance with the conditions of approval herein [Title 13, Section 13-29(o)]. Any changes to the conditions of approval due to the future amendment to the Triangle Master Plan shall be limited in those conditions that are applicable to the proposed amendment. Future amendments shall be limited to the applicable component(s) of the Triangle Master Plan and shall not involve reconsideration of the overall Master Plan and/or conditions of approval that relate to other areas of the Triangle Master Plan.
2. These conditions of approval shall supersede previously adopted conditions for the Triangle Square Master Plan (PA-89-31/RA-89-05).
3. The uses shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
4. Parking for patrons and employees of the center shall occur on-site. If it is discovered that either patrons or employees of The Triangle are parking in front of a residence on residential streets east of Newport Boulevard, the applicant shall work with the Costa Mesa Police Department to impose remedies should any such public street parking create a nuisance or disturbance to property owners. Additionally, the applicant shall identify which business employees are parking on residential streets, notify the business owner that offsite employee parking is not allowed, and therefore, require that owner enforce all employee parking onsite unless approved by the City for offsite parking.
5. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem.
6. All exterior lighting shall be shielded and/or directed away from residential areas.
7. The conditions of approval and ordinance or code provisions shall be blueprinted on the face of the site plan as part of any plan check submittal package.
8. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
9. On-site security shall be provided if requested by the Police Department.
10. The provisions of the approved traffic management plan for grand openings as well as long-term usage within the center dated April 29, 2015, shall continue to

be complied with, including, but not limited to, the provisions for valet parking during evening peak hours on an as-needed basis.

11. Deleted.
12. Passenger pick-up and drop-off areas on Harbor Boulevard shall be eliminated to reduce traffic hazards and impacts.
13. The approved valet parking plan shall be revised to reduce the cost of the valet parking to encourage greater usage, if directed to do so by the Police Department.

EXHIBIT B3

The Following Conditions of Approval Shall Apply To Eating and Drinking Establishments in Triangle Square

1. A copy of these conditions of approval shall be kept on premises and presented to any authorized City official upon request. New business operators shall be notified of conditions of approval upon transfer of business or ownership of land.
2. The operator 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.
3. Live entertainment, amplified music and/or dancing shall be subject to review and approval by the Development Services Director or his/her designee, and shall be subject to the operational conditions contained herein. City issuance of a public entertainment permit shall also be required.
4. Music or other entertainment sound generated at the Triangle shall not be audible at the property line on the easterly side of Newport Boulevard.
5. 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 the management to ensure that this limit is not exceeded at any time. Occupant loads for open patio areas and enclosed building areas shall be calculated separately.
6. 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 operator shall institute whatever security and operational measures are necessary to comply with this requirement.
7. There shall be no sales of alcoholic beverages for off-site consumption.
8. Operator shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas over which the operator controls, to prevent trash, graffiti, and loitering. Operator shall further provide adequate lighting above the entrances to the premises sufficient in intensity to make visible the identity and actions of all persons entering or leaving the premises.
9. For new restaurants, the operator shall contact the Planning Division to arrange a Planning inspection of the site prior to occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
10. Any business occupying a "restaurant" suite in The Triangle shall provide a full meal service selection during all hours of restaurant operation, including, but not limited to, multiple entrees (not just appetizers) full wait service, and sit-down dining.
11. For establishments with a State Alcoholic Beverage Control (ABC) License, 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.
12. For establishments with a State Alcoholic Beverage Control (ABC) License, a Finding of Public Convenience and Necessity are hereby made by the Planning

Commission in accordance with City Council Policy No. 500-8 prior to the issuance of the license by ABC.

13. The operator shall be required to provide additional on-site security if requested by the Police Department, or by the Director of Economic and Development Services Department, or if determined by the restaurant management as necessary for restaurant operations.
14. The following conditions of approval shall apply specifically to the use at 1870 Harbor Boulevard, Suite L1-108:
 - a. Hours of operation shall be limited to
 - Monday through Friday, 3 PM to 2 AM, and
 - Saturday and Sunday, 10 AM to 2 AM;
 - with live music, entertainment and dancing Monday through Wednesday, from 7 PM to 10:30 PM; and Thursday through Sunday after 7 PM.
 - b. Permitted live music, entertainment, and dancing shall be limited to the following:
 - Free line dance instruction
 - Free country karaoke
 - Free live country music with dancing
 - DJ playing country music with dancing
 - c. On-site security shall be provided as described in the applicant letter, including:
 - Sunday, Monday, Tuesday, Wednesday & Thursday
 - Without live music, entertainment, and dancing: one (1) third-party licensed security guard on duty stationed at the front entrance with roaming after 7 PM
 - With live music, entertainment, and dancing – four (4) third party licensed security guards on duty:
 - Two (2) at front entrance (ID check and crowd control),
 - One (1) at back-office entrance (covering kitchen, bathrooms, and back exit),
 - One (1) roaming, all after 7 PM
 - Friday & Saturday
 - With live music, entertainment, and dancing – five (5) third party licensed security guards on duty:
 - Two (2) at front entrance (ID check and crowd control),
 - One (1) at back-office entrance (covering kitchen, bathrooms, and back exit),
 - Two (2) roaming, all after 7 PM
 - d. Additional on-site security shall be provided for crowd control purposes during the nights Westwood and Time Nightclub are in operation, if directed to do so by the Police Department.
 - e. Prior to operation of the business, the items referenced in Westwood's applicant letter related to noise and security shall be conducted and implemented.

- f. Roll-up garage doors shall remain closed when live entertainment is provided.
15. There shall be no ticket sales for live music, entertainment, or dancing (i.e. shall not operate as a performance venue).
 16. Any line that forms outside related to live music, entertainment, or dancing shall be limited to the Triangle property and not extend into the public right-of-way (including the public sidewalk); in the event the line exceeds onsite capacity, the applicant shall implement buzzers/pagers or some other system of controlling the customer queue and eliminate congregation in the public right-of-way.
 17. Bottle service shall only be provided in conjunction with a staff monitored, bottle cap locking mechanism, when full kitchen service is available to customers.
 18. In the event of excessive nuisance incidents as determined by the Economic and Development Services Director or designee, in coordination with CMPD or other relevant agencies, and linked to the subject business/use, the operator and/or business owner shall comply with the following:
 - a. First offense shall result in a written Notice of Violation from the Economic and Development Services Director or designee.
 - b. Second offense shall result in a written Notice of Violation requiring for a period of two weeks: (1) the business to close its operation by 10 PM and (2) bottle service shall not be provided. Second offense may also result in the review of the entitlement for modification or revocation.
 - c. Third offense shall result in a written Notice of Violation requiring for a period of one month: (1) the business to close its operation by 10 PM; (2) not offer live music, entertainment or dancing; and (3) bottle service shall not be provided. Third offense may result in the review of the entitlement for modification or revocation.

The applicant is reminded that the 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)].

19. The following conditions of approval shall apply specifically to the use at 1870 Harbor Boulevard, Suite A-209, and shall supersede the conditions of approval from ZA-19-80:
 - a. Hours of operation:
 - Monday through Friday, 11 AM to 2 AM, and Saturday and Sunday, 10 AM to 2 AM;
 - b. Permitted live entertainment, DJ and dancing:
 - Monday through Saturday from 7 PM to 2 AM, and Sundays from 12-noon to 2 AM;
 - DJ, live entertainment (guitarist) and background music shall not be audible at the subject property line on the easterly side of Newport Boulevard (as required for all Triangle Square eating and drinking establishments).
 - DJ to be limited to the inside of the restaurant and not on the outside patio;

- Dancing to be allowed on the inside of the restaurant pursuant to the approved floorplan and shall not obstruct emergency exiting (as approved by the Costa Mesa Fire Department);
 - Non-amplified guitarist to be allowed in the restaurant and on the outside patio; and
 - Background and inside DJ music to be allowed on the outside patio through speakers at a controlled volume and not audible at the subject property line on the easterly side of Newport Boulevard (as required for all Triangle Square eating and drinking establishments).
- c. Restaurant security:
- A minimum of eight security guards shall be employed when DJ and dancing is occurring;
 - Three security guards shall be stationed at the front door for body checks/screening, and monitoring for minors;
 - Two security guards shall be stationed on the outside of the patio boundary to ensure customers are only entering establishment from from the front entrance;
 - One security guard shall be stationed at the restaurant rear exit;
 - Remaining guards will patrol the patio/dining area; and
 - Security shall be contracted via a professional security service only.
- d. Noise Mitigation:
- The DJ shall be located within the inside of the restaurant space only (and not within the outdoor patio);
 - Amplified sound shall be only played from the existing restaurant speakers that are controlled and monitored by the restaurant management;
 - Sound shall be directed downwards inside the patio space;
 - Speakers on the patio shall be limited to providing sound levels to guests in the immediate areas where guests are sitting. No portable or similar event type speakers shall be allowed on the patio, and the volume of the outdoor speakers shall not interfere with the operations of any adjacent uses;
 - Volume levels shall be monitored throughout the evening and kept at a low level so it cannot be heard from adjacent properties. At no time shall music or other sound generated by the restaurant be audible at the subject property line on the easterly side of Newport Boulevard (as required by conditions for all eating and drinking establishments operating in the Triangle Square); and
 - There shall be at least one staff person monitoring the restaurant doors to ensure that doors remain closed (when not in use) to prevent potential neighbor noise disturbance.

In addition, if noise complaints are received, the applicant may be required to complete and pay for the following:

- Acoustical sound tests to ensure that noise levels do not exceed required City noise standards;
- Install electronic limiters on the sound system to make sure restaurant operations do not exceed City noise limits; and
- Engage an acoustic expert to consult on the installation of sound mitigation measures to manage noise levels within City standards (including project conditions of approval).

EXHIBIT B4

The Following Conditions of Approval Shall Apply To Time Nightclub in Triangle Square (Formerly Sutra Lounge)

1. Hours of operation shall be between the hours of 9:00 PM and 2:00 AM, seven days a week. Any change to the operational characteristics including, but not limited to, hours of operation, etc., shall require approval by the Development Services Director or his/her designee.
2. 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 whatever security and operational measures are necessary to comply with this requirement.
3. There shall be no sales of alcoholic beverages for off-site consumption.
4. Music or other entertainment shall not be audible beyond the area under the control of the licensee.
5. A copy of the conditions of approval 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.
6. 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.
7. Bottle service shall only be provided in conjunction with a bottle cap locking mechanism. The Police Department may evaluate whether or not the locking cap mechanism is effectively being provided for the bottle service on a periodic basis.
8. Live entertainment, amplified music and/or dancing may only be permitted subject to City issuance of a public entertainment permit.
9. Parking for patrons and employees of the business shall occur on-site. Employee or patron parking on public streets or adjacent properties shall be considered a violation of the terms of approval of the master plan.
10. The outdoor patio shall have no seating since it primarily serves as a patio for smokers and provides the necessary emergency exits from the lounge. The patio shall be screened by a decorative full height wall, subject to approval by the Planning Division. Patrons on the patio shall not be served food or beverages.
11. A designated patron queuing/waiting area for Time Nightclub with physical barriers shall be provided, as well as barriers to discourage patrons from jaywalking across Newport Boulevard, subject to final approval from the Police Department.
12. Additional on-site security shall be provided for crowd control purposes during the nights both Westwood and Time Nightclub are in operation, if directed to do so by the Police Department.

EXHIBIT B5

The Following Conditions of Approval Shall Apply To The Signage In Triangle Square (No Change)

1. Tenant signage shall comply with the City's Sign Code and the approved Triangle Square Planned Sign Program.
2. The total site signage, shall not exceed the total sign area allowed under the Planned Sign Program (3,445 sq. ft. for the entire center).
3. Permanent window signs shall not exceed 20% of the contiguous window area per the City's Sign Code.
4. All newly installed signs shall be in conformance to the requirements and intent of this Planned Signing Program, as well as other applicable Codes and regulations. Any sign not meeting the specific criteria outlined in the planned signing program shall not be permitted.
5. The City's Sign Ordinance shall apply to signs not specifically covered by this Planned Signing Program.
6. Any modification, addition, or deletion to the approved Planned Signing Program shall be reviewed by the Zoning Administrator to determine if an amendment to the Planned Signing Program is necessary.
7. The allowable dome sign area shall be restricted to a maximum 9 feet in height and 600 square feet in total sign area. The sign copy contained in the maximum allowable sign area may be dispersed throughout the dome band, with a maximum of 400 square feet of sign copy concentrated in the main dome band area that is prominently visible from the SR-55.
8. Images not related to the above described elements of signage, such as lifestyle graphics and text, shall not be included in the dome sign area calculation.
9. Lifestyle graphics with no sign copy related to business name, product, service, activity, or location may continue to be allowed in the Planned Signing Program. However, the use of the eight recessed alcoves at the street-level base of the dome for lifestyle graphics shall not occur in conjunction with any graphic display in the dome band area. The Development Services Director may make exceptions to this condition on a limited basis if she/he determines that the concurrent displays do not result in a negative aesthetic impact.
10. The changeable vinyl dome signage shall be constructed of a high-quality vinyl material to avoid ripping or fading. Additionally, the banners shall be attached to the building by an adhesive backing, rendering the vinyl signage flush with the building surface, rather than by ropes or wires.
11. The changeable vinyl dome signage shall not extend beyond the limits of the total height and length of the existing dome band area. The acceptable dimensions for the changeable vinyl signage are approximately 10.5' high x 120' wide.
12. No additional illumination of the changeable vinyl dome signage shall be permitted unless approved by the Development Services Director.
13. Third party (i.e., off-site) advertising on the changeable vinyl signage is expressly prohibited.

14. Unallocated sign area (that is, sign area not utilized by tenants) may be re-allocated to major tenants in the plaza level, subject to approval by the Development Services Director, on a case-by-case basis.
15. Advertising or signage on the Niketown Dome area or the recessed panels along West 19th Street for the lounge use is expressly prohibited. This includes any and all advertising associated with the lounge use, including, but not limited to, the name of Sutra Lounge (or any subsequent name change for the lounge use), special events, entertainment, bands, product advertising, etc. Building wall signage for Sutra Lounge (or any subsequent name change for the lounge use) shall not exceed the current number and sign area of the existing Sutra Lounge signs.

CODE REQUIREMENTS

The following list of 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. The applicant is also required to comply with any other applicable State and local laws not provided below.

- | | | |
|-------|----|---|
| PIng. | 1. | Approval of the planning/zoning application is valid for two 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 has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 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. | Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code. |
| Bldg. | 3. | 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.
4. The conditions of approval and ordinance or code provisions of PA-12-02 A4 [ZA-22-26] including subsequent amendments shall be blueprinted on the face of the site plan as part of the plan check submittal package when building permits are necessary.
 5. Plans shall be prepared by a California licensed Architect or Engineer. Plans shall be wet stamped and signed by the licensed Architect or Engineer prior to the issuance of building permits.
 - Fire 6. Comply with the requirements of the California Fire Code and referenced standards as amended by the City of Costa Mesa.
 - Bus. 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.
Lic.

SPECIAL DISTRICT REQUIREMENTS

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

- AQMD 1. Prior to the Building Division 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 No. is provided by AQMD.
- CDFA 2. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
- Health 3. Provide a plan to the County of Orange Health Dept. for review and approval.

Conditional Use Permit Amendment Letter of Intent

La Vida Cantina

To Whom It May Concern:

My name is Alex Petrosian and I am the new owner of La Vida Cantina here at the Triangle in Costa Mesa. I'm aware that La Vida has had its share of ups and downs in the past with the neighboring businesses and residences, but I aim to fix those issues. When I took over in June of 2020, I was hoping to regain the city's trust and the community's as well with responsible management and consideration of my neighbors both commercially and residentially. I know the old La Vida had a temporary MCUP; as I would like to submit for an amendment to the current public entertainment permit approval. As I'm sure you could imagine, especially during these difficult times as we've begun to return to a sense of normalcy, entertainment is the one thing that people have been searching for in the past three years. And although the old La Vida had a very restricted Live Entertainment Permit; I am asking if I can have more flexibility with when and which days that I can have a DJ. Previously, the DJ was allowed to play from 9pm-12am on Tuesdays and 11am-4pm on Sundays. I am asking if we can increase the availability to 7 days a week; although I intend to utilize the DJ at a max of 20 hours in a given week, but most likely will be less than that on a regular basis. Typically, a DJ doesn't play longer than 4 hours whenever one would be booked, but I would like to have the flexibility to have special events, and have the ability to have entertainment on holidays regardless of which day of the week they might fall on. The guitar aspect I would like to keep as is, even though at this time, I don't intend to use them.

I have been made aware of the past management's mistakes here at La Vida and I've spent a lot of money remedying those issues so they will not be a problem in the future. For sound, that includes purchasing new equipment that sounds better at a lower volume so the residential neighbors cannot hear it at all; as of this writing (July, 2023), we haven't received a noise complaint since September 2022. For safety, I have increased my security presence here as well as change which company I use; to monitor the crowd's intoxication, and more specifically the crowd sizes as I know in the past the old La Vida Management had their old permit revoked due to blatant disregard of occupancy regulations. And for general over-intoxication behavior, I have instructed my staff to get Responsible Beverage Service Training from the ABC, which they have all completed, to avoid over-serving and recognize intoxication when it is noticeable.

You will find specific steps I have taken for noise and crowd control on the following page. And finally, I intend to keep all performers (DJ or Guitar Players) inside the dining room either near the back booths, or by the archways near the patio. And with my new sound system, I will not allow anyone to bring any amplified sound, as all music will be played through my existing sound system.

Noise Control and Security Plan for La Vida Cantina

Noise Control Plan:

- All entertainers will be set up inside and NOT on the outdoor patio.
- All entertainers will be plugged into my existing amplified sound system and will NOT add more amplification than what is already present.
- All music will be played from the existing speakers that are set up currently for recorded music and TV volume, with speakers located throughout the dining room and patio.
- Sound will continue to be directed downwards inside our own patio space.
- Volume will be limited by a self-limiter within the a/v sound controller. This way, no matter how high the DJ sets their sound for, it will not go above the desired limit.
- A professional sound survey will be done at 2 different times of the day to get readings of volume levels at my venue, and volume levels in the neighboring residences. This will advise us, if needed, on what adjustments need to be made to minimize any residual sounds in the neighborhood.

Security Plan:

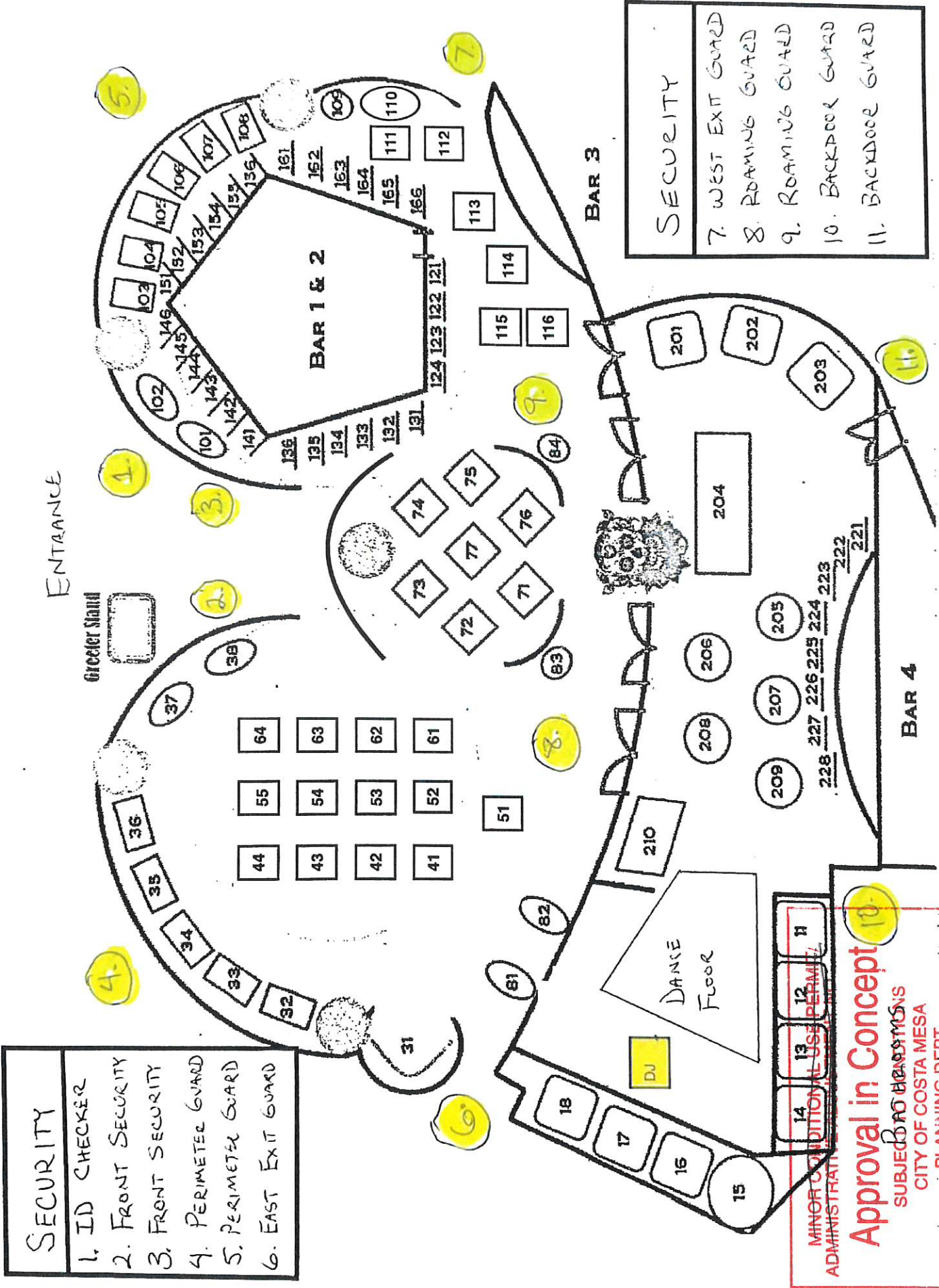
- We will continue to have 8-11 security guards on Tuesdays, Fridays, and Saturdays. These numbers can be added to any day with entertainment, and will be adjusted as needed.
- I have added a minimal security presence on Wednesdays (1), Thursdays (3), and Sundays (5) as well.
- During certain special events, we will have up to 20 guards
- We will continue to have three guards at the front door to do body checks for anyone who might be carrying weapons, drugs or alcohol. The guards will also ensure no minors are entering.
- Two guards will be on the outside of the patio sides to make sure nobody is sneaking in outside of the front door, as well as nobody is handing anything to persons inside.
- One guard will be monitoring the hallway that leads to our kitchen to make sure no patrons are entering through the back without being properly checked.
- Another guard will watch our bathroom hallway that also contains another exit/back entry point. This guard will also ensure no drug use in the bathroom, or any altercations.
- The remaining guards will patrol the patio/dining area to make sure nobody is overly intoxicated and if any altercation begins to arise, we will be able to stop it before it gets out of hand.

CUP Amendments to Conditions of Approval dated December 5, 2019

1. Keep the same
2. Keep Entertainment to DJ and/or Guitarist. DJ to be able to perform 7 days. Everyday start at 7pm-2am, and Sundays to start at noon-2am. Allow dancing. No live music on patio, but DJ music ok on outdoor patio speakers. Allow DJ setup to be by back booths or inside near the archways to outside.
3. Keep the same – if this is what other establishments have as well.
4. Maintain no noise complaints.
 - a. Doors can remain open, windows closed as long as there are no noise complaints
 - b. Live entertainment can take place anywhere as long as noise levels are maintained. DJ's will be set up inside. This allows guitarists or mariachis to be outside on the patio.
 - c. Volume level will be consistent regardless if it's background music or DJ as long as it doesn't affect neighboring businesses or residences
5. Remove or Modify – too harsh. This seems like it was written for the previous owners who defied city requests constantly. I have gone above and beyond to work with CMPD and the City to comply with all requests and will continue to do this moving forward.
6. Keep the same – although occupancy levels need to be looked at – currently 80 persons less than plans logged at the city, as I intend to modify the current number. But when I do, I intend to adhere to the posted occupancy.
7. Keep the same
8. Remove? – ABC has changed this rule. Or change the verbiage to whatever the current law of the ABC is – Covid changed this
9. Keep the same
10. Keep the same
11. Remove – unless everyone at the Triangle has this requirement
12. Keep the same
13. Keep the same
14. Keep the same
15. Keep the same
16. Keep the same
17. Keep the same

SECURITY	
1.	ID CHECKER
2.	FRONT SECURITY
3.	FRONT SECURITY
4.	PERIMETER GUARD
5.	PERIMETER GUARD
6.	EAST EXIT GUARD

SECURITY	
7.	WEST EXIT GUARD
8.	ROAMING GUARD
9.	ROAMING GUARD
10.	BACKDOOR GUARD
11.	BACKDOOR GUARD



MINOR CONDITIONAL USE PERMIT
 ADMINISTRATIVE

Approval in Concept

SUBJECT TO HANSON'S
 CITY OF COSTA MESA
 PLANNING DEPT.

BY CYAN JC DATE 10/5/23