PLANNING COMMISSION AGENDA REPORT

VII. 7

MEETING DATE: MARCH 12, 2012 **ITEM NUMBER:**

SUBJECT: **PLANNING APPLICATION PA-12-02 – MASTER PLAN FOR THE TRIANGLE (FORMERLY TRIANGLE SQUARE)**
1870 HARBOR BOULEVARD AND 1875 NEWPORT BOULEVARD

DATE: **MARCH 6, 2012**

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

PRESENTATION BY: **MEL LEE, SENIOR PLANNER**

FOR FURTHER INFORMATION CONTACT: **MEL LEE, AICP (714) 754-5611**
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PROJECT DESCRIPTION

Master Plan for comprehensive update to "The Triangle" (formerly Triangle Square), including the following:

- Approximately 17,000 sq. ft. of new restaurants.
- Approximately 14,000 sq. ft. bowling center.
- Approximately 7,000 sq. ft. wine storage facility.
- Exterior building and landscaping upgrades.
- Incorporate an updated conditional use permit for valet and shared parking.
- Incorporate an updated planned sign program for new signage.

APPLICANT

The applicant is Greenlaw Partners, the property owner.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions of approval.

PLANNING APPLICATION SUMMARY

Location: 1870 Harbor Blvd. and 1875 Newport Blvd.

Application: PA-12-02

Request: Master Plan for comprehensive update to "The Triangle" (formerly Triangle Square).

SUBJECT PROPERTY:

Zone: PDC
General Plan: Commercial Center
Lot Dimensions: Irregular
Lot Area: 4.6 Acres
Existing Development: Triangle Square Center

SURROUNDING PROPERTY:

North: C1 and C2, various commercial uses
South: C2, various commercial uses
East: C1 and C2, various commercial uses
West: PDC, various commercial uses

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed	Proposed/Provided
Lot Size:		
Lot Area	1 Acre	4.6 Acres
Floor Area Ratio (FAR):	.35	.96 (1)
Building Coverage	35%	32%
Building Height	NA (2)	3 Stories/78 FT (Max.) 48 FT (Avg.)
Setbacks (Building)		
Harbor Blvd.	NA (2)	8 FT
W.19th St.	NA (2)	8 FT
Newport Blvd.	NA (2)	13 FT
Parking:		
Standard	NA	826
Compact	NA	171
Handicap	NA	23
TOTAL	NA (3)	1,020 Spaces
Bike Racks	NA	5 (Throughout Center)
NA = Not Applicable or No Requirement. (1) Legal nonconforming. (2) Established through original master plan per Code Section 13-62(f)(2). (3) Established per shared parking study (see staff report discussion).		
CEQA Status	Exempt, Class 1 (Existing Facilities)	
Final Action	Planning Commission	

BACKGROUND

Project Site/Environs

Triangle Square shopping center is located within the City's Downtown Redevelopment Project Area, and is zoned PDC (Planned Development Commercial). The site is bounded on all sides by major streets – West 19th Street to the north, Newport Boulevard to the east, and Harbor Boulevard to the west. Major tenants include the former Edwards Movie Theater (now Triangle Square Cinemas), Yardhouse Restaurant, and Sutra Lounge.

Original Triangle Square Master Plan

The Master Plan for Triangle Square was originally approved by the Planning Commission on May 8, 1989, as Planning Application PA-89-31 and Redevelopment Action RA-89-05. The Master Plan for the property permitted a variety of retail and entertainment uses, including restaurants, a movie theater, and shops.

A grant deed was recorded on July 6, 1990, which further described, permitted, and prohibited uses at Triangle Square. The objective was to promote a certain type of tenant mix in the first twenty years of operation. However, the terms and conditions of this document as it related to allowable uses have already expired within 20 years of the effective date (July 6, 2010).

The center, which has been in decline in recent years due to numerous tenant vacancies, was purchased by Greenlaw Partners in 2010. In November of 2011, 24 Hour Fitness opened within the center, and two recently approved restaurants (Saddle Ranch Chop House and El Corazon), are currently in plan check with the Building Safety Division.

ANALYSIS

New Master Plan (The Triangle)

The following uses are proposed as part of this master plan:

PLAZA LEVEL

Uses	Max. Allowable
Movie Theater	1,200 Seats
Restaurants	25,715 sq. ft.
Nightclub	8,850 sq. ft.
Retail	9,132 sq. ft.

STREET LEVEL

Health Club	20,989 sq. ft.
Bowling Alley	14,239 sq. ft., including 10 bowling lanes and a 4,000 sq. ft. restaurant
Storage	7,000 sq. ft.
Restaurants	16,767 sq. ft.
Retail	15,626 sq. ft.

BASEMENT LEVEL

Health Club	34,400 sq. ft.

In addition to the new mix of uses, the applicant is proposing extensive improvements throughout the property, including the following:

- New brand identity for the center, i.e., “The Triangle – Restaurants & Entertainment.”
- New building color palette.
- Updated landscape and hardscape throughout the center; however, no change to the existing mature trees planted adjacent to the public streets is proposed.
- New ornamental lighting throughout the center.
- New way finding graphics, exterior building signage, and freestanding signs.
- New video security system.

A separately bound submittal package detailing the above changes is attached to this report for reference (Attachment 5) and can also be viewed at http://go2triangle.com/.

The conditions of approval for this master plan have been grouped into the below categories reflecting the mix of uses within the center, and also incorporate, where appropriate, the previous conditions of approval granted under the separate use permits granted within the center over the years:

- ***Exhibit B1:*** Establishes the permitted uses within the Triangle based on the uses described in this master plan and uses permitted in the Planned Development Commercial (PDC) Zone in which the center is located. Conditional uses that may be allowed in the PDC Zone would 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:*** Establishes conditions of approval for all uses within the center.
- ***Exhibit B3:*** Establishes conditions for eating and drinking establishments in the center, including the previous conditions of approval for Saddle Ranch and El Corazon minor conditional use permits. There is also a provision that requires any business occupying a "restaurant" suite in The Triangle to provide a full meal service selection at all hours of operation, including establishments that either do not have a State Alcoholic Beverage Control (ABC) License or do not have an ABC license for a bona fide public eating place (Exhibit B3, Condition 10).
- ***Exhibit B4:*** Establishes conditions for the nightclub (i.e., the Sutra Lounge)
- ***Exhibit B5:*** Conditions for the signage in the center from the previously approved planned signing programs.
- ***Exhibit B6:*** Requires amusement centers (i.e., arcades or businesses that have an arcade component, similar to Dave & Buster's Restaurant), comply with the provisions of Code Section 13-161 (Development Standards – Electronic Game Machines) for hours of operation and age of patrons during school hours.

The goal is to have this master plan be the primary point of reference for conditions of approval as they pertain to the future and previously approved uses within the center.

- *Shared parking study.*

  The original Triangle Square Master Plan included a shared parking study. The shared parking study at that time considered the parking demand for the development proposed at that time, including the multi-screen movie theater.

  On November 15, 2010, Planning Commission approved a CUP for 24 Hour Fitness which included an updated parking study prepared by Linscott, Law & Greenspan Engineers (LLG). This revised shared parking study for Triangle Square, dated October 7, 2010, estimated the shared parking demand with inclusion of the health club, and concluded that there was adequate on-site parking to accommodate the health club and the other uses within the center, even at full occupancy.

  LLG has updated the parking study to accommodate the mix of uses proposed for this master plan, which is discussed later in this report.

- *Planned Sign Program Update*

  The Planned Sign Program has been updated to include, but is not limited to, the following signs:

  - Six new "The Triangle – Restaurants & Entertainment" building project identification signs at the major entries and architectural elements of the project.
  - Four new freestanding monument/tenant identification signs 26 feet in height along the street frontages (for comparison purposes, there is currently a single, 30-foot high pole sign at the Newport Boulevard vehicle entry to the center).
  - Three parking/blade signs at the vehicle drive entries (replacing the existing blade signs).
  - Numerous way finding signage throughout the parking and pedestrian areas of the center.
  - Retention of the professionally-installed, changeable vinyl sign around the dome band area of the former "Niketown" space as approved by the Planning Commission under ZA-11-03.

Justification for Approval

Staff supports approval of the master plan for the following reasons:

- *Staff believes that an independent shared parking study, rather than the straight parking requirements in the Code, appropriately identifies the parking demand for the Triangle.*

A shared parking analysis is a tool to identify peak parking demand in multi-tenant commercial centers. In some cases, depending on the different mix of land uses, it may show a lower parking requirement compared to straight "Code-required" parking requirements.

When there are mixed uses within a single development that share the same on-site parking facilities, the total requirement for on-site parking is determined by the shared parking analysis. The central idea behind the shared parking concept is that different uses have peak parking demand at different times. These peaks generally vary by hour of the day and day of the week. Peak parking periods for separate uses within a mixed-use project can be complimentary, thereby reducing total parking demand and, consequently, per Code, required parking.

The shared parking analysis also takes into account internal capture from customers/patrons who may visit different businesses in the same development during the same trip. However, even with limited internal capture of customers/patrons, the use of the shared parking analysis for this application is considered appropriate because it identifies the required peak parking supply for the unique tenant mix in the Triangle.

The property contains a variety of uses including a cinema, nightclub, bowling alley, fitness facility, and restaurants. These uses operate with different peak times. Therefore, staff believes that it is appropriate to apply the shared parking rates to this property as opposed to straight Code-required parking.

- *The updated shared parking study prepared by LLG dated February 17, 2012, concludes that the parking will be sufficient to accommodate the proposed mix of uses within the center.*

  The updated parking study determined that based on projected usage and unique tenant mix, the combination of different uses will result in parking demand peaks at different times of the day and week, generally resulting in a parking demand that is significantly lower than "stand-alone" or "free-standing" uses. In this case, the following parking ratios were applied:

  - Wine storage: 1 parking space for an employee.
  - Nightclub: 19 spaces per 1,000 sq. ft. per Urban Land Institute (ULI).
  - Movie Theater: 0.23 spaces per seat.
  - Health Club: 5.5 spaces per 1,000 sq. ft. (consistent with the October 2010 parking study).
  - Restaurants: 12 spaces per 1,000 sq. ft.

- Bowling alley: 5 spaces per 1,000 sq. ft. (restaurant area only).
- Retail: 4 spaces per 1,000 sq. ft. (consistent with zoning code).

Even under the assumption that Triangle Square is fully leased and occupied, the study concludes that, based on the proposed mix of uses, there would be a ***surplus of 53 parking spaces*** during the PM peak times on the weekdays and a ***surplus of 79 parking spaces*** during the PM peak times on the weekends, not including if valet parking services were provided, which would result in a greater parking surplus. Therefore, the study concluded that there would be adequate parking at Triangle Square.

The parking study has been reviewed by the City's Transportation Services Division, and they concur with the study methodology, suggested parking rates, and the consultant's conclusions regarding adequate parking.

The provisions of the approved traffic management plan for grand openings and long-term usage within the center dated September 21, 2011 (also prepared by LLG and distributed to the Planning Commission last year), 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 (Exhibit B2, Condition No. 10).

- *The exterior enhancements and signage proposal does not involve any exterior changes to Triangle Square that would conflict with the Downtown Area's Comprehensive Design Plan*. The Comprehensive Design Plan was adopted in February 1985. The plan objectives included establishing a harmonious architectural, color, and design scheme for buildings/storefronts to enhance the imagery of the Downtown area. The central intent of the City's redevelopment strategy was to make maximum use of private enterprise by eliminating properties with negative appearances.

It is staff's opinion that the proposed signage is consistent with the prior approved planned sign programs, as well as the intent of the sign code and the General Plan. Additionally, the proposed signs are consistent with each other in design and construction, taking into account sign style and shape, materials, letter style, colors, and illumination, will be compatible with the buildings and developments they identify – taking into account materials, colors, and design motif, and will not allow substantially greater visibility than what the standard sign provisions would allow.

- *The proposed project is consistent with the original objectives of the Triangle Square Master Plan.* These objectives were consistent with goals of the Redevelopment Plan at the time (adopted in December 1973), which include the enhancement of the overall downtown area.

- *No change to the existing Floor Area Ratio (FAR) is proposed in conjunction with this use.* The proposed alterations will be exterior and interior improvements to the overall center, which is mostly unoccupied. No additional floor area is being added to the center.

- *The master plan will help revitalize a high profile shopping center in the City's downtown area*. Triangle Square has suffered from a decline in business even before the current economic downturn. The current owners of the center believe the use will help attract high-quality tenants to the center, as well as customers.

According to the applicant, the project is estimated to generate approximately 73 temporary construction-related jobs and approximately 225 permanent jobs when fully leased.

It is staff's opinion that the master plan, with the recommended conditions of approval, will be consistent with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this project to operate with minimal impact on surrounding properties and uses.

Future Minor & Major Changes to the Master Plan

Code Section 13-28(g)(Master Plan) delegates authority to the Planning Division (i.e., the Development Services Director or his/her designee) to approve minor changes to the approved Triangle Master Plan, provided that the change does not increase the overall development intensity through an increase in square footage, floor area ratio, etc. Major changes are subject to review and approval by the City Zoning Administrator.

ENVIRONMENTAL DETERMINATION

If approved, the project would be exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is denied, they would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

GENERAL PLAN CONFORMITY

With the recommended conditions of approval, the use will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

ALTERNATIVES

The Commission has the following alternatives:

1. Approve the project with the recommended conditions of approval to ensure any impacts to the adjacent properties and uses is minimized; or

2. Deny the project. If the project is denied, the project cannot go forward, and the applicant could not submit substantially the same project for six months. However, the currently approved master plan provisions for Triangle Square would be unaffected.

It is staff's opinion that the proposed use, with the recommended conditions of approval, will be consistent with the City's Zoning Code, and General Plan. The proposed project will

minimize any adverse impacts to surrounding properties, and will help revitalize a high-profile center in the City's downtown. Therefore, staff supports the applicant's request.

MEL LEE, AICP Senior Planner	CLAIRE FLYNN, AICP Acting Asst. Development Services Director

Attachments:
1. Draft Planning Commission Resolution and Exhibits
2. Location Map
3. Applicant's Description Letter
4. Parking Study (Separately Bound Document)
5. Plans (Separately Bound Document)

cc: Assistant Chief Executive Officer
Interim Development Services Director
Deputy City Attorney
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

Greenlaw Partners
4440 Von Karman, Suite 350
Newport Beach, CA 92660

Diamond Star Associates
4100 MacArthur Boulevard, Suite 310
Newport Beach, CA 92660

Trissa Allen, P.E.
Sr. Transportation Engineer
Linscott Law & Greenspan Engineers
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Costa Mesa, CA 92626

RESOLUTION NO. PC-12____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING

APPLICATION PA-12-02, A MASTER PLAN FOR THE TRIANGLE (FORMERLY TRIANGLE SQUARE)

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Greenlaw Partners, requesting approval of Planning Application PA-12-02, a proposed Master Plan for comprehensive update to "The Triangle" (formerly Triangle Square), for property located at 1870 Harbor Boulevard, and 1875 Newport Boulevard, in a PDC zone;

- Approximately 17,000 sq. ft. of new restaurants.
- Approximately 14,000 sq. ft. bowling center.
- Approximately 7,000 sq. ft. wine storage facility.
- Exterior building and landscaping upgrades.
- Incorporate an updated conditional use permit for valet and shared parking.
- Incorporate an updated planned sign program for new signage.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 12, 2012 with all persons having the opportunity to speak for and against the proposed project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **APPROVES** PA-12-02 for a proposed Master Plan for comprehensive update to "The Triangle" (formerly Triangle Square) 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 PA-12-02 and upon applicant's compliance with each and all of the conditions contained in Exhibits B1 through B6, as well as with 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.

PASSED AND ADOPTED this 12th day of March, 2012.

_____

Colin McCarthy, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of

the City of Costa Mesa Planning Commission held on March 12, 2012, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT A

<u>FINDINGS (APPROVAL)</u>

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
   1. A compatible and harmonious relationship exists between the proposed use and existing buildings, site development, and uses on surrounding properties.

2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation.
3. The proposed use will comply with the performance standards as prescribed in the Zoning Code.
4. The proposed use is consistent with the General Plan and Redevelopment Plan.
5. The planning application is for a project-specific case and does not establish a precedent for future development.
6. The cumulative effect of all the planning applications have been considered.

B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(5), in that the master plan meets the broader goals of the General Plan and Zoning Code by exhibiting excellence in design, site planning, and integration of uses and structures and protection of the integrity of neighboring development. Specifically, in addition to the new mix of uses, the applicant is proposing extensive improvements throughout the property.

This master plan will be the primary point of reference for allowed uses, conditions of approval, etc., as they pertain to the future and previously approved uses within the center. Even under the assumption that Triangle Square is fully leased and occupied, based on the proposed mix of uses, there would be a surplus of parking spaces during the PM peak times on the weekdays and weekends, which does not even include if valet parking services were provided.

The exterior enhancements and signage proposal does not involve any exterior changes to Triangle Square that would conflict with the Downtown Area's Comprehensive Design Plan. The proposed project is consistent with the original objectives of the Triangle Square Master Plan, and the master plan will help revitalize a high profile shopping center in the City's downtown area.

C. The conditional use permit for shared parking is considered a component of the Triangle Master Plan. The CUP which allows a deviation from shared parking requirements substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, a parking study submitted by the applicant shows adequate parking will be provided. The provision of valet parking during peak hours of operation should parking problems arise has been included. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.

D. The planned signing program is considered a component of the Triangle Master Plan. The proposed signing is consistent with the intent of Chapter VIII and the General Plan. The proposed signs are consistent with each other in design and construction – taking into account sign style and shape, materials, letter style, colors, and

illumination. The proposed signs are compatible with the buildings and developments they identify – taking into account materials, colors, and design motif. Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow. Specifically, the exterior enhancements and signage proposal does not involve any exterior changes to Triangle Square that would conflict with the previously approved planned signing programs or the Downtown Area's Comprehensive Design Plan.

E. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.

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

EXHIBIT B1

The Following Uses Are Permitted Within The Triangle

PLAZA LEVEL	
Uses	**Max. Allowable**
Movie Theater	1,200 Seats
Restaurants	25,715 sq. ft.
Nightclub	8,850 sq. ft.
Retail	9,132 sq. ft.
STREET LEVEL	
Health Club	20,989 sq. ft.
Bowling Alley	14,239 sq. ft., including 10 bowling lanes and a 4,000 sq. ft. restaurant
Storage	7,000 sq. ft.
Restaurants	16,767 sq. ft.
Retail	15,626 sq. ft.
BASEMENT LEVEL	
Health Club	34,400 sq. ft.

1. 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

<u>The Following Conditions Of Approval Shall Apply To All Uses In The Triangle</u>

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 September 21, 2011, 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.

EXHIBIT B3

<u>The Following Conditions Of Approval Shall Apply To Eating And Drinking Establishments In The Triangle</u>

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 at all hours of restaurant operation, including, but not limited to, multiple entrees (not just appetizers) full wait service, and sit down dining. This includes establishments occupying a “restaurant” suite in The Triangle that either do not have a State Alcoholic Beverage Control (ABC) License or do not have an ABC license for a bona fide public eating place. Establishments that do not have an ABC license for a bona fide public eating place shall be required to obtain or transfer a license from an existing establishment within the City. Any transfer of a Type 48 ABC license shall require approval by the Development Services Director to ensure that the proposed floor plan has limited bar area and that the proposed use functions as a bona fide public eating place and not exclusively as a bar.

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 on-site security if requested by the Police Department.

EXHIBIT B4

The Following Conditions Of Approval Shall Apply To The Nightclub In The Triangle (Currently Sutra Lounge)

1. Hours of operation shall be between the hours of 9:00 p.m. and 2:00 a.m., 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.

EXHIBIT B5

<u>The Following Conditions Of Approval Shall Apply To The Signage In The Triangle</u>

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.

EXHIBIT B6

<u>The Following Conditions Of Approval Shall Apply Amusement Center Uses</u>

1. Amusement center uses shall comply with all requirements of Code Section 13-161, Article 5, Chapter IX, Title 13 of the Costa Mesa Municipal Code relating to electronic game machines.

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 application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant commences construction of the project. If the applicant is unable to commence construction within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the planning application.
	2.	Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
	3.	Use shall comply with all requirements of Code Sections 13-43 Article 3, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
Bus. Lic.	4.	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.
	5.	Business license(s) shall be obtained for new businesses within the center.
	6.	Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
	7.	Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
	8.	Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
	9.	All exits shall be clearly marked with "EXIT" signs.
	10.	All conditions of the California Alcoholic Beverage Control Board shall be complied with.
Bldg.	11.	Comply with the requirements of the 2010 California Building Code,

2010 California Residential Code, California Electrical Code, California Mechanical Code , California Plumbing Code , California Green Building Standards Code and 2010 California Energy Code (or the applicable adopted California Building Code, California Residential Code California Electrical Code, California Mechanical Code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa.

12. Provide a plan to the County of Orange Health Department for review and approval.

Eng. 13. For demolition, grading, or building permits involving projects with a valuation of $10,000 or more, the contractor shall use a City-permitted hauler(s) to haul any debris or solid waste from the job site (refer to Section 8-83(h), Regulations, of Title 8 of the Costa Mesa Municipal Code). Use of a City-permitted hauler for such projects is the responsibility of the designated contractor. Non-compliance is subject to an administrative penalty as follows: $1,000 or 3% of the total project value, whichever is greater.

SPECIAL DISTRICT REQUIREMENTS

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

Sani. 1. It is recommended that the applicant contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements.

AQMD 4. Applicant shall contact the Air Quality Management District 800.288.7664 for potential additional conditions of development or for additional permits required by the district.

RESOLUTION NO. PC-12___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-12-02, A MASTER PLAN FOR THE TRIANGLE (FORMERLY TRIANGLE SQUARE)

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Greenlaw Partners, requesting approval of Planning Application PA-12-02, a proposed Master Plan for comprehensive update to "The Triangle" (formerly Triangle Square), for property located at 1870 Harbor Boulevard, and 1875 Newport Boulevard, in a PDC zone;

- Approximately 17,000 sq. ft. of new restaurants.
- Approximately 14,000 sq. ft. bowling center.
- Approximately 7,000 sq. ft. wine storage facility.
- Exterior building and landscaping upgrades.
- Amend existing conditional use permit for valet and shared parking.
- Amend existing planned sign program for new signage.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 12, 2012 with all persons having the opportunity to speak for and against the proposed project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby **DENIES** PA-12-02 with respect to the property described above.

PASSED AND ADOPTED this 12th day of March, 2012.

_____
Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS (DENIAL)

A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
   1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
   2. The proposed use is not consistent with the General Plan or Redevelopment Plan.

B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(g)(5), in that the master plan does not meet the broader goals of the General Plan and Zoning Code by exhibiting excellence in design, site planning, and integration of uses and structures and protection of the integrity of neighboring development.

C. The Costa Mesa Planning Commission has denied Planning Application PA-12-02. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.

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