RESOLUTION NO. PC-2026-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING CONDITIONAL USE PERMIT (PCUP-26-0002) TO ALLOW FOR A MUSEUM WITH AN OUTDOOR COURTYARD AT 1901 NEWPORT BOULEVARD, SUITE 100

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

WHEREAS, on April 15, 2026, Planning Application PCUP-26-0002 was filed by Marwa Saeed, authorized agent for the property owner, 1901 Newport LLC, requesting approval of a Conditional Use Permit to allow a proposed museum and the use of a courtyard to be used for museum programming in the Planned Development Commercial (PDC) zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 26, 2026, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15301 (Class 1, for Existing Facilities); and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgment of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PCUP-26-0002 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PCUP-26-0002 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance with all applicable federal, state, and local laws. Any approval granted by this Resolution shall be subject to review, modification, or revocation if there is a material

change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 26th day of October 2026.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

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

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2026-XX was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on October 26, 2026 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Carrie Tai, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. Pursuant to CMMC section 13-29(g), Findings, to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Conditional Use Permit findings:

a. **Finding:** The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Finding. The proposed use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area in that the proposed use consists of a museum use which primarily operates during daytime hours. The museum programming will occur indoor with the exception the courtyard which is only open during the day and which is conditioned to comply with the City's noise ordinance. The use is not anticipated to generate traffic that cannot be accommodated by the existing circulation system and site design.

b. **Finding:** Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding. The granting of the CUP will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood in that the proposed museum is consistent with other commercial activities, offices, and churches that are currently on the site. The project would not be materially detrimental to public health and safety, all construction will be required to comply with applicable building and fire codes.

c. **Finding:** Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

Facts in Support of Finding. Granting the CUP will not allow a use, density, or intensity that is inconsistent with the General Plan designation or any applicable specific plan for the property. The site has a General Plan land use designation of Commercial Center. The museum would provide additional cultural programming available to residents and visitors of the City. Although the proposed use is not specifically identified in the CMMC Land Use Matrix, the Commercial Center designation accommodates a variety of uses including retail stores, professional offices, restaurants, hotels, and theaters. The proposed use would support this designation by establishing a local and regional serving cultural establishment further contributing to the City's cultural and artistic identity.

B. Pursuant to CMMC section 13-29(e), all planning applications shall be reviewed for consistency with the following review criteria. Below is a summary of the project's conformity with each criterion:

(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 museum would be compatible and harmonious with the surrounding neighborhood because it would introduce a cultural use at the terminus of the 55 freeway. The museum has been reviewed for its relationship with surrounding commercial and residential uses and should not negatively impact the surrounding neighborhood.

(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.

Safety and compatibility are maintained through the proposed project because the circulation, site design, landscaping, and other site features are proposed to remain without change.

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

As discussed in the Analysis section of this report, the proposed use would comply with applicable performance standards of the Zoning Code, including applicable noise and operational requirements.

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

Although the proposed museum is not specifically listed in the Land Use Matrix, the PDC zone is intended to accommodate a range of commercial, cultural, and community-serving uses, and the proposed use is consistent with the Commercial Center General Plan designation. The General Plan land use designation of the property is Commercial Center, which is intended for large areas with a concentration of diverse or intense commercial uses serving local and regional needs. Furthermore, the proposed project is consistent with General Plan Land Use Policies LU-10.7, LU-6.7, and N-2.4 in that the project would add a new cultural use for residents and visitors while not impacting surrounding residential uses.

(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 application has been evaluated based on the specific characteristics of the proposed use, site configuration, surrounding development, and conditions of approval. Approval of this application is project-specific and is not intended to establish a precedent for future development.

(6) When more than one planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

The proposed project includes an application for a museum use and the use of the courtyard, of which the cumulative effect has been considered through this report.

C. **Environmental Determination.** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Class 1), Existing Facilities. The Class 1 exemption applies to projects that involve negligible or no expansion of the existing or former use including the use which has a net increase of 9 daily trips. The proposed project would occupy an existing tenant space and would not involve construction or expansion of the existing buildings. The proposed courtyard programming would occur within an existing developed area and would not result in physical expansion of the existing facility. Therefore, the project would involve negligible or no expansion of the existing facility Additionally, none of the exceptions that would preclude the use of a categorical exemption pursuant to CEQA Guidelines section 15300.2 apply to this project. The project would not result in a significant cumulative impact or have a significant effect on the environment due to unusual circumstances. Although the proposed museum is adjacent to a residential neighborhood, there are no unusual circumstances associated with the project that would result in a significant environmental effect. Therefore, the project qualifies for a Class 1 categorical exemption pursuant to CEQA Guidelines section 15301.

EXHIBIT B

CONDITIONS OF APPROVAL

Plng. 1. Approval of Planning Application PCUP-26-0002 is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Community Development Director may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.

2. The use of this site shall comply with the approved plans and these conditions of approval. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit. Modifications are subject to the final review authority determined by the Community Development Director or his/her designee.

3. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as “proceeding”) brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant’s project, or any approval granted by City related to the applicant’s project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney’s fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant’s obligation to indemnify the City for all the City’s costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City’s interests, and applicant shall indemnify City for all such costs incurred by City.

4. The business shall be conducted at all times in a manner that preserves the quiet enjoyment of the surrounding neighborhood. If noise complaints

are received and verified by the City, the Community Development Director may require additional measures to minimize noise impacts and ensure continued compatibility with surrounding uses.

5. The property, including courtyard, landscaping, parking areas, restroom facilities, trash areas, and fencing, shall be maintained in a clean and orderly condition at all times.

6. The museum shall operate only between the hours of 10:00 AM and 10:00 PM. Special events, including cultural gatherings and gala-style events, shall be limited to a maximum of two occurrences per month, on weekdays between 5:00 PM and 10:00 PM, with a maximum of 200 attendees per event. Any other proposed events at the site will require issuance of a Special Events Permit.

7. The use of the courtyard shall comply with the City Noise Ordinance and amplified noise shall be limited to the minimum sound level to be heard within the courtyard.

8. The courtyard shall only utilize amplified sound for presentations and background music only. No live music shall be permitted in the courtyard area including the use of DJs, bands, or other similar uses.

9. A copy of the conditions of approval for the conditional use permit shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

10. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

11. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, consistent with Revocation provision listed in CMMC 13-169.

12. Prior to the establishment of the use, the operator shall provide a written operations plan to be reviewed and approved by the Planning Division which includes the following:

1. Description of Operations. A description of the proposed use, including the types of events to be conducted, maximum occupancy, seating capacity, frequency of events, and anticipated hours of operation.
2. Site Management. Identification of on-site management personnel responsible for facility operations during events, including contact information for an on-site manager or responsible party. 3. Parking and Circulation. A description of parking management practices, rideshare pick-up and drop-off locations, employee parking locations, loading and unloading activities, and measures to prevent vehicle congestion on adjacent streets. 4. Noise Management. Identification of any amplified sound, entertainment, public address systems, or outdoor activities and measures to ensure compliance with the City's Noise Ordinance.
5. Security and Crowd Management. Procedures for crowd control including procedures for event dismissal and dispersal of attendees, event monitoring, security staffing, and coordination with public safety agencies, as appropriate.
6. Alcohol Service. A description of alcohol management practices, type of Alcohol Beverage Control license, including proof of compliance with all applicable Alcoholic Beverage Control regulations.
7. Loading and Deliveries. A description of delivery schedules, vendor access, equipment loading and unloading activities, and designated service areas.
8. Trash and Maintenance. Procedures for refuse collection, litter control, site maintenance, and post-event cleanup.

The Community Development Director has authority to require modifications to the approved plan, consistent with Article 25, of Chapter IX, of Title 13 of the Costa Mesa Municipal Code.

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. Permits shall be obtained for all signs and window signs according to the provisions of the Costa Mesa Sign Ordinance.

2. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.

3. All noise-generating construction activities shall be limited to 7AM to 7PM Monday through Friday and 9AM to 6PM Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following

Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

4. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.

Bldg 5. Comply with the requirements of the most recent adopted: California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with Chapter 11B of the California Building Code.

6. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plans shall be stamped and signed by the registered California Architect or Engineer.

7. Maximum allowable area of new and additions shall be determined in accordance with the applicable provisions of California Building Code sec. 506.2

8. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code 705.8

Fire 9. Comply with the requirements of the 2025 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.

Bus. Lic 10. 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.

11. A Business license shall be obtained prior to the initiation of the business.