

RESOLUTION NO. PC-2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-01 FOR A CONDITIONAL USE PERMIT TO AMEND PA-22-17 TO ALLOW OUTDOOR PLAY AREAS FOR A PRIVATE K-12 SCHOOL IN THE C1 ZONE FOR PROPERTY AT 1600 ADAMS AVENUE

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

WHEREAS, Planning Application 23-01 was filed by Carrie Mizera, authorized agent for the property owner, C.J. Segerstrom & Sons, requesting approval of the following: An amendment to an existing conditional use permit (PA-22-17) to allow two outdoor playground areas for a private K-12 School (Renascence School International). Under adopted City Council policies, outdoor play areas for private schools are subject to review by the project's final review authority (the Planning Commission).

WHEREAS, The Planning Commission approved Planning Application 22-17 on September 26, 2022, to authorize a conditional use permit to operate a private K-12 school (Renascence School International) in the existing 23,000 square foot building with outdoor playgrounds subject to separate review from the Planning Commission at a later date;

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 13, 2023, 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 (Existing Facilities) and 15332 (Class 32) In-Fill Development Projects.

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

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 23-01 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 PA-23-01 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

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

PASSED AND ADOPTED this 13th day of February, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 13, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-__

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2), Conditional Use Permit Findings because:

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

Facts in Support of Findings: The proposed private school improvements and operating characteristics for the outdoor play areas are compatible with the allowed commercial, public/private institutional, and residential uses in the vicinity (including an adjacent school with a play area). The play structures offer a variety of play opportunities to foster social and creative development. The development is required to comply with the City's Water Efficient Landscape Ordinance and, as proposed, comply with the development standards for the C1 Zoning District.

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 playground location and operation are designed to avoid conflicts with surrounding properties. The total suggested exterior play space minimum is 27,528 square feet whereas 3,400 square feet is proposed. However, the proposal is justified due to the staggered break schedule and use of the indoor 3,290 square foot gym. The school currently operates with similarly-sized outdoor play areas at their existing location and no issues have been observed. As required in the Council-adopted criteria for outdoor play areas, a protective 42-inch block wall will adequately protect the play area from potential vehicle circulation, and the play areas are located approximately 85 feet from Adams Avenue. Additionally, the operation of the school will be required to comply with all local, State, and federal regulations. Lastly, the proposed site design includes the provision of adequate emergency vehicle access and public services and utilities.

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

Facts in Support of Finding: The proposed use to allow outdoor play areas associated with the private school is consistent with the "General Commercial" General Plan land use designation and "Local Business District" zoning classification. The proposed project does not increase the building square footage, and does not otherwise change the site's existing density or intensity. There are no Specific Plan's applicable to this site.

- B. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Class 1) "Existing Facilities" and 15332 (Class 32) "In-Fill Development Projects".

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Class 1) "Existing Facilities" and 15332 (Class 32) "In-Fill Development Projects". The Class 1 CEQA exemption exempts minor alterations to existing facilities involving negligible or no expansion of the existing or prior use. The proposed private school play areas involves negligible expansion of a previously approved use and will have little or no impact on the surrounding area since the project is limited to ancillary exterior improvements to establish an outdoor play area with no increase in existing floor area.

The Class 32 CEQA exemption applies to projects characterized as in-fill development provided that the project is consistent with the general plan designation and applicable general plan policies, as well as with applicable zoning designations and regulations. Further, the Class 32 Exemption requires that the project development occurs within the City limits, on a project site of no more than five acres, the project site has no value as habitat for endangered, rare or threatened species, and that the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. Lastly, the site must be adequately served by all required utilities and public services. The proposed project site is approximately 1.2 acres in size, is located within an urban area, and can be adequately served by all required utilities and public services. The project is consistent with the General Plan designations and policies, and is consistent with all applicable zoning regulations upon approval of the requested entitlement. The project site and adjacent areas have no value as habitat for endangered, rare, or threatened species. Lastly, as designed and conditioned, the project will not have significant environmental impacts related to traffic, noise, air quality, and water quality.

- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

1. Conditions of Approval for PA-22-17 shall remain in full force and effect.
2. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. Stationary play equipment shall be located on turf, sand, or other treated surface to the satisfaction of the Director of Economic & Development Services. Outdoor play areas shall include a combination of both hard and soft surfaces.
4. Prior to building permit issuance, the applicant shall submit a final playground plan for review and approval which includes detailed playground specifications of manufactured play equipment. The playground plan shall depict safety fall zones, safety surfacing materials and construction specifications, manufacturer and model numbers of equipment and equipment deck. On a project specific basis, the Director of Economic & Development Services shall require that the playground plan adequately serve the anticipated number of users and their activities.
5. All nighttime school activities in the outdoor play yard areas shall be subject to review and approval by the Director of Economic & Development Services.
6. There shall be no nighttime lighting, except for security purposes, of outdoor play areas after school hours. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residences.
7. Chain link fence visible from a public street or residential property is prohibited.
8. The outdoor play area shall be enclosed with a six-foot high fence or wall with a lock or latching device that is not accessible to children. All fences or walls shall provide for safety with controlled points of access.
9. The applicant shall defend, with attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. 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.

10. The conditions of approval, code requirements, and special district requirements shall be blueprinted on the face of the site plan as part of the plan check submittal package.
11. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the Building Division's final inspections. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
12. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
13. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
14. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
15. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
16. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.

17. 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.
18. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). The final landscape plan shall meet tree count, tree selection, shrub count, groundcover and turf requirements per the City's Zoning Code.
19. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division
20. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.

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.

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| Plng. | <ol style="list-style-type: none"> 1. Development shall comply with all requirements of Article 3, Chapter 5, Title 13, of the Costa Mesa Municipal Code relating to development standards for commercial projects. 2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be <u>prohibited</u> on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. 3. All on-site utility services shall be installed underground. 4. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation vault, wall cabinet, or wall box under the direction of the Planning Division. 5. The landscaping of this project shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines). The final landscape plan shall meet tree count, tree selection, shrub count, ground cover and turf requirements per the City's Zoning Code requirements. |
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6. Two sets of detailed landscape and irrigation plans, which meet the requirements set forth in the Costa Mesa Municipal Code Sections 13-101 through 13-108 and the City's Water Efficient Landscape Guidelines, 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 the issuance of building permits.
7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
8. All unpaved areas visible from public right-of-ways shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.
9. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to neighboring properties.
10. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
11. Transformers, backflow preventers, and any other approved above-ground utility improvements shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
- Bldg. 12. Prior to building permit issuance, the conditions of approval shall be on the approved Architectural plans.
13. Comply with the requirements of the following adopted codes Code, 2019 California Building Code, 2022 California Electrical code, 2022 California Mechanical code , 2022 California Plumbing code , 2019 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, 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.
- Fire 14. Comply with the requirements of the 2022 California Fire Code and referenced standards as amended by the City of Costa Mesa.
- Bus. 15. 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. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
 2. Prior to the Building Division (AQMD) 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 number is provided by AQMD.

- Cable
3. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Sani.
4. It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.
- State
5. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.