



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 13, 2023

ITEM NUMBER:PH-1

SUBJECT: PLANNING APPLICATION 23-01 TO AMEND AN EXISTING CONDITIONAL USE PERMIT (PA-22-17) TO ALLOW TWO OUTDOOR PLAYGROUND AREAS FOR A PRIVATE K-12 SCHOOL (RENASCENCE SCHOOL INTERNATIONAL).

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

PRESENTATION BY: PATRICK ACHIS, ASSSITANT PLANNER

FOR FURTHER INFORMATION PATRICK ACHIS, ASSISTANT PLANNER

714.754.5276

CONTACT: patrick.achis@costamesaca.gov

RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 Existing Facilitates (Class 1), and Section 15332 (Class 32) In-Fill Development; and
2. Approve Planning Application 23-01 to amend existing Conditional Use Permit PA-22-17), subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The applicant is Carrie Mizera with Renaissance School International (RSI); the property owners include Mesa Verde Associates and C J Segerstrom & Sons.

PLANNING APPLICATION SUMMARY

Location:	1600 Adams Avenue and 2850 Mesa Verde Drive East	Application Number(s):	PA-23-01 (PA-22-17 A1)
Request:	<p>Planning Application PA-23-01 is an amendment to an existing conditional use permit (PA-22-17) to allow two outdoor playground areas for a private K-12 School (Renescence 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). Approximately 7,700 square feet of landscape will be upgraded in compliance with the City's landscaping standards. The proposed two outdoor playgrounds feature the following:</p> <ul style="list-style-type: none"> • A 1,200-square-foot, Kindergarten thru 2nd grade outdoor playground with an additional 700 square feet of outdoor seating and flex area. • A 2,100 square foot, 3rd thru 5th grade outdoor playground with an additional 450 square feet of outdoor seating and flex area. 		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	C1 (Local Business)	North:	C1
General Plan:	GC	South:	C1-S (Shopping Center)
Lot Dimensions:	Approx. 193.26 feet x 194.96 feet	East:	C1
Lot Area:	7,910 square feet	West:	C1
Existing Development:	23,000-square-foot commercial building (previous gym) and 46-space parking lot		

BACKGROUND

Zoning, Project Setting and Surrounding Uses

The subject property has a General Plan Land Use Designation of General Commercial (GC) and is zoned Local Business District (C1). The approximate 1.2 acre site contains a vacant, two-story, 23,000-square-foot building with a 46-space parking lot that was constructed in 1978 for the operation of a gym. The project site is located between Elm Avenue to the immediate north, Adams Avenue to the south, Royal Palms Drive to the east and Mesa Verde Drive to the west. Three other commercial properties are located generally to the west of the property and include an existing surgical center (1650 Adams Avenue), a dance studio (1640 Adams Avenue) and a pre-school (1620 Adams Avenue). The aforementioned adjacent three commercial properties and the subject proposed school property (1600 Adams Avenue) maintain a private agreement with an adjacent property owner for the use of a parking lot (2850 Mesa Verde Drive) that is located to the north of the proposed school site. The parking lot is a stand-alone parking lot with no other development on-site. To the immediate east of the subject property is a United States Post Office facility (1590 Adams Avenue) and a City Fire Station (1570 Adams Avenue). (See the below Exhibit 1 on the following page.)

Exhibit 1 – Project Vicinity.



The project site is outlined in red, including the shared surface parking lot.

Background

Existing Approval K-12 Private (PA-22-17)

Renascence School International (RSI) has operated a private school in the City of Costa Mesa for approximately 11 years. Under PA-22-17, the approved hours of school operation are 7 a.m. to 6 p.m., Monday through Friday. During the school year from September to June, the school is in session weekdays from 8 a.m. to 3:30 p.m., and extended childcare is offered outside of instruction hours from 7 a.m. to 6 p.m. The school currently operates with 220 students that include pre-kindergarten to 9th grade. Students are provided one 30 minute lunch break and two 15-minute recess breaks per school day. Recess and lunch breaks may be indoors (inside the gymnasium) or outdoors (inside the playgrounds) at staggered times with approximately 30 students in one area. There will be adult supervision during breaks. The student to teacher ratio is 18:1 during academic instruction time with a 30:1 ratio during breaks. The school currently operates with 52 employees (including staff and teachers) and is proposing to reduce the facility staff and teachers to 32 total.

On September 26, 2022, the Planning Commission approved a conditional use permit (PA-22-17) to operate a private K-12 school (Renascence School International) in an existing 23,000-square-foot commercial building. (Please reference the Planning Commission staff report, resolution, and plans included as Attachment No. 3.) At the time the school was approved, the outdoor play area and landscape plans were conceptual and therefore the Planning Commission included a condition of approval which required that the design of the playground areas be returned to the Planning Commission for final review/approval (pursuant to City Council Policy further described below). The applicant is now submitting the proposed outdoor play areas for the Planning Commission’s consideration. If the subject amendment is approved, all conditions of PA-22-17 will remain in effect as part of the amendment.

Council Policies for Outdoor Play Areas

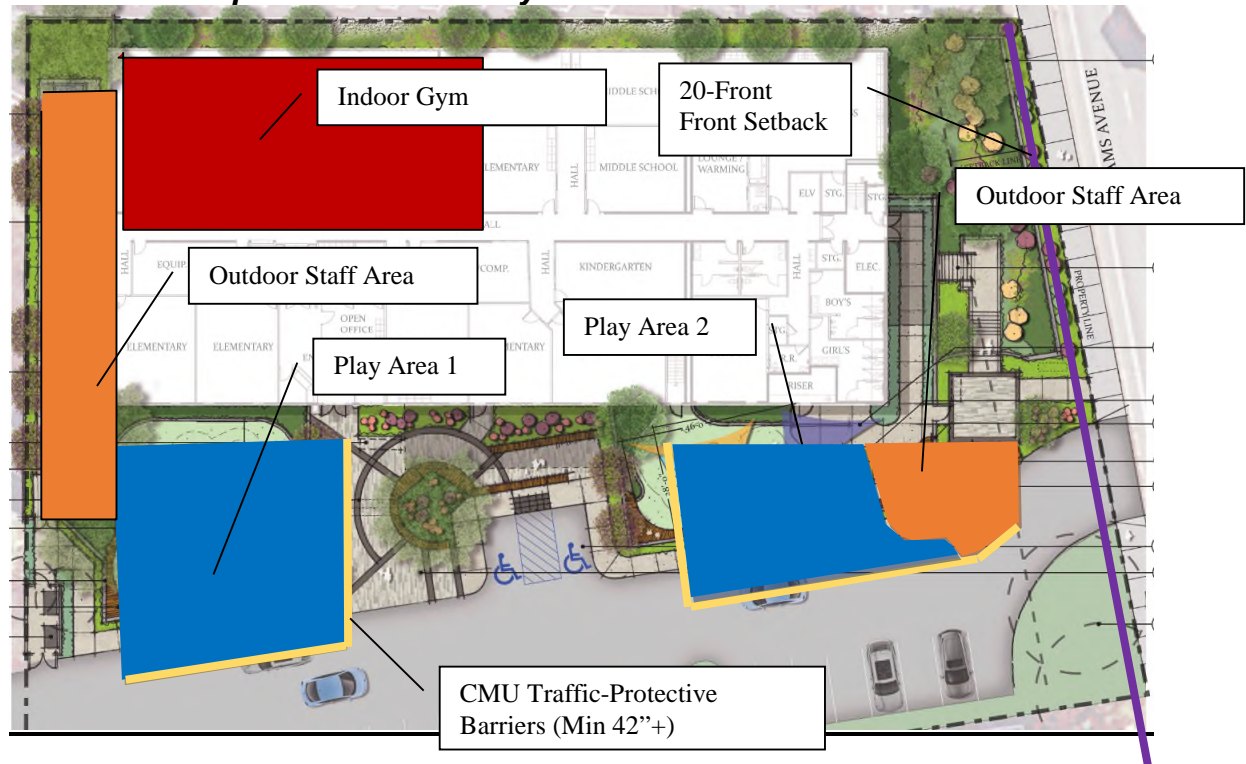
On March 4, 2002, City Council adopted review criteria, guidelines, and conditions of approval for children outdoor play areas. This review criteria was established in response to concerns with the children's vulnerability and protection when playing in outdoor areas, and to ensure land use compatibility with adjacent uses. (Please reference the adopted Private Outdoor Play Area Development Standards and Conditions as Attachment No. 2.) As further described in this report, the proposed school playground areas have been designed in consideration of the Council's adopted criteria, guidelines and conditions.

DESCRIPTION / ANALYSIS

Planning Application PA-23-01 is an amendment to an existing conditional use permit (PA-22-17) to allow two outdoor playground areas for a private K-12 School (Renaissance School International). No other previously approved operations are proposed. The below Exhibit 2 provides a visual depiction of the proposed exterior improvements for the outdoor play area. All proposed alterations comply with the C1 Development Standards. The proposed two outdoor playgrounds feature the following:

- **Play Area 1.** A 1,200-square-foot, Kindergarten to 2nd grade outdoor playground with an additional 700 square feet of outdoor seating and flex area
- **Play Area 2.** A 2,100 square foot, 3rd to 5th grade outdoor playground with an additional 450 square feet of outdoor seating and flex area

Exhibit 2 – Proposed Outdoor Play Areas.



The proposed outdoor playgrounds are fully contained within the subject property and located outside the 20-foot front setback. As previously approved by the Planning Commission, the playground areas are proposed to replace an existing landscaped area and 15 parking spaces. The removal of the 15 parking spaces does not result in a deficiency in school-required parking. Within the 20-foot front setback adjacent to Adams Avenue, proposed is a low, 24-inch retaining landscape wall and new landscape to enhance the overall outdoor design. The exterior improvements will also facilitate better drainage to the public street and improve site aesthetics from the street.

Play Area 1 is designed for students K-2 and Play Area 2 is intended to accommodate grades three through fifth. Grades six and above will use the indoor, 3290 square foot gym for physical education classes. (See Attachment No. 4 for specific proposed play structure details.) Exhibits 3 and 4 below depict examples of the proposed equipment that may be used. Age-appropriate playground structures will be chosen for the respective play areas, and will be professionally installed with fall impact protection. In compliance with the Council-adopted Play Area policies, the structures provide graduated play challenges such as crawling, pulling/pushing, balancing, climbing, sliding, and other creative/social play opportunities; and no metal slide or merry-go-round are selected for either play area.

Exhibit 3 - Proposed Play Structure – Play Area 1 (Grades K - 2)

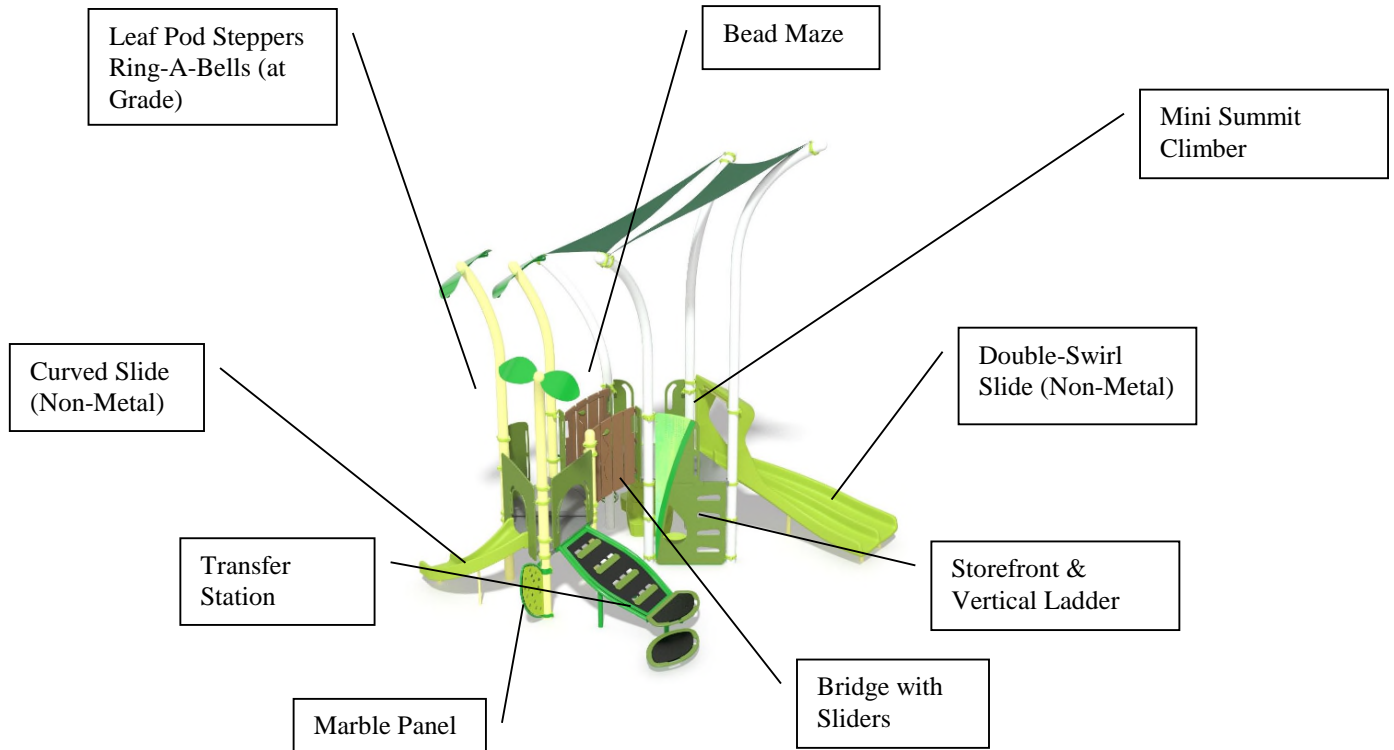
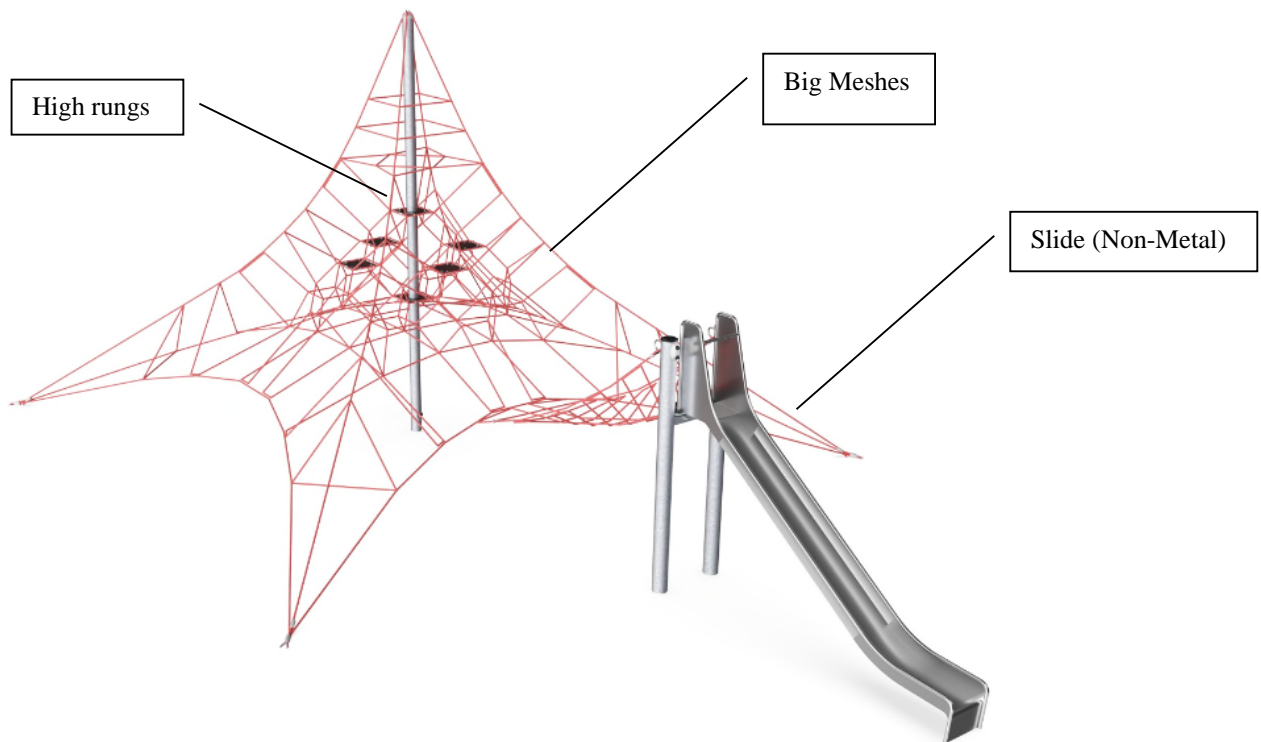


Exhibit 4 - Proposed Play Structure – Play Area 2 (3 - 5)



Play Area/Vehicle Circulation Safety

In compliance with the Council-adopted *Private Outdoor Play Area Standards and Conditions*, the playgrounds are proposed to be protected from the adjacent parking circulation areas with a minimum 42-inch tall CMU block wall. In addition, the play areas are setback approximately 85 feet from Adams Avenue and, as approved by the Planning Commission, the driveway circulation was previously limited to one-way exit-only to avoid potential circulation impacts on Adams Avenue. Lastly, when the school experiences its highest circulation demand during times of student drop-off/pick-up, the parking lot will be coordinated by school staff to further ensure vehicle/student safety conditions.

Compatibility with Surrounding Properties and Residences

The outdoor play times are staggered for each grade level, which is how the school currently operates at their existing location. (See applicant's project description and class schedule as Attachment No. 4 for more information showing how PE and recess are staggered.) The project is designed and conditioned to minimize potential impacts to neighboring residential uses that are located across Adams and Elm Avenues, and on Lido Place. Specifically, the existing site walls, roadways, and orientation of the project, minimize impacts and ensure the school use does not interfere with the adjoining residential neighborhoods. ("Residential Distance Exhibits" are included as Attachment 5 and illustrates the proximity of the project site to the nearest residential uses.) On Adams Avenue, the project is separated from residences by a six-lane arterial roadway. Existing mature trees, an eight-foot block wall, and the rear yard

orientation of the residences serve to adequately address potential conflicts with these residential properties. The school is approximately 250 feet away from the Lido Place residences, which are also separated from the shared parking area by an eight-foot high block wall. Residences along Elm Avenue are located over 160 feet from the project site. Existing tall trees and a four-foot high block wall serve to screen the project. Elm Avenue does not provide direct access to the project site, and this will remain unchanged by the project. It should also be noted that the neighboring preschool at 1620 Adams Avenue has operated a similar outdoor play area with no adjacent residential resident complaints. Project compliance with noise control standards pursuant to Chapter 13 of the Zoning Code is required.

Additionally, the following conditions of approval (COA) will help promote compatibility and the harmonious operation of the outdoor play areas, including Conditions as part of the previously approved school (PA-22-17):

PA-22-17 Conditions of Approval (Approved K-12 Private School)

- **Maximum Children in Outdoor Play Areas.** COA No. 5. Outdoor play area shall be utilized by no more than 30 children at a time in a recess-like manner. Larger groups are permitted within the outdoor play areas when students are gathered for assembly events.
- **Compliance with State Law and Verification of Installation.** COA No. 11. Prior to building permit final, the applicant shall submit a letter to the Planning Division stating that the play equipment installation has been inspected by a person authorized by the manufacturer, that the equipment has been installed per manufacturer's specifications, and that it complies with the minimum playground safety regulations adopted by the State of California (California Code of Regulations, Title 22, Division 4, Chapter 22).
- **Enclosure Compliance.** COA No. 14. Prior to building permit issuance, project plans shall show the outdoor play area 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. Chain link fence visible from a public street or residential property is prohibited.

PA-23-01 Conditions of Approval (Proposed Project)

- **Treated Surfaces.** COA No. 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.
- **Nighttime Activities Subject to Review.** COA No. 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.
- **No Nighttime Lighting.** COA No. 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.

Compliance with Outdoor Play Area Policies

The below table summarizes the Council-Adopted Review Criteria for Outdoor Play Areas and demonstrates how the proposed project satisfies the standards:

Outdoor Play Area Review Criteria	Project Compliance
Sensitive to Residential Uses	Yes. The outdoor areas are adequately buffered from residential uses. PA-22-17 COA Nos. 5 also limits the number of outdoor students. New COA Nos. 5 and 6 require evening activities to be subject to review and limits nighttime lighting to only that necessary for safety. Lastly, the school operation hours are limited to 7 a.m. to 6 p.m. and therefore no noise will occur during evening hours (including daycare).
Utilization of adequate shading areas	Yes. The proposed plans illustrate canopy shading and new trees that offer shade to students and supervising adults.
Adequate traffic protection barriers for play areas located adjacent to drive aisles or roadways	Yes. The outdoor play area will be protected from traffic hazards by a minimum 42-inch-tall CMU block wall along all play area boundaries adjacent to the drive aisle and parking areas.
Minimum private school play area <ul style="list-style-type: none"> • Elementary (K-6): 116 square feet per student (Project Minimum 17,864 square feet - 154 students). • Junior High School (7 to 8): 160 square feet per student (Project Minimum 3,840 square feet - 24 students). • High School (9 to12): 182 square feet per student (Project Minimum 5,824 square feet - 32 students) <u>Combined total minimum 27,528 square-foot</u>	No. (Deviation Requested.) The total suggested exterior play space 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. The adopted City Council Criteria specifies that “the private school play areas <i>should</i> [emphasis added] be provided at a minimum rate...” and therefore, deviation can be allowed.

<p>Diverse play experiences and graduated challenges (crawling, pulling/pushing, balancing, swinging, etc.) as well as social and creative play opportunities</p>	<p>Yes. As demonstrated in Exhibits 3 and 4, the play structures will offer a variety of play opportunities to foster social and creative development.</p>
<p>Distinct separation between play areas</p>	<p>Yes. Distinct paths and entries separate the two play areas intended for use by different age groups.</p>
<p>Minimum 50-foot distance from hazards (streets, parking lots, bike paths, barbecues, water features, tripping hazards)</p>	<p>No. (Deviation Requested.) Portions of the play area are proposed adjacent to the parking lot drive aisle. However, a protective 42-inch block wall will adequately serve the play area from vehicle traffic, the adjacent existing head-in parking spaces will be removed, and the adjacent street (Adams Avenue) is located approximately 85 feet from the nearest proposed play area. The adopted City Council Criteria specifies that “the playground <i>should</i> [emphasis added] be located a minimum 50 feet in all directions from any such hazards...” and therefore, deviation can be allowed.</p>
<p>Maximum children on the playground at one time</p>	<p>Yes. Each outdoor play area shall be utilized by no more than 30 children at a time in a recess-like manner. Larger groups are permitted within the outdoor play areas when students are gathered for assembly events.</p>

GENERAL PLAN CONFORMANCE:

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa for the next two decades. This vision focuses on protecting and enhancing Costa Mesa’s diverse residential neighborhoods, accommodating an array of businesses that both serve local needs and attract regional and international spending, and continuing to provide cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives and policies contained in this Plan. The following analysis evaluates the proposed project’s consistency with applicable policies and objectives of the 2015-2035 General Plan.

1. **Policy LU-1.1:** Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the needs of the business and residential segments of the community.

Consistency: The project will allow outdoor play areas for a future relocated private school that has operated in the City for over 11 years. The proposed outdoor play areas would complement and provide a local educational opportunity that supports the City's goals of providing high quality and diverse services to residents.

2. **Policy LU-3.1:** Protect existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks), from the encroachment of incompatible or potentially disruptive land uses and/or activities.

Consistency: The project has been designed to ensure that potential conflicts with residential land uses are minimized. Surrounding land uses share compatibility with the project including a preschool, dance studio, and medical office. The project has been designed and conditioned to protect the character and enjoyment of nearby residences, including limitations on the number of students in the outdoor play areas at one time and limited evening hour operations.

REQUIRED FINDINGS:

Pursuant to Title 13, Section 13-29(g)(2), Conditional Use Permit Findings, of the Costa Mesa Municipal Code, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record demonstrates that the proposed project substantially meets specified findings. Staff recommends approval of the request, based on the following assessment of facts and findings, which are also reflected in the draft resolution.

- *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.*

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.

- *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.*

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.

- *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.*

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.

ENVIRONMENTAL DETERMINATION:

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.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. **Approve the project.** The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. **Approve the project with modifications.** The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign and/or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. **Deny the project.** If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings for denial into a Resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for at least six months.

LEGAL REVIEW:

The draft resolution has been reviewed and approved as to form by the City Attorney's Office.

PUBLIC NOTICE:

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project sites. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map.)
2. **On-site posting.** A public notice was posted on the street frontage of the project sites.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of the date of this report's publishing, no public comments have been received. Any public comments received prior to the February 13, 2022 Planning Commission meeting will be provided separately to the Planning Commission.

CONCLUSION:

The applicant proposes to establish safe ancillary children outdoor play areas in front of an approved school. As required by the City Council adopted Private Outdoor Play Area Development Standards and Conditions, the proposed outdoor play area design considers the applicable Standards, Conditions and Criteria with minimal deviation. Where deviation is proposed, the Council adopted criteria allows for the Planning Commission to consider alternatives. The applicant's proposed alternative designs will not create any potentially injurious conditions, and the play areas are located in a safe location with adequate distance from the adjacent right-of-way.