

RESOLUTION NO. PC-2022-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-10 FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE USE LOCATED AT 3390 HARBOR BOULEVARD

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

WHEREAS, Planning Application 22-10 was filed by Carmen Twork of Harbor Associates, authorized agent for the applicant, Orange County Superior Court, requesting approval of Conditional Use Permit (CUP) to allow for the Orange County Superior Court (OCSC) to establish a temporary public courthouse use within the MP zone while the Court's permanent Santa Ana location is renovated (estimated completion in 2025). The project proposes various tenant improvements to allow for eight courtrooms, eight private offices for judges, spaces for legal and administrative support, and areas for the general public. The primary use of the facility will be for small claims and probate cases and the majority of the cases will occur remotely (via videoconference). The facility will not have any jurors onsite, no criminal proceedings will take place, and there will be no detention facilities on the premises.

WHEREAS, a duly noticed public hearing was continued by the Planning Commission on April 11, 2022 to the April 25, 2022 public hearing;

WHEREAS, at the April 25, 2022 hearing, the applicant requested an additional continuance to the June 13, 2022 Planning Commission hearing;

WHEREAS, on June 13, 2022, the Planning Commission considered the application in a public hearing 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 CEQA) per Section 15301 (Class 1) for Existing Facilities.

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 22-10 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 22-10 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 June, 2022.

Byron de Arakal, 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-2022- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on June 13, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

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

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.

Facts in Support of Finding: As conditioned, the proposed project will be compatible with uses that exist within the general neighborhood. Due to the limited on-site visitor use of the proposed temporary courthouse, the use will have minimal impact on surrounding properties. As conditioned, adequate parking is provided to satisfy parking demand, and the proposed use would not modify the existing site or circulation. Lastly, if court operations are required to change, conditions have been included to respond to potential increased parking demand.

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 courthouse use will be required to comply with all applicable California Building and Fire Code requirements to ensure the use is not materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. As conditioned, the proposed use is compatible with other similar office uses in the area and will not negatively affect the surrounding industrial and office properties.

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 project site is zoned MP (Industrial Park) and has a General Plan Land Use Designation of Industrial Park. The project does not propose to expand the existing facility and complies with the intent of the Zoning Code and General Plan as it pertains to use (when approved by a conditional use permit) and parking. In addition, the CMMC Section 13-30 (land use matrix), specifies that public offices and facilities, such as "courthouses," are a conditionally permitted use in the MP Zone.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

- a. The proposed use is compatible and harmonious with uses both on site as well as those on surrounding properties. The project would be compatible with

surrounding industrial and commercial uses. As conditioned, no parking or environmental impacts are anticipated.

- b. Safety and compatibility of the design of the parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The proposed use, as conditioned, would not increase traffic or parking demand beyond existing capacity.
- c. The project, as conditioned, is consistent with the General Plan land use designation of Industrial Park. The project complies with Policy LU-6.3 in that the applicant (OCSC) will occupy an existing commercial building in North Costa Mesa (located north of the I-405). The building is currently vacant and the courthouse use will take advantage of the buildings existing layout and provide an office/institutional use within the empty suite. In addition, the project complies with Policy LU-6.11 in that the proposed institutional office use will temporarily occupy a large existing office space that is currently vacant and provide the community with nearby access to a governmental institutional facility. The size of the space is equivalent to the existing OCSC Santa Ana facility, and the location is nearby the 405 Freeway, the 43 OCTA Bus Route, and a Class II Bikeway that provides users with adequate and convenient access. Lastly, it is anticipated that the temporary use will facilitate additional nearby retail activity from court visitors.
- d. The planning application is for a project-specific case and does not establish a precedent for future development. Approval will apply to this project-specific location. Conditions have been included that are specific to the proposed project.

- D. **Finding:** The project is exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines Section 15301 (Class 1) for Existing Facilities. The Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion or use beyond what that is existing at the time of the lead agency's determination. Because the tenant improvements at the project site will not include major alterations or expansion to the existing building and because the proposed use is similar to the prior use of the subject suite, the project qualifies for this exemption.
- E. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation described in this staff report: a temporary courthouse to operate within an existing building until December 31, 2025. Any change in the operational characteristics shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that the Costa Mesa Municipal Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. The conditions of approval, code requirements, and special district requirements of PA-22-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 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 and/or employees arising out of, or which are in any way related to, the applicant's project, or any approvals 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 the City.
 4. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 5. A copy of the conditions of approval for the conditional use permit must be kept on premises and present 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. 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 that are necessary to comply with this requirement.

7. 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, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Director of Economic and Development Services or his designee, any of the findings upon which the approval was based are no longer applicable.
8. Any activity not consistent with all of the terms and conditions of all applicable zoning approvals and approved plans granted by the city is considered a nuisance and will be required to be immediately abated.
9. Should State Law change to require additional on-site proceedings of court cases, any parking lease with off-site uses shall be modified or removed to reduce the number of parking spaces subject to Planning Division review and approval.
10. The applicant shall monitor the parking lot for the first eight weeks of operation and if parking demand is exceeded, the existing parking leases with off-site uses shall be reduced to accommodate on-site use parking. If the operational characteristics are modified to require additional on-site court proceedings, the applicant shall monitor the parking lot for the first eight weeks of modified operation and if parking demand is exceeded, the existing parking leases with off-site uses shall be further reduced or removed to accommodate on-site use parking.

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.

- PInG.
1. 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.
 2. The property owner is responsible for the maintenance of the landscaping on their property. Any dead, dying, or diseased trees, shrubbery, vines, groundcover, or turf, must be replaced within sixty (60) days of written notice from the development services or public services departments. Tree stakes shall be removed when no longer needed to support the tree. Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning according to International Society of Arborists (ISA) standards, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. Compost and/or mulch used

as a groundcover shall maintain a consistent two (2)-inch minimum layer over soil.

3. 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.
4. 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 prohibited on Sunday and the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
5. Approval of the planning application is valid for two years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and 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; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than 30 days or more than 60 days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Economic and Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
- Bldg. 6. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
7. Comply with the requirements of the following adopted codes Code, 2019 California Building Code, 2019 California Electrical code, 2019 California Mechanical code , 2019 California Plumbing code , 2019 California Green Building Standards Code and 2019 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 2019 California Building Code. **A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the 2019 California Building Code.**

8. Prior to the Building Div. (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.

- Fire
9. Comply with the 2019 CFC as adopted and amended by the City of Costa Mesa.

SPECIAL DISTRICT REQUIREMENTS

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

- AQMD
1. Applicants shall contact the Air Quality Management District (AQMD) at 1-(800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD