

RESOLUTION NO. PC-2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-02 FOR A CONDITIONAL USE PERMIT TO ALLOW A TRANSITIONAL HOUSING AND SUPPORT SERVICES USE FOR UP TO 16 MALE INDIVIDUALS AT AN EXISTING CHURCH (1885 ANAHEIM AVENUE)

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

WHEREAS, Planning Application 21-02 was filed by Phil Eyskens, authorized agent for the property owner, the Church of the Nazarene, requesting approval of the following: Planning Application 21-02 is a request to operate a transitional shelter for a maximum of 16 men at the existing Lighthouse Church. The residents would participate in the Church's transitional program which is a faith-based program that last for approximately one-year. The residents would reside in the existing dorms within the second-floor of the Church.

WHEREAS, a duly noticed public hearing held by the Planning Commission on May 13, 2024 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.

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 21-02 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 21-02 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 May, 2024.

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-2024- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on May 13, 2024 by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2024-__

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2), CUP findings, 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 Findings: The proposed project will be compatible and harmonious with uses that exist within the general neighborhood and would not be materially detrimental to other properties in the area. All residents will be required to comply with program rules and if a resident is removed from the program, they will be provided transportation to other facilities that will assist them. No changes are proposed to the church building and as conditioned, signage for the use is not permitted to be posted. Since the project is conditioned to maintain the site and since the project is not expanding the facility, the project is compatibility with developments in the same general area.

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: As conditioned, the use will be required to comply with all applicable California Building and Fire Code requirements to ensure the project 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.

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 I&R (Institutional and Recreational) and has a General Plan Designation of High Density Residential. The Institutional and Recreational (I&R) Zoning District is intended to allow land uses which provide health and public services. The proposed use, which includes supportive and transitional housing would provide health and public service in the community to an at-risk population. Therefore, granting the use permit will not allow a use, density, or intensity which is not in accordance with the General Plan.

- B. 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 minor alteration of existing public or private structures involving negligible or no expansion of use.

- C. 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

- PIng.
1. The use shall be limited to the type of operation described in this staff report: transitional housing for a maximum of 16 men. Any change in the operational characteristics including number of participants, living arrangements, or program operations 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 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 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 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.
 3. The applicant shall contact the Planning Division to arrange a Planning, Fire Department, and Building Department Inspection of the site within two months of approval. These inspections are to confirm that the conditions of approval, safety, and code requirements have been satisfied.
 4. The operation 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.
 5. 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.

6. All resident vehicles brought to the site shall be in good operating condition and be currently registered. All vehicles shall be parked on-site when not in use. Non-operable and/or unregistered vehicles are not permitted to be stored on site.
7. 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.
8. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
9. Any graffiti painted or marked upon the premises shall be removed or painted over within 48 hours of being applied.
10. The site shall be maintained and be free of litter.
11. The 10 PM (11PM on Fridays and Saturdays) curfew shall be observed by all participants unless the participants are employed after hours. The operator shall require a written verification from the employers for participants that work past the curfew and the verification shall be included in reports to the City. Once returning to the site after hours, the residents shall keep quiet and observe the curfew as soon as reasonably possible.
12. All personal belongings shall be stored inside the facility and no outdoor storage shall be permitted.
13. A maximum of 16 participants and one supervisor may live in the facility at any one time.
14. All residents must be drug and alcohol free and random drug testing shall occur throughout the year.
15. The exterior of the church shall not change to reflect the transitional housing. No signage or other indication of the service may be installed.
16. No outdoor camping or sleeping in vehicles shall be permitted on the church property.
17. Participants in the program must follow all adopted program rules and are subject to enforcement by the operator and/or removal from the program.
18. Should any program participants be removed or chose to leave the program, transportation shall be provided to a rehabilitation program, a family residence, or other housing program. Program participants shall not be left to find their own transportation.
19. No walk-up residents will be accepted into the program. All residents must go through the referral and application process prior to entering the program.

- 20. Prior to establishing the use, the facility shall be inspected by the Director of Development Services, or their designee, to ensure that the facility complies with all applicable building and safety requirements.
- Trans. 21. Applicant/business operator shall make every reasonable effort to limit queuing and traffic congestion on City streets.
- 22. If the City determines follow up actions are necessary, the applicant shall formulate and implement a plan to address any traffic issues within thirty days notice from City. This can include conducting a comprehensive traffic study and implementing its recommendations to address any unforeseeable circulation, parking, queuing, and other impacts.
- OMP 23. The supportive and transitional housing use shall at all times operate in compliance with applicable Municipal Codes, State Codes and the Operational Management Plan. The Operational Management Plan shall be amended if determined by the City that Plan changes are necessary to comply with the required Conditional Use Permit findings.

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. 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.
- 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 prohibited on Sunday and the following Federal holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- 3. 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.

4. Street address shall be visible from the public street and shall be displayed on the freestanding sign. If there is no freestanding sign, the street address may be displayed 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 twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
5. Development shall comply with all requirements of Articles 3 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to commercial development standards.
- Fire. 6. The 16 bed facility shall be maintained as an R-3 Congregate Residence (non-transient) occupancy.
7. The facility shall be limited to 10 beds if the occupants are considered transient at any time.
8. The facility shall comply with the 2019 CFC as adopted and amended by the City of Costa Mesa.
- Bldg. 9. 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.
10. 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 no.is provided By AQMD

