

RESOLUTION NO. PC-2022-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-17 FOR A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE K-12 SCHOOL IN THE C1 ZONE FOR THE PROPERTY AT 1600 ADAMS AVENUE AND 2850 MESA VERDE DRIVE EAST**

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

WHEREAS, Planning Application 22-17 was filed by Carrie Mizera, authorized agent for the property owner, Mesa Verde Associates, requesting approval of the following: A conditional use permit to operate a private K-12 school (Renascence School International) in the existing 23,000 square foot building. Up to 210 students would attend the school on weekdays from 8:00 a.m. to 3:30 p.m.

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 26, 2002 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 22-17 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-22-17 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 26th day of September, 2022.**

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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 September 26, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2022-\_\_

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

- PIng.
1. 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.
  2. The school shall not accommodate more than 210 students and 35 staff at any time. The applicant and shall also meet all State and local (Building and Fire) occupancy limitations or requirements.
  3. The regular hours for which students are present shall be from 7: 00 a. m. to 6:00 p. m., Monday through Friday. Special events may occur beyond these hours.
  4. The school shall maintain a minimum of 89 parking spaces.
  5. Each outdoor play area shall be utilized by no more than 30 students at a time in a recess-like manner. Larger groups are permitted within the outdoor play areas when students are gathered for assembly events.
  6. During operation, the applicant shall maintain and enforce the pick-up and drop-off schedule set forth in the Applicant's Operation Plan to prevent adverse traffic conditions. During pick-up and drop off times, a minimum of 5 staff members shall monitor the parking lot to direct circulation and quickly move vehicles off Mesa Verde Drive and onto the parking lot.
  7. During operation, the applicant shall evaluate site access during peak times to identify any operational issues with vehicle parking and queueing. If operational problems arise, the applicant shall contract with a qualified professional to prepare a traffic circulation study identifying causes and solutions. Recommended actions from the traffic circulation study shall be implemented to the satisfaction of the Public Works Department.
  8. Prior to issuance of a building permit, project plans shall demonstrate location of designated staff parking stalls along vehicle queueing path.
  9. 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.
  10. Prior to building permit issuance, the applicant shall submit a final playground plan to the Planning Division for review and forwarded to the Planning Commission for final approval. Consistency with the Council-adopted outdoor play area guidelines will be evaluated in detail at that time.
  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).

12. Approval of the planning/zoning application 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; or 3) the use has been established and a business license 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 Director of 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.
13. 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.
14. The conditions of approval, code requirements, and special district requirements for PA-22-17 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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

24. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
25. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager. Any construction access from the neighboring properties will require property owner permission.
26. Prior to issuance of grading permits, developer shall identify to the Development Services Director a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
27. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
28. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas either within the garages or within the side yard areas (behind fences).
- Trans 29. Prior to issuance building permit issuance, project plans shall show the driveway on Adams Avenue reconfigured to operate as a right turn exit only. Plans shall show physical modifications to the drive approach, proposed signage and striping changes to the satisfaction of the Public Works Department.
30. Prior to issuance building permit issuance, project plans shall show replacement of on-site bike racks with inverted u-racks.
31. Prior to issuance building permit issuance, the applicant shall submit a Final Drop-off/Pick-up Plan to the Public Works Department for review and approval. The Final Drop-off / Pick-up Plan shall show the location of proposed directional signage, striping, and provide the proposed location and number of staff assisting with drop-off/pick up operations.

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32. Prior to building permit issuance, project plans shall show a parking plan designating parent parking area for pick-up/drop-off of younger students, designated staff parking, and student parking (if any) areas. All parking stalls and aisles for the project shall comply with Costa Mesa Parking Design Standards.
  33. Prior to issuance of a building permit, the applicant shall obtain a permit from the City of Costa Mesa, Engineering Division, to reconstruct a driveway approach per City of Costa Mesa Standards as shown on the Offsite Plan to accommodate a right turn exist only. Location and dimensions are subject to the approval of the Transportation Services Manager. ADA compliance is required for all new driveway approaches.
  34. Prior to issuance of a building permit, the applicant shall submit required cash deposit or surety bond to guarantee construction of off-site street improvements per Section 15-32, C.C.M.M.C. and as approved by City Engineer. Cash deposit or surety bond amount to be determined by City Engineer.

### **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. Development shall comply with all requirements of Article 1, Chapter 5, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential 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 prohibited 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.



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 neighbors.
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, 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.
14. A change of occupancy shall require compliance with 2019 California Building codes and Disabled access requirements of Chapter 11B of the 2019 California Building Code..
15. Prior to building permit issuance, the Applicant shall submit a plan to the County of Orange Health Dept. for review and approval.
16. A change of occupancy shall require compliance with 2019 California Building codes and Disabled access requirements of chapter 11B of the 2019 California Building Code.

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| Fire         | 17. Comply with the requirements of the 2019 California Fire Code and referenced standards as amended by the City of Costa Mesa.   |
| Bus.<br>Lic. | 18. 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. |

## **SPECIAL DISTRICT REQUIREMENTS**

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

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| 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.<br>2. Prior to the Building Division (AQMD) issuing a demolition permit, contact South Coast Air Quality Management District located at:<br>21865 Copley Dr.<br>Diamond Bar, CA 91765-4178<br>Tel: 909-396-2000 |
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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.

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| 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. |