



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: OCTOBER 10, 2022

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION 22-09 FOR A CONDITIONAL USE PERMIT TO OPERATE AN ADULT DAY CARE FACILITY IN THE PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONE AT 1901 NEWPORT BOULEVARD**

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

**PRESENTATION BY: SCOTT DRAPKIN, ASSISTANT DIRECTOR**

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## **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 Facilities); and
2. Approve Planning Application 22-09, subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT**

GoUrban Development/Luis Gomez is the authorized agent on behalf of the applicant, La Palma Adult Day Health Care. The property owner is 1901 Newport, LLC (Jamison Services, Inc.).

## **BACKGROUND**

The subject site is located at the northwest corner of Newport Boulevard and West 19th Street, at the southerly terminus of the SR-55 Freeway. The property is zoned “Planned Development Commercial” (PDC) and has a General Plan designation of “Commercial Center.”

The project site is developed with a three-story commercial building, a single-story office building, and a five-story parking structure. The total building floor area, excluding the parking structure, is 133,556 square feet. The northerly portion of the site abuts a three-story residential development located at 401 and 421 Bernard Street (“Pacifica Apartments”). Parking for the residential apartments is provided within the aforementioned adjacent parking structure; however, the residential parking is physically separated from the commercial parking.



**Site Photo taken from West 19<sup>th</sup> Street**

## **History of Entitlements**

Conditional Use Permit ZE-84-73, Minor Conditional Use Permits ZA-08-16 and ZA-16-32 for Celebrations by Turnip Rose

On April 9, 1984, the Planning Commission granted a Conditional Use Permit (CUP, ZE-84-73) to allow the establishment of a banquet facility at the subject property in Suite 100. On June 5, 2008, the Zoning Administrator granted a Minor Conditional Use Permit (MCUP) ZA-08-16 to allow the banquet facility to expand and replace the previously existing nightclub located in Suite 101. In 2017, the Zoning Administrator approved MCUP ZA-16-32 to allow public restaurant services to be added to the existing private banquet facility. A minimum of 118 parking spaces were required as a condition of approval. In 2017, the banquet facility ceased operations and the parking spaces were reallocated to other tenants. An existing tenant (Saddleback Church) has since taken over the tenancy of Suite 100.

### Minor Conditional Use Permit ZA-09-34 for Sober Living By The Sea, Inc.

On November 5, 2009, the Zoning Administrator granted an MCUP to apply a reduced parking requirement for a group-counseling center. The counseling center is located in Suite 149, a tenant space of approximately 3,800 square feet. The hours of operation are 8 AM to 9 PM, Monday through Friday. The counseling center is conditioned to provide and use only six parking spaces (four employees and two passenger vans). All counseling clients are required to utilize passenger van services.

### Conditional Use Permits PA-14-25, PA-16-64, and PA-19-25 for "Saddleback Church"

On December 8, 2014, CUP PA-14-25 was approved to allow the establishment of the Saddleback Church. At the time of approval, there were parking and traffic concerns with the operation of the church and potential conflicts with other uses within the office complex; specifically, the catering and event facility (Celebrations by Turnip Rose). The applicant agreed to operate the church for two years and concurred with the Planning Commission's inclusion of a condition of approval that required the church to reapply for a new conditional use permit after two years, if the church desired continued operation at this location. On March 27, 2017, CUP PA-16-64 was approved which allowed the continued operation of the church use. The applicant again agreed to operate the church for two years and concurred with the Planning Commission's inclusion of a condition of approval that required the church to reapply for a new conditional use permit after two years. On February 20, 2020, CUP PA-19-25 was approved which allowed the permanent operation of the church use. The approval of the CUP also allowed the expansion of church into Suite 151 to provide a church administrative office, modified hours of operation to include weekday evening ministry services, as well as Saturday and Sunday service throughout the day, and deviation from parking requirements.

### **DESCRIPTION OF USE**

The proposed adult day care would occupy Suites 156, 176, 179, 180 and 190. The proposed tenant space encompasses 12,069 square feet. The subject suites were previously occupied by a day spa and separate office uses. As described in the applicant's letter (Attachment 2), the proposed project involves the following:

- Interior tenant improvements to accommodate the Adult Day Care facility;
- Hours of operation for staff of 6:00 AM to 6:00 PM, seven days a week;
- Services for clients 8:00 AM to 2:00 PM, seven days a week (no overnight occupancy);
- Maximum of 40 staff;
- Maximum of 270 clients on-site at any given time;
- Complimentary shuttle pick-up and drop-off services for clients; and
- Personal care (nurse monitoring and interventions), social services (case management, counseling, and care coordination by social workers, caregiver support), and therapeutic activities (including recreational activities, physical therapy and occupational therapy by a licensed physical/occupational

therapists). According to the applicant, the proposed adult day care facility will not provide any licensed medical treatment or procedures on site, and will not provide substance abuse service.

As conditioned, clients will either be dropped-off and picked-up by the Adult Day Care shuttle services provided by the facility, or their primary caregiver. Six parking spaces will be designated for drop-off and pick-up between 7:30 AM to 8:30 AM and 1:30 PM to 2:30 PM, seven days a week. Staff will generally arrive at the facility as early as 6:00 AM and remain onsite until 6:00 PM. Because the facility clients experience certain health conditions that inhibit their ability to operate a vehicle, parking demand is only anticipated from employees, the ten shuttle vans that will be stationed onsite and client's primary caregivers for drop-off/pick-up.

The applicant operates six other adult day care facilities within the Southern California region with similar business operation models, including facility size, staff size, hours of operation and client shuttle services. The applicant's other facilities are located in Orange, Harbor City, Laguna Woods, Covina and two in Los Angeles.

## **ANALYSIS**

### ***Conditional Use Permit (CUP)***

The CMMC requires a CUP for the establishment of a day care facility in the PDC zone; consequently, the applicant is requesting approval of a CUP to allow the establishment of an adult day care facility at this location. The new facility would offer daily services to the elderly and adults with chronic medical, cognitive or mental health conditions and/or disabilities that are at risk of needing institutional care. Pursuant to the CMMC, the approval of a CUP requires that the Planning Commission make specific findings related to neighborhood compatibility, health and safety, and land use compatibility. The analysis regarding CUP findings is provided later in this report.

### ***Parking and Circulation Analysis***

The CMMC required parking ratio for commercial office buildings exceeding two-stories in height and 100,000 square feet in area is three spaces per 1,000 gross square feet of floor area, resulting in 401 parking spaces required for the 133,556-square-foot Newport Plaza (this includes the floor area proposed to be used by the adult day care use). A total of 454 parking spaces are provided at the site, including the 391 parking spaces in the five-story parking structure (dedicated to the commercial uses) and 63 surface parking spaces. Based on the City's required parking ratios, Newport Plaza is developed with a surplus of 53 spaces.

The CMMC does not specify parking requirements for a "day care facility," or an "adult day care facility." Pursuant to CMMC Section 13-90, the parking requirements for uses not specified in the Municipal Code shall be determined by the Planning Division, and shall be based upon the requirements for the most comparable use specified, *or other appropriate sources [emphasis added]*.

According to the applicant, the proposed facility is limited to appointment-only services for adults with a maximum capacity of 40 staff and 270 clients (the applicant indicates that typically not all staff would be on the site at the same time). The applicant is proposing to use 10 shuttle vans for complimentary client drop-off and pick-up service, which will be parked onsite when not shuttling clients. The shuttle service is offered because their clients generally experience certain health conditions that inhibit their ability to operate a vehicle. As previously indicated, the applicant operates six other similar adult day care facilities in Southern California, and based on parking observations from the other facilities, the applicant anticipates that the majority of their Costa Mesa clients will also primarily use the complimentary shuttle service.

To further confirm the facilities potential parking demand, staff requested that the applicant survey actual parking demand data from their other facilities, and specifically requested that they provide their existing clients actual usage of the shuttle service vs. other modes of transportation. Table 1 below shows the number of clients that use the shuttle services vs. the number of clients who use alternative transportation at the applicant's existing adult day care facilities (complete parking data was not available for the applicant's sixth facility in Covina, California and therefore was not included). As shown in Table 1, approximately 97% of the applicant's total clients at their existing facilities use the provided complimentary shuttle service.

**Table 1 – Applicant's Other Facilities**

Center Name and Location	Average Daily Number of Participants Using Shuttle Service	Average Daily Number of Participants Not Using Shuttle Service
Commonwealth ADHC Buena Park, Orange County (2003)	114	2
Lomita ADHC Harbor City, LA County (2003)	125	1
Wilshire ADHC Los Angeles, LA County (2003)	180	5
El Toro ADS Laguna Woods, Orange County (2017)	130	8
Koreatown ADHC Los Angeles, LA County (2019)	120	5
<b>Total:</b>	<b>669 (97%)</b>	<b>21 (3%)</b>

Based on the empirical parking data from the other facilities, the Costa Mesa Facility's proposed staffing and maximum client occupancy, staff anticipates that there will be a parking demand for the proposed adult day care facility of 58 cars. This determination is conservative in that it assumes that all employees will be present on-site, and all

employees will drive individual cars (as opposed to carpooling and/or using public transportation). This parking demand assessment includes 40 spaces for staff vehicles (one parking space for each staff person), 8 vehicles for client use that do not use shuttle services (3% of 270 clients), and 10 shuttle vans.

Site ingress and egress is obtained from West 19<sup>th</sup> Street and includes a dedicated right-hand turn lane into the site. The center median on West 19<sup>th</sup> Street prevents left hand turns into the site. The driveway into the site provides access to both the surface parking (located generally in the front of the property) and the parking structure (located at the rear of the property). (See Exhibit 1 below.)

### Exhibit 1- Site Circulation



The applicant is proposing to designate specific client drop-off/pick-up times to prevent unnecessary bottlenecking of arrivals and departures, and the use of six specific parking spaces at the eastern edge of the Newport Plaza surface parking fronting the proposed Adult Day Care entrance (except the existing ADA parking stalls) to be designated specifically for drop-off and pick-up. The applicant will adequately staff the drop-off/pick-up service so that clients are safely escorted from the parking area to the facility. The distance from the drop-off/pick-up area to the proposed facility suite entrance is approximately 100 feet. Drop-off and pick-up services will occur onsite in the assigned area between 7:30 AM to 8:30 AM and 1:30 PM to 2:30 PM, respectively. The remaining hours of the day, these parking stalls will remain unrestricted for other users and tenants. As highlighted in Exhibit 2 below, the 10 shuttle vans parking spaces are located adjacent to the two main loading zones spaces allowing for an accessible path of travel for drop-offs and pickups to/from the building.

## Exhibit 2 - Shuttle Van and Drop-off/Pick-up Area



Parking demand for the floor area allocated originally to the proposed 12,069-square-foot office area is 41 parking spaces and therefore the potential parking demand for the proposed adult day care use would exceed the parking spaces allocated to the subject floor area by 17 spaces. However and as previously mentioned, the site is developed with 53 surplus parking spaces and therefore the anticipated 17 additional parking spaces needed for the adult day care facility would be provided on-site with the surplus parking.

Existing tenants within 1901 Newport Plaza include Saddleback Church, medical offices, a beauty salon, fitness studio, general offices, and vacant office suites. The Table 2 below shows the potential operational peak parking demand for all uses (including the proposed adult day care facility) at 1901 Newport Plaza.

**Table 2 – Shared Parking Analysis**

Hours	Weekday Peak Demand	Weekend Peak Demand
6:00 AM	60 spaces	75
7:00 AM	114 spaces	85
8:00 AM	281 spaces	313
9:00 AM	387 spaces	323
10:00 AM	409 spaces	323
11:00 AM	409 spaces	335
12:00 PM	377 spaces	335
1:00 PM	377 spaces	323
2:00 PM	399 spaces	313
3:00 PM	387 spaces	304
4:00 PM	336 spaces	304
5:00 PM	241 spaces	291
6:00 PM	148 spaces	291
<b>Total Spaces Provided</b>	<b>454</b>	<b>454</b>
<b>Surplus at highest parking demand</b>	<b>+45</b>	<b>+119</b>

As shown in Table 2, the existing parking at 1901 Newport Plaza would accommodate parking demands for existing uses and the proposed adult day care. Peak parking demand during weekday hours would occur at 10 AM and 11AM with a total parking demand of 409 spaces. Table 2 demonstrates that the parking demand remains below the total supply of parking during all hours of the day, resulting in a surplus of 45 spaces at weekday peak demand. During the highest weekend peak demand period, there will be a surplus of 119 parking spaces at 11 AM.

Based on the parking demand for 1901 Newport Plaza, the proposed hours of operation of the day care facility, and unique operation characteristics of providing drop off/pick up and shuttle services, adequate parking is available for the adult day care facility without impacting the parking for existing businesses in the center. However, if parking shortages or other parking-related problems develop, staff has included a condition of approval that requires the business operator to institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the number of clients, securing additional offsite parking, or another measure deemed appropriate by the Director of Economic and Development Services.

## **GENERAL PLAN CONFORMANCE**

### ***Conformance with the City of Costa Mesa General Plan***

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 serve both local needs and attract regional international spending, and providing 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 specific 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 proposed adult day care facility would add to the variety of commercial services in the City. Adult day care will provide professional care services for adults who require supervised care during the day. The services offered include nurse monitoring and interventions, case management, counseling, and care coordination by social workers,

and therapeutic activities. The proposed use would create approximately 40 new jobs.

2. **Policy LU-6.1:** *Encourage a mixed of land uses that maintain and improve the City's long-term fiscal health.*

**Consistency:** Developing a diverse and comprehensive supply of services for certain populations with special needs in the community, such as adult day care, assists in providing a mix of services and land uses available to City residents..

3. **Policy LU-6.7:** *Encourage new and retain existing businesses that provide local shopping and services.*

**Consistency:** The proposed use would provide a specialized service in Costa Mesa. Adult day care would provide a safe environment with multiple services to assist adults with limited independence.

#### **FINDINGS AND JUSTIFICATIONS FOR APPROVAL:**

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 shall 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 use is compatible with existing uses on the subject property and the mixture of office, retail, and residential uses in the vicinity. Staff hours range between 6:00 AM to 6:00 PM and care services for clients are proposed between 8 AM to 2 PM, seven days a week. Parking demand would not exceed the parking supply for the site at any time since the facility proposes a pick-up/drop-off shuttle program. All clients will be required to be transported to the centers via shuttle vans or dropped-off/pick-up by their caregiver, so no parking/traffic issues are anticipated. In addition, subject to conditions of approval, the use would be conducted within the suite and not generate noise or other detrimental effects on surrounding uses.
- **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 adult day care facility, as proposed and conditioned, would operate underroof to prevent potential noise impacts, and utilize a shuttle service to prevent potential parking and circulation impacts. The proposed use would not generate noise, traffic, or parking impacts that would be unusual for a commercially zoned property and/or

affect the immediate neighborhood. Lastly, the applicant is conditioned to obtain any/all local/State health licenses that are applicable to providing the care services that are offered. Therefore, granting the CUP would not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

- **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 General Plan designation is “Commercial Center,” which allows for a wide variety and scale of retail stores, professional offices, restaurants, hotels, and theaters. The proposed use would address a local and area need for specialized professional adult care during the day. As proposed and conditioned, the day care use would be compatible with the uses in 1901 Newport Plaza, would not increase the intensity of the development and is consistent with the General Plan designation.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities. This exemption applies to the operation of existing structures involving negligible or no expansion of the existing or prior use. The project involves no exterior alterations or expansion in floor area, and the change in use from commercial offices/day spa to limited adult day care is a “negligible change in use.” The use, as conditioned, is consistent with the General Plan land use designation and applicable General Plan policies, as well as with the zoning designation and regulations.

## **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 the requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return a revised Resolution incorporating new findings and/or conditions.
3. **Deny the project.** If 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 six months.

## **LEGAL REVIEW**

The draft Resolution has been 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 site. 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 each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of the date of this report, no written public comments have been received. Any public comments received prior to the Planning Commission meeting will be forwarded separately to the Planning Commission.

## **CONCLUSION**

The proposed request is for a CUP to allow the establishment of an adult day care in the PDC (Planned Development Commercial) zoning district with a maximum of 40 staff and 270 clients, seven days a week. The adult day care use would occupy a tenant space that was previously occupied by a day spa and professional offices and would not involve any exterior changes or expansion to the site, and proposes only interior tenant improvements for Suites 156, 176, 179, 180 and 190. As proposed and conditioned, the parking demand for the site would not exceed supply at any time because the proposed use would incorporate a client shuttle service. The proposed use is consistent with the City's Zoning Code and General Plan, the Conditional Use Permit findings can be made, and the use is not anticipated to have adverse impacts on surrounding properties. Therefore, staff recommends approval of the project subject to conditions of approval.