

RESOLUTION NO. PC-2022-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-09 FOR A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF AN ADULT DAY CARE (LA PALMA ADULT DAY HEALTH CARE) IN THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONE LOCATED AT 1901 NEWPORT BOULEVARD, SUITES 156, 176, 179, 180 and 190**

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

WHEREAS, Planning Application 22-09 was filed by Luis Gomez, authorized agent on behalf of the applicant, La Palma Adult Day Health Care for the property owner, 1901 Newport, LLC (Jamison Services, Inc.), requesting approval of a Conditional Use Permit to allow the establishment of an adult day care within the Planned Development Commercial (PDC) zone. The project proposes tenant improvements for suites 156, 176, 179, 180 and 190 (12,069 square feet) with no exterior alterations or floor area additions to the existing building. The proposed hours of operation are 6 AM to 6 PM for staff, and 8 AM to 2 PM for clients, seven days a week.

WHEREAS, a duly noticed public hearing held by the Planning Commission on October 10, 2022 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) under Section 15301 (Class 1) for Existing Facilities.

WHEREAS, the CEQA categorical exemption for this projects 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 22-09 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 22-09 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 10th day of October, 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 October 10, 2022 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

---

Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2022-

## EXHIBIT A

### FINDINGS

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

**Finding:** 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.

- **Facts in Support of Finding:** The proposed use is compatible with existing office 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.

**Finding:** Granting the conditional use permit or minor 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 use, 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. 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.

**Finding:** Granting the conditional use permit or minor 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 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 existing medical office uses, other uses in 1901 Newport Plaza, would not

increase the intensity of the development and is consistent with the General Plan designation.

- B. **Finding:** 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 an adult day care facility 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.
- 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**

- Plng.
1. The use shall be limited to the type of operation as described in detail in the staff report, which generally includes the establishment of an adult day care service with limited hours of operation and shuttle service or pick-up/drop-off requirements for clients. Any change in the operational characteristics shall require review by the Planning Division 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 maximum capacity of the day care center shall be limited to 270 clients and 40 staff members.
  3. The hours of operation of the day care center shall be from 6 AM to 6 PM for staff, and 8 AM to 2 PM for clients, seven days a week.
  4. The applicant shall ensure that clients are transported by the free shuttle service or by their caregivers, and use drop-off/pick-up services instead of parking.
  5. The applicant shall ensure that clients are not allowed to stay overnight nor live at the facility.
  6. All services shall be offered on an appointment-only basis; no walk-in services shall be provided.
  7. All uses shall be conducted within the tenant space (underroof).
  8. No live music, amplified sound, or music speakers permitted within the outdoor common areas.
  9. Staff shall park in the parking structure only.
  10. Six parking stalls at the eastern edge of the Newport Plaza surface parking fronting the proposed Adult Day Care entrance (except the existing ADA parking stalls) shall be designated for drop-off and pick-up only between 7:30 AM to 8:30 AM and 1:30 PM to 2:30 PM, seven days a week. During other hours of the day, these spaces shall be open and available for site parking.
  11. Drop-off and pick-up services shall not block the public right-of-way and shall occur onsite within the designated parking spaces
  12. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
  13. 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.

14. The applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
15. If parking problems arise, the operator shall institute appropriate operational measures necessary to minimize or eliminate the problem including, but not limited to, reducing the operating hours of the business.
16. The Planning Commission reserves the right to revoke Conditional Use Permit No. 22-09 pursuant to a public hearing for revocation, if any violation of the conditions of approval, the City of Costa Mesa General Plan or the Municipal Code.
17. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally 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 or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality 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 indemnitors' joint and several 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.
18. The applicant shall obtain all required local and State licenses for the operation of the adult day care facility. A copy of the licenses shall be forwarded to the City prior to operation, and issuance of a business license.

### **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.      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.

2. 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.
3. All noise-generating construction activities shall be limited to 7 AM to 7 PM Monday through Friday and 9 AM to 6 PM. 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.
4. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.

Bldg.

5. **Prior to issuing the Building permit the conditions of approval shall be on the approved Architectural plans**

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.**

6. 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 Div. will not issue a demolition permit until an Identification no.is provided By AQMD

Fire

7. Comply with the I-4 Occupancy requirements of the 2019 California Fire Code and referenced standards as amended by the City of Costa Mesa.



- 8. A Fire alarm shall be installed according to CFC 907.2.6.
- 9. Fire Sprinklers shall be installed according to CFC 903.2.6.
- 10. Comply with CFC 436.1.
- 11. Comply with the 2019 CFC as adopted and amended by the City of Costa Mesa.
- Bus. 12. The operator, contractors, and subcontractors must have valid business  
Lic. licenses to do business in the City of Costa Mesa.