



## Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
6/13/2022	1	PLANNING COMMISSION		

### TITLE:

**PLANNING APPLICATION 22-10 REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE AT 3390 HARBOR BOULEVARD**

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

**PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER**

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### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a Resolution to:

1. Determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 22-10, subject to conditions of approval.

### APPLICANT OR AUTHORIZED AGENT:

Carmen Twork of Harbor Associates is the authorized agent for the applicant (Orange County Superior Court).

### BACKGROUND:

The subject property is located at the southeast corner of the intersection of Harbor Boulevard and Sunflower Avenue. The site is developed with an existing two-story 77,556-square-foot commercial office building. The applicant (Orange County Superior Court) is requesting approval to temporarily

occupy the second floor and a small portion of the first floor building area. The remainder of the space is vacant and was formerly occupied by an administrative office for “OptumRx” (a distributor of pharmaceutical products). Prior to the OptumRx tenancy, National University occupied the entire building. Vehicle access to the existing parking lot is provided by two driveways located on Harbor Boulevard and Sunflower Avenue. The site is accessible by the 43 OCTA Bus Route and a Class II Bikeway along Sunflower Avenue. The property is zoned Industrial Park (MP) and has a General Plan Land Use Designation of Industrial Park.

The properties surrounding the site include office and secondary educational uses. The subject property abuts 1375 South Coast Drive and 3370 Harbor Blvd which are both zoned Planned Development Commercial (PDC) and are part of the Anduril headquarters campus currently under construction. The property across Harbor Boulevard is zoned MP and is occupied by Sofia University. The property at the northwest corner of the intersection of Harbor Boulevard and Sunflower Avenue is zoned Planned Development Industrial (PDI), and the properties across Sunflower Avenue are located in the City of Santa Ana.

The subject site is approximately 1,200 feet from the nearest residential use.

### **DESCRIPTION:**

Planning Application 22-10 is a request for a 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 being renovated (estimated completion of the Santa Ana facility is in 2025). The project proposes various tenant improvements to allow for eight courtrooms, eight private judge offices, space for administrative support and areas for the general public. The use of the facility will be for small claims and probate cases and the majority of the cases will occur remotely (via video-conferencing). The facility will not have any jurors onsite, no criminal proceedings will take place, and there will be no detention facilities on the premises.

According to the Costa Mesa Municipal Code (CMMC) Section 13-30 (land use matrix), public offices and facilities, such as city halls, courthouses, and police/fire stations are a conditionally permitted use in the MP Zone.

### **ANALYSIS:**

#### ***Proposed Use***

The OCSC has indicated that they intend to occupy the space for approximately three years while the current facility in Santa Ana is under construction. A total of eight courtrooms are proposed to address small claims and probate issues only.

The OCSC is requesting to operate Monday through Friday between the hours of 8:00 a.m. to 5:00 p.m. Based on current court operations, approximately 191 cases are anticipated to be heard each day, with the majority of the cases being reviewed remotely. According to the applicant, an average of 24 of the 191 cases are being held in person at the Court’s Santa Ana facility, which is also expected to continue at the proposed temporary location, unless State law changes to require onsite proceedings.

#### ***Tenant Improvement***

Because the building improvements already included large classrooms (when previously occupied by National University), only minimal construction is required to convert the vacant tenant space for the Court's use. The proposed tenant improvements include removing partition walls on the first floor and constructing partition walls on the second floor to allow for judge offices and courtrooms. The project does not propose any exterior modifications.

### **Parking**

The site is developed with a 608-space parking lot that serves the 77,556-square-foot commercial office building. Due to operational similarities, the proposed temporary court facility will require the same amount of staff and will have the same amount of visitor demand as the currently operating Santa Ana OCSC facility for small claims and probate cases.

Based on empirical data, approximately 191 small claims and probate cases are heard each day at the Santa Ana OCSC facility, and each case is typically completed in less than an hour. The applicant further indicates that the maximum number of staff to operate the court's small claims and probate division is 116 (including both employees and judges). Table 1 below provides empirical weekday small claims and probate case visitor attendance data based on recent court records. Based on the average daily peak visitor occupancy (Monday) and including the maximum number of judges and employees, the total maximum occupancy for the temporary Court facility use per hour would be 153 occupants.

**Table 1- Courthouse Peak Parking Demand**

	Number of Visitors to the Court Per Day	*Approximate Visitors per Hour (Court is open for nine hours per day)	Total Occupancy per Hour (Visitors + 116 Employees)
Monday	330	37	153
Tuesday	310	35	151
Wednesday	320	36	152
Thursday	265	29	145
Friday	125	14	130
*191 cases per day in the facility results in approximately three cases per hour in each courtroom. The visitors per hour column is calculated by dividing the maximum number of visitors per day by nine (the total hours the facility is open per day).			

A courthouse is not a specified use in the City's parking standards. Pursuant to CMMC Section 13-90, the parking requirements for uses not specified in the City's parking standards shall be determined by the planning division and shall be based upon the requirements for the most comparable use specified in the City's parking standards "*or other appropriate sources*". Staff believes that the above empirical data indicating a maximum of 153 people per hour can be used to anticipate peak hourly parking demand as an "appropriate source."

Requiring one parking space per vehicle (including both Court staff and visitors) is considered a conservative estimate in that court visitors are likely to carpool. In addition, the data was gathered prior to the COVID-19 pandemic and includes the conservative assumption that all court cases would

be heard on-premises. However, and unless State law changes, the applicant proposes to operate similar to the current operation of the Santa Ana courthouse facility which would have a minimal impact on parking in that the majority of cases are heard remotely (approximately 87%). Thus, it is anticipated that the parking demand for the facility will be much less than what is described above.

The Costa Mesa Municipal Code requires that office uses provide four (4) parking spaces per 1,000 square feet of floor area. Therefore, the other on-site office use (formerly occupied by "OptiumRX") that has a floor area of 34,149 square feet requires 137 parking spaces. In addition, the property owner has temporarily leased 347 parking spaces to an adjacent use (Anduril), while their headquarters are under construction.

**Table 2- Total Site Parking Demand**

Use:	Parking Required
Office Use	137
OCSC	153
Anduril	347
<b>Total Demand:</b>	<b>637</b>
<b>Total Supply:</b>	<b>608</b>
<b>Difference:</b>	<b>-29</b>

The above Table 2 shows the anticipated total site parking demand, including the proposed temporary courthouse, the existing office and the temporary parking spaces leased to Anduril during their construction. As indicated in Table 2, the parking demand with the proposed OCSC facility would exceed the site's 608 parking space capacity at peak periods by 29 parking spaces. However, as indicated above, the estimated demand is conservative as current court operations involve the majority of cases being heard remotely (approximately 87%).

In order to ensure that the site's parking capacity is not exceeded, COA No. 9 requires that, if the operation of the courthouse changes due to a change in State Law (regarding in-person court attendance), the parking agreement with Anduril will be modified to reduce the number of parking spaces they may lease. Further, COA No. 10 requires that the applicant monitor the parking lot daily for the first eight weeks of operation or after any operational change which increases the number of visitors onsite. If parking demand is determined to exceed site capacity, the Anduril parking lease shall be reduced or eliminated. Staff will also perform site visits during initial court operations to confirm adequate parking is being provided.

### ***Police Department***

The Police Department has reviewed and is supportive of the application as conditioned.

### **GENERAL PLAN CONFORMANCE:**

The property has a General Plan designation of Industrial Park. Under the General Plan designation, Industrial Park is intended to apply to large districts that contain a variety of industrial, compatible office, institutional and support commercial uses. As a result, the proposed courthouse use which includes both office and institutional uses conforms to the City's General Plan. The following section evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of

the General Plan.

**Policy LU-6.3** *Continue to prioritize commercial and industrial park use of properties north of I-405 and within the Airport Industrial District.*

**Consistency:** The applicant (OCSC) will occupy an existing 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.

**Policy LU-6.11:** *Provide opportunities for mixed-use, office, manufacturing and retail development that respond to the market and community needs in terms of size, location and cost.*

**Consistency:** 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 facility. The size of the space is equivalent to the existing OCSC Santa Ana facility, and the location is near 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 commercial activity from court staff and visitors.

## **JUSTIFICATIONS FOR APPROVAL:**

Pursuant to CMMC Section 13-29 (g)(2), CUP Findings, in order to approve the project, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings. Staff recommends approval of the proposed project, based on an assessment of the below 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.*

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.

- *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 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.

- 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 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.

### **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. The exemption applies to the operation, repair, maintenance, permitting, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of the existing or former use.

### **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 any of the additional requested changes are substantial, the item should be continued to a future meeting to allow for additional information or analysis. In the event of significant modifications to the proposal, staff will return with a revised resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, 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 is denied, the applicant could not submit substantially the same type of application for at least 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.
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 this report, no written public comments have been received. Any public comments received prior to the June 13, 2022 Planning Commission meeting will be provided separately.

**CONCLUSION:**

The proposed use is consistent with the City's Zoning Code and General Plan and, as conditioned, would not have a detrimental impact to surrounding properties or the general neighborhood. The proposed temporary courthouse use will occupy an existing vacant office space in North Costa Mesa and provide a centrally located courthouse to the community. In addition, conditions of approval have been included to prevent potential parking impacts. Staff recommends that the Planning Commission approve the conditional use permit, subject to the conditions of approval.