



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: May 28, 2024

ITEM NUMBER: PH-1

**SUBJECT: PLANNING APPLICATION PA-22-39 FOR A VARIANCE TO EXCEED THE MAXIMUM PERMITTED HEIGHT AND DEVELOPMENT REVIEW PDVR-23-0004 TO CONSTRUCT NEW CHURCH AND NEW SUNDAY SCHOOL BUILDINGS AT 234 FISCHER AVENUE**

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

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

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## **RECOMMENDATION**

Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (Class 32) In-Fill Development, and
2. Approve Planning Application 22-39 to grant a variance for allowing an exception to the required maximum building height, and Development Review PDVR-23-0004 to allow a new church building, Sunday school building, and site improvements based on findings of fact and subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT**

The authorized agent is Tony Torres and the property owner is Saint Monica Coptic Orthodox Church.

**PLANNING APPLICATION SUMMARY**

<b>Location:</b>	234 Fischer Street APN: 427-032-03	<b>Application No:</b>	PA-22-39 and PDVR-23-0004
<b>Request:</b>	Development Review to construct new 35,154 SF Coptic Church and 10,514 SF Sunday School buildings including a height variance to allow for a steeple and two domes with a maximum height of 77 feet. The development review also includes modifications to the site including new parking layout, landscaping, and elevated play deck above the parking lot.		

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

<b>Zone:</b>	MP (Industrial Park)	<b>North:</b>	MP (Rivian)
<b>General Plan:</b>	INDPRK (Industrial Park)	<b>South:</b>	MP (Across Fischer – Multi-tenant industrial building)
<b>Lot Dimensions:</b>	Irregularly Shaped Approx. 201 ft X 330 ft	<b>East:</b>	MP (Church)
<b>Lot Area:</b>	69,547 SF	<b>West:</b>	MP (Contractor/Construction Materials)
<b>Existing Development:</b>	Two industrial buildings (total 27,157 SF) proposed to be demolished.		

**DEVELOPMENT STANDARDS COMPARISON**

Development Standard	Industrial Stds.	Proposed/Provided
<b>Lot Size</b>		
Lot Size	30,000 FT	69,547 SF
Lot Width	120 FT	201 FT
<b>Density/Intensity</b>		
FAR	0.75	0.65
<b>Building Height</b>		
	3 stories / 45 FT	3 Stories / 77 FT <sup>1</sup>
<b>Development Lot Building Setbacks</b>		
Front	20 FT	24 FT 1 IN
Front Landscaping	20 FT	20 FT 7 IN
Side (left / right)	10 FT	10 FT 1 IN / 11 FT 11 IN
Rear	0 FT	5 FT 10 IN
<b>Parking</b>		
Parking Spaces (1 space for each 3 fixed seats)	90	90
<b>Final Action</b>		
Final Action	Planning Commission	
<b>CEQA Review</b>		
CEQA Review	Exempt per CEQA Guidelines Section 15332 (Infill Development)	

<sup>1</sup>Variance to allow architectural features of the buildings to exceed maximum height as discussed below.

## **BACKGROUND**

The project site is 69,547 square feet (1.6 acres) in size and is located on the north side of Fischer Avenue between Pullman Street and Red Hill Avenue. The project site is located a half-mile from bus stops for the 71 Line (Yorba Linda – Newport Beach) and is approximately 400 feet from a Class II bike lane on Red Hill Avenue.

The subject property has a General Plan land use designation of “Industrial Park” and is zoned “Industrial Park” (MP). The Industrial Park district is intended to create a spacious park-like environment where industrial uses can locate. Pursuant to the Costa Mesa Municipal Code (CMMC) Section 13-30, churches and other places of religious assembly are permitted uses in the MP zone subject to compliance with applicable development standards.

Existing site development includes a 21,084-square-foot industrial building which was constructed in 1968 and included an addition in 1978, a 4,400-square-foot two-story building which was constructed in 1978, and a surface level parking lot that includes 70 parking stalls (see Exhibit A below).

### **Exhibit A – Existing Development Street View**



The proposed site abuts existing industrial uses. Adjacent properties are also zoned “Industrial Park,” including those properties located across Fischer Avenue. Nearby uses include another church, contractor’s office, various light manufacturing uses, automotive repair and sales, and a variety of other office uses.

## **REQUEST**

The church use is allowed by-right subject to compliance with applicable development standards contained in Costa Mesa Municipal Code (CMMC) Sections 13-51.50 through 13-51.53 and the provision of required parking. Additionally, development of the proposed Saint Monica’s Coptic Church buildings requires City approval of the following applications:

- **Variance** is required to deviate from a development standard in the CMMC, including a proposed steeple and two domes with crosses, up to 77 feet in height where the maximum allowed height is 45 feet. Pursuant to CMMC Table 13-29 (c), a variance requires Planning Commission approval. Pursuant to CMMC Section 13-29(g), the Planning Commission must make certain findings to approve the variance (discussed specifically under “Variance Request”).
- **Development Review (PVDR)** is required for all new buildings constructed in industrial zones. The application includes the phased removal of existing site improvements and construction of a new three-story, 35,154-square-foot church; a new three-story 10,514-square-foot Sunday school building; and a new 6,285-square-foot children’s play deck (which is elevated one-story above the proposed surface parking lot), and the addition of new landscaping, parking and other site features. Pursuant to CMMC Table 13-29 (c), “Development Review” requires approval by the Planning Division; however, since the variance request is interdependent on the design of the proposed new buildings, the Planning Division consideration and action related to the “Design Review” component of the application is being forwarded to the Planning Commission pursuant to CMMC Section 13-10(i)((2)(c).

**DESCRIPTION**

The project site is currently developed with two light industrial-style buildings. The site is owned by “The Saint Monica Coptic Orthodox Church” and has been used for church services since 2020. The Church is proposing to demolish the existing site improvements and construct a new church, a new Sunday school building, and will complete other site improvements in phases as described in Table 1 below:

**Table 1 – Project Phasing**

- Phase 1: Demolish a 4,408 square foot office building and construct a three-story, 10,514-square-foot religious education building at the northeast corner of the property.
- Phase 2: Construct a 6,285-square-foot play deck above the existing parking lot at the northwest corner of the property.
- Phase 3: Demolish an 8,000-square-foot warehouse and portion of the office building and construct a three-story 16,643-square-foot, gymnasium, kitchen, lounge, mezzanine, and roof deck.
- Phase 4: Demolish a 17,793-square feet worship building and construct a two-story, 18,511 -square-foot worship center.

As mentioned above, the Church use is allowed by-right in the MP - Industrial Park Zoning District. Proposed outdoor activity areas include an elevated play deck at the rear of the property, a roof deck, and a prayer garden located between the church and

the left (north) property line. As required by the CMMC, and as proposed, outdoor activity areas may be permitted, provided that the areas do not encroach into required street setbacks, parking and circulation, or interior landscaped areas.

Pursuant to CMMC Section 13-51.52(b), church accessory facilities in the same or separate building are permitted including classrooms, assembly rooms, restrooms, kitchen, and libraries. Other land uses such as, but not limited to, day care facilities, nursery schools, schools, primary and incidental retail sales, such as a bookstore, and services to businesses, that are not the primary function of a church or other place of religious assembly, are subject to the review and approval procedures shown in Table 13-30, City of Costa Mesa Land Use Matrix. The project proposes a 443-square-foot café with a 308-square-foot back of house within the multi-purpose building (Phase 3). The café will be open only during church operations and would only be used by the church attendees. Therefore, it is permitted as an accessory use of the church. In addition, the project includes a 308-square-foot gift shop located within the church (Phase 4). Costa Mesa Municipal Code Section 13-54(a), allows incidental retail sales in conjunction with the main use provided that the retail sales floor area does not exceed 20% of the gross floor area or 1,000 square feet, whichever is less, and the retail products are related to the primary use. Finally, the proposed Sunday school building (Phase 1) will be used for church-related purposes only. The project does not propose any school or pre-school activities.

### **Site Plan**

As shown in Exhibit B below, site access would be provided by three vehicular access points. The two easterly drive aisles allow for ingress and egress; and the westerly driveway will be used only for emergency access. All driveways will have mechanically operated gates. The ingress and egress aisle gates will remain in the open position during church operating hours. The emergency drive aisle gate will remain closed except during a response event. All gates will include emergency services “KNOX” box access.

**Exhibit B - Ground Level Site Plan**



The proposal includes two attached buildings (Phases 3 and 4) and one detached building with an elevated playground deck (Phases 1 and 2). The two attached buildings are located at the front, western half, of the property and will feature the main church activities. The west side yard of the property, between the new church and the neighboring property, will feature a prayer garden and seating area. The detached Sunday school building is located at the rear of the property. The Sunday school building is proposed to be attached to the new 6,285-square-foot play deck which is located above the surface parking lot. The play deck is primarily accessible from the second floor of the Sunday School building but includes secondary/emergency stair access via the parking lot. The site plan includes a new parking lot with 90 parking spaces. The parking lot includes new planters throughout and a new trash enclosure.

### ***Floor Plans***

The Sunday School building (Phase 1) at the rear of the property is proposed to be three stories tall. The first floor is accessible from the parking lot and includes a lobby with a large spiral staircase, elevator, Sunday School classroom, storage, and a kitchenette. The second floor includes five additional Sunday School classrooms and access to the proposed play deck. The third floor includes additional Sunday School classrooms. In total, this building will have 10 Sunday school rooms distributed amongst three stories.

The proposed play deck (Phase 2) is located above the new parking lot. The play deck is proposed to feature a variety of activity areas for different aged children. In addition, the play deck proposes to include two single occupant bathrooms, and two emergency exit stairs. The play deck is proposed to include a six-foot-tall safety wall at the perimeter of the deck and will feature a 14-inch-high planter box along the perimeter of the play deck.

The proposed multi-purpose building (Phase 3) will be located in front of the proposed play deck and will include an open gymnasium/multi-purpose room, kitchen, and café area, located on the first floor. The second floor proposes to include a mezzanine above the gymnasium and a college-aged meeting room and offices. The third floor is proposed to include four additional meeting rooms for high school aged children and a 3,228-square-foot outdoor barbeque and roof deck. The proposed roof deck will be partially covered with open walls. The third floor also includes a utility area with screening walls for mechanical equipment associated with the building.

The proposed worship hall (Phase 4) is located in front of the multi-purpose building and will include a worship hall and altar, communion area, baptismal, chapel, gift shop, and breakout rooms for pre-school and kinder aged children. The first floor will also feature an interior garden court with landscaping. The second floor includes additional breakout rooms, meeting room, open lounge, and a balcony above the worship area. The roof will feature screening parapets and additional mechanical equipment with screening.



## ***Architecture***

The project and church design is inspired by modern Mediterranean and Byzantine architecture. The front façade of the worship hall features a central arch element under the proposed dome with the proposed tower immediately to the left. The building windows on the façade are covered by a perforated metal panel system which provides depth and visual interest to the exterior and interior of the building. Large custom wood doors are proposed at entrances and natural materials are proposed throughout including stone paneling, smooth stucco, and dark bronze windows, doors, fascia, and trim. The right elevation, facing the parking lot, features many of the same elements on the front facade including arches, natural materials, and large windows throughout. The south entrance is also proposed to include six, approximately 25-foot-tall mosaic art niches. As conditioned, any exterior mosaics or murals will be reviewed by the Arts Commission prior to installation.

### **Exhibit C – Architectural Renderings**



The proposed left and rear elevations feature the same building materials as the front and right elevation but do not include the architectural details as the more public facing facades. The proposed Sunday school building includes similar designs as the worship building including metal panels, stucco walls, dark bronzed elements, stone clad column, and a dome element with cross above.

## ***Parking and Circulation***

Vehicular access is proposed to be provided via two one-way drive aisle from Fischer Avenue. Pursuant to the CMMC, parking for churches and other places of worship is based on the main auditorium or assembly area. One parking space is required for each three fixed seats or one space for every 35 square feet of seating area if there are no fixed seats. Eighteen lineal inches of bench are considered equal to one fixed seat. The project proposes 270 fixed bench seats. Therefore, the project is required to include 90

parking spaces. The proposed parking lot includes a total of 90 parking spaces and therefore complies with the requirements. In order to encourage active transportation, a condition of approval is recommended to install a bike rack on site. The bike rack would increase the total provided parking up to 91 spaces.

The adjacent right of way does not include a public sidewalk. As part of the project, a new sidewalk will be installed at the front of the property pursuant to the direction of the Public Works Department.

***Fences and Walls***

The project site is proposed to be completely enclosed by walls and fencing, including gates across each of the site’s three driveways. The front wall along Fischer Avenue proposes to include a low block wall with tubular steel fencing on top with a maximum height of 8 feet. The fencing will be visually transparent, and the required front landscaping will be visible through the fencing. The rest of the perimeter of the property is proposed to include a six-foot-tall block wall. The current designs of the walls complies with City standards. Final wall designs will be reviewed by staff prior to building permit issuance to ensure compliance with visibility requirements, and architectural compatibility with the proposed development.

***Landscaping***

The project proposes a total of 5,100 square feet of landscaping including a combination of native and Mediterranean plants to complement the architecture of the project. Proposed trees include Italian Cypress, Sweet Bay, Brisbane Box, Crape Myrtle, Fruitless Olive, and Medjool Date Palms. A variety of native and drought tolerant ground covers are also proposed and will cover 70 percent of the landscape area with the remainder of the ground to be covered by mulch or compost, as required by the City’s landscaping provisions. The applicant is proposing artificial turf in the front landscape setback. Pursuant to CMMC section 13-106(e), artificial turf may be installed up to 50% of the yard area visible from the public right of way subject to approval of the Planning Division. A summary of landscaping requirements is provided in Table 3 below.

**Table 2: Landscaping Summary**

	Requirement	Proposed
Tree Count	26	32
Shrub Count	204 (one shrub for every 25 square feet of landscape area)	400
Ground Cover	3,570 SF (70% of landscape area)	3,570 SF



Lighting is also required and will be provided in all parking areas, vehicular access areas, and on major walkways.

### ***Utilities***

As required, all new and existing utilities will be undergrounded consistent with CMMC requirements. Any new backflow preventers or related equipment shall be installed outside of the front landscape setback and be screened from the view from any location on or off the site.

## **ANALYSIS**

### ***Land Use and Zoning***

The proposed development is consistent with the Industrial Park Land Use Designation and the Industrial Park zoning designation. As indicated in the General Plan Land Use Element, the Industrial Park designation is intended to apply to large districts that contain a variety of industrial and compatible office and support commercial uses. Institutional uses may also be appropriate, provided that land use compatibility and traffic issues have been addressed. The application included a trip generation study which dictates the intensity of the development based on the number of trips and potential traffic. Additional discussion is below.

Pursuant to the CMMC, Industrial parks are characterized by large parcels and landscaped setbacks that create a campus-like environment. The proposed development is located on a lot that is double the minimum lot size permitted in the Industrial Park zone and proposes new landscaping throughout. The landscaped setbacks include a water feature, and a mix of Mediterranean and native landscaping which visually contribute to the proposed architecture.

Project conditions of approval have been included that require: the buildings can only be used for church-related activities and cannot be used for primary, secondary, or pre-school uses without City permission; the café's hours only be opened during normal church activities and not be open to the general public to ensure that it remains an ancillary use of the proposed church; and the gift shop only carry items related to the main church use to be compliant with the incidental retail sales requirement of CMMC 13-54(a).

In addition, the project has considered the surrounding developments and architecture. The proposed buildings are in the same general location as the existing structures and will be located next to parking lots and storage areas on adjacent parcels. Therefore, the development will have no impacts on privacy, views of natural features, or the surrounding properties abilities to develop in the future. There is no prevalent architecture in the area. The project complies with the General Plan Goals, Objectives, and Policies as described further below under "General Plan Conformance".

### **Average Daily Trips (ADT) and Floor Area Ratio (FAR)**

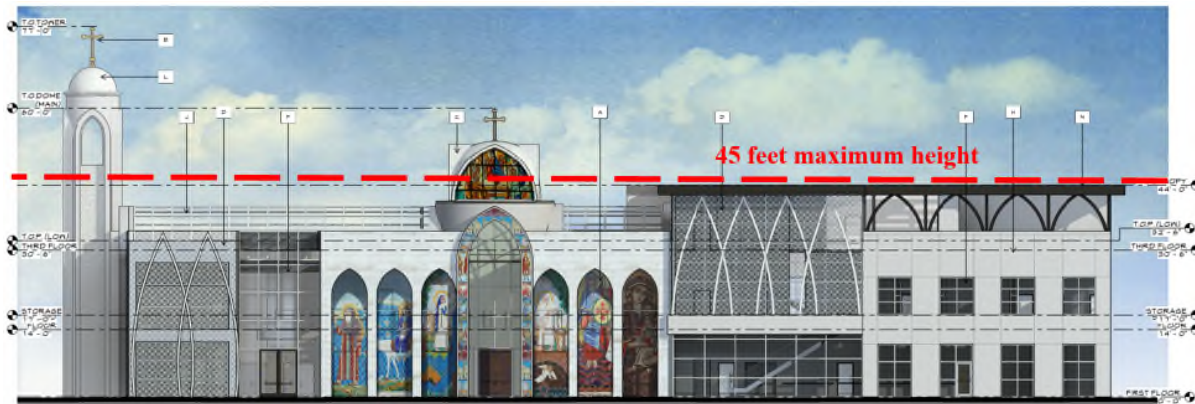
The City regulates development intensity through a FAR that is determined by the average number of daily trips generated by a proposed use. To determine the church's ADT, the applicant prepared a trip generation study, which was reviewed and approved by the City's Transportation Division and is attached to the report. The study concluded that the church would generate 2.44 ADT per 1,000 square feet, which qualifies the project for the very low traffic maximum FAR of 0.75. The project's FAR is calculated by dividing the gross building floor area by the lot area. Having a total floor area of 45,669 square feet divided by the lot size, the project's FAR is 0.65 and complies with code.

It should be noted that the standard metric for trip generation studies are to determine weekday trips even though the highest number of trips generated for church uses are on Sundays. Since the weekday rates are used, any future uses at the site would be limited to the church use or other very low traffic generating uses. Specifically, no schools or pre-schools could be established on the site through the very low traffic FAR. A condition has been included to require a Land Use Restriction be recorded to notify any future owners that the uses on the site are restricted to very low traffic uses.

### **Variance Request**

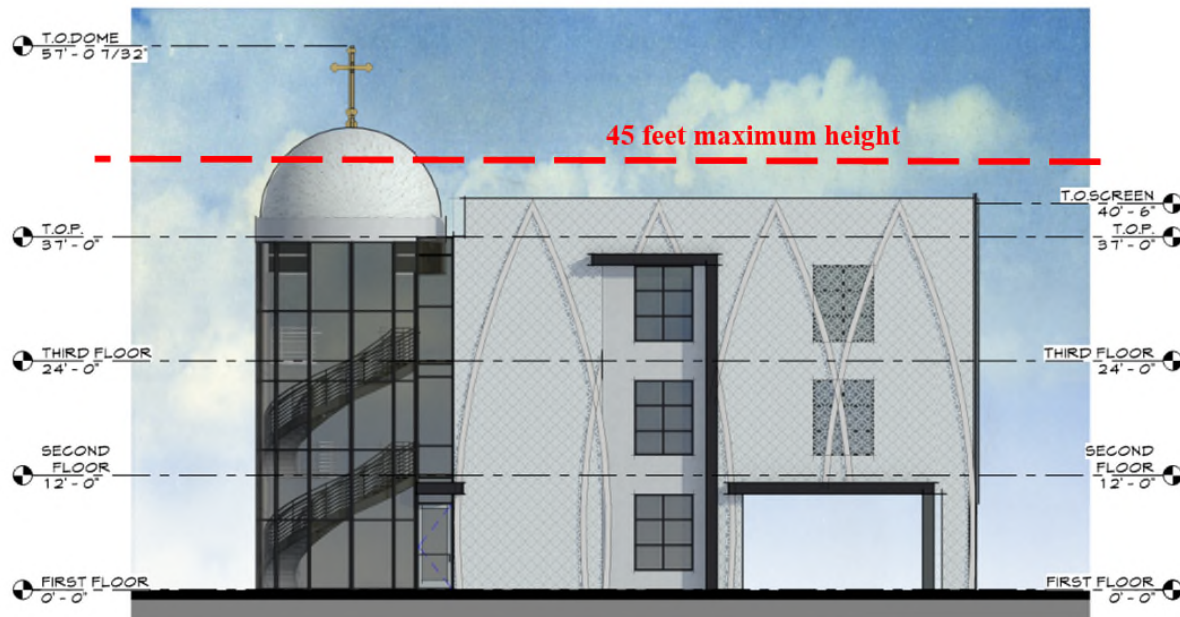
As indicated by the applicant letter, integral parts of the Coptic Church identity include towers and domes. The applicant is requesting a variance for these architectural elements to be incorporated into the design of the proposed development and to exceed the maximum permitted height in the MP zone of 45 feet (shown in red dashed line below in Exhibits D and E). The proposed worship building (Phase 4) includes a tower element with a cross above with a maximum height of 77 feet, and a dome with an additional cross with a maximum height of 60 feet. With the exception of the architectural elements, the maximum height of the building is 44 feet which complies with the height requirement.

**Exhibit D – South Elevation of Church**



The Sunday School building (Phase 1) also includes a dome with a cross above with a maximum height of 57 feet which exceeds the maximum permitted height. With exception of the dome, the building height is three stories and 40.5 feet which complies with the maximum height requirement.

**Exhibit E – South Elevation of Sunday School Building**



Pursuant to the CMMC, the approval of a variance requires that the Planning Commission make findings related to: (1) denying a variance shall not deprive such property of privileges enjoyed by others in the vicinity, (2) the granting of a variance shall not constitute the approval of a special privilege, and (3) the granting of the deviation will not allow a use, density, or intensity which is not in accordance with the property general plan designation. A detailed project analysis regarding variance findings is provided below in this report.

Pursuant to the General Plan Land Use Element, additional height may be permitted in the Industrial Park land use designation when compatible with adjacent development and provided uses are consistent with other constraints, such as height limits and use restrictions within John Wayne Airport influence area, as identified in the Safety Element. The project site is located under the horizontal surface for John Wayne Airport (JWA). To remain below the JWA Obstruction Imaginary Surface, from ground level, the structures must be below 171 feet. In addition to the Obstruction Imaginary Surface, the FAA notification surface would be penetrated at 56' – 6" above ground level and therefore the project requires an FAA notification by submitting Form 7460-1, Notice of Construction, or alteration. A condition has been added requiring that the applicants submit the form and provide the airspace determination to the City prior to the issuance of building permits.

**GENERAL PLAN CONFORMANCE**

The following analysis further evaluates the proposed project's consistency with applicable policies and objectives of the 2015-2035 General Plan.

1. **General Plan Land Use Element Industrial Park Land Use District:** Additional height may be permitted within the Industrial Park Land Use District when compatible with adjacent development and provided uses are consistent with other constraints, such as height limits and use restrictions within John Wayne Airport influence area, as identified in the Safety Element.

**Consistency:** The project site is located within the horizontal surface for John Wayne Airport (JWA) as established by the FAA. To remain below the JWA Obstruction Imaginary Surface, from ground level, structures would need to be below 171 feet. The area above this surface is reserved for air navigation. The maximum height of the development is below this surface requirement and therefore would not present a hazard to air navigation.

2. **Objective LU-2A:** Promote land use patterns and development that contribute to community and neighborhood identity.

**Consistency:** The project includes the construction of a new Coptic Church on a lot that is already occupied/used by the Church. The project proposes to use high quality materials and includes an improved site landscaping design, and therefore contributes to the community and neighborhood identity.

3. **Policy LU-3.8:** Ensure that new development reflects existing design standards, qualities, and features that are in context with nearby development and surrounding residential neighborhoods.

**Consistency:** The project will demolish the existing development and construct buildings that have been designed with architectural styles that incorporate modern, Mediterranean, and byzantine influences. Enhanced architectural elements have been included throughout the project. The surrounding neighborhood includes a wide range of architectural styles. Therefore, the proposed development is in context to nearby developments. The closest residential development, the Baker Block, is located approximately 400 feet from the subject property and includes modern design elements.

4. **Policy LU-3.13:** Prohibit construction of buildings which would present a hazard to air navigation, as determined by the Federal Aviation Administration (FAA).

**Consistency:** The project site is located within the horizontal surface for John Wayne Airport (JWA) as established by the FAA. To remain below the JWA Obstruction Imaginary Surface, from ground level, structures would need to be below 171 feet. The area above this surface is reserved for air navigation. The

maximum height of the development is below this surface requirement and therefore would not present a hazard to air navigation.

5. **Policy S-1.18:** Use the Federal Aviation Regulations as a guideline to establish the ultimate height of structures as defined in FAR Part 77.

**Consistency:** The project has been designed to comply with FAR Part 77. Pursuant to the JWA Obstruction Imaginary Surfaces, proposed structures would need to be below 171 feet as measured from ground level or mean sea level. The church tower (proposed highest structure) is 77-feet high, which is below this elevation.

## **FINDINGS**

Pursuant to the Costa Mesa Municipal Code, approval of each of the project's applications must be based on evidence in the administrative record that substantially supports the following review criteria and findings:

### ***Costa Mesa Municipal Code Section 13-29 (e) Review Criteria:***

- a. *Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.*

The proposed development is compatible and harmonious with development and uses on surrounding properties because the proposed buildings conform to all applicable development standards with the exception of the variance request for height. However, the additional height does not result in neighborhood site development incompatibilities. In addition, the use as a church is an existing permitted use in the zone.

- b. *Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.*

Safety and compatibility of the design of buildings, parking area, landscaping, lighting, and other site features have been considered for the proposed project in that all portions of the building and landscaping will comply with all building and fire codes. The landscaping will comply with required visibility triangles at the driveways. Pedestrian and bicyclist circulation has been considered in that the property will meet ADA accessibility requirements from the public right of way and that a bike rack will be installed on the property as conditioned. In addition, a new sidewalk will be constructed along the public right of way.

- c. *Compliance with any performance standards as prescribed elsewhere in this Zoning Code.*

The project, except for the height variance request, as proposed and conditioned, will comply with performance standards prescribed in the Zoning Code including the development standards, placement of mechanical equipment, landscape requirements, walls and applicable aviation safety regulations.

*d. Consistency with the general plan and any applicable specific plan.*

The property has a General Plan designation of Industrial Park. Under the General Plan designation, Church uses are allowed. As a result, the proposed project conforms to the City’s General Plan including aforementioned Objective LU-2A, Policy LU-3.8, Policy LU-3.13 and Policy S-1.18. The project site is not located in a specific plan area. Lastly, the General Plan Industrial Park Land Use District permits additional height as long as the height is consistent with the adjacent airport use, which it would be as proposed and conditioned.

**Costa Mesa Municipal Code Section 13-83.53 (d) Variance Findings:**

*a. Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.*

Although not under identical zoning classification, there are numerous churches within the community located in commercial, institutional and residential zoning districts with building heights that exceed the maximum permitted height by the CMMC, and several maintain greater height than the proposed project. The table below shows the location of several Costa Mesa churches and their applicable heights compared to the CMMC maximum allowed:

**Table 3: Churches exceeding maximum height in Costa Mesa**

	Zone	Permitted Height	Actual Height	Increased Height	Approval
The Crossing Church (2115 Newport Blvd.)	C2 (General Business)	30 feet	50 feet	20 feet	Variance – PA-99-07
Lighthouse Community Church (301 Magnolia Street)	I & R (Institutional and Recreational)	Four Stories south of the I-405	62 feet	NA	Pre-Incorporation
Saint Joaquin Catholic Church (1964 Orange Avenue)	R1 (Single-Family Residential)	27 feet	95 feet	68 feet	CUP C-213
Presbyterian Church of the Covenant (2850 Fairview Road)	I & R (Institutional and Recreational)	Four Stories south of the I-405	60 feet	NA	CUP C-12



First United Methodist Church (420 West 19th Street)	C2 (General Business)	30 feet	75 feet	45 feet	Pre-Incorporation
Harbor Light Community Church (1734 Orange Avenue)	R2-MD (Multiple Family Residential)	27 feet	64 feet	37 feet	Pre-Incorporation

While there is precedent for churches to exceed the maximum building height allowed in Costa Mesa as indicated in the above Table 2, only the “Crossings Church” located at 2115 Newport Boulevard obtained a variance to exceed the maximum permitted height (several of the other church sites were developed prior to incorporation of the City and therefore do not include records for project height conformance, as approved by the County). The “Crossings Church” was approved with a maximum height of 50 feet and variance findings were made that the project site is large (4.5 acres) and the development is proportional to the developments in the area, the location is over 200 feet from the nearest residence, there are no views from the second-story level which would cause privacy impacts, and the building is set back a minimum of 45 feet from the front property line. Staff believes that similar project findings can be made in regard to special property circumstances in that the subject project site is over 1.5 acres in size, the proposed church is proportional to other developments in the area (including the Baker Block apartment complex which is located approximately 400 feet from the proposed project site and was constructed with a maximum building height of 63 feet), the additional height would not cause privacy impacts, and the proposed front building distance from the front property line exceeds the required Industrial Park Zoning District front-yard setback.

Additionally, a critical design component of a church is to include architectural elements that create a church’s identification which stand-out among surrounding buildings. For example, the increased height of church architectural features are intended to attract followers to the church, and are meant to focus people in the direction of the heavens. Staff believes that the strict application of the Industrial Park Zone maximum 45-foot height requirement, relatively flat topography in the surrounding area, and the adjacent commercial neighborhood pattern of multi-story development is a special circumstance that would deprive the proposed church of important architecture enjoyed by other churches in the community. In addition, the General Plan Land Use Element permits additional height in the Industrial Park Land Use District as long as the height is consistent with the adjacent airport use, which it would be as proposed.

- b. The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

The deviation for the height variance is for architectural features only. In addition, there are other Churches in Costa Mesa which include architectural features constructed above the CMMC permitted maximum height, and the General Plan Land Use Element permits additional height in the Industrial Park Land Use District. Each project is reviewed independently based on each specific location and project details, and therefore the height variance would not constitute a grant of special privileges.

- c. The granting of the deviation 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 request for a height variance does not affect the use, density, or intensity of the project because the steeple and domes will not contain usable space. The project will not negatively impact public health, safety, and welfare in that the project will comply with all building and fire code requirements. Lastly, the General Plan Land Use Element specifies that within the "Industrial Park" Land Use District "additional height may be permitted when compatible with adjacent development and provided uses are consistent with other constraints, such as height limits and use restrictions within John Wayne Airport influence area, as identified in the Safety Element. The project site is located under the horizontal surface for John Wayne Airport (JWA). For the proposed project to remain below the JWA Obstruction Imaginary Surfaces, proposed structures would need to be below 171 feet as measured from ground level. The church tower is proposed a maximum of 77-feet high, which is below this surface.

## **ENVIRONMENTAL DETERMINATION**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32), In-Fill Development. Under Class 32, a project site must be less than five-acres in area, have no significant environmental effects, be consistent with the General Plan and Zoning Code, have adequate utilities to serve the site, have no valuable habitat for endangered species, will not result in significant effects relating to traffic, noise, air quality, or water quality, and the site must be adequately served by all required utilities and public services to be considered exempt from the provisions of CEQA. The proposed project meets the aforementioned CEQA exemption conditions as described below:

- The project is consistent with the zoning designation and the General Plan because it complies with all applicable development standards with the exception of the variance request. However, the General Plan does permit additional height in the Industrial Park Land Use District.

- The proposed development occurs entirely within the City of Costa Mesa on a lot size of 69,547 square feet (1.6 acres).
- The existing disturbed project site has no value as a habitat for endangered, rare, or threatened species, and includes two industrial developments, associated parking lots, and additional paving.
- Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The anticipated trip generation can be accommodated by the existing traffic infrastructure. In regards to short-term noise related to construction, construction activities generally are temporary and have a short duration, resulting in periodic increases in the ambient noise environment. Ground-borne noise and other types of construction-related noise impacts would typically occur during the site grading phase. Generally, this phase has the shortest duration of all construction phases. High ground borne noise levels and other miscellaneous noise levels can be created during this phase due to the operation of graders, tractors, and backhoes. Municipal Code Section 13-279 limits construction activities between 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday. Construction activities are not allowed on Sundays or Federal holidays.
- The current uses on-site are adequately served by all required utilities and public services and these existing services can also accommodate the remodeled church.

Based on this analysis, the proposed development project meets all criteria for a Class 32 Categorical Exemption pursuant to CEQA Guidelines Section 15332.

## **ALTERNATIVES**

As an alternative to the recommended action the Planning Commission may:

1. 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 hearing 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 with a revised Resolution incorporating new findings and/or conditions.

Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings and criteria for approval, the Planning Commission should deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six-months.

## **LEGAL REVIEW**

The draft Resolution and this report have 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 the date this report was circulated, no written public comments have been received. Any public comments received prior to the May 28, 2024, Planning Commission meeting will be provided separately.

## **CONCLUSION**

Approval of the Variance and Development Review would allow for a new community building to be constructed in conformance with the City's Zoning Code and General Plan. The project is designed with high quality materials and finishes, is compliant with applicable development standards, with the exception of the variance request for architectural elements of the building to exceed the maximum height, and the design would result in a general enhancement of the area. Therefore, staff recommends approval of the Variance and Development Review.