

**RESOLUTION NO. PC-2024-****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION TO RENOVATE AND EXPAND CHRIST LUTHERAN CHURCH AND SCHOOL LOCATED AT 760 VICTORIA STREET**

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

WHEREAS, Planning Application 23-15 was filed by James Cleveland, authorized agent for the property owner, Christ Lutheran Church, requesting approval of the following: Planning Application 23-15 is a Conditional Use Permit (CUP) to allow for the renovation and expansion of an existing school ("Christ Lutheran School");

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 11, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities; and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby APPROVES Planning Application 23-15 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 23-15 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 11<sup>th</sup> day of March, 2024.**

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Adam Ereth, 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-2024- \_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on March 11, 2024 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2024-\_\_

## EXHIBIT A

### **FINDINGS**

- A. Pursuant to Title 13, Section 13-29(g)(2), Conditional Use Permit, of the Costa Mesa Municipal Code, in order to approve the project, the Planning Commission must find that, based on the evidence presented in the administrative record, the proposed project substantially meets specified findings. Staff recommends approval of the requested use based on the following assessment of facts and findings, which are also reflected in the draft resolution.

**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 Findings:** The proposed development is substantially compatible with the residential and institutional uses in the vicinity and would not be materially detrimental to other properties. The church and school use has existed at this location for several decades with minimal code violations. An existing gymnasium at the project site will be renovated with a minor expansion to its footprint and the addition of a mezzanine area. In addition, other updates to existing on-site classrooms and kitchen/cafe facilities are proposed. The scope of the modifications will modernize the school to meet the needs of its student population. While the gymnasium building's east elevation will have a different appearance, the height of the building is equal to or less than the height of other on-site buildings. The first and second floor along the easterly side of the gymnasium building will be modified by raising the pitch of the roof (but not modifying the existing ridgeline maximum height) and adding several new clerestory windows. The clerestory windows would allow natural light into the gymnasium building at the roof level without impacting neighborhood privacy.

**Finding:** 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.

**Facts in Support of Finding:** The school's operations, including circulation, parking, and operational hours are not proposed to change and were previously entitled to minimize conflicts with surrounding properties and improvements within the immediate neighborhood. The proposed improvements have been reviewed by City staff including Transportation and no design or operational deficiencies were noted. The site layout and operations will remain substantially the same as it has been for many years. For example, vehicle queuing within the project site is well coordinated to minimize mixing of pedestrians and vehicles and to provide clearly defined walkways for safe pedestrian travel. There is also sufficient parking lot area to avoid vehicle queuing onto the adjacent public rights-of-way. Outdoor activity

areas are centrally located on the site to prevent adjacent residential neighborhood impacts.

**Finding:** 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.

**Facts in Support of Finding:** This application is for the on-site expansion of an existing school use that generally includes additions and modifications to existing structures within the limits of previously approved entitlements. The site's floor area would be increased but will remain within the allowable Floor Area Ratio of 0.25. The existing use of a school and church would remain the same and are permitted uses within the Medium Density Residential (MDR) General Plan land use designation and Single-Family Residential (R1) zoning classification subject to approval of a conditional use permit. Per the Land Use Element of the City's General Plan, the MDR land use designation is appropriate for both schools and religious institutions provided those uses do not exceed the applicable Neighborhood Commercial FAR. There are no Specific Plans provisions applicable to this site. The proposed school renovation would provide for an improved educational environment that supports the City's goals of providing high quality and diverse services to residents.

- B. The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use. Additions to existing structures are exempt provided that the addition will not result in an increase of more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. This proposal includes the expansion of a building including 3,078 square feet of floor area for a mezzanine and circulation areas and 400 square feet of additional classroom area on the first floor. The cumulative added square footage to the site is consistent with the allowable FAR for the land use designation of the site. The location of the project site is within an area where all public services and facilities are available and is not within an environmentally sensitive area. The project site is developed with an existing school and church, the proposed renovations would not pose any new significant environmental impacts to the site or surrounding area as previous entitlements have accounted for incremental changes made to the site.

The project is consistent with the applicable General Plan land use designation and General Plan policies as well as with the applicable zoning designation and regulations. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location, and would not impact

any historic resources. Lastly, the project is exempt from the requirement of a VMT analysis.

- C. The project is not subject to a traffic impact fee, pursuant to 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 described in the staff report and applicant's letters dated March 6, 2024, subject to conditions. Any change in the operational characteristics including, but not limited to, hours of operation, maximum enrollment number, or reducing onsite parking, shall be subject to Planning Division review and may require an amendment to the minor/conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. All previously approved entitlements and conditions of approval shall be complied with except where superseded by this approval. 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. Approval of the planning/zoning application is valid for two 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 has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 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.
3. Any change in the operational characteristics of the use shall be subject to Planning Division review 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.
4. 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.

5. If any section, division, sentence, clause, phrase or portion of this resolution is 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.
6. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
7. 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.
8. The school shall not accommodate more than 410 students. The applicant shall also meet all State and local (Building and Fire) occupancy limitations or requirements.
9. The regular hours for which children are present shall be from 7:00 AM to 6:00 PM, Monday through Friday. Special events may occur beyond these hours.
10. The school shall maintain a minimum of 260 parking spaces.
11. During operation, the Applicant shall maintain and enforce the pick-up and drop-off schedule set forth in the Applicant's Operation Plan to prevent adverse traffic conditions.
12. During operation, the Applicant shall evaluate site access during peak times to identify any operational issues with vehicle parking and queueing. If operational problems arise, the Applicant shall recruit a qualified professional to prepare a traffic circulation study identifying causes and solutions. Recommended actions from the traffic circulation study shall be implemented to the satisfaction of the Public Works Department.
13. Prior to issuance of a building permit, project plans shall demonstrate location of designated staff parking stalls along vehicle queueing path.
14. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the applicant and, where applicable, the Authorized Agent, for reference.
15. The conditions of approval, code requirements, and special district requirements for PA-23-15 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
16. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the Building Division's final inspections.



This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

17. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
18. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
19. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
20. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
21. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
22. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
23. A landscaping plan shall be submitted for Planning Division Review and shall comply with the City's landscaping requirements and any applicable guidelines (i.e. Water Efficient Landscape Guidelines)".

24. Existing mature trees shall be retained wherever possible. Should it be necessary to remove existing trees, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed and may be required on a 1:1 basis. This requirement shall be completed under the direction of the Planning Division
25. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
26. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the neighboring uses to the fullest extent that is reasonable and practicable. The plan shall include construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes. The plan should mitigate disruption during construction. The truck route plan shall preclude truck routes through residential areas and major truck traffic during peak hours. The total truck trips to the site shall not exceed 200 trucks per day (i.e., 100 truck trips to the site plus 100 truck trips from the site) unless approved by the Development Services Director or Transportation Services Manager. Any construction access from the neighboring properties will require property owner permission.
27. Prior to issuance of grading permits, developer shall identify to the Development Services Director a construction relations officer to act as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
28. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted. This condition relates to visually prominent features of scuppers or downspouts that not only detract from the architecture but may be spilling water from overhead without an integrated gutter system which would typically channel the rainwater from the scupper/downspout to the ground. An integrated downspout/gutter system which is painted to match the building would comply with the condition. This condition shall be completed under the direction of the Planning Division.
29. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to residential areas either within the garages or within the side yard areas (behind fences).
30. Coordinate with the Public Services department for the selection and siting of new street trees and comply with adopted streetscape standards.
31. A Lot Line Adjustment (LLA) application will be required by the Planning division prior to the issuance of building permits for the merging of parcels 422-412-39 and 422-412-40.

32. A Minor Conditional Use Permit (MCUP) application will be required by the Planning division prior to the issuance of building permits for the approval and operation of any temporary structures constructed onsite, including but not limited to, temporary classrooms and lunch shelters.
- Eng 33. E1. In order to comply with the 2003 Drainage Area Management Plan (DAMP), the proposed Project shall prepare a Water Quality Management Plan conforming to the Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, prepared by a Licensed Civil Engineer or Environmental Engineer, which shall be submitted to the Department of Public Works for review and approval.
- a) A WQMP (Priority or Non-Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
- b) Location of BMPs shall not be within the public right-of-way.

### **CODE REQUIREMENTS**

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Development shall comply with all requirements of Article 1, Chapter 5, Title 13, of the Costa Mesa Municipal Code relating to development standards for residential projects.
2. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
3. All on-site utility services shall be installed underground.
4. Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation vault, wall cabinet, or wall box under the direction of the Planning Division.
7. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
8. All unpaved areas visible from public right-of-ways shall be landscaped and the landscaping shall be maintained in a healthy condition, free of dying, dead, diseased, decayed, discarded, and/or overgrown vegetation.
9. Trash facilities shall be screened from view, and designed and located appropriately to minimize potential noise and odor impacts to neighbors.

10. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
11. Transformers, backflow preventers, and any other approved above-ground utility improvements shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
- Bldg. 12. Prior to building permit issuance, the conditions of approval shall be on the approved Architectural plans.
13. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer
14. Comply with the requirements of the current adopted codes, 2022 California Building Code, California Electrical code, California Mechanical code, California Plumbing code, California Green Building Standards Code, California Energy Code, 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 California Building Code.
15. A change of occupancy shall require compliance with 2022 California Building codes and Disabled access requirements of Chapter 11B of the 2022 California Building Code.
16. Prior to building permit issuance, the Applicant shall submit a plan to the County of Orange Health Dept. for review and approval.
17. A change of occupancy shall require compliance with 2022 California Building codes and Disabled access requirements of chapter 11B of the 2022 California Building Code.
20. Submit a precise grading plans, an erosion control plan and a hydrology study. A precise grading plan shall not be required if any of the following are met: 1- An excavation which does not exceed 50 CY on any one site and which is less than 2 ft in vertical depth, or which does not create a cut slope greater than 1 ½:1 (excluding foundation area). 2- A fill less than 1 foot in depth placed on natural grade with a slope flatter than 5:1, which does not exceed 50 CY on any one lot and does not obstruct a drainage course. 3- A fill less than 3 ft in depth, not intended to support structures, which does not exceed 50 CY on any one lot and does not obstruct a drainage course. Prior to issuing the Building permit, the rough grading certificate shall be submitted to the Building Div.
20. Submit a soils report for this project. Soil's Report recommendations shall be blueprinted on both the architectural and the precise grading plans.
- Fire 21. Comply with the requirements of the 2022 California Fire Code and referenced standards as amended by the City of Costa Mesa.

- 22. Comply with the requirements of the California Fire Code as adopted by the Costa Mesa Fire & Rescue Department. Comply with NFPA 13 for sprinklers, NFPA 72 for the alarm, and CFC 2022 section 452 for the classrooms.
- Bus. Lic. 18. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

## **SPECIAL DISTRICT REQUIREMENTS**

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

- AQMD 1. Applicant shall contact the Air Quality Management District (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD.
- 2. Prior to the Building Division (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 Division will not issue a demolition permit until an identification number is provided by AQMD.

- Cable 3. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
- Sani. 4. It is recommended that the applicant contact the Costa Mesa Sanitary District at (949) 645-8400 for current district requirements.
- State 5. Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants (RIFA) exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information.
- Water 6. Customer shall contact the Mesa Water District – Engineering Desk and submit an application and plans for project review. Customer must obtain a letter of approval and a letter of project completion from Mesa Water District.