



PLANNING COMMISSION AGENDA REPORT

U.S.

MEETING DATE: SEPTEMBER 27, 2004

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-01-44
2115 NEWPORT BOULEVARD

DATE: SEPTEMBER 16, 2004

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, SENIOR PLANNER
(714)754-5153

DESCRIPTION

The applicant is requesting an extension of time to allow the retention of the temporary church facilities for an additional 2-1/2 years.

APPLICANT

Dan Steward is representing the property owner The Crossing Church.

RECOMMENDATION

Extend the minor conditional use permit for an additional 2-1/2 years, to expire April 1, 2007.

W Bouwens-Killeen

WILLA BOUWENS-KILLEEN
Senior Planner

Kimberly Brandt

KIM BRANDT
Senior Planner

BACKGROUND

On April 1, 2002, City Council approved Planning Application PA-01-44, which permitted installation of temporary church facilities, consisting of a 7,910 sq.ft. tent and ancillary modular buildings. The approval was granted for a period of 2-1/2 years; however, the applicant could request an additional 2-1/2 year extension of time, for a maximum total of 5 years, if they demonstrated the church has made sufficient progress towards the construction of a new sanctuary. The condition stipulated that "sufficient progress" could include the sale of their Orange Avenue/23rd Street property and entry into the redesign phase of the auditorium, towards the construction of the new sanctuary. The initial 2-1/2 year approval period expires October 1, 2004.

ANALYSIS

The church's justification that "sufficient progress" has been made includes the following:

1. The church sold their property at 190 23rd Street to the Olson Company, who received approval for a 25-unit, small lot subdivision under PA-03-47 on April 26, 2004.
2. Plans for the auditorium project (Phase I of Phase II portion of the church complex) were submitted to the Building Division in April 2004.
3. The applicant entered into a Letter of Intent with Lusardi Construction Company with the intention to begin construction of the assembly building by the end of this year.

Use of the tent for services has not generated any noise complaints. The applicant still intends on removing the tent structure by the April 1, 2007.

ALTERNATIVES

The Planning Commission can either approve or deny the requested extension of time. Should Planning Commission decide to deny the request, Planning staff recommends that the Commission set a deadline for the removal of the temporary structures.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

No noise complaints regarding the church property have been received. The church is progressing towards the construction of their new sanctuary and should be able to remove the temporary church facilities by the final April 1, 2007, deadline approved by the City Council.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Original City Council staff report for PA-01-44
Original Planning Commission staff report for PA-01-44
Location Map
Airphoto
Color rendering of tent

Distribution: Deputy City Mgr.-Dev. Svs. Director
Sr. Deputy City Attorney
Public Services Director
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Mr. Dan Steward
The Crossing Church
2115 Newport Boulevard
Costa Mesa, CA 92627

File: 092704PA0144EXT	Date: 091304	Time: 1145a.m.
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RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING AN
EXTENSION OF TIME FOR PLANNING APPLICATION PA-
01-44**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Dan Steward/Crossing Church with respect to the real property located at 2115 Newport Boulevard, requesting approval of an extension of time to allow for the retention of temporary church facilities in the C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 27, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** the extension of time for Planning Application PA-01-44 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 PA-01-44 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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.

PASSED AND ADOPTED this 27th day of September, 2004.

Chair, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29 (g)(2) because the temporary tent continues to be substantially compatible with developments in the general area and that the applicant has made sufficient progress towards the construction of the new sanctuary.
- B. The extension of time is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The applicant is reminded that all conditions of Planning Application PA-01-44 still apply.



PA-01-44

August 10, 2004

Planning Commission
77 Fair Drive
Costa Mesa, CA 92628-1200
Re: Planning application PA-01-44

To Whom It May Concern:

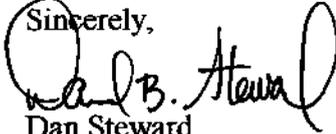
As of April 1, 2002, the City Council approved Conditional Use Permit PA-01-44 which permitted the installation of a temporary auditorium on the church campus located on 2115 Newport Blvd. in the city of Costa Mesa. We were originally granted approval for 2 ½ years which allowed the church to apply to extend the time providing proof that we had made sufficient progress moving towards the construction of a permanent auditorium.

The purpose of this letter is cooperate with the condition of approval #1. Enclosed, please find the evidence justifying our progress which you've requested upon the expiration of the first 2 ½ years including the completed application form, the labels to send out to property owners and a check in the amount of \$285.00. I am convinced that we have proved sufficient progress and diligence on our part by meeting the criteria under the conditions of approval thus, qualifying us for another 2 ½ year of use under the currently approved Conditional Use Permit.

The proof of our sufficient progress is evidenced by the following:

- ✦ The completed sale of property on 190 E. 23rd Street and close of escrow (Exhibit A).
- ✦ Completion of design and engineering of phase I of the II phase project to construct the new permanent auditorium (you have copy of the plans in the Building Department).
- ✦ Completed floor plans of phase II of the auditorium (Exhibit B).
- ✦ Submittal of Phase I plans and engineering to the City of Costa Mesa Planning and Building Department (you have access to this information).
- ✦ A Copy of our letter of intent to Lusardi Construction Company to begin construction on phase I within the year 2004 (Exhibit C).

I believe that the above noted progress would prove to be "sufficient" evidence demonstrating our due diligence in this matter. If you have further questions please feel free to contact me at 949.645.5050 #1525.

Sincerely,

Dan Steward
Associate Pastor

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East Campus (Offices)
190 East 23rd Street, Costa Mesa, California 92627
www.crossingonline.com (SOLD)

West Campus (Services)
2115 Newport Boulevard, Costa Mesa, California 92627
949.645.5050 FAX 949.645.3547

Exhibit A

PA-01-44



Fidelity National Title Company

4041 MacArthur Blvd., Suite 490 • Newport Beach, CA 92660
(800) 421-8111 • FAX (949) 477-6814

DATE: June 16, 2004

TIME: 10:25:04

ESCROW NO: 880834-MV

ESCROW OFFICER: Mickey M. ...

CLOSING DATE: June 16, 2004

SELLER FINAL CLOSING STATEMENT

SELLER(S): Calvary Church Newport Mesa

BUYER(S): Olson 737 - Costa Mesa 1, LLC

PROPERTY: 190 E. 23rd St. / 170 E. 23rd St. / 2337 Orange Ave., Costa Mesa, CA 92627

\$ DEBITS \$ CREDITS

FINANCIAL:

Total Consideration

TITLE CHARGES:

CLTA Standard Policy - 1990 Form for
Documentary Transfer Tax

ESCROW CHARGES

Escrow Fee
Doc Prep Fees

PAYOFFS - Evangelical Christian Credit Union

Total Payoff \$:
Principal Balance
Interest to 05/29/04
Interest Fr. 05/29/04 To 06/17/04
Forwarding/Demand Fee
Reconveyance Fee

PAYOFFS - Evangelical Christian Credit Union

Total Payoff \$:
Principal Balance
Interest to 05/29/04
Interest Fr. 05/29/04 To 06/17/04
Forwarding/Demand Fee
Reconveyance Fee

NET PROCEEDS DUE SELLER \$

TOTALS \$

SAVE THIS STATEMENT FOR INCOME TAX PURPOSES

Exhibit C

PA-U 44

LETTER OF INTENT

This Letter of Intent is executed by and between **THE CROSSING** ("Owner") and **LUSARDI CONSTRUCTION COMPANY** ("Contractor").

Owner intends to hire Contractor for the purpose of serving as general contractor for the construction of an approximately 17,050 square foot facility known as The Crossing - Phase II (hereinafter referred to as the "Project") for the lump sum price of \$1,830,105. Said Project is situated in Costa Mesa, CA.

Contractor will begin to procure long lead items such as structural steel, reinforcing steel, steel studs, etc. These commitments of Owner and Contractor are the result of mutual reliance by each upon the other. Contractor, in reliance upon this understanding, shall incorporate the subject Project into its work schedule and shall forbear from accepting construction work, which would make Contractor's performance of the subject work impossible.

In the event financing is not obtained or Owner does not sign a construction agreement with Contractor, this Letter of Intent shall become null and void. Owner agrees that if this Letter of Intent becomes null and void, Owner will reimburse Contractor for the cost of preconstruction and procurement activities plus overhead and profit.

"OWNER"

"CONTRACTOR"

THE CROSSING

LUSARDI CONSTRUCTION COMPANY

By: [Signature]

By: [Signature] 6/16/04
Jeff Jenko - Vice President

Date: 6/15/04

Date: June 10, 2004

RESOLUTION NO. 02-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-01-44.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Dan Steward of Calvary Church Newport Mesa, with respect to the real property located at 2115 Newport Boulevard, requesting approval of a minor conditional use permit to allow a temporary facility (tent) for no more than 5 years with a variance to allow a 36-foot high tent in the C2 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 25, 2002; and;

WHEREAS, on February 25, 2002, Planning Commission denied Planning Application PA-01-44; and

WHEREAS, Planning Application PA-01-44 was appealed to City Council on February 28, 2002; and

WHEREAS, the City Council held a duly noticed public hearing on April 1, 2002;

WHEREAS, notwithstanding that the application requested that the temporary facility be allowed for a maximum of 5 years, the City Council hereby approves the request for an initial 2 ½ years as more specifically set forth in condition of approval No. 1 in Exhibit "B".

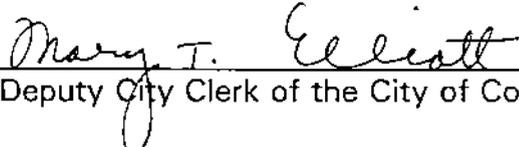
NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the City Council hereby approves Planning Application PA-01-44 with respect to the property described above.

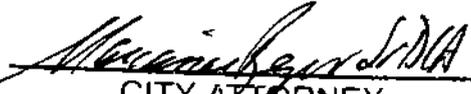
BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-01-44, and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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.

PASSED AND ADOPTED this 1st day of April, 2002.


Mayor of the City of Costa Mesa

ATTEST:


Deputy City Clerk of the City of Costa Mesa

APPROVED AS TO FORM

CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, MARY T. ELLIOTT, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 02-21 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 1st day of April, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 2nd day of April, 2002.

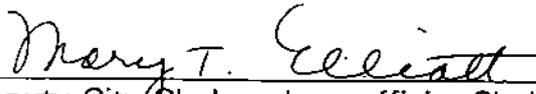

Deputy City Clerk and ex-officio Clerk of
the City Council of the City of Costa Mesa

EXHIBIT "A"**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed temporary tent is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity.
- B. The project, as conditioned, is consistent with Chapter IX, Article 11, Transportation System Management, of Title 13, of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. Approval of the zoning action is valid for two and one-half (2-1/2) years and will expire at the end of that period unless the applicant applies for and is granted an extension of time. An additional two and one-half (2-1/2) years extension, for a maximum total of five (5) years, may be granted if the Church submits proof that they have made sufficient progress, including the sale of the Orange Avenue/23rd Street property and entry into the redesign phase of the auditorium, towards the construction of the new sanctuary.
2. Applicant is reminded that all applicable conditions of PA-99-07/08 still apply.
3. Prior to expiration of the subject permit, or prior to release of the certificate of occupancy for the new sanctuary, the tent and all related support materials as well as the temporary modular building shall be removed.
4. Prior to issuance of the certificate of occupancy for the temporary structure, the applicant shall conduct and submit a sound study showing that amplified music shall not exceed limits of the City of Costa Mesa noise ordinance, with maintenance of existing ambient noise levels if possible, at the property line. The sound system shall be installed with the direction of a sound engineering service to assure compliance with the condition of approval. This condition shall be completed under the direction of the Development Services Department.

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. 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.
- 2. The parking structure must be finalized by the Building Division and available for use prior to use of the temporary tent and modular building.
- Bldg. 3. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
- Fire 4. Structure must meet the requirements of the Building and Fire Departments.
- Eng. 5. Provide flood protection for 100-year storm.
- Trans. 6. Fulfill mitigation of off-site traffic impacts at the time of issuance of occupancy by submitting to the Planning Division the required traffic impact fee pursuant to the prevailing schedule of charges adopted by the City Council. The traffic impact fee is calculated including credits for all existing uses. At the current rate per trip end, the traffic impact fee is estimated at \$4,125.00. NOTE: The traffic impact fee will be recalculated at the time of issuance of Certificate of Occupancy based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- 7. Fulfillment of this fee shall be applied as credit toward the balance of the traffic impact fee for PA-99-07/08. Credit shall be granted upon completion of construction of permanent church buildings AND removal of temporary tent structure and modular trailer.

SPECIAL DISTRICT REQUIREMENTS

The requirement of the following special district is hereby forwarded to the applicant:

- Sani. 1. Developer shall contact the Costa Mesa Sanitary District at (949) 631-1731 for current district requirements.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT
PLEASE CONTACT THE PLANNING DIVISION
AT (714) 754-5245.**