



PLANNING COMMISSION AGENDA REPORT

VI.2

MEETING DATE: JANUARY 14, 2008

ITEM NUMBER:

**SUBJECT: REVIEW, MODIFICATION, AND/OR REVOCATION OF MASTER PLAN ZE-81-74
320 E. 18TH STREET (FORMERLY KLINE SCHOOL)**

DATE: JANUARY 3, 2008

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

Review, modification, and/or revocation of Master Plan ZE-81-74, for a preschool expansion that eventually became a private K through 8 school with off-site parking, drop-off and pick-up for Kline School, which has vacated the site.

APPLICANT

The request was initiated by the City of Costa Mesa; Newport Investment Strategies, LLC is the owner of the property.

RECOMMENDATION

Revoke ZE-81-74 by adoption of Planning Commission resolution.



MEL LEE, AICP
Senior Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The subject property contains a 2,342 square foot building formerly operated as a private K through 8 school (Kline School). Kline School has relocated to another site in the City.

On November 13, 2007, Planning Commission revoked the following land use entitlements for this property as a result of the relocation of Kline School: Zoning Application ZA-06-48, and conditional use permits PA-86-103 and PA-86-121.

An earlier Master Plan, ZE-81-74, was not included with the other entitlements being revoked and is being brought forward separately for revocation.

The actions related to the subject property are summarized in the table below.

| CHRONOLOGY OF ACTIVITIES RELATED TO 320 E. 18TH STREET (FORMERLY KLINE SCHOOL) | |
|--|---|
| DATE | ACTIVITY |
| April 13, 1981 | Master Plan ZE-81-74 to allow an expansion of a preschool originally part of First Baptist Church (now Lighthouse Church) and a temporary trailer for security guards. |
| June 23, 1986 | Conditional Use Permit PA-86-103 for a private elementary school approved by Planning Commission with a condition of approval requiring the applicant to obtain approval of a separate conditional use permit for the use of 20 off-site parking spaces from the adjacent church property at 301 Magnolia Street (Lighthouse Coastal Community Church). |
| July 28, 1986 | Conditional Use Permit PA-86-121 to allow the use of 20 off-site parking spaces on the church parking lot per the requirements of PA-86-103 approved by Planning Commission. |
| August, 1987 | Property purchased by Kline School. |
| May 22, 1995 | Conditional Use Permit PA-95-29 for a temporary (5-year) modular classroom building on the church parking lot approved by Planning Commission. |
| October 16, 2000 | Minor Conditional Use Permit ZA-00-19 for an extension of time for the modular classroom building upheld by City Council on appeal. |
| June, 2006 | Agreement between Kline School and church for off-site parking and modular classroom building terminated; modular classroom building removed from church site. |
| August 14, 2006 | Minor Conditional Use Permit ZA-06-48 to allow temporary (1-year) weekday curbside drop-off and pick-up, and to allow up to five (5) staff vehicles to park on the street, approved by Planning Commission. |
| July 23, 2007- August 27, 2007 | Extension of time for Minor Conditional Use Permit ZA-06-48 denied by Planning Commission. Commission directed staff to initiate revocation of PA-86-103, PA-86-121, and ZA-06-48. |
| September 10, 2007 | Conditional Use Permit PA-07-25 to relocate Kline School to 1620 Adams Avenue approved by Planning Commission. |

ANALYSIS

Code Section 13-29(o) allows the Planning Commission to modify or revoke any planning application if it is found to be a public nuisance or not in compliance with the conditions of approval. In this case, the use has ceased the operation at the site and the Planning Commission directed staff to initiate the revocation of the planning applications. The current owner of the property is proposing to rezone the property to R2-MD in conjunction

with a City Council screening request to amend the General Plan designation of the property, which was approved by Council on December 4, 2007.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15321 for Enforcement Actions by Regulatory Agencies.

ALTERNATIVES

The Commission may take no action to revoke the master plan; if the application is not revoked, it would continue to remain in place for the subject property.

CONCLUSION

Revocation of the master plan will ensure that a new school cannot be established at the site without the approval of a new application if a school is ever proposed to be re-introduced at the site.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Minutes of the November 13, 2007 Planning Commission Meeting
 Staff Report for ZE-81-74
 Location Map
 Site Plan

cc: Deputy City Manager-Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Newport Investment Strategies, LLC
620 Newport Center Drive, Suite 400
Newport Beach, CA 92660-8004

Phillip R. Schwartze
The PRS Group
31872 San Juan Creek Circle
San Juan Capistrano, CA 92675

Howard Denghausen
343 Magnolia Street
Costa Mesa, CA 92627

Beth Refakes
320 Magnolia Street
Costa Mesa, CA 92627

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA REVOKING MASTER PLAN ZE-81-74**

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

WHEREAS, staff initiated revocation of the land use entitlements related to the operation of a school on the subject property as a result of the existing school (Kline School) being relocated to another site within the City; and

WHEREAS, Master Plan ZE-81-74 was not included with the other entitlements being revoked and is being brought forward separately for revocation; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 14, 2008 to review, modify, and/or revoke the master plan.

BE IT RESOLVED that, based on the evidence in the record and subject to the findings contained in Exhibit "A", the Planning Commission hereby **REVOKES** Master Plan ZE-81-74 with respect to the property described above.

PASSED AND ADOPTED this 14th day of January, 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. Because a planning application continues to be in effect regardless of property ownership, a similar use could be established on the property without any updated conditions of approval to minimize impacts to surrounding properties. Revocation of the existing land use entitlement will require a new school use at this site to apply for a new planning application which will allow application of updated conditions of approval, minimizing impacts to surrounding properties.
- B. 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 under Section 15321 for Enforcement Actions by Regulatory Agencies.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

Noes: None.

Absent: None.



3. **Review, modification, and/or revocation of Planning Applications PA-86-103 and PA-86-121 and Zoning Application ZA-06-48, for a private school (K through 8), formerly Kline School, with off-site parking and on-street drop-off and pick-up at 320 East 18th Street in an I & R zone. Environmental Determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to a question from the Commission regarding conditional use permits.

The Chair asked if anyone else provided comments on this item besides Ms. Refakes and Mr. Denghausen and Commissioner Egan replied Mr. Wilbur provided comments via e-mail.

Phil Schwartz, representing the property owner, said he had a letter for the Commission to initiate a General Plan Amendment and zone change for the property and requested a R2-MD zoning for the site.

The Chair explained to Mr. Schwartz that he would look at the letter but no Planning Commission action could take place tonight.

Beth Refakes, Costa Mesa, said she had a signed petition for the recommended actions.

Planning Commission Secretary Kimberly Brandt advised the Chair that she would call Mr. Schwartz and explain the Planning procedures.

Deputy City Attorney Tom Duarte explained to Commissioner Righeimer that renoticing will be necessary to allow the Planning Commission to consider revoking ZE-81-74.

MOTION: Revoke Planning Applications PA-86-103 and PA-86-121 and Zoning Application ZA-06-48, by adoption of Planning Commission Resolution PC-07-78, and request

staff to bring back Zone Exception ZE-81-74 for revocation.

Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer.

During discussion on the motion, the Commission noted the correct application number for renoticing.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler,
Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

4. ~~Final Master Plan PA-07-20 and Vesting Tentative Tract Map VT-16999, for Cindy Nelson of Nexus Development, for a mixed-use development consisting of: (a) 42,000 square-foot commercial space in two- to four-story buildings; (b) 151 residential condominiums in a four-story building complex; (c) 5 custom live/work units in three-story buildings; (d) 4.5-level parking structure and surface parking areas (total of 470 parking spaces); (e) subdivision of the property for condominium purposes at 1640 Monrovia Avenue in the MG zone (General Industrial) and Mesa West Urban Plan/ Mixed-Use Overlay zone. Environmental Determination: Mitigated Negative Declaration.~~

~~Principal Planner Claire Flynn reviewed the information in the staff report and gave a detailed presentation highlighting components of this project.~~

~~Ms. Flynn responded to questions from the Commission regarding private open space and the 10% open space project requirement. She indicated that the project meets the minimum 10% requirement.~~

~~Associate Engineer Raja Sethuraman explained to the Chair and Commissioner Egan regarding the level of service figures noted on Page 7 for the intersections of Newport Boulevard/17th Street and Superior Avenue/17th Street.~~

PLANNING DIVISION STAFF REPORT

AGENDA NO. _____

COMMISSION MEETING OF April 13, 1981 APPLICATION NO. ZE-81-74

FIELD INSPECTION DATE April 6, 1981 DESCRIPTION Variance, C.U.P.

AUTHORIZED AGENT _____

APPLICANT William J. Hite SITE LOCATION 320 East 18th Street
(Owner of Record)

ADDRESS 7622 Whitney Drive ZONE I&R AP # 117-251-34

Huntington Beach, CA 92647 GENERAL PLAN DESIG. Low Density

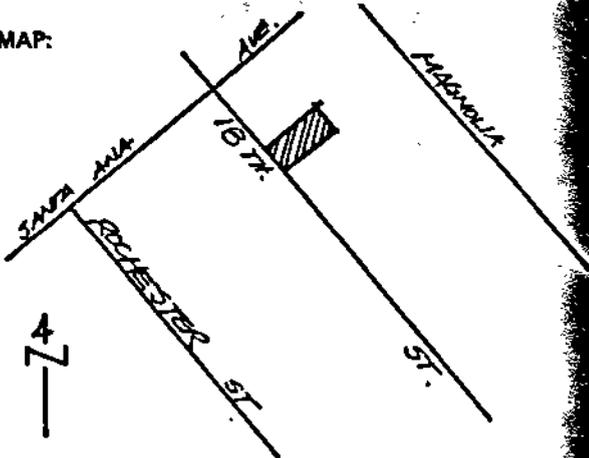
Residential

CEQA DETERMINATION Negative Declaration

PREPARED BY MJK:ajw

MANDATORY ACTION DATE March 20, 1982

MAP:



Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

REQUEST:

Master Plan to allow expansion of an existing pre-school and a temporary trailer permit to allow use of a trailer for security guards.

FINAL COMMISSION ACTION: Meeting of April 13, 1981

Negative Declaration adopted; Master Plan approved, based on the analysis and findings and subject to conditions contained in this report with addition of the following condition to read:

- Maximum number of students permitted at this facility shall be limited to 59.

Temporary trailer was denied (5-0).

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92626

(714) 754-5245

APPLICANT NOTIFIED bc DATE April 16, 1981



I. DESCRIPTION

A. Subject Property

1. Location - 320 East 18th Street
2. General Plan Designation - Low Density Residential
3. Zone - I&R
4. Present Development - Preschool
5. Lot Dimensions - 137.62 ft. deep by 63 ft. wide (8,670 sq. ft.)
6. CEQA - Negative Declaration

B. Surrounding Property

1. North, East - Parking for First Baptist Church of Costa Mesa
2. West - Single-story, multiple-family dwellings
3. South - Multiple-family development across 18th Street

II. REQUEST AND ANALYSIS

- A. Request is for a Master Plan to allow expansion of an existing preschool and a temporary trailer permit to allow use of a trailer (recreational vehicle) for security guards.

B. Master Plan

1. A preschool is a permitted use in the I&R zone. Code requires, however, that uses in the I&R zone be reviewed under Master Plans.
 - a. The existing preschool on subject property was a part of the First Baptist Church of Costa Mesa at 301 Magnolia Street. The preschool was approved under a Master Plan Amendment for the church in 1975.
 - b. The preschool part of the church property has since been sold to a separate owner, who is now requesting approval of a Master Plan for expansion of the preschool.
2. The proposed expansion includes addition of approximately 1,490 sq. ft. of building area to the existing 1,400-sq. ft. structure. The addition will include an employee lounge, a storage room, sinks, and a shower. The expansion will also involve increasing the maximum number of children from 26 to 59.
 - a. Subject property appears small for the proposed number of children. Adequacy of indoor and outdoor area, however, appears more appropriately left to the determination of the County Division of Social Services, the agency responsible for approving and licensing preschools.
 - b. Subject property is abutted by church parking on two sides, by 18th Street at the front, and by four apartment units on the west. The proposed expansion would thus directly affect only the property to the west. The impact could be mitigated through installation of a block wall along the westerly property line of subject property. (Staff notes that block walls are typically required between preschool and residential properties.) Additionally, a block wall could provide greater safety for children (such as from neighboring dogs) than the existing chainlink fence.
 - c. Elevations submitted for the proposed addition are inadequate. It will be necessary for complete elevations to be submitted for Staff or Planning Commission approval prior to issuance of building permits.

II. REQUEST AND ANALYSIS (Cont.)

3. There are no parking requirements for I&R zones or for preschool facilities. The preschool has obtained an agreement from the adjacent First Baptist Church to utilize 14-parking spaces. (Note: This parking was available for the preschool when it was part of the church property.) The available parking would provide a ratio of one space per staff member (5) plus one space per each 12 students. This is within the ratios which have been approved for other preschool facilities.

C. Temporary Trailer

1. An approximately 18-ft. long recreational vehicle has been placed in the front landscape setback adjacent to the westerly property line on subject property.
2. The owners of the preschool indicate that the vehicle is necessary as living quarters for two security guards. Owners indicate that there have been two attempts to break into the property. They are concerned about providing protection for the materials which will be stored on the site during construction of the proposed addition. The owners indicated that the security guards possibly would not be necessary after completion of the addition. Staff was further advised that the guards are not present while the children are on the premises.
3. Staff is concerned about the location and appearance of the recreational vehicle.
 - a. It backs up to a chainlink fence on the front property line and is an unsightly addition to the front setback.
 - b. Whereas residential structures are required to maintain 5-ft. side setbacks, the recreational vehicle is located immediately adjacent to the westerly side property line and would appear to infringe on the privacy of the adjacent dwelling unit.
4. It has been reported to Staff that two young men living in the recreational vehicle have indicated that they are renting the vehicle as living quarters.
5. Inasmuch as the living quarters are temporary and within a recreational vehicle, Staff is concerned about utility and sewer connections.
 - a. It would appear neither feasible nor desirable to provide permanent hook-ups.
 - b. Temporary electric hook-ups could be hazardous, especially in light of the large number of children present on the property.
 - c. Staff is concerned about how relatively long-term sewage disposal will be handled without a sewer hook-up.
 - d. Staff notes that the Building Safety Division has recommended denial of the proposed residential use of a recreational vehicle.
6. Subject property is currently surrounded by an approximately 8-ft. high chainlink fence with a gate. If additional protection is desired, Staff suggests that a more acceptable solution would be employment of a non-resident night watchman, who could utilize the existing office within the preschool building.

III. PLANNING STAFF FINDINGS

- A. Daycare is a needed service within the community.

III. PLANNING STAFF FINDINGS (Cont.)

- B. With the suggested conditions of approval, possible adverse impacts of the proposed expansion should be adequately mitigated.
- C. The proposed temporary living quarters infringe on the privacy of the adjoining property to the west, are an obtrusive addition to the front setback, and may create health and/or safety problems. Thus, a finding cannot be made that the residential use of the recreational vehicle will not be detrimental to subject or surrounding properties.

IV. PLANNING STAFF RECOMMENDATION

- 1. Adopt Negative Declaration.
- 2. Approve expansion of preschool, subject to conditions.
- 3. Deny use of trailer for security guards. The trailer (recreational vehicle) shall be removed from subject property within seven (7) days of Planning Commission action.

V. CONDITIONS, IF APPROVED

Shall meet all the requirements of the various City Departments, copy attached hereto.

CONDITIONS, IF APPROVED

- Plng. 1. Complete, detailed elevations of the proposed addition shall be approved by the Planning Division prior to submittal of working drawings for plan check.
2. The existing structure shall be brought into compliance with all applicable Building, Plumbing, Electrical, and other Safety Codes administered by the City of Costa Mesa.
3. The existing structure shall be repainted and refinished to match the proposed addition.
4. Prior to occupancy and use of the addition, a 6-ft. high block wall shall be installed along the westerly property line.
5. An easement for the use of parking on the adjacent property to the east shall be submitted for Planning Division approval. The approved easement shall be recorded with the County of Orange prior to issuance of building permits.
6. Parking on the adjacent parcel to the east shall be striped in accordance with the approved plan and in accordance with City standards.
7. Prior to issuance of building permits for the preschool, a Master Plan Amendment for the First Baptist Church shall be approved, including the deletion of the preschool and the revision to the parking.

APPLICANT IS REMINDED THAT THE FOLLOWING CONDITIONS ARE REQUIREMENTS OF FEDERAL, STATE, AND LOCAL LAWS:

8. Prior to issuance of building permits, existing landscaping on subject property shall be weeded and repaired as necessary. Landscaping shall be continuously maintained in a healthy and weed-free condition.
9. All new on-site utility services (Edison and Telephone) shall be installed underground.
10. Installation of all utility meters shall be performed in a manner so as to obscure said installation from view from any place on or off the property. Said installation shall be in a manner acceptable to the Public Utility and shall be in the form of a vault, wall cabinet, or wall box, and shall be installed in accordance with standard plans and specifications of the City of Costa Mesa.
- Bldg. 11. Shall conform to 1979 Uniform Building Code requirements including proper foundation and slab for all enclosed areas of building.
- Sfty. 12. Extend the fire alarm system to the addition under direction of the Fire Department.
- Fire

THE REQUIREMENTS OF THE FOLLOWING SPECIAL DISTRICTS ARE HEREBY FORWARDED TO THE APPLICANT

- Sani. 13. County Sanitation District No. 6 fees apply, i.e., \$625.00 per acre/
Dist. commercial; \$250.00 per dwelling unit/residential.
- Water 14. Applicant is reminded that additional conditions of development may be
Dist. imposed by Mesa Consolidated Water District and/or other serving utilities.

COMMISSION ACTION -- Meeting of April 13, 1981

Addition of following condition to read:

15. Maximum number of students permitted at this facility shall be limited to 59.

CITY OF COSTA MESA
INTER OFFICE MEMORANDUM

May 1, 19 81

TO City Council FROM Millie Kandler, Associate Planner

RE: APPEAL OF PLANNING COMMISSION ACTION, ZE-81-74, 320 EAST 18TH STREET
CITY COUNCIL MEETING OF MAY 4, 1981

As clarification of Staff's memo of April 30, 1981, regarding subject appeal, please amend the recommendation as follows.

RECOMMENDATION

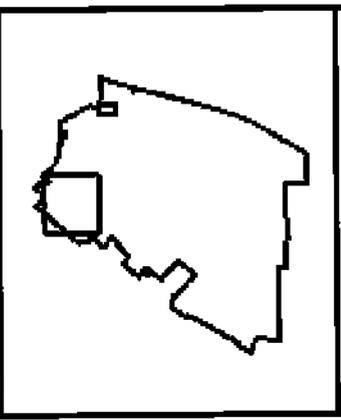
- a. Deny temporary trailer permit
- b. Approve Master Plan for expansion of the preschool, subject to all conditions of approval imposed by the Planning Commission with the following modification:
Condition #4 - Prior to occupancy and use of the addition, a 6-ft. high block wall shall be installed along approximately the rear 27 ft. of the westerly property line and returning easterly to meet the rear of the proposed addition. Specific wall location shall be approved by the Planning Division prior to issuance of permits for the wall.

ajw

cc: City Manager
Development Services Director
City Clerk (11)
Staff (3)
File (2)

William J. Hite
7622 Whitney Drive
Huntington Beach, CA 92647

Overview Map

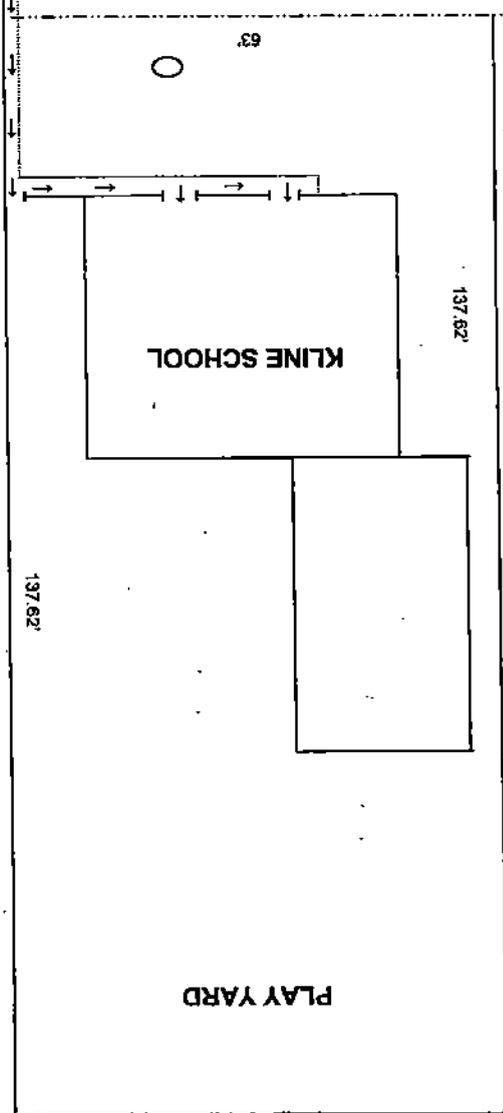
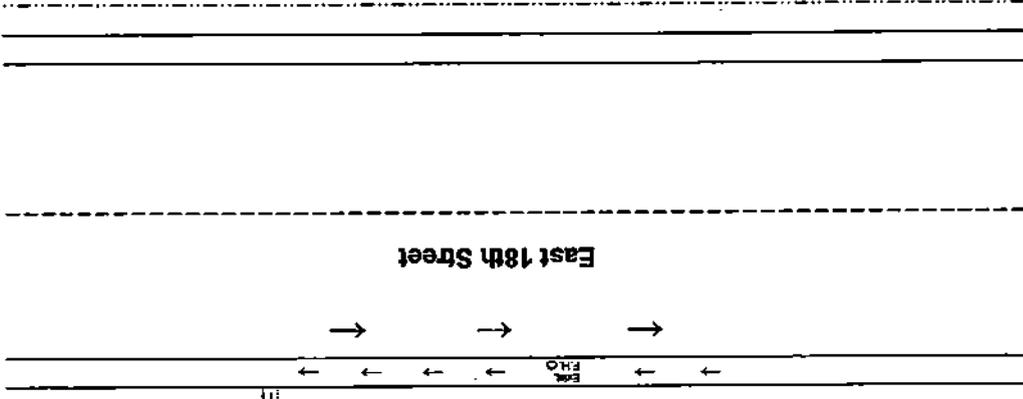


Legend

- Address Medium
- Address Points
- Freeway
- Roads
- Collector Freeway
- Major
- Interport
- ALVD
- Primary (cont)
- SECONDARY Street Names
- Street Centerlines
- Parcel Lines
- Level 1 Ortho Photo
- Parcels

Map Display





ZONING: Institution/Recreational
 SITE AREA: 6,670 S.F.
 TOTAL BUILDING AREA: 2,342 S.F.
 SITE COVERAGE (F.A.R.): 27.01%

KLINE SCHOOL
 320 East 18th Street
 Costa Mesa, CA 92627
 Applicant: Susan Kline
 (949) 722-7242

Scale: 1" = 16'-0"

SITE PLAN

