



PLANNING COMMISSION AGENDA REPORT

VI.6

MEETING DATE: APRIL 13, 2009

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-09-06
2034 PLACENTIA AVENUE**

DATE: APRIL 2, 2009

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

PROJECT DESCRIPTION

The applicants are requesting approval of a conditional use permit to allow a daytime activity center for adults with development disabilities.

APPLICANT

The applicants are John Lubbers, PhD., and Hector Navarro, authorized agents for Josiah Lilly, the owner of the property.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The property is located on the east side of Placentia Avenue and is bounded by a property containing the Alano Club to the north and a property containing the former Wonder/Hostess Bakery Outlet to the south. The property is also located within the Mesa West Bluffs Urban Plan Area.

The property is zoned MG (General Industrial) and contains an approximately 9,800 square-foot building that formerly contained auto repair uses as well as wholesale sales of tile, marble, granite, and stone. The exterior of the building has been refurbished and remodeled.

ANALYSIS

Conditional Use Permit

The applicants operate Progressive Community and Vocational Services, LLC, a program that serves developmentally disabled adult clients (e.g., clients with Down's syndrome, cerebral palsy, autism, etc.) who seek employment and/or who are employed by local businesses, by providing them with daytime programs focusing on developing their vocational skills. This program is funded by the Regional Center of Orange County (RCOC), a private, not-for-profit corporation that is contracted with the State of California to provide services for persons with developmental disabilities pursuant to the Lanterman Developmental Disabilities Services Act (Lanterman Act).

The proposed operating hours are 9:00 a.m. to 2:30 p.m. For clients who either choose not to work or cannot work, community outings will be provided. The program is licensed for a maximum of 30 clients. Clients will either use public transportation to reach the property or be dropped off at the site. Approximately 4-10 staff members will be on duty at any given time, depending upon the number of clients. Additional information about the proposed use can be found in Attachment 2. The applicants are in escrow to purchase the property, contingent upon approval of the conditional use permit.

The property can accommodate 12 on-site parking spaces; as a result, on-site parking will be adequate for the proposed use based on the number of staff members (as previously indicated, clients will not drive to the property). The activities will be conducted entirely within the building, which will accommodate staff offices, restrooms and a large recreation room. The remainder of the building will either be used for storage or unoccupied. It is staff's opinion that based upon these factors, the use will not adversely impact surrounding properties.

Two driveway approaches currently exist at the front of the property. Staff is requiring, as a condition of approval, that the southerly driveway approach be removed and replaced with curb and gutter to accommodate on-site landscaping at the front of the building and throughout the property. The property will also be required to comply with Zoning Code requirements for parking stall striping, installation of trash enclosure(s), and site lighting.

Compatibility with Urban Plan

The property is located within the Mesa West Bluffs Urban Plan. The urban plan objectives include encouraging adaptive reuse of existing commercial and industrial buildings, resulting in rehabilitated buildings with unique architecture and a wider array of complementary uses. Although the proposed use does not activate any of the urban plan requirements, it also does not conflict with the goals of the urban plan.

GENERAL PLAN CONFORMITY

The use is permitted in the MG zone, with a conditional use permit and is, therefore, consistent with the General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the use as proposed by the applicant or approve it with modifications; or
2. Deny the use as proposed. If the use is denied, the applicant could not submit substantially the same type of application for six months.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

It is staff's opinion that the proposed use will not create any adverse impacts, such as parking or noise, on the subject site or surrounding properties. Additionally, the surrounding properties should not adversely impact the proposed use. Therefore, staff recommends approval of the request.

- Attachments:
1. Draft Planning Commission Resolutions (Approval and Denial)
 2. Applicant's Description of the Use
 3. Location Maps and Photos
 4. Plans

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

John R. Lubbers, PhD., BCBA
Hector Navarro
Progressive Community and Vocational Services, LLC
24221 Postmaster Avenue
Harbor City, CA 90710

Josiah Lilly
2431 Windward Lane
Newport Beach, CA 92660

File: 041309PA0906	Date: 040209	Time: 2:00 p.m.
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PLANNING COMMISSION RESOLUTIONS

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-09-06**

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

WHEREAS, an application was filed by John Lubbers, PhD., and Hector Navarro, authorized agents for Josiah Lilly, owner of real property located at 2034 Placentia Avenue, requesting approval of a conditional use permit to allow a daytime activity center for adults with development disabilities; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 13, 2009;

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** Planning Application PA-09-06 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-09-06 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with 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.

PASSED AND ADOPTED this 13th day of April, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project, as conditioned, is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the 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. Specifically, clients will use public transportation to reach the property. Approximately 4-10 staff members will be on duty at any given time. The property can accommodate 12 on-site parking spaces; as a result, on-site parking will be adequate for the proposed use. The activities will be conducted entirely within the building. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
- 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 under Section 15301 for Existing Facilities.
- D. The use is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 2. The conditions of approval and ordinance or code provisions of Planning Application PA-09-06 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 3. The use shall be limited to the type of operation described in this staff report. i.e., a developmental program that serves developmentally disabled adults for a maximum of 30 clients and 4-10 staff members. Any change in the operational characteristics including, but not limited to, number of clients or staff, or other changes which intensify or expands the use, shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 4. The maximum occupancy, as determined by provisions of the Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
 5. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 6. 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. Plans shall be forwarded to the Planning Division for final approval prior to issuance of permits.
 7. Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets.
 8. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
- Trans.
9. Obtain a permit from the Engineering Division and then remove the southerly driveway approach and replace with full height curb and gutter at applicant's expense.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-09-06**

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

WHEREAS, an application was filed by John Lubbers, PhD., and Hector Navarro, authorized agents for Josiah Lilly, owner of real property located at 2034 Placentia Avenue, requesting approval of a conditional use permit to allow a daytime activity center for adults with development disabilities; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 13, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-09-06 with respect to the property described above.

PASSED AND ADOPTED this 13th day of April, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposed use is not consistent with the General Plan or Redevelopment Plan.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.

- C. The Costa Mesa Planning Commission has denied Planning Application PA-09-06. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.

- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**APPLICANT'S DESCRIPTION OF THE
USE**

John R. Lubbers

From: John R. Lubbers [jlubbers@cibainc.org]
Sent: Tuesday, February 03, 2009 2:27 PM
To: wbkileen@ci-costa-mesa.ca.us; strideforward2@sbcglobal.net; 'John R. Lubbers'
Subject: 2034 Placentia CUP

Importance: High

Hello Ms. Bouwens-Killeen,

Thank you for taking the time to speak with me Friday and to assist us with information gathering regarding this property (2034 Placentia). I will answer your questions and try to provide you with additional information. If you have questions or need clarification please let me know at your earliest convenience.

The program will be for adults with developmental disabilities (e.g., Down's syndrome, cerebral palsy, autism, etc.). It will be an adult, day-activity center and will be open from 9:00am to 2:30pm. The program will focus on developing vocational/work activities for our clients in the community (e.g., working in restaurants nearby, working at the Goodwill or auto parts store just around the corner, working at Orange Coast College). We will be approved/licensed for 30 clients. The majority (approximately 20) of the clients will be involved in community, vocational activities, thus we will only have about 10 clients and 3 to 4 staff members on the premises throughout the day. Clients will use public transportation (i.e., OCTA and Access). Our use should result in less cars and traffic than any other business that could operate in that location.

The building at 2034 Placentia is closely located to major shopping and other community centers that our clients will benefit from having access to. Even though it is categorized as an industrial area by the city, it is closely located to 19th st. and will allow our clients exceptional opportunities to be included in the community.

Proposals for this program were submitted to the Regional Center of Orange County (RCOC) and ours was awarded the opportunity. Our clients will be referred from RCOC. Currently, the clients in the Costa Mesa area that need these services are being transported to Buena Park, Santa Ana, and other cities in the county. Of course, this is of great inconvenience to the client.

The other day you mentioned that you might have concerns with individuals with disabilities attending a program in an industrial area/warehouse. The quality assurance person at the regional center was rather pleased with the building itself because of its size, natural light, and openness. He was also quite pleased with the area as this building was closely located to 19th street and thus was "nicely integrated into the community" (best practices for individuals with developmental disabilities is to develop services in or near the community centers so that our clients will have the access to activities and locations that non-disabled individuals would have). If you would like, we could meet at the location so the city could see inside the building.

Below is more information regarding our program:

PC&VS will offer a *Developmental Program* that will serve adults who wish to be fully employed, adults that wish to be partially employed, and adults who chose not to work, but to remain active in their communities to the degree that they choose. Our day program will focus on *empowerment, self-advocacy, and community integration*. We will strive to *increase opportunities* and develop positive self-concepts for the individuals we will serve. We anticipate working with consumers from varying ethnic backgrounds and

with varying disabilities (i.e., exceptionalities) and will embrace these differences. The program will be highly *individualized* and will strive to meet each individual's dreams by utilizing each individual's support group. For clients that chose not to work, community outings that are chose by the clients themselves will be offered (e.g., a trip to the Orange County Art Museum). Our philosophy will focus on supporting the needs of the individuals we serve; building self-concept through activity and productivity, and increasing opportunities and access to the community.

Again, thank you for your time and we look forward to hearing from you.

John R. Lubbers Ph.D., BCBA
Administrator
818.212.0945

John R. Lubbers Ph.D., BCBA
Executive Director
California Institute of Behavior Analysis, Inc
www.cibainc.org
714.634.8500 voice
818.442.0921 voice
661.272.9524 voice
800.832.2321 fax

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John R. Lubbers

From: John Lubbers [johnlubbers@adelphia.net]
Sent: Wednesday, February 11, 2009 3:46 PM
To: 'BOUWENS-KILLEEN, WILLA'; 'Hector'
Subject: RE: Some questions
Attachments: image001.jpg

Hi Ms. Bouwens-Killeen,

Its my pleasure to answer your questions. I will number the answers to correspond to the number of the questions presented. Let me know if you need more clarification:

- 1) The majority of clients will get to-and-from the building each day by using public transportation (OCTA and Access). We have noted that there is a bus stop within walking distance on Placentia. This was a factor in choosing 2034 Placentia.
- 2) We will use a portion of the building for the program. The remainder of the building will probably be used for storage of files or empty.
- 3) Our ration of caretakers to clients will be 1:3. We anticipate that would translate to 10 caretakers. Most of the 10 caretakers (approximately 7 would spend their work day in the field supporting our clients in the jobs. Some of the caretakers would report directly to the field work site directly and not come to the building until the end of the day.
- 4) In general, they will leave and return 1 time per day. They may return more often if they have illness or other issue that would prevent them from working at the worksite, but we expect this to be infrequently.

Thank you again for your consideration!

John

From: BOUWENS-KILLEEN, WILLA [mailto:wbouwens-killeen@ci.costa-mesa.ca.us]
Sent: Wednesday, February 11, 2009 3:06 PM
To: johnlubbers@adelphia.net
Subject: Some questions

Good afternoon, John.

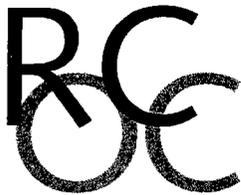
We're trying to ascertain what type of traffic -- by both parents/caretakers of the clients as well as employees and administrative staff -- will be generated to your site. Consequently, some questions:

1. How will the clients get to and from the property at the beginning and end of the day?
2. Are you going to use the entire building or just a portion?
3. How many caretakers total? Will any of them come by bus, perhaps as aides with the clients?
4. How often will clients be leaving and returning during operating hours?

I can't guarantee that we won't have more questions as a result of your answers! I appreciate any information you can give me.

Looking forward to hearing from you.

Willa Bouwens-Killeen, AICP
Principal Planner
City of Costa Mesa
 77 Fair Drive, Costa Mesa, 92628
 Ph. 714.754.5153 Fax. 714.754.4913



REGIONAL CENTER
OF ORANGE COUNTY

February 11, 2009

FEB 14 2009

Ms. Willa Bouwens-Killeen. AICP
Principal Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

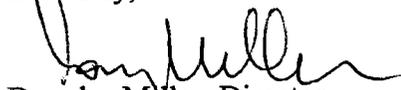
RE: John R. Lubbers, PhD., BCBA
Progressive Community & Vocational Services, LLC.

Dear Ms. Killeen:

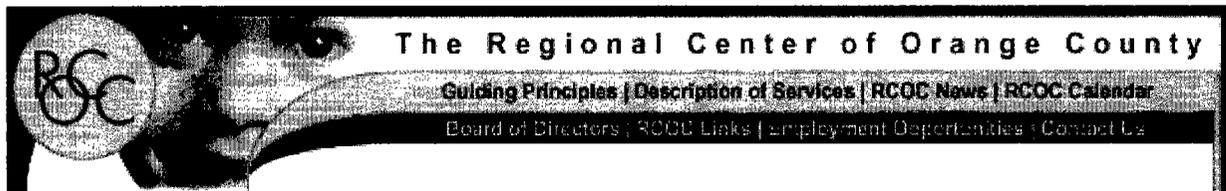
I have been asked to provide information, which I hope, will help the city of Costa Mesa in its deliberations on a request from the above-identified individual/company to establish a new program to serve the developmentally disabled in the city of Costa Mesa. The Regional Center of Orange County has gone through an extensive planning and resource development process to identify consumers who live in the city of Costa Mesa and are now transported daily out of their community of residence to attend day and work programs in the communities of Santa Ana, Fountain Valley and Anaheim.

I should note that the organization selected was the top candidate of three projects to be developed out of nine applicants through a competitive RFP process. We are looking forward to the establishment of this new partially site based day program that will enable RCOC consumers to become full participants in the community in which they live. A member of my staff, Arturo Cazares, has reviewed the proposed location and finds it to be well suited to the needs of our consumers both in terms of the physical plant and location in the community. Please contact me directly at (714) 796-5249 if, in your deliberations, the city of Costa Mesa needs to further discuss the purpose of the new program that RCOC will be funding.

Sincerely,


Douglas Miller, Director
Outcomes Group

cc: John R. Lubbers



RCOC Home

Welcome to the **Regional Center of Orange County's** Home Page. Here you will find information about our services, mission and how to contact us.

Guiding Principles

RCOC is a private, not-for-profit corporation contracting with the State of California for the provision of services to persons with developmental disabilities pursuant to the Lanterman Act.

Description of Services

RCOC News

The State of California contracts with 21 non-profit agencies called regional centers, each one covering a different geographic region. The centers are the first stop for persons with developmental disabilities and their families seeking help to obtain local supports and services. Click this link for important information on who to call for help.

RCOC Calendar

Special Incident Reports

Board of Directors

Mission Statement

Regional Center of Orange County, within the spirit and mandate of the Lanterman Act, shall assist persons with developmental disabilities, and their families, in securing and coordinating those services and supports which maximize opportunities and choices for living, working, learning and recreating in the community and which result in consumer satisfaction and quality services which stress human dignity and openness to innovation.

RCOC Family Resources

RCOC Vendor Resources

RCOC Links

Employment Opportunities

Report Card

Number of Visitors
220627

BUDGET UPDATE
March 18, 2009!

What's New

- [Economic Stimulus One-Time Payment of \\$250](#)
- [Moving On At 3 Transition Flier Updated](#)
- [2009 Performance Contract Updated](#)

February - 2009

- [2009 Performance Contract Updated](#)

January - 2009

- [Special Needs Estate Planning Added](#)
- [Recreation Resource Fair 2009 Information Added](#)
- [2008 Performance Contract Updated](#)

December - 2008

- [Employment Listing Updated](#)
- [Report Card Section Added](#)
- [Dialogue Summer 2008 Added](#)

November - 2008

- [Autism News - Fall 2008 Added](#)

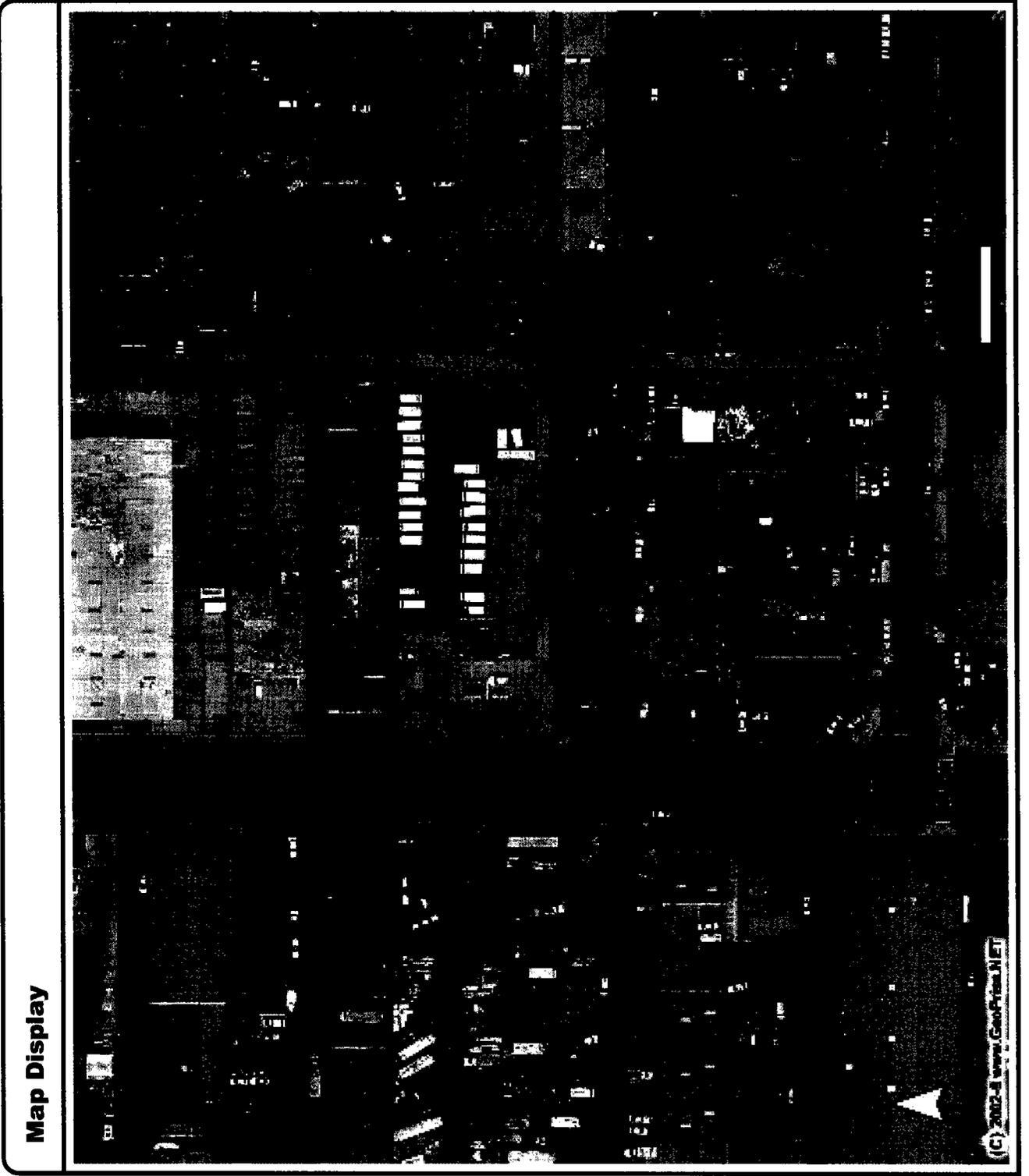
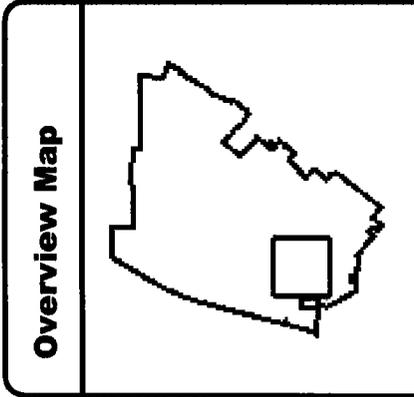
October - 2008

- [Board of Directors Updated](#)
- [2008 Performance Contract Updated](#)

September - 2008

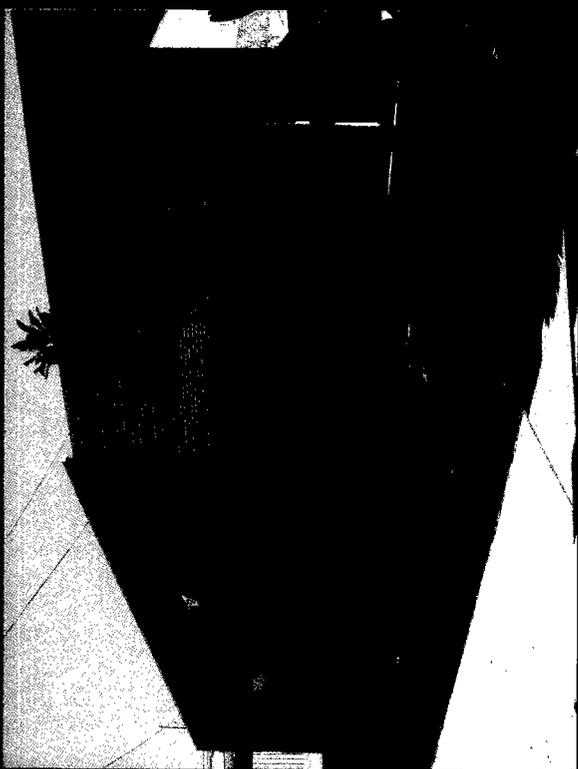
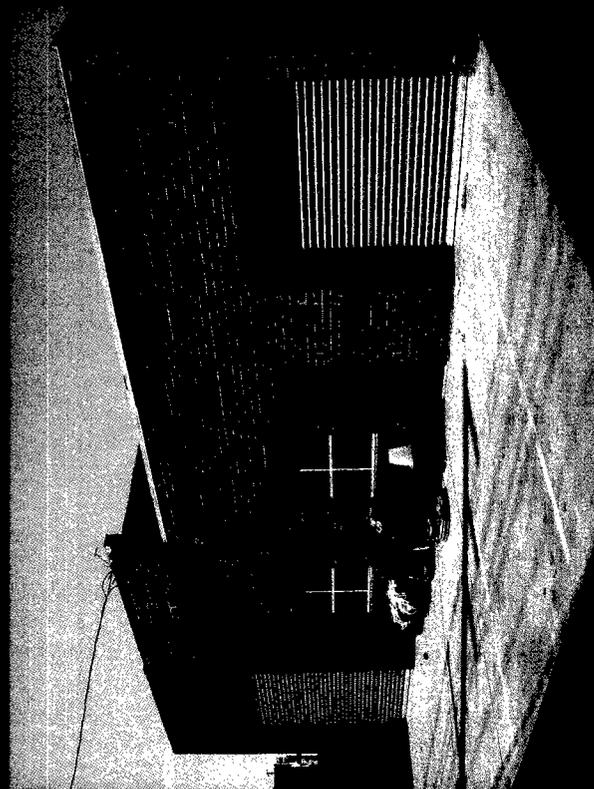
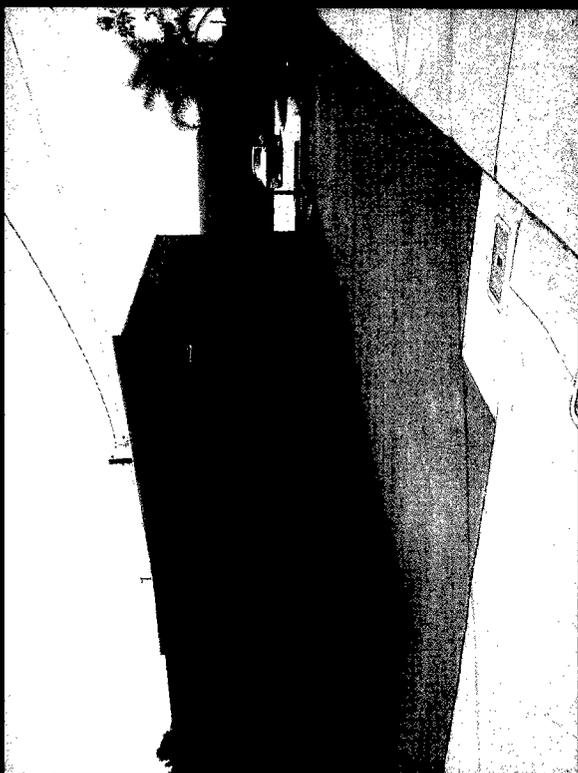
- [Parent Training Workshops Added](#)
- [Recreation Resource Guide Added](#)
- [Employment Listing](#)

LOCATION MAP AND PHOTOS



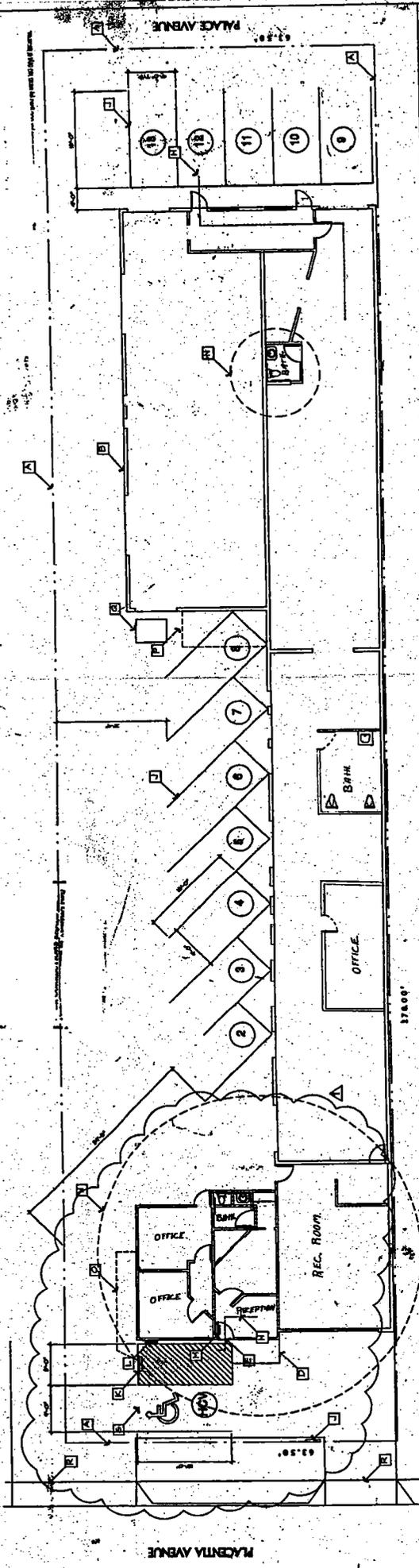
Legend

Street Names	Parcels
Street Centerlines	ROW
Parcel Lines	Polygon
Level 1 Ortho Photo	s



2034 PLACENTIA AVENUE - PA-09-06

PLANS



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"

GENERAL NOTES

SEE ALL NOTES