



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: Seimone Jurjis, Community Development Director  
SUBJECT: Report of actions taken by the Zoning Administrator, and/or Planning Division staff for the week ending September 18, 2020.

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**COMMUNITY DEVELOPMENT DIRECTOR  
OR PLANNING DIVISION STAFF ACTIONS**  
(Non-Hearing Items)

Item 1: Pacifica Christian High School Off-Site Parking Staff Approval No. SA2020-004  
(PA2020-218)  
Site Address: 883 West 15th Street, 1499 and 1515 Monrovia Avenue

Action: Approved

Council District 2

**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
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**COMMUNITY DEVELOPMENT DIRECTOR**  
**ACTION LETTER**

**Subject:** Pacifica Christian High School Off-Site Parking Staff Approval  
(PA2020-218)  
▪ Staff Approval No. SA2020-004

**Site Location** 883 West 15<sup>th</sup> Street, 1499 and 1515 Monrovia Avenue

**Applicant** Pacifica Christian High School

**Legal Description** Parcel 2 of Resubdivision No. 877

On **September 18, 2020**, the Community Development Director approved Staff Approval No. SA2020-004. This approval is based on the following findings and subject to the following conditions.

**LAND USE AND ZONING**

- **General Plan Land Use Plan Category:** PF (Public Facilities)
- **Zoning District:** PF (Public Facilities)

**I. PROJECT SUMMARY**

Use Permit No. UP2017-008 (PA2017-066) authorizes 25 off-site parking spaces at 1499 Monrovia Avenue for Pacifica Christian High School operating at 883 West 15<sup>th</sup> Street. The applicant requests a substitute parking location at Coast Community College at 1515 Monrovia Avenue.

**I. BACKGROUND**

On October 5, 2017, Conditional Use Permit No. UP2017-008 (PA2017-066) authorized a private high school at 883 West 15<sup>th</sup> Street. Condition No. 22 requires twenty-five (25) parking spaces be provided and maintained at 1499 Monrovia Avenue parking lot for the use of Pacifica High School. Condition No. 23 allows the Director to establish a reasonable time period for the applicant to obtain substitute parking that is acceptable to the Director.

The applicant owns the property at 1499 Monrovia Avenue and is currently pursuing a renovation of this building to occupy the entire building as an administrative office building and library. In order to occupy the entire building, the applicant needs access to all on-site parking free of off-site parking demand from operations at 883 West 15<sup>th</sup> Street.

## II. PROPOSED CHANGES

The applicant requests to unencumber the off-site parking at 1499 Monrovia Avenue and establish a substitute off-site parking supply to serve as the off-site parking supply to serve Pacifica Christian High School (883 W. 15<sup>th</sup> Street). This substitute parking supply consists of thirty (30) parking spaces located at Coast Community College (1515 Monrovia Avenue) per a Use of College Facility Agreement dated June 15, 2020, and effective through June 2, 2021. Both agreeing parties intend to renew this agreement on an annual basis for each school year.

## III. FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project) of the Zoning Code, the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use, or refer the requested change to the Zoning Administrator, without a public hearing, and waive the requirement for a new use permit application. The approval and waiver of a new use permit application is based on the following findings and facts in support of the findings.

### Finding:

A. *The changes are consistent with all applicable provisions of this Zoning Code.*

### Facts in Support of Finding:

1. Section 20.40.100 (Off-Site Parking) of the Zoning Code, requires a conditional use permit for any portion of required parking that is not located on the same site it is intended to serve. The facts in support of the Conditional Use Permit approved with Planning Commission Resolution No. 2066 remain applicable to the proposed alternative off-site parking location. The following findings and facts are provided in support of the modified off-site parking location:
  - a. *The parking facility is located within a convenient distance to the use it is intended to serve;*
  - b. *On-street parking is not being counted towards meeting parking requirements;*
  - c. *Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area; and*
  - d. *The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.*

The substitute parking location at 1515 Monrovia is located approximately 400 feet away walking along public sidewalks, a convenient distance to the use it is intended to serve at 883 15<sup>th</sup> Street. Safe crosswalks are provided at the intersection of Monrovia Avenue and West 15<sup>th</sup> Street for staff and students to access both sites. On-street parking is not counted toward meeting the parking requirements. Use of the off-site parking lot is effective through June 2, 2021 and

both agreeing parties intend to renew this agreement on an annual basis for each school year.

2. A new recorded off-site parking agreement will be required to finalize to memorialize the off-site parking location at 1515 Monrovia Avenue.
3. The proposed off-site parking lot at 1515 Monrovia Avenue is developed with a campus for the Coastline Community College and is designated for RM (Multiple-Unit Residential). The site's existing land use and associated parking area are preempted by the State of California regulations for the existing community college use. The existing off-site parking lot at 1499 Monrovia Avenue is similarly zoned RM (Multiple-Unit Residential) and is authorized under Conditional Use Permit No. UP2017-008 (PA2017-066). The proposed use of the property is limited to off-site parking within the existing developed parking lots. The "parking facility" land use was also determined consistent with the RM land use category with the Zoning Code was updated in 2010, and the off-site parking request is similar.
4. The City's Zoning Code and discretionary approvals for Coastline Community College do not have a parking requirement for this use, which is regulated through the State of California. The partial use of the parking lot at Coastline Community College for Pacifica Christian High School will not create undue burden on the existing parking demand for Coastline Community College since they have assessed their parking needs and agreed to lease out their surplus parking.

Finding:

- B. The changes do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Facts in Support of Finding:

1. All student pick-up and drop-off will continue to occur within the schools parking lot on 15<sup>th</sup> Street.
2. The City traffic engineer has reviewed and approved the revised parking management plan and supports the proposed off-site parking lot.
3. Pedestrian traffic will continue to occur between the school and off-site parking site that will pass by residential uses. The traffic will continue to generally occur at the beginning and end of each school day because there will be no instructional activities at the off-site parking site and the school operates a "closed" campus. The amount of foot traffic is expected to be minimal and the students and faculty are subject to school oversight.
4. The previously approved Conditional Use Permit was determined to be categorically exempt from the requirements of the California Environmental Quality

Act under Class 1 (Existing Facilities) and Class 11 (Accessory Structures). Class 1 exempts minor alterations to existing facilities involving negligible expansion of use beyond that existing at the time of the lead agency's determination. Class 11 exempts the construction or replacement of minor structures accessory to commercial, industrial, or institutional uses. The private high school operation and off-site parking site are existing developments that would not undergo any physical improvements with this operational change that would modify the original categorical exemption determination for this project.

Finding:

*C. The changes do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Fact in Support of Finding:

1. An alternative off-site parking location is specifically identified in Condition No. 23 as an option if the current off-site parking location at 1499 Monrovia Avenue is not available. The staff report, meeting minutes, and Planning Commission Resolution No. 2066 do not specifically limit the off-site parking to 1499 Monrovia Avenue only.
2. The off-site parking location at 1515 Monrovia Avenue is approximately 300 feet northwest of the existing private high school (as the crow flies) and 400 feet of walking distance along West 15<sup>th</sup> Street and Monrovia Avenue. The alternative off-site parking location is appropriate, feasible, and is not in conflict with a condition of approval for the project.

Finding:

*D. The changes do not result in an expansion or change in operational characteristics of the use.*

Fact in Support of Finding:

1. The on-site private school operation will remain unchanged as a result of the modified off-site parking location. The high school will continue to limit enrollment to 185 students and administration/faculty to 18 persons. The use will not change as the same conditions of approval are applicable, including requirements and limitations on modifications of the existing off-site parking agreement (Condition No. 23).
2. The student classroom hours of operation of between 7:30 a.m. and 3:00 p.m., Monday through Friday, will be the same as previously approved under Conditional Use Permit No. UP2017-008. Board/staff meetings, parent/teacher conferences, and student extra curriculum (sports, theater, etc.) are permitted before and after

classroom hours, except between 10:00 p.m. and 7:00 a.m. Office/administrative functions will continue to be permitted outside the classroom hours and during the summer months. Therefore, the proposed changes do not result in an expansion or change in operational characteristics of the use.

3. The College Facility Agreement provided by the applicant indicates that Pacifica Christian High School may use two classrooms at Coastline Community College's Newport Beach Campus. However, this staff approval in no way authorizes student instruction at any site other than at 883 West 15<sup>th</sup> Street, where Conditional Use Permit No. UP2017-008 authorizes this private school operation. An amendment to the existing Conditional Use Permit is required to authorize a new location for instruction.

#### **IV. CONDITIONS**

1. *Prior to issuance of building permits for Plan Check 2988-2020 for building renovation at 1499 Monrovia Avenue, the applicant shall record a new parking agreement, which guarantees the long-term availability of a minimum of twenty-five (25) at 1515 Monrovia Avenue for the use it is intended to serve (Pacifica Christian High School at 883 West 15<sup>th</sup> Street). The parking agreement shall be recorded with the County Recorder's Office and shall be in a form approved by the City Attorney and the Director.*
2. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Pacifica Christian High School Staff Approval including, but not limited to, Staff Approval No. SA2020-004 (PA2020-218). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Approved by:



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Makana Nova



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Jim Campbell  
Deputy Community Development Director

Senior Planner  
JWC/mkn

Attachments: CD 1 Vicinity Map  
CD 2 Planning Commission Resolution 2066  
CD 3 Use of College Facility Agreement

# **Attachment No. CD 1**

Vicinity Map



# VICINITY MAP



Staff Approval No. SA2020-004 (PA2020-218)  
**883 West 15<sup>th</sup> Street and 1515 Monrovia Avenue**

# **Attachment No. CD 2**

Planning Commission Resolution 2066

**RESOLUTION NO. 2066**  
**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY**  
**OF NEWPORT BEACH APPROVING CONDITIONAL USE**  
**PERMIT NO. UP2017-008 AND REPEALING USE PERMIT**  
**UP2014-024 FOR PACIFICA CHRISTIAN HIGH SCHOOL**  
**LOCATED AT 883 W. 15<sup>TH</sup> STREET WITH OFF-SITE PARKING**  
**LOCATED AT 1499 MONROVIA AVENUE (PA2017-066)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. Pacifica Christian (Applicant or Pacifica) operates a private high school at 883 W. 15<sup>th</sup> Street (school site). The Zoning Administrator authorized the school by approving Use Permit UP2014-024 on August 14, 2014, by Resolution ZA2014-031.
2. The Applicant filed an application with respect to the school site requesting approval of an amendment to Use Permit UP2014-008 to expand enrollment and staff. The application also requests approval of a conditional use permit for off-site required parking to be located at 1499 Monrovia Avenue (off-site parking site).
3. The Applicant proposes to increase the enrollment by 60 students, from 125 to 185, and an increase of staff/administration from 15 to 18 employees. The additional students and staff will be accommodated within the existing school site. Twenty-five parking spaces located at the off-site parking site would be provided for the expanded school. The total combined parking at both locations would be 65 spaces. No academic activities would occur at the off-site parking site as part of this application.
4. The Applicant leases the school site from the City of Newport Beach and the Applicant owns the off-site parking site.
5. The school site has a General Plan land use designation of Public Facilities (PF). The zoning of the school site is consistent with the General Plan land use category and is Public Facilities (PF).
6. The off-site parking site has a General Plan land use designation of RM (Multi-Unit Residential, 18DU/AC). The zoning of the off-site parking site is consistent with the General Plan land use category and is RM (Multi-Unit Residential).
7. Both subject properties are located outside of the coastal zone.
8. A public hearing was held on October 5, 2017, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1, Existing Facilities) and Section 15311 (Class 11, Accessory Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption consists of the operation or minor alteration of existing public and private structures involving negligible expansion of use. The existing school building can accommodate the increased enrollment without modification. The off-site parking lot presently exists and is not presently in use.
3. The Class 11 exemption consists of construction, or replacement of minor structures accessory to commercial, industrial, or institutional facilities, including small parking lots. The proposed minor improvements to the existing off-site parking lot consist of modifying existing parking lot landscape planters and restriping the existing lot to meet current parking lot dimensional standards.

## SECTION 3. REQUIRED FINDINGS.

In accordance with NBMC Section 20.52.020(F), the following findings and facts in support of the findings for a use permit are set forth:

### Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan.*

### Facts in Support of Finding:

1. The school site is designated Public Facility (PF) by the General Plan Land Use Element. This designation is intended to provide public schools, cultural institutions, government facilities, community centers, public hospitals, and public facilities. The “private school” land use was determined consistent with the PF land use category with the Zoning Code was updated in 2010. The existing school use is similar to the instructional programs and classes that were being provided by the City at this facility and it was found consistent with PF designation in 2014. The use is not changing with the subject application.
2. The off-site parking site is designated RM (Multi-Unit Residential, 18 dwelling units per acre). The residential designation primarily supports multi-family residential development containing attached or detached dwelling units. The nonconforming office building is allowed to continue until February 2022, under an approved extension of the abatement period. The proposed use of the property is limited to off-site parking within the existing developed parking lots. The “parking facility” land use was also determined consistent with the RM land use category with the Zoning Code was updated in 2010, and the off-site parking request is similar.

### Finding:

*B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. The school property is zoned Public Facilities (PF), which allows private schools with the approval of a minor use permit pursuant to NBMC Section 20.26.020 (Special Purpose Zoning Districts Land Uses and Permit Requirements). The school presently operates pursuant to Minor Use Permit No. UP2014-008 that was approved on August 14, 2014. The use is not changing and it would remain consistent with uses permitted by the PF zone.
2. The minor use permit establishes required parking for schools. The August 2017, Kunzman parking demand and parking management plan supports the finding that 65 total spaces between the on-site and off-site parking areas is adequate for the requested increase in enrollment with the implementation of the revised parking management plan.
3. The off-site parking property is zoned Multi-Unit Residential (RM). The existing office building is a nonconforming use subject to abatement pursuant to NBMC Section 20.38.100 (Abatement Periods). An abatement period extension was approved by a Hearing Officer on February 1, 2012, authorizing a 10-year extension of the nonconforming office use until February 1, 2022. Use of the existing parking lot is requested and no academic use of the building is authorized.

Finding:

*C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The school presently operates at the 15<sup>th</sup> Street lot and is similar to that of the community center, with instructional classes, administrative offices and a gymnasium. With the implementation of a parking management plan, the school has proven compatible with surrounding residential and educational uses taking into account its existing operational characteristics including the hours, days, and months of operation. The school primarily operates between 7:30 a.m. and 3:00 p.m. weekdays, August to June. The basic operational characteristics of the school are not changing and the increased enrollment can be accommodated with the implementation of a revised parking management plan dated August 16, 2017.
2. The subject property has a total of forty (40) parking spaces and an additional 25 spaces located approximately 500-feet away that will be sufficient to serve the use with the implementation of a parking management plan. The proposed parking management plan has been reviewed and approved by the City traffic engineer. It includes assigned parking, a prohibition of on-street parking, implementation of drop-off, pick-up and queuing plan.

Implementation of transportation demand program to reduce number of vehicle trips generated (i.e. carpooling, school busing, bicycling).

3. Conditions of approval are required to ensure that Pacifica Christian High School will operate in a functional and compatible manner with the existing uses in the vicinity.

Finding:

*D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The existing building is large enough to accommodate the increased enrollment and staff without any physical modification of the building.
2. With the implementation of the August 2017 parking management plan (revised), the high school will have adequate parking for their staff members and students with on-site and off-site parking areas.
3. All student pick-up and drop-off will be done within the school's parking lot on 15th Street. Physical access for emergency vehicles will be provided by the existing driveways within the subject property from 15th Street.
4. The City traffic engineer has reviewed and approved the revised parking management plan and supports the proposed traffic queuing arrangement of the on-site and off-site parking lots. With the proposed conditions of approval, no conflicts in traffic circulation or queuing problems are anticipated and the existing driveways can accommodate vehicle access.
5. The minor modifications to the Monrovia Avenue parking lot will bring it into conformance with parking lot design standards.
6. All utilities to the school are presently provided and the increased enrollment will not necessitate expanding services.

Finding:

*E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The facts in support of Findings A, B, C and D are incorporated herein by reference.

2. The facts in support of the required findings to approve off-site parking set forth below are incorporated herein by reference.
3. The expanded school activities can be physically accommodated within the existing building without making modifications to the existing building or site and no construction is proposed or necessary to accommodate the increased school enrollment and staff.
4. Pedestrian traffic will occur between the school and off-site parking sites that will pass by residential uses. The traffic will generally occur at the beginning and end of each school day because there will be no instructional activities at the off-site parking site and the school operates a "closed" campus. The amount of foot traffic is expected to be minimal and the students and faculty are subject to school oversight.
5. The revised parking management plan shows that the sites will support the expanded enrollment with implementation of the provisions of the plan. The draft resolution includes conditions to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to ensure the operation of the high school will not create a nuisance to the surrounding uses.

In accordance with NBMC Section 20.40.100(B), the following findings and facts in support of such findings are set forth related to off-site parking:

Finding:

*A. The parking facility is located within a convenient distance to the use it is intended to serve.*

Fact in Support of Finding:

The off-site parking lot is approximately a 500-foot walk from the school property when crossing Monrovia Ave. at 15<sup>th</sup> Street. The parking lot is approximately a 1,200-foot walk to the school if students use the continuous sidewalk on Monrovia from the lot to the cul-de-sac at the end of Monrovia back to 15<sup>th</sup> Street and the school. These distances are convenient for students and staff to walk.

Finding:

*B. On-street parking is not being counted towards meeting parking requirements.*

Fact in Support of Finding:

On-street parking along 15<sup>th</sup> Street and Monrovia Avenue is not being counted towards meeting requirements for the existing school. The total combined parking at the existing school and proposed off-site parking lot would be 65 spaces, which is adequate to accommodate the proposed increase in student enrollment and staff/administration with the implementation of the revised parking management plan.

Finding:

*C. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area.*

Facts in Support of Finding:

1. The existing off-site parking lot will be modified to meet current dimensional standards.
2. There is a limited number of spaces (25) and its use will not generate a significant number of trips.
3. It will be used only for parking of passenger vehicles with a permit system. Spaces will be assigned to promote parking efficiency and the off-site lot will not be used for student drop-off or pick-up.

Finding:

*D. The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.*

Facts in Support of Finding:

The Applicant owns the off-site parking lot and a parking agreement is required to be recorded to ensure the parking is maintained for the use it is intended to serve.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby approves this resolution and UP2017-008, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.
3. This resolution supersedes Zoning Administrator Resolution No. ZA2014-031 and repeals Use Permit 2014-024, which upon vesting of the rights authorized by Use Permit No. 2017-008, shall become null and void.



**PASSED, APPROVED, AND ADOPTED THIS 5th DAY OF OCTOBER, 2017.**

AYES: Dunlap, Koetting, Kramer, Lowrey, Weigand, Zak

NOES: None

ABSTAIN: None

ABSENT: Kleiman

BY:   
Peter Koetting, Chairman

BY:   
Erik Weigand, Secretary

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL**

*(Project-specific conditions are in italics)*

**PLANNING**

1. The development shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Use Permit No. UP2017-008 shall expire unless exercised within 24 months from the date of approval as specified in NBMC Section 20.54.060, unless an extension is otherwise granted.
3. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. Violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
5. This Use Permit may be modified or revoked by the Planning Commission or City Council should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
6. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
7. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
8. *Prior to the use of the off-site parking lot at 1499 Monrovia Avenue, Pacifica shall submit a landscape and irrigation plan prepared by a licensed landscape architect for the off-site parking lot. These plans shall incorporate drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division.*
9. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.

10. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
11. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

Location	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

12. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
13. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
14. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
15. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.
16. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
17. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds (open house, back-to-school nights, etc.), include any form of on-

site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

18. *Student enrollment shall be restricted to 185 students.*
19. *Administration/faculty shall be restricted to 18 persons.*
20. *A minimum of one parking space shall be provided for each administration/faculty member at all times.*
21. *A total of forty (40) parking spaces shall be maintained at the school property and available for Pacifica during the regular school hours; twenty-five (25) of those spaces shall be allocated for the use of City's programs and activities in the gymnasium after the regular school hours, unless the City discontinues all use and the school shall have exclusive use of the entire property and all forty (40) parking spaces.*
22. *A total of twenty-five (25) parking spaces shall be maintained at the 1499 Monrovia Avenue parking lot for the use of Pacifica High School.*
23. *A parking agreement or covenant, in a form approved by the City Attorney and the Director, that guarantees the availability of the required off-site parking at the approved off-site location shall be recorded with the County Recorder's Office against both properties. The agreement or covenant shall require the owner or operator of the project to immediately notify the Director of any change of ownership or use of the property where the required off-site parking is located, or changes in the use or availability of the required off-site parking, or of any termination or default of the agreement between the property owners. Upon notification that the private lease agreement for the required off-site parking has terminated or the required off-site parking is otherwise unavailable for the use authorized by Conditional Use Permit No. UP2017-008, the Director shall establish a reasonable period of time in which one of the following shall occur: 1) Substitute parking is provided that is acceptable to the Director; or 2) the size or intensity of use authorized by Conditional Use Permit No. UP2017-008 is reduced in proportion to the parking spaces lost; or 3) the owner or operator of the project must obtain a parking reduction pursuant to Newport Beach Municipal Code Section 20.40.110 rendering the required off-site parking unnecessary.*
24. *A total combined 65 parking spaces shall be maintained for Pacifica to have the enrollment of 185 students and 18 administration/faculty members.*
25. *An adequate number of bicycle storage racks shall be provided at the school facility.*
26. *No outside paging system shall be utilized at the school campus and off-site parking lot.*
27. *Pacifica shall be responsible for the control of noise generated by the subject facility. The use of outside loudspeakers, a paging system or a sound system shall be included within this requirement. The noise generated by the proposed use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code. Upon evidence that*

*noise generated by the project exceeds the noise standards established by Chapter 10.26 of the Municipal Code, the community development director may require that the applicant or successor retain a qualified engineer specializing in noise/acoustics to monitor the sound generated by the use and to develop a set of corrective measures necessary in order to ensure compliance.*

28. *The student classroom hours during the school year (August to June) shall be from 7:30 a.m. to 3:00 p.m., Monday through Friday. Board/staff meetings, parent/teacher conferences, and student extra curriculum (sports, theater, etc.) are permitted before or after classroom hours as long as adequate on-site parking is provided, except between the hours of 10:00 p.m. and 7:00 a.m. Office/administrative functions are permitted outside of the classroom hours and during the summer months.*
29. *All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code.*
30. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Pacifica Christian High School including, but not limited to, Use Permit No. UP2017-008 (PA2017-066). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

### **Fire Department Conditions**

31. Every room with an occupant load of three hundred (300) or more shall have one (1) of its exits or exit-access doorways lead directly into a separate means of egress system that consists of no less than two (2) paths of exit travel which are separated by a smoke barrier in accordance with Section 710 in such a manner to provide an atmospheric separation that precludes contamination of both paths of exit travel by the same fire. Not more than two (2) required exits or exit-access doorways shall enter into the same means of egress system per California Building Code Section 442.1.2.
32. Fire Sprinklers shall be required as per California Fire Code Section 903.2., for the E and A-3 occupancies.
33. A manual and automatic fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of

Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies (school) with an occupant load of fifty (50) or more persons or containing more than one (1) classroom per California Fire Code Sec. 907.2.3.

34. A fire alarm system shall be required for the A occupancy (gym) as per California Fire Code Sec. 907.2.1.
35. *Emergency access to the existing office building located at the 1499 Monrovia Avenue property shall be provided.*

### **Building Division Conditions**

36. Prior to issuance of permits at the 1499 Monrovia Avenue property, the Applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the parking lot improvements, subject to the approval of the Building Division and Code and Water Quality Enforcement Division.
37. *The existing handicap parking stalls located at the north side of the 1499 Monrovia Avenue property shall be available for use by students, staff and general public.*
38. Obtain a building permit for all proposed improvements and change in uses.
39. For any proposed improvement to the existing facility, accessibility upgrades to the existing facility shall be required as specified in Section 11B-202.4 of the 2013 California Building Code.
40. *A new Certificate of Occupancy shall be obtained from the City and posted prior to occupancy of the school.*

### **Public Works Conditions**

41. *Off-site parking lot at 1499 Monrovia Avenue shall be reconfigured to comply with City Standard STD-805-L-A and STD-805-L-A. All dead-end drive aisles shall have a dedicated turnaround area and a 5-foot minimum drive aisle extension.*
42. The parking layout at 883 West 15<sup>th</sup> Street shall comply with City Standard STD-805-L-A and STD-805-L-B. The parking layout shall be reviewed and approved by the City traffic engineer.
43. *Student drop-off and pick-up shall be prohibited at the off-site parking lot.*
44. *Student and staff parking permits shall be assigned to a specific parking space at the school campus and off-site parking lot.*
45. *The final parking management plan shall be reviewed and approved by the City traffic engineer. The requirements of the parking management plan shall be implemented.*

46. *Students shall be prohibited from parking within the public right-of-way. School staff shall monitor the public streets adjacent to the school and off-site parking lot (i.e. Monrovia Avenue and West 15<sup>th</sup> Street) at least thirty (30) minutes prior to the start of school and at least fifteen (15) minutes after school begins to ensure that students do not park off-site.*
47. *School staff shall only be allowed to direct traffic queuing within the school's parking lot and off-site parking lot. School staff shall not direct traffic within the public right-of-way.*
48. *No traffic control devices (i.e. cones, signage) shall be allowed within the public right-of-way.*
49. *The Applicant shall provide a busing service to and from the high school.*
50. *The Applicant shall monitor the drop off/pick up queues to ensure that the queues do not impact/impede traffic in the public right-of-way.*
51. *If parking demand exceeds capacity or student parking on public streets becomes an issue, the applicant shall secure additional off-street parking. Any off-street parking arrangement shall require the approval of a conditional use permit in accordance with NBMC Section 20.40.100 (Off-Site Parking).*
52. *If issues/problems arise with the Parking Management Plan (i.e. school drop-off/pick-up, parking queuing within the public right of way, etc.), the applicant shall modify the Parking Management Plan to the satisfaction of the City traffic engineer and Community Development Director. Implementation of the modified Parking Management Plan shall occur immediately upon approval of the City.*

# **Attachment No. CD 3**

Use of College Facility Agreement



- Coastline
- Golden West
- Orange Coast
- District



FOR OFFICE USE ONLY

Use approved by: Aguyen

Date: 7/6/20

## APPLICATION FOR AND USE OF COLLEGE FACILITY AGREEMENT

College Contact: Kathy Bledsoe Phone: 714-241-6213 x17202

E-mail: kbledsoe@coastline.edu Fax: 714-431-3608

**INSTRUCTIONS: Carefully and legibly complete all applicable parts of this form, paying special attention to the insurance requirements as well as the rules and regulations.**

Application Date: 6/1/20 Name of Organization: Pacifica Christian High School

Address: 883 West 15th Street City/State: Newport Beach, CA Zip: 92663

Contact Name: David O'Neil Phone: 949-887-2070 x3 E-mail: doneil@pacificaoc.org

Is your group a non-profit entity seeking a non-profit rate? Yes  501(c)(3)# \_\_\_\_\_ No

**Specifically** describe your meeting/event/nature of use in the box below (use additional sheet if necessary):

Pacifica Christian High School ("PCHS") would like to use two classrooms at Coastline's Newport Beach Campus from August 17, 2020 through June 2, 2021 for conducting classes taught by PCHS faculty to PCHS per their proposal dated February 6, 2020. The classrooms will be used for instruction Monday through Friday from 8:00am-3:00pm; however, PCHS is asking for exclusive use of the rooms. PCHS faculty and/or administrators will escort PCHS students into and out of the Newport Beach Campus. Thirty (30) parking permits will be issued to PCHS for faculty/staff; parking will be on a "first come, first served" basis. Room will be programmed to be open from 8:00am-3:00pm. A percentage of utilities, common areas and maintenance of the building will be folded into the cost of the room rental. When on campus, PCHS staff, teachers, and students are expected to follow the social distancing and sanitation guidelines that Coastline has in place for its facilities due to the coronavirus pandemic.

\*PCHS will be charged for Security on days when they are on campus when Coastline is closed (see below for dates).

A/V equipment requested? Yes \_\_\_\_\_ No  Setup Required? Yes \_\_\_\_\_ No

AV equipment needed: Will use existing equipment in classroom.

Campus Site:	Bldg: _____	Room #: <u>332</u>	Seating Capacity #: <u>32</u>
Newport Beach Campus	Bldg: _____	Room #: <u>333</u>	Seating Capacity #: <u>32</u>
	Bldg: _____	Room #: _____	Seating Capacity #: _____

Event Date(s): August 17, 2020-June 2, 2021 Start/End Times 8:00am-3:00pm Setup Time: None

### Rental Fee estimate (based on current District Facility Usage Fee Chart)

Room/Space Rental: 2 rooms x 25.00 per room x 1211 hours = 60,550.00

Parking Space Rental: \_\_\_\_\_ spaces x \_\_\_\_\_ per space x \_\_\_\_\_ hours = \_\_\_\_\_

Safety/Security Officer: 1 x 50.00 per staff x 56 hours = 2,800.00

M & O Staffing: # of staff \_\_\_\_\_ x \_\_\_\_\_ per staff x \_\_\_\_\_ hours = \_\_\_\_\_

AV (see above): \_\_\_\_\_ = \_\_\_\_\_

Other Costs (Describe): Parking Permits - 30 @ \$60.00/ea. = 1,800.00


\*Coastline Holidays that PCHS is on Campus for Security Coverage:

August 21, 2020 - Scheduled Fall Flex Day	8 hrs.	1	<b>Total Costs: <u>65,150.00</u></b>
November 11, 2020 - Veterans Day	8 hrs.		
February 12, 2021 - Presidents Day Holiday	8 hrs.		
February 18, 2021 - Spring Flex Day	8 hrs.		
March 29-April 1, 2021 - Spring Break	32 hrs.		

**FACILITIES USE RULES AND REGULATIONS**

1. **Use and occupancy of college property shall be primarily for public college purposes. Any authorized use or occupancy of the property for other than public college purposes shall be secondary and subordinate to this primary purpose. The District reserves the right to deny any facility use that it deems inappropriate use of the college campus.**
2. The terms "Organization" or "User" used in these rules and regulations are defined to mean and include the person, persons, or group of persons, applying for the use of college property. Where the applicant is a person, or two or more persons associated together in a partnership, the application should be signed by the president or the secretary of the Organization making the application. **In all instances, the individual signing on behalf of the Organization must be authorized to do so.**
3. Applications shall be referred to the Facilities Office. Applications must be filed at least two (2) working weeks prior to the desired date of facility use.
4. There shall always be a college employee on duty for rental events who shall open and lock doors. The College is not responsible for setting up User equipment unless prior arrangements have been made. College employees used by the Organization must be paid for by the Organization using the facility at the college established rate of pay. The college will bill for the amount due to services rendered and facility usage. Payments to be made directly to the college.
5. College shall assume no responsibility for mail and shall not permit use of college telephone for long distance calls by members of the Organization using the facilities. If these rules and regulations are violated, the College shall revoke facility use permit(s) and shall refuse to give further facility use permits to the Organization involved.
6. The User shall comply with title IX regulations.
7. No use or occupancy of college property will be permitted if the Board of Trustees, in the exercise of its discretion, determines that such use or occupancy will interfere with the use of the property for college purposes.
8. Any removal of college fixtures or other damage to the college property including, but not limited to, unbolting, unscrewing, defacing, painting or other damage of college facilities is strictly prohibited and may subject User to a fine, repair charges, and/or termination of use or occupancy of college property.
9. In the case User has considerable stage scenery equipment, etc., and/or requires a stage crew, or any other cases where deemed advisable by the District, a guarantee deposit of \$100 to \$400 may be required in advance and in addition to the rental fee deposit. The amount of the additional deposit required is left to discretion of the District. Any damage to the stage, stage equipment, or the auditorium occurring during occupancy of the facility by the User shall be assessed from this guarantee deposit and the balance, if any, shall be returned. If the guarantee deposit is not sufficient to cover the damages, the User will be liable for the difference. The amount of damage in dollars shall be the actual cost of putting the stage, stage equipment and/or auditorium or other facility into the same condition as existed prior to the occupancy by User. The deposit must accompany the application and will be refunded in full if User does not use the facility.
10. In cases where the proposed use of college property includes radio or television broadcasting, together with special equipment, extra telephone line, etc., an additional deposit of \$50 must be paid in advance; this amount to be used to defray the additional expenses resulting from such special use. Any unused portion of this deposit shall be refunded to the User. The provisions of this section shall apply in addition to and not lieu of those in Section (9).
11. College stages and other indoor facilities shall not be available for entertainment of a circus type involving the use of hay, straw, and/or animals of any type, kind or size.
12. User shall not be permitted to remove or displace furniture or apparatus (including but not limited to lights, curtains, ceiling pieces or cycloramas,) except with permission and under the supervision of the college representative in charge; not shall they change the counter weight system of the switchboard "hook-up".
13. There shall be no smoking or use of tobacco products, intoxicants or narcotics in or about college property. **There shall be no eating or drinking in auditoriums or classrooms.** No gambling will be permitted.
14. The College/District may require to be furnished, reasonably in advance, with a complete program, with copies of all talks and addresses and script of any entertainment proposed to be given on college property. If such copy reasonably demonstrates that the program will be in violation of the law or of these rules or be deemed inappropriate use of the college campus, the proposed use shall not be permitted.
15. User shall comply with all applicable laws, rules, and regulations. Any usage contrary to or in violation of any law, rule or regulation shall be grounds for cancellation of the permit and removal of the User from the college property and shall bar such user from further use thereof.
16. Permission to use college facilities will be granted in accordance with board policy and established rates. Copies of same may be obtained with the application.
17. The vending or sale of any article will not be permitted during use or occupancy of the college property without prior approval. If food will be sold a concession request form must be completed. **Food or refreshments are not permitted in auditoriums or classrooms.**
18. Aircraft-related activities are not allowed at non-college events. This includes manned or unmanned, powered or non-powered aircraft of any type including helicopters, ultra-lights, hang gliders, hot air balloons, parachuting, etc.
19. Dates for use and occupancy of college facility may be reserved for a period not to exceed ten (10) working days prior to filing an application. The application must confirm the date before the expiration of the ten (10) day-limit by written application and, when a fee is to be charged, payment of a deposit of fifty percent (50%) of the total charge must be made. The full fee must be paid seven (7) days prior to the date of use. The deposit may be applied to the fee in case of a change of date for an event, but it is not refundable if the permit is canceled. Reservations will automatically be canceled at the expiration of ten (10) days if proper application and payment are not received. Extension of the 10-day period may be made only at the discretion of the District.
20. Cancellation or charge to this application must be in written form and submitted within five (5) working days before he first date of use.
21. If a facility is found damaged, abused or dirty after use, the User agrees to be financially responsible. An additional charge for cleaning and/or repair will be billed to User.
22. If the application is canceled due to User not having met the provisions outlined, refunds are at the discretion of the District.
23. A signed copy of the application must be in the issuer's possession during use of facilities. User will not arrive before the time authorized and will leave not later than the permit expiration time.
24. **INSURANCE:** User shall secure and maintain comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence with coverage for incidental contracts. User agrees to name the College, the Coast Community College District and the Coast Community College District Board of Trustees as additional insureds under this policy. Further, the Certificate of Insurance shall provide 30-days prior written notice of cancellation. User shall also secure and maintain workers compensation insurance covering all personnel employed on the premises during the term of the agreement whether said personnel is employed by the User or supplied by person or entities other than the District. User shall deliver certificate(s) of insurance along with a copy of the additional insured endorsements at least 2 working days in advance of the facility use, or the facility permit will automatically be canceled. District/College reserves the right to require higher levels of insurance based upon the risk of activity for the intended use, or to waive these insurance requirements in its discretion.

I have read and understand the foregoing Facility Use Rules and Regulations.

User Signature:  Date: 6/9/20

Campus Approval: \_\_\_\_\_ Date: \_\_\_\_\_