

From: [City of Costa Mesa](#)
To: [CITY CLERK](#)
Subject: eBike safety
Date: Monday, August 4, 2025 9:51:21 AM

Message submitted from the <City of Costa Mesa> website.

Site Visitor Name: Michael Tilley
Site Visitor Email: mikefla05@gmail.com

Will the city of Costa Mesa consider passing legislation to address issues of motorized eBikes using sidewalks at excessive speeds? Other jurisdictions in Orange and LA counties are considering this issue. Background - eBikes come in three categories. The fastest are capable of nearly 30 mph. Some can be controlled via throttle only without pedaling. They are often ridden on sidewalks where they pose a danger to pedestrians. I have had instances of riders (usually a teenager) having to skid to a halt from high speed to avoid hitting me. I will not yield to them by jumping out of their way if I am on a sidewalk. I instruct them to ride on the street. In future, if necessary, I will use physical force to push them into the street and out of my way. This is going to be a major liability issue for the city unless all *motorized* transport is banned from sidewalks. For reference - I am a cyclist (a regular human power bicycle). I ride on the road and have done so for 50 years. It is not as dangerous as some perceive, if done with knowledge and training. Sidewalks are for walking (or for young kids learning to ride a bike at walking pace). I recently moved to Costa Mesa from LA. There seem to be quite a lot more people riding electric bikes on sidewalks here for some reason. It is dangerous and needs to be banned.

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08/04/25

Dear Mayor Stephens and Members of the City Council,

As a resident of Eastside Costa Mesa, I'm writing to voice my strong support for the proposed resolution regarding improvements to Newport Boulevard, especially the segment south of 19th Street.

For many of us living on the Eastside, Newport Blvd is more than a highway—it's a daily barrier between our homes and essential parts of the city. The current street design makes walking or biking to places like Lions Park, the grocery store, our favorite restaurants, and the Triangle Square shopping area not just difficult, but dangerous. Crossing Newport often feels like taking a risk, especially at intersections like Rochester St. at Newport Blvd., and Harbor Blvd at Newport Blvd.

I fully support the City's push for Caltrans to incorporate safer crosswalks, better lighting, curb extensions, improved bike lanes, and updated signal timing. These aren't luxury upgrades—they are basic safety measures. They would make a real difference for kids walking to school, families heading to the park, and all of us who simply want a safer, more connected community.

The crash and fatality data presented in the resolution is deeply troubling, and it mirrors what we've all seen and experienced for years. These numbers aren't just statistics—they represent lives lost and near-misses that could have been avoided with better infrastructure.

I have personally witnessed **3-4 accidents** occur at the intersection of **Newport Blvd and 18th Street / Rochester Street**, usually in the afternoon or evening, and especially on busy days, holidays, over the weekend, etc. while dining at El Matador outside on their "patio". El Matador **does** have some barriers up as a sort of outside fence, but I often wonder if those barriers would actually help protect people dining there, in the event of an accident, as drivers tend to try to rush through lights at that intersection. Not to mention the relatively new Costa Mesa Kitchens (located in the former Grants for Guns property) that is constantly busy with various food delivery drivers who are also often in a hurry to deliver to people.

Thank you for taking this seriously and for standing up for safer streets. I urge Caltrans to listen to the City and the community and implement the safety features detailed in the resolution.

Sincerely,
Brian Jackson
Costa Mesa Eastside Resident
brian77jackson@gmail.com

From: [Alec Daigle](#)
To: [CITY CLERK](#); [CITY COUNCIL](#)
Subject: City Council Consent Item #8
Date: Tuesday, August 5, 2025 11:12:15 AM

Hello,

As a resident of the east side, I wanted to strongly voice my support for consent item #8 regarding the request that CalTrans implement necessary safety improvements for pedestrians and bicyclists along Newport Blvd.

That stretch is extremely dangerous, and as our downtown, it is in dire need of not just traffic calming, but basic safety improvements that CalTrans has shown no indication of prioritizing without demand from the city and local residents. There are missing crosswalks, no leading pedestrian intervals, and the crossings are dangerously wide with no pedestrian refuges. In addition, there is no bike infrastructure, making traversing our downtown on bike prohibitively deadly (particularly at the Rochester/18th crossing, a frequently used bicyclist crossing).

Current conditions prohibit safe travel between the east and west sides of our city, and negatively impact local business and increase traffic and parking issues downtown by discouraging alternatives. We have had collisions within the last year, not to mention a car driving straight into a local storefront.

We need to demand that CalTrans take the issue seriously and prioritize the safety of Costa Mesans over the speed of freeway commuters.

Thank you,
Alec Daigle

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From: [Jennifer Tanaka](#)
To: [CITY CLERK](#); [CITY COUNCIL](#)
Cc: [SETHURAMAN, RAJA](#); [CityManager](#)
Subject: Comment re: Consent Calendar #8 - Newport Blvd Caltrans Resolution
Date: Tuesday, August 5, 2025 7:22:05 AM

Members of the City Council and City Staff:

First, I want to thank the City Clerk's office as well as Interim City Manager Cecilia Gallardo-Daly for publishing the City Council agenda in a timely manner. The effort to provide the public with additional advanced notice of city business has not gone unnoticed and I commend the effort.

Second, I want to write to strongly support the proposed resolution before you regarding necessary safety improvements on Newport Boulevard. In fact, I would support the city doing anything in its power to impress upon Caltrans the dire need for these improvements and its responsibility to follow its own stated policies.

I am blessed to own a home in Eastside Costa Mesa. We chose this neighborhood in part due to its proximity to many shops and amenities, and I have taken full advantage of this by walking and bicycling around it often. Thanks to the tireless efforts of our police and public works departments I rarely feel unsafe doing so.

However, there have been more than a few occasions where I genuinely feared for my life, and all of them have occurred crossing Newport Boulevard. One time, I was walking -- on a clear walk signal -- the third leg of the crosswalk at 19th and Newport (I had to use all three to reach my destination, thanks to a missing fourth leg) when a vehicle came screaming up the 55 Freeway, took a right-on-red, and nearly hit me going at least 40 miles per hour. I sprinted out of harm's way in the nick of time.

Another time I was on my bicycle traveling to the Westside across the intersection of Rochester and Newport Boulevard. It should be noted I was going out of my way to do so *because* the prior incident and others like it made it clear that the 19th Street crossing was too risky. This time, I attempted to legally cross on a green light in my direction. I was turning the pedals as hard as I could -- the green in that direction can be VERY short, and the grading is uphill -- when two cars whizzed in front of me, running the red light in their direction. It was a rare moment I was glad I didn't have an e-bike at the time; if I had been quicker, I'd be dead.

Newport Boulevard is our most dangerous corridor. Every day Costa Mesa residents follow the rules, cross Newport Boulevard with care, and take their lives into their own hands anyway. *We subject children to this*, not only so that they can reach amenities like parks and libraries, but even to go to school (review the zones for Ensign Middle School, for example).

Our public works department has been doing everything that reason and budget permit to improve safety conditions for pedestrians and bicyclists. I am deeply appreciative of the beautiful new crosswalk striping that has graced the Eastside in recent weeks. **But our public works department cannot make improvements to Newport Boulevard -- only Caltrans can.** And while every single Costa Mesa resident is also a California resident and thus a Caltrans constituent, it seems clear at this point safety and liveability simply aren't Caltrans's top priority in practice.

This must change, and the City of Costa Mesa must plead its residents' case. The safety improvements listed by the public works department are modest, reasonable, and proven to be effective at improving safety. By resisting them Caltrans is violating its own policies and harming the long-run potential of Newport Boulevard, not to mention putting Costa Mesa residents in danger.

Thank you for bringing forward this resolution and I hope to see even more action in the future.

Sincerely,
Jenn Tanaka
321 Broadway
Costa Mesa

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From: [Joseph Daigle](#)
To: [CITY CLERK](#)
Subject: Consent item #8
Date: Tuesday, August 5, 2025 11:38:50 AM

Hello Mr. Mayor and Members of the City Council, as a 58 year resident of Costa Mesa I have seen the effects of CalTrans routing traffic through downtown firsthand and I'm writing to support the resolution by BBC taking a position on the necessary safety enhancements that must be included in the proposed Caltrans project along Newport Boulevard. As the Staff Report notes, the City's requested safety features are consistent with Caltrans policy as well as the needs of the Costa Mesa community. And Caltrans is the only agency that can fully address the significant pedestrian and bicyclist safety issues present when crossing Newport Boulevard. In addition to impacting the economic vitality of this corridor, the lack of safe crossings undermines the cohesiveness of the city and places children who must cross Newport Boulevard to get to school in danger. I strongly support the City Council's decision to make its position clear to Caltrans: these safety measures are NOT optional. Sincerely,
Joseph Daigle

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From: [Joshua E Sawyer](#)
To: [CITY CLERK; WRIGHT, SHAYANNE](#)
Subject: Newport and Rochester crossing in Costa Mesa
Date: Monday, August 4, 2025 6:49:27 PM

Dear City Councilmembers,

I'm an Eastside Costa Mesa resident and a cyclist who rides often in the city. One of the major pain points in getting across Costa Mesa is the lack of safe crossing at Newport and Rochester. It's the most direct way to pass from Eastside to Lions Park, the library, and the rest of Westside, but it's an extremely stressful crossing.

The walk signal across Newport is extremely short (the signal starts flashing almost immediately) and drivers frequently turn right on red even when there are people in the crosswalk. I think the signal length should be increased, there should be no right on red onto Newport, and the yield left turn should be removed. This would dramatically increase the safety for both cyclists and pedestrians crossing.

I love cycling in Costa Mesa and there's a lot going for the infrastructure, but the Newport crossings are dangerous. The one at Newport and Rochester is the worst. I hope the city continues pushing Caltrans to improve our infrastructure for the sake of all pedestrians and cyclists in the city.

Thank you for reading and for all your work.

Sincerely,

Josh Sawyer

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From: [Joel Medina](#)
To: [CITY CLERK](#); [CITY COUNCIL](#)
Subject: Public comment: CalTrans on Newport Blvd
Date: Tuesday, August 5, 2025 11:59:08 AM

Good morning:

I would have liked to come to the meeting in person tonight to speak on the issue of CalTrans' work on Newport Blvd, but I am unable, so I wanted to write to you ahead of tonight's meeting.

My name is Joel Medina and I have been a Costa Mesa resident for 8 years, living on both the east and west side with my wife. I try to do most of my errands by bike to avoid contributing to the traffic in downtown, but the lack of infrastructure in downtown is treacherous. Two years ago, many concerned citizens spoke to CalTrans reps about making our downtown safer for pedestrians and cyclists, but our concerns were ignored. Please advocate for us, the residents of Costa Mesa, and advocate for concrete improvements to the downtown area to mitigate more accidents and injuries in the future.

Thank you

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From: [Marty](#)
To: [CITY CLERK](#)
Subject: Support for Consent Calendar Item #8 (Newport Blvd Resolution)
Date: Tuesday, August 5, 2025 9:28:18 AM

Hello Mr. Mayor and Members of the City Council,

I'm writing to support the resolution taking a position on the necessary safety enhancements that must be included in the proposed Caltrans project along Newport Boulevard. As the Staff Report notes, the City's requested safety features are consistent with Caltrans policy as well as the needs of the Costa Mesa community. And Caltrans is the only agency that can fully address the significant pedestrian and bicyclist safety issues present when crossing Newport Boulevard.

In addition to impacting the economic vitality of this corridor, the lack of safe crossings undermines the cohesiveness of the city and places children who must cross Newport Boulevard to get to school in danger.

I strongly support the City Council's decision to make its position clear to Caltrans: these safety measures are NOT optional.

Sincerely,
Martin Varona

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From: [Kyle Ramer](#)
To: [CITY CLERK](#)
Subject: Support for Consent Calendar Item #8 (Newport Blvd Resolution)
Date: Tuesday, August 5, 2025 11:24:35 AM

Hello Mr. Mayor and Members of the City Council,

I'm writing to support the resolution taking a position on the necessary safety enhancements that must be included in the proposed Caltrans project along Newport Boulevard. As the Staff Report notes, the City's requested safety features are consistent with Caltrans policy as well as the needs of the Costa Mesa community. And Caltrans is the only agency that can fully address the significant pedestrian and bicyclist safety issues present when crossing Newport Boulevard.

In addition to impacting the economic vitality of this corridor, the lack of safe crossings undermines the cohesiveness of the city and places children who must cross Newport Boulevard to get to school in danger.

The city has made some really great strides in improving the pedestrian and bicycle infrastructure citywide in the past few years. Working with an agency like Caltrans that is solely focused on vehicle throughput is challenging but if we can make real improvements to Newport boulevard then we can start to create the real downtown we deserve by truly connecting 19th to 17th streets via Newport and Harbor boulevards.

I strongly support the City Council's decision to make its position clear to Caltrans: these safety measures are NOT optional.

Sincerely,
Kyle Ramer

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From: [William Sellin](#)
To: [CITY CLERK](#); [STEPHENS, JOHN](#)
Cc: [CMABS](#); [Lan Zhou](#); [REYNOLDS, ARLIS](#); [THOMAS, BRETT ATENCIO](#)
Subject: Support for Consent Calendar Item #8 (Newport Blvd Resolution)
Date: Tuesday, August 5, 2025 7:46:41 AM
Attachments: [PastedGraphic-2.tiff](#)
[PastedGraphic-6.tiff](#)
[PastedGraphic-8.tiff](#)

Honorable Mayor Stephens and City Council,

I'm writing to support the resolution taking a position on the necessary safety enhancements that must be included in the proposed Caltrans project along Newport Boulevard. As the Staff Report notes, the City's requested safety features are consistent with Caltrans policy as well as the needs of the Costa Mesa community. Caltrans is the only agency that can fully address the significant pedestrian and bicyclist safety issues present when navigating Newport Boulevard. It is their own Complete Streets standards that are not being fully implemented.

Bicyclist from Costa Mesa as well as across the region share the streets of Costa Mesa to access US Bicycle Route 95 from across Orange County.

In addition to impacting the economic vitality of this corridor, the lack of safe crossings undermines the cohesiveness of the city and places local children who must cross Newport Boulevard to get to school in danger.

I strongly support the City Council's decision to make its position clear to Caltrans: these safety measures are NOT optional.

Sincerely,

Bill Sellin
714.943.3678
WASellin@gmail.com



Infrastructure Review Committee
OCBike.org



Area Liaison to Caltrans District 12
CABOBike.org



League of American Bicyclists
Certified Bicycle Advocate

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From: [Taylor Chamberlin](#)
To: [CITY CLERK](#)
Subject: Support for Consent Calendar Item #8 (Newport Blvd Resolution)
Date: Tuesday, August 5, 2025 10:05:23 AM

Hello Mr. Mayor and Members of the City Council,

I'm writing to support the resolution taking a position on the necessary safety enhancements that must be included in the proposed Caltrans project along Newport Boulevard. Newport Boulevard as it currently stands is like a wall between east and west Costa Mesa for pedestrians and cyclists. When I walk or bike in Costa Mesa, I don't feel safe crossing Newport Blvd and it limits opportunities for community connection.

As the Staff Report notes, the City's requested safety features are consistent with Caltrans policy as well as the needs of the Costa Mesa community. And Caltrans is the only agency that can fully address the significant pedestrian and bicyclist safety issues present when crossing Newport Boulevard. In addition to impacting the economic vitality of this corridor, the lack of safe crossings undermines the cohesiveness of the city and places children and families who must cross Newport Boulevard to get to school in danger.

I strongly support the City Council's decision to make its position clear to Caltrans: these safety measures are NOT optional.

Sincerely,

Taylor Rosetti

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From: [Angeline Hong](#)
To: [CITY CLERK](#)
Subject: Support for Consent Calendar Item #8 (Newport Blvd Resolution)
Date: Monday, August 4, 2025 11:14:57 PM

Hello Mr. Mayor and Members of the City Council,

I'm writing to support the resolution taking a position on the necessary safety enhancements that must be included in the proposed Caltrans project along Newport Boulevard. As the Staff Report notes, the City's requested safety features are consistent with Caltrans policy as well as the needs of the Costa Mesa community. And Caltrans is the only agency that can fully address the significant pedestrian and bicyclist safety issues present when crossing Newport Boulevard.

In addition to impacting the economic vitality of this corridor, the lack of safe crossings undermines the cohesiveness of the city and places children who must cross Newport Boulevard to get to school in danger.

I strongly support the City Council's decision to make its position clear to Caltrans: these safety measures are NOT optional.

Sincerely,
Angeline Hong

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From: [Kathryn Hoist](#)
To: [CITY CLERK](#)
Subject: Support for Consent Calendar Item #8 (Newport Blvd Resolution)
Date: Tuesday, August 5, 2025 10:17:52 AM

Hello Mr. Mayor and Members of the City Council,

I'm writing to support the resolution taking a position on the necessary safety enhancements that must be included in the proposed Caltrans project along Newport Boulevard.

As the Staff Report notes, the City's requested safety features are consistent with Caltrans policy as well as the needs of the Costa Mesa community. And Caltrans is the only agency that can fully address the significant pedestrian and bicyclist safety issues present when crossing Newport Boulevard.

As a business owner on Newport Blvd, I have experienced the dangerous conditions on Newport after a car ran into the business next to mine in January this year. I regularly walk across Newport Blvd to the triangle and to the shopping center along harbor and every time I am on edge and worried about the safety of myself and those around me.

Since my business is on E 18th and Newport, I have to cross more than necessary to get across Newport no matter which direction I walk and would love to have crosswalks on Rochester and Harbor where it's missing a leg.

In addition to impacting the economic vitality of this corridor, the lack of safe crossings undermines the cohesiveness of the city and places children who must cross Newport Boulevard to get to school and the library in danger.

LPIs should be an easy add on and makes a huge difference for pedestrians crossing the street.

I'm also very interested in the curb extensions and lane narrowing as I've witnessed so many people speeding down the road endangering others. No amount of speed limit signs will slow these people down.

I strongly support the City Council's decision to make its position clear to Caltrans: these safety measures are NOT optional.

Sincerely,
Kathryn Hoist

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From: [Andy Leon](#)
To: [CITY CLERK](#)
Subject: Support for Resolution 2025-XX – Safety Enhancements on Newport Blvd
Date: Tuesday, August 5, 2025 10:32:50 AM

Dear Mayor and City Councilmembers,

As a resident of Costa Mesa, I'm writing to express my strong support for **Resolution 2025-XX**, which outlines the City's position on the vital safety enhancements needed as part of the proposed Caltrans project along Newport Boulevard.

As noted in the Staff Report, the safety features requested by the City are fully aligned with Caltrans policy—and more importantly, they reflect the real and pressing needs of the Costa Mesa community.

Caltrans is the only agency with the authority and capacity to properly address the serious risks faced by pedestrians and bicyclists trying to cross Newport Boulevard. This corridor is not only critical to the city's economic vitality, but also to its connectivity. The absence of safe crossings endangers residents—particularly schoolchildren—and undermines the cohesion of our neighborhoods.

I fully support the City Council's decision to send a clear message to Caltrans: these safety improvements are not optional. They are necessary.

Thank you for your leadership and for standing up for the safety of Costa Mesa residents.

Sincerely,
Andrew Leon

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From: [Russell Toler](#)
To: [CITY CLERK](#)
Subject: Support the Resolution—Hold Caltrans Accountable on Newport Blvd Safety
Date: Tuesday, August 5, 2025 8:58:16 AM

Mr. Mayor and City Councilmembers,

I'm writing in strong support of the resolution calling on Caltrans to include requested safety upgrades in their Newport Boulevard project.

Despite the fact that Newport Blvd. has all but turned into a freeway in recent decades, it is still heavily used by people walking, biking, and waiting for the bus—residents trying to access schools, parks, businesses, and civic services on foot. We've let these people be literally marginalized—pushed to the dirty and dusty *margins* of the public realm, dodging cars as they pop out of driveways and side streets, crossing the street apologetically, and on high alert as they watch for drivers turning right on red at both ends. We've let people who dare to walk in our downtown lose dignity, and the City of Costa Mesa should stand up for them.

We have been engaging in good faith with Caltrans for over two years. We've asked for reasonable, commonsense upgrades: completed crosswalks (you have to cross three times to get from E. 18th to Lion's Park!), better lighting, advanced signals, and other proven safety measures. These are not fringe requests. They are in line with Caltrans' own [Complete Streets Toolbox](#), their [Active Transportation Plan for District 12](#), as well as SB 960, which mandates these very kinds of improvements. Please read [Director's Policy 37](#), which says ***“all transportation projects funded or overseen by Caltrans will provide comfortable, convenient, and connected complete streets facilities for people walking, biking, and taking transit or passenger rail unless an exception is documented and approved.”***

Despite their public commitment to serving all modes of transportation, when it comes time to actually implement those values, they are stalling and we should call them out for it.

This resolution is not asking for radical change. It is just asking for *some* alignment between what Caltrans says and what Caltrans does. They've had several meetings in Costa Mesa where *they should have learned that we are different from other cities they work in*—where we actually care about more than traffic throughput. We need to continue to make it clear to them that pedestrian safety and dignity are not optional features in Costa Mesa.

Russell Toler

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Triangle

Restaurants,
Grocery Store

Lions Park,
Library

Dangerous and Terrible Crosswalks

Eastside High Density Residential

Give us safe access to our nearest park and businesses!!



Triangle

Restaurants,
Grocery Store

Lions Park,
Library

No crosswalk WHY

Eastside High Density Residential

Give us safe access to our nearest park and businesses!!

No crosswalk WHY

1762 CA-55
Costa Mesa, California

Google Street View

Jun 2022 See more dates

Bikers at every corner

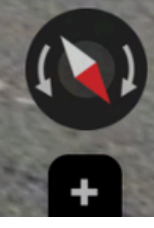
Bikers at every corner

Bikers at every corner

10 LANES TO CROSS IN 30-40 SECONDS

RIGHT ON RED

NO CROSSWALK HERE WHY???



105 Rochester St
Costa Mesa, California

Google Street View

Jan 2024 See more dates

Lions Park

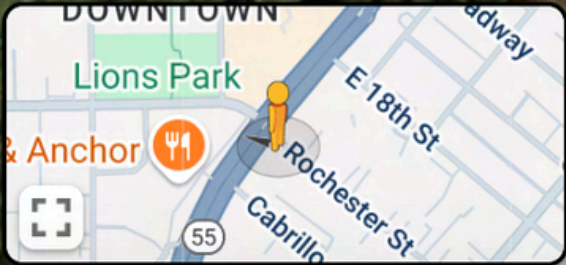
Pedestrian crossing

Cars going into the crosswalk

10 LANES TO CROSS IN 30-40 SECONDS

Small Curb Angles = FAST TURNS

Cars going into the crosswalk



1762 CA-55
Costa Mesa, California

Google Street View

Jun 2022 See more dates



Curb extended

Longer duration for crossing

Crosswalk at all intersections

← 1830 CA-55
Costa Mesa, California

Google Street View

Jun 2022 [See more dates](#)

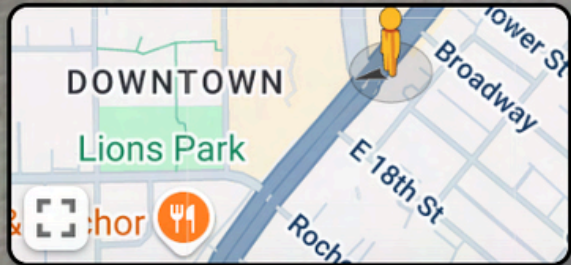
Restaurants & Triangle Square


Cars turn really fast at this light and don't stop


NO CROSSWALK HERE WHY???

10 LANES TO CROSS IN 30-40 SECONDS

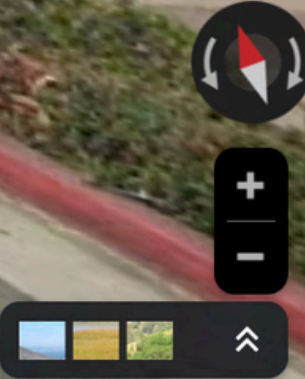
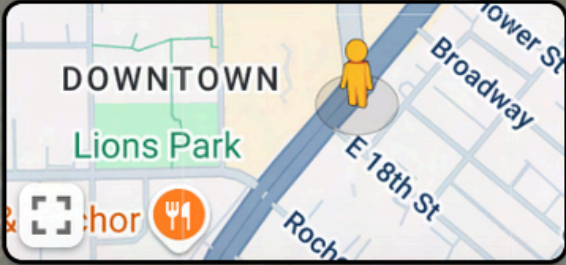
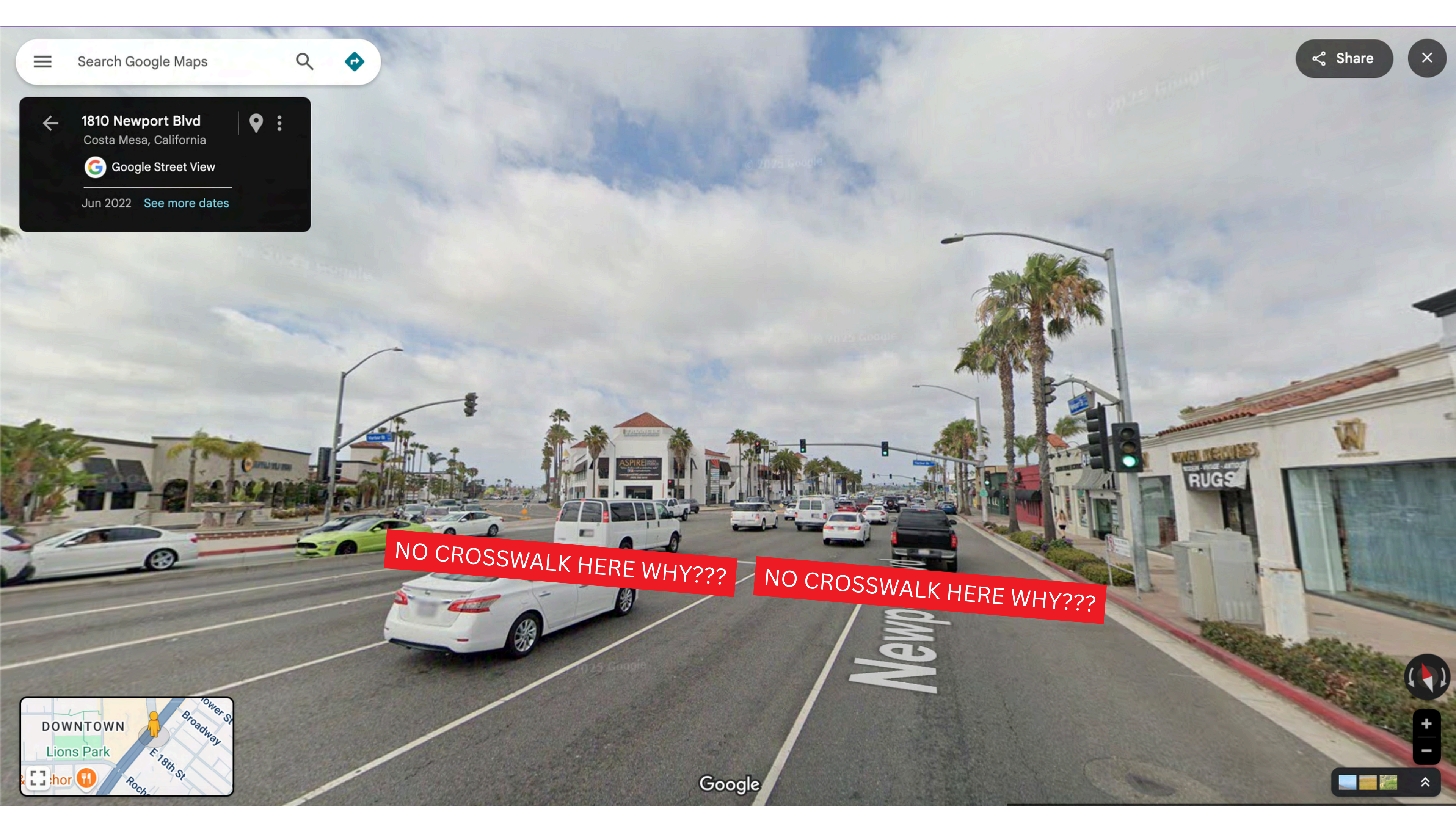
No protection for pedestrians



 **1810 Newport Blvd**
Costa Mesa, California

 Google Street View

Jun 2022 [See more dates](#)



1830 CA-55
Costa Mesa, California

Google Street View

Jun 2022 [See more dates](#)

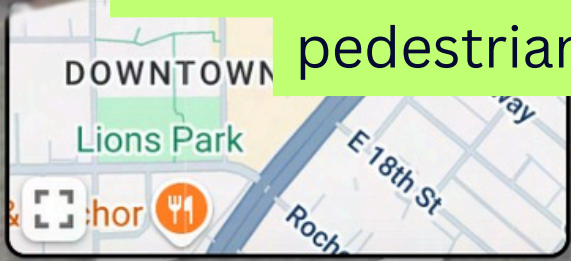
Restaurants & Triangle Square

We NEED a crosswalk here

No right on red here

Extend median to give pedestrians an island

Extend the curb here to shorten pedestrian distance



Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view pegman icon, and a full-screen button.

TERAN, STACY

From: Abie Chehade <achehade@aol.com>
Sent: Tuesday, July 29, 2025 12:36 PM
To: CITY CLERK
Subject: 3150 Bear St. Costa Mesa.... project.

THANK YOU

Dear Mr. Mayor and the City Council of the Beautiful City of Costa Mesa;;

My name is Abie Chehade, I live on 3074 yukon ave. off Bear Street. My neighborhood is a great place to live in, all the neighbors are wonderfull, and would love to keep it that way....

Now with the new project it is going to create problems for both neighborhood on both sides of bear, because:

1) 142 homes in that small area is too many with one exit to use all pouring down Bear... if each house has 2 or 3 cars the traffic would be a nightmare especially on Christmas and other holidays. we have seen it lines backing up to baker. Another problem which all of us are complaining about is the parking, they would park in the streets on both sides and walk accross the park to their residence. we bearly have spaces for the people that live here already...

2) building a connection to the shiffer park is also not good as they all are going to use it, it is bad enough people coming from other cities to party there and leave their trash..

3) my suggestion would be open an entrance to the 405 freeway and let them exit from there and the best one would be just let them build half like only 75 homes which makes at least residents happy somewhat.

Thank you and may God Bless Costa Mesa.

Abie.

From: [Brent Millard](#)
To: [CITY CLERK](#)
Subject: Comments for 3150 Bear st
Date: Tuesday, July 29, 2025 5:42:00 PM

Hello, I have sent comments multiple times to multiple people and don't feel like they are being taken into consideration. This development is being over built with far to little parking. Living in an attached neighborhood which already has major parking issues this will only make it worse. Costa mesa has a parking ordinance in place 13-85 which based on the number of units would require 477 parking spaces. For some reason the city is making an exception for this developer to allow only 319 parking spots. That is a huge drop from the standard for no reason. They can cut the number of units by 20% and increase the parking. There is no valid reason to lower Costa Mesa city standards which will impact the current residents and neighborhoods just to get a couple more living units in this development. There are several other developments in industrial areas on the other side of Costa Mesa that can be increased because don't have the same issues.

This will also directly impact the traffic in the area since Bear St is already a major path from the freeway to South Coast plaza or Santa Ana with an existing major bottleneck at the 405 overpass. If they actually did traffic studies at rush hours and near holidays they would see bear street is already at a standstill quite often. They cherry picked the days and times to do traffic studies to push their narrative.

Thank you,
Brent

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From: [Thomas M Vasich](#)
To: [CITY CLERK](#)
Subject: Objection to the planned sidewalk at the Trinity Broadcasting redevelopment site
Date: Tuesday, July 29, 2025 9:49:09 AM
Attachments: [image001.png](#)

Dear members of the City Council,

Regarding your August 5 discussion about the application for a 142-unit residential development on Bear Street, we would like to share with you a letter we sent to Johnny Rojas of the Planning Commission.

The letter states our objections to opening the sidewalk between the new development and our neighborhood. Mr. Rojas has not responded.

The email we sent Mr. Rojas is below. In addition to legitimate concerns about overbuilding on that site, which will cause parking and traffic problems, we believe the sidewalk should not be opened. Our neighborhood opposes it for the reasons detailed in the letter below.

Thank you for your consideration, and best wishes,

Tom & Deborah Vasich

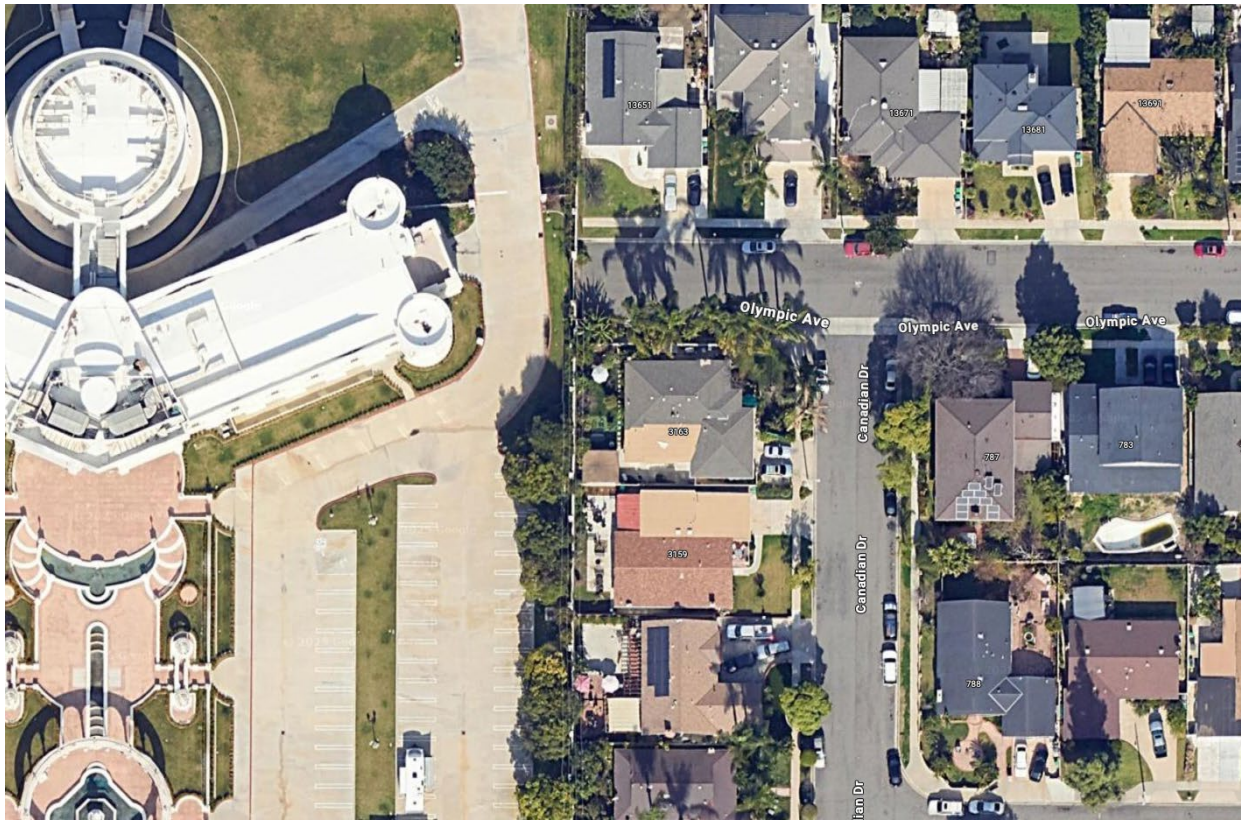
778 Allegheny Ave.
Costa Mesa, CA 92626
949-285-6455
tmvasich@uci.edu

From: Thomas M Vasich <tmvasich@uci.edu>
Date: Tuesday, June 24, 2025 at 8:11 AM
To: johnny.rojas@costamesaca.gov <johnny.rojas@costamesaca.gov>
Subject: Objection to the planned sidewalk at the Trinity Broadcasting redevelopment site

Dear Mr. Rojas,

We live in the neighborhood behind the former Trinity Broadcasting site, and we understand that a housing development will be built on that location. Some of my neighbors are upset because they have heard that the project includes opening up the sidewalk connecting my neighborhood to the new housing area.

For as long as we can remember, access from my neighborhood, from Olympic Avenue to the Trinity Broadcasting site, has been blocked by an iron gate that can only be opened for emergency access purposes. Here is a screenshot to show you the area:



This includes the sidewalk. Under the supposed new development plan, traffic access from Olympic will still be blocked, but the sidewalk will be open, allowing access to and from the new development and my neighborhood.

We believe this is a bad idea for several reasons:

1. The residents in the new development will be able to park their extra cars in our neighborhood, which already has impacted parking. We already have problems with people from outside areas using our neighborhood for long-term parking.
2. It will encourage more illegal activity by giving criminals easy access to the homes on Olympic, Hudson, and Canadian, and also to the new housing development. Already, my neighborhood has sober living houses, houses where drugs are sold, and people abandoning or sleeping in cars. Opening easy access to Bear Street may only accelerate illegal activity, which is not good for my neighborhood or the new development.
3. I doubt the new residents in their new homes would appreciate having people from my neighborhood walking through their neighborhood at all hours to go to the park or over the shopping district on the other side of the 405.

We appreciate your interest in this matter.

With best regards,

Tom & Deborah Vasich

778 Allegheny Ave.
Costa Mesa, CA 92626
949-285-6455
tmvasich@uci.edu

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From: [m s](#)
To: [CITY CLERK](#)
Subject: PGPA-24-0002 Public hearing Meritage Homes
Date: Monday, August 4, 2025 12:37:05 PM

Hello City Council

Here are the points of the Meritage Homes/Vanessa Scheidel development project at 3150 Bear Street

Mark Sato 904 Mackenzie Place CM CA 92626 I live one house away from Shffer Park

My concerns are lack of resident parking inside the development for 146 units. The buyers themselves most likely will own more than 2 cars, (adults living with them) thus during the weekdays and weekends they will try and take advantage of parking overflow vehicles at Shiffer park which has limited parking spaces on Bear street. If people visiting Shiffer park will not be able to find parking on Bear street and start to park on Tanana Place and Mackenzie Place streets. Eventually we will ask for residential permit parking. Yes we understand during holidays the park is used and many cars park but this predominantly holidays and we put up with people parking on our streets and blocking our driveways.

I am asking Costa Mesa City Council limit the number of units to less than 146 and have overflowing parking for residents.

Costa Mesa should put up signage at the Bear street parking explaining the time park is closed and no overnight parking.

The same for Mackenzie Place and Tanana Place Cul du sacs signage about no overnight parking.

There is already one person for 3 months living in his car from around 6:30am to 5:30pm in the Shiffer park parking thus already limiting guests who want to use the park. You will see a dark color car parking the corner with black cloth covering all the sides windows and the front windshield will have a sunshade put up all day.

Mark Sato

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August 4, 2025

Mayor Stevens and Council Members
77 Fair Drive
Costa Mesa, CA 92626

**RE: Mitigated Negative Declaration, General Plan Amendment (PGPA-24-0002),
Rezone, Design Review, Tentative Tract Map No. 19334, and Density Bonus for a 142-
Unit Ownership Residential Development at 3150 Bear Street (Meritage Homes)**

Dear Mayor Stevens and Council Members,

I am a longtime resident of Rancho Mesa, living directly across Bear Street from the proposed project site. My wife and I have called this peaceful neighborhood home since 1996, and we have always appreciated the openness and character of the surrounding area.

While we are not opposed to a thoughtfully planned residential development on the Trinity property, we are deeply concerned about the scale and parking inadequacies of the project as currently proposed. The proposed density is too high, and the parking provisions are insufficient to support the number of units.

Experience shows that developments like this often lead to spillover parking in adjacent neighborhoods. With our community located just across Bear Street and easily accessible via a protected crosswalk, it is only a matter of time before new residents begin parking in our neighborhood, creating congestion and negatively impacting our quality of life.

The project's heavy reliance on garage parking is unrealistic. In most cases, garages are used for storage or only accommodate one vehicle. Without adequate surface parking, the development will inevitably burden surrounding streets. A practical solution would be to scale back one or two buildings and use that space to increase surface parking.

Let's ensure this project serves both its future residents and the existing community responsibly. Once approved, we cannot undo the long-term impacts of an overbuilt and under-parked development. I respectfully urge you to deny the project unless significant revisions are made to address the parking shortfall.

Thank you for your attention and consideration.

Kind regards,

Mick Meldrum

3118 Yukon Ave.
Costa Mesa, CA 92626



Fighting for a future of abundant housing in Orange County.
peopleforhousing.org

August 4th, 2025

Mayor John Stephens
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

RE: SUPPORT for Bear Street Residential Project at 3150 Bear Street

Dear Mayor Stephens and Members of the City Council,

On behalf of People for Housing – Orange County, I am writing to express our strong support for the proposed 142-unit residential community at 3150 Bear Street. This well-designed ownership development represents exactly the kind of smart, infill housing Costa Mesa needs to address its housing shortage and create more opportunities for homeownership.

As an organization committed to increasing access to affordable and attainable housing across Orange County, we advocate for projects that offer diverse housing options for the people who live, work, and raise families in our communities. The Bear Street project does just that—delivering a mix of stacked townhomes and single-family detached homes in a transit-accessible location near jobs, services, and parks.

In a region where homeownership remains out of reach for many working families and first-time buyers, this project creates new, for-sale housing in one of Orange County's most central urban locations. These kinds of projects are urgently needed to meet demand, reduce pressure on the rental market, and give younger generations a chance to put down roots in cities like Costa Mesa.

The addition of a small number of deed-restricted very low-income units through the density bonus is a welcome inclusion, though the broader benefit is the expansion of the city's overall housing stock.

This project adds housing in a well-connected location, consistent with the goals of Measure K and the city's General Plan vision for smart growth and livable neighborhoods.

We were encouraged to see city staff recommend approval of this project and urge the Council to support their recommendation. The proposed community advances Costa Mesa's housing, transportation, and sustainability goals while expanding homeownership opportunities in a high-opportunity area.

Thank you for your leadership on housing and your thoughtful consideration of this important proposal. Please don't hesitate to contact me at elizabeth@peopleforhousing.org if you have any questions.

Sincerely,

Elizabeth Hansburg

Cofounder & Director



Fighting for a future of abundant housing in Orange County.
peopleforhousing.org

From: [John Tyler Blazona](#)
To: [CITY CLERK](#)
Subject: Subject: Meritage Homes Housing Project - 3150 Bear St - Letter of Support
Date: Saturday, August 2, 2025 3:50:10 PM

To Whom It May Concern,

I'm writing as a resident of Costa Mesa who was a long time renter and recently had the opportunity to purchase a townhome in the City. I'm writing in strong support of Meritage Homes' proposed redevelopment of the Trinity Broadcasting Center site.

As a young person in my mid 20's, finding an affordable home to purchase in the city I love has been extremely difficult. I fully support the transformation of the Trinity site into for sale housing that would give more of my peers and friends the same chance I had, to buy a home in the community we've built our lives around.

Meritage Homes is a leading homebuilder known for creating energy efficient communities that prioritize sustainability, affordability, and long-term livability. This is exactly the kind of thoughtful development Costa Mesa needs.

It would be a real shame if this project were denied. An underutilized event venue is not a better use of this site than housing that is attainable to entry-level homebuyers.

Thank you for your consideration.

Sincerely,

John Tyler Blazona.

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Mayor John Stevens

Aug 4, 2025

Mayor Pro Tem Manuel Chavez

Council Members:

Andrea Marr, Mike Buley, Loren Gameros, Jeff Pettis, Arlis Reynolds

Subject: Agenda Item related to 3150 Bear Street (Meritage Homes), specifically the inclusion of pedestrian access within the emergency gate that connects to Olympic Avenue as well as the overall insufficient parking design that will also create a negative impact at Schiffer Park (directly across Bear Street from the entrance to 3150 Bear Street).

NO PEDESTRIAN GATE: Attached please find opinion signatures from neighbors (who live in the neighborhood) that sits beside most of the 3150 Bear Street property. Of the households that were contacted, 126 out of 185 were in favor of No Pedestrian Gate and for this development to have sufficient parking (ie no negative impact to Schiffer Park). These would be the streets of Trinity, Yellowstone and Platte (that are the entry streets into the neighborhood from Paularino) as well as the connecting streets of Roanoke, Allegheny, Hudson, Canadian and Olympic. Olympic is the street that would be most directly impacted by the allowance of a pedestrian gate within the back emergency gate to the 3150 Bear Street property. As additional vehicles from the private 3150 Bear Street community flood onto Olympic, the current vehicles will back up onto adjoining streets of Hudson, Yellowstone and Trinity. Included is an e-mail (from CMPD) that reflects the parking violations in the neighborhood over the last year. Trinity Drive has the highest number of violations in spite of it having the most restrictive parking limitations. If a pedestrian gate is allowed at the Olympic entrance to the neighborhood, the overflow parking from 3150 Bear Street would place an undue burden on a neighborhood that clearly is substantially impacted by current parking pressures.

SUFFICIENT PARKING/SCHIFFER PARK: As noted in the presentation by the developer, the 142 homes (20 single family) all have two car garages. The current design includes 35 open spaces (with the comment that these will be for guest parking only). Since there is no way to regulate either the number of cars that an owner/subsequent renter may have, let alone the number of visitors that come onto the property at any one time, it is unrealistic to

believe that this community will not suffer from impacted parking issues as most of the City currently does. The concern of the neighbors outside of the impact to Olympic Avenue and surrounding streets is the 20 public parking spaces across the street at Schiffer Park. As indicated in the plan design, a new traffic signal and crosswalk will connect the entrance to Schiffer Park as well as 3150 Bear Street. Schiffer Park is used not only by the neighborhood directly beside it but also by those living in the LifeStyle homes (Paularino and Bear), the neighborhood behind Schiffer Park including the streets of Yukon and Klondike as well as Prospect Pl, Peace Pl, Liard Pl, MacKenzie Pl and Tanana Pl. The last two streets end in cul-de-sac circles which lead directly into the back side of Schiffer Park. It takes less than two minutes to walk across Schiffer Park from one of the cul-de-sacs to Bear Street. All of the apartments that line Paularino Avenue (between Bear and Bristol) use Schiffer Park as do the homes in The Edge development. While there will no doubt be an impact to the park from another housing development (right across the street), the current parking design at 3150 Bear Street leaves no question as to which element of the park will be negatively impacted first (parking).

The city needs more housing and the development meets the minimum standards for parking under the current plan design. While maximizing the land usage is an imperative of the developer, the overall success of the project is of equal importance to the developer, the city and the surrounding community. We are hoping that another look at the plan design could be requested with an eye towards increasing available open parking. In addition, the \$250,000 developer fee should be used first to increase parking spaces at Schiffer Park as the impact from this development will effectively close off the available parking on weekends and holidays, if not also during the workweek.

It is the hope of those that will be present at the upcoming council meeting as well as those that have provided their opinion signatures on the attachment to this letter that the council will send the design back to the developer for removal of the pedestrian gate and for additional open space parking.

Sincerely,



JANET LEE KROCHMAN, CPA

3107 TRINITY DRIVE

Janet Krochman

From: SANCHEZ, NATALIE <NSANCHEZ@costamesaca.gov>
Sent: Tuesday, July 22, 2025 2:41 PM
To: Janet Krochman
Subject: California Public Records Request

Categories: Follow Up

Good afternoon Janet,

The Costa Mesa Police Department has received your request for statistical data on parking enforcement actions from various streets over the past twelve months. Please find below a summary of the number and types of violations recorded for each of the streets specified in your request.

Parking Citations: 07/01/2024 – 07/01/2025

Trinity Drive

38 Permit Parking
11 Restricted Parking
4 Sidewalk
14 California Vehicle Codes

Olympic Ave.

1 California Vehicle Code

Platte Drive

27 Restricted Parking
2 California Vehicle Codes

Roanoke Lane

2 California Vehicle Codes

Canadian Drive

0

Yellowstone Drive

4 California Vehicle Code
20 Sidewalks

Hudson Ave.

0

Allegheny Ave.

2 California Vehicle Codes

Total: 128

If you have any questions, please feel free to contact me by phone or email.

Regards,



Natalie Sanchez | Records Shift Supervisor

City of Costa Mesa | Police Department
office: 714.754.5348 | main: 714.754.5373

Honored to Serve



From: ralph@smxrtos.com
To: [CITY CLERK](#)
Subject: PGPA-24-0002 Comment
Date: Monday, August 4, 2025 1:06:31 PM

Gentlemen,

My wife and I are residents of the Life Styles community. It is already difficult for us to exit onto Bear St, due to heavy traffic. If a traffic light is installed at the new homes egress, traffic will back up blocking our exit, thus making our situation even worse. As I pointed out in my previous email to the Planning Commission, paint on the street will not solve this problem because many people don't care or pay attention.

A possible solution is to put the northbound traffic light south of our egress and the southbound traffic light north of their egress. Then we would have equal access to Bear St. This also would help visitors to the Grant building, in between, and to the park across the street.

Sincerely

Ralph Moore

3099 Promenade

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CITY OF COSTA MESA

CALIFORNIA 92626-1200

P.O. BOX 1200

DEVELOPMENT SERVICES DEPARTMENT

25 AUG -4 PM 3:43

April 25, 2001

Court
Costa Mesa, CA 92626

SUBJECT: BUILDING PERMIT NO. B01-00202
3150 BEAR STREET, COSTA MESA

Dear Ms.

This letter has been prepared in response to your request for information on the above permit issued by the City for a 17-foot tall statue for Trinity Broadcasting Network (TBN). The permit was issued by the City on February 13, 2001, for the statue to be located in the central courtyard/fountain area. On April 9, 2001, Mr. Kent Whitmore of TBN requested that the statue be relocated to an existing landscape planter near the main entry of the facility on Bear Street. The planter contained a large mature tree. To offset the removal of the mature tree, TBN submitted a plan to plant a row of 48-inch box canopy trees between TBN and the homes to the south of the site to act as a natural buffer. The plan and statue relocation complied with all applicable code requirements and was approved on April 12, 2001.

If you have any questions, please do not hesitate to contact me at (714) 754-5611, between 1 p.m. and 5 p.m.

Sincerely,

Mel Lee

MEL LEE, AICP
Associate Planner

cc: Kent C. Whitmore
Special Projects Coordinator
Trinity Broadcasting Network
3150 Bear Street
Costa Mesa, CA 92626

1. As long time resident of Costa Mesa, I would like to formally request a RECALL/APPEAL of Costa Mesa City MEASURE K. The City of Costa Mesa (the City) claimed it could cost any resident who intended on calling for a recount, upwards of \$114,000, which the resident would be required to pay for the City to proceed with the recount?! How, in any reasonable way, is that fair, especially given how incredibly narrow the vote margin was? Especially given Measure K was heavily promoted as the City's and Developer's initiative. The citizens of Costa Mesa should have a legal right to not be bulldozed into submission to City/Developer initiatives by imposing an unfair financial burden on a concerned resident who has the reasonable and legitimate right to question the validity of the vote.
2. Measure K promised voters it would maintain the character of Costa Mesa's single-family neighborhoods, protect the environment and open space!! 140+ multi story apartment type homes, to include five story, 50 foot tall, low-income housing would have a MAJOR impact to the surrounding residential homes and streets alongside. Measure K passed by 22 votes. 32,944 total ballots....16,483 "for" the measure, 16,461 against the measure. I believe to be fact, that despite "winning" by half a percentage point, because the City/Developer "won", the City felt it had no moral, civil, or other compulsion to confirm the results such that, to further dissuade, the City placed a major financial impediment on a citizen's ability act on forcing a vote recount.
3. Many of the former surrounding residential homeowners (Lifestyles namely) eventually gave up their homes due to contentious and persistent litigation battles. Additionally, those same homeowners had feared harm (financial and physical) to their properties. Aggressive Ficus trees were allowed to be planted, specifically by the City of Costa Mesa no less, immediately abutting the Lifestyle properties included in the Landscape Plan (Building Permit B01-00202, Mel Lee was the Associate Planner (2001)) which required oversight by the City of Cost Mesa. Linda Nguyen (City of Costa Mesa employee) subsequently claimed the document referenced was somehow "lost". This initiated my misgivings about the City's interests/agenda when it comes to the 3150 property versus my home and neighborhood.
4. It seems obvious, given the routine interaction between properties (Lifestyles and 3150 Bear), that the 501C charity, which previously owned 3150 Bear Street, now owns material percentage of the Lifestyles homes and has what I believe to be contractors and others tangential to them rotate in and out as necessary. This is what leads me to feel that I remain on an island as I try to deal with this truly upsetting and life altering issue as my "neighbors" in reality aren't neighbors so much as they are part time visitors when it suits their purposes. (What residents have out of state

car plates?). Why would they and/or their contractors care about what goes on behind the property line?

5. The same entity appears in control of the Lifestyle neighborhood (contractor appears to have controlling interest of the HOA Board). From my perspective, it appears as though the contractors, employees.. family members, are rotating throughout a number of the Lifestyles properties, do not appear to have any investment in the well-being of the homes or the neighborhood. As such, I believe this is why I've been placed at a severe disadvantage of being the only person on Lifestyles bordering property to speak out against what I believe is a blatant misrepresentation by the City of what Measure K was supposed to be.
6. Very recently, I was intimidated and ridiculed in my own backyard by a "surveyor" who physically, from the 3150 property side, reached out with a measuring tool without my permission, into my yard and raked my plants with the device to take a "measurement". I asked him to remove the device which he did. He then began to berate me to his colleague with verbal language which I won't include here. (I have video footage of the event). The fact that he was "measuring" from within my property boundary makes me believe he was making false representations of the property line.
7. The City of Costa Mesa claims Neighborhood and sense of Community is their goal.... That's interesting given that following every 3150 interaction I've had with City, they have left me feeling dismissed as irrelevant as well as alienated. What motivation would the city have to further dismantle the neighborhood surrounding 3150 Bear Street?? This Facility was zoned as ADMINISTRATIVE-AP and has never been held accountable nor to the "spirit" of this zoning type. It has felt as though the 501 C charity, NGOs, and its affiliates were enabled by the city to help them overtake homes within Lifestyles neighborhood. It leaves one to question whether there could be outside interests controlling the current decisions, as well? Without fail I've always been left to watch the city, reliably and predictably, support whatever corporate entity 3150 project, which came before them. Whatever Conditional Use Permit it took or other manipulation that needed to be crafted, it seems the City of Costa Mesa could and would come up with a way to make it happen.
8. Measure K appears to be yet another City false promise. "No Impact to Residential neighborhoods"? Well, I'm a long standing resident of a well-established neighborhood and I am telling you, the City, that this new housing proposal is causing me a tremendous amount of fear and anxiety, and despite my best efforts to express my concerns, nobody at the City seems to have any interest in coming up with real mitigating solutions. Actions speak louder than words. There has been no "outreach" other than very late, taped, paper notices, "going through the motions"

to make it "appear" as though they care when in actuality, it feels as they have no interest in my safety concerns. The City says all the right things like "good for the community" but in reality, at least in my reality, they have no empathy at all about those Costa Mesa residents most immediately impacted by their direct actions.

9. There appeared to be an enormous funding advantage by the proponents of Measure K. Residents didn't/don't stand a chance because the financial cards were/are so heavily stacked against regular everyday residents by those who want to come in and profit when an opportunity such as this 3150 avails itself. I saw professionally created signs stating that it would help reduce rent in Costa Mesa--- non-Citizen groups also appeared to be funding the measure. To me these signs appeared confusing and to be funded by outside interests?! Even given all the financial resources thrown its way, Measure K only "passed" by 22 votes and I believe should remain open to appeal and subsequently be appealed or recalled.
10. I'm all for more affordable housing. I wish the City would be smart about how it resolves the housing issues. As well, the City, should show much more deference to the other half of Costa Mesa residents, who like myself, voted against K. Sadly, in my case specifically, they've left me feeling completely and utterly disregarded. (not by any measure an embellishment)
11. It is not like, in any way, Measure K can be considered to have the overwhelming support of the actual Costa Mesa community as a whole. In my opinion The City's agenda seems to be what matters to the City (government) most, not those of the actual residents. Measure K, in every way, seriously, turned out to be a very misleading way of accomplishing the City's agenda to suit its own purposes.
12. The Lifestyles neighborhood has already suffered FRACTURE of the neighborhood...with the takeover by the 501C charity and its connected contractors and NGO's. The current situation feels like the city has never held the interests of it's Citizens who simply want to invest in their home and neighborhoods. I believe I can safely say that at least half of the Costa Mesa residents who own and live in their homes do not want Commercial interests ruining their retirement or lifestyle plans! Windfall gains for Developers at the expense of the surrounding residential neighborhoods? How is that in any way considered fair? Will this same type of funding be allowed to purchase the homes in the same fashion as Lifestyles which appear to have been the case in some instances with NDAs with the residence of the homes? It was admitted many years ago, during a legal deposition that there were agreements.... NDAs with the homes in the Lifestyles neighborhood.
13. Yet another obvious problem, Bear Street already has traffic issues, specifically speeding traffic issues. Bear St, especially in front of Lifestyles is a reliable and well-established speed trap for vehicles that come flying over the bridge. Knowing the

traffic characteristics, how can the City somehow still see fit to allow a developer to put 140 units in at 3150, each with its own 2 car garage/port plus guest parking, knowing those residents as well the already routine Bear St. users struggle as it is? What about unintended consequences? At the end of the day, hundreds of more cars and even more hundreds of people will in future be transiting Bear at any given time increasing the order of risk which must be mitigated by the City if its plans were to go through.

14. What were the results of the Study, if any, which forecast/comparative future traffic stagnation rates relative to current traffic flow rates for Bear back to South Coast Plaza? There already exists two traffic lights on one side of the bridge. Yet another traffic light installed on the other side of the bridge will undoubtedly snarl traffic even worse than it already is. I can't imagine the impact over the holiday seasons.
15. The 3150 community will not be gated and as such how easy would it be for a child to stray out of that neighborhood trying to get to the park? I can't imagine anything happening to a child because the City didn't ensure its infrastructure is sound and that it will safely support the project given the character of Bear street traffic especially at that 3150 location.
16. Bear Street doesn't need the added burden of a large neighborhood being stuffed into such a small geographical footprint! In my opinion it appears as though CEQA didn't put much thought into their determinations (many traffic citations and accidents already on Bear) In addition it seems commons sense CEQA should not be funded by the applicant? It leaves it appearing as though there could be a conflict of interest.... In my opinion this practice seems to ensure the City will come through with determinations that work in the best interests of the applicant and all those who fund them.
17. Does this proposed Developer have 501C/ NGO /Switzerland/Sweedden -foreign funding/former 501C funding? To me this feels like it might have happened with the previous proposed 3150 land use?? A 501 C charity was allowed to buy up homes, which I can personally attest has felt overwhelming because of it. Hard to know if there has been a nonstop abuse of power with certainty, but it has unquestionably removed my sense of safety and well-being in my own home. It feels like daily turmoil, with feelings of a lack of well-being, concern for my personal safety, and vulnerability to their unmitigated control of everything that happens here.
18. Purple Bee-High Energy Equipment-Was there also a hidden Marijuana Dispensary placed at 3140 Bear Street? I know at one point this was also a proposal. How could a Marijuana Dispensary even have been considered so close to a city park and so many residential communities? Same thing can be said with high energy equipment

also placed in this same building? What are the safety concerns to such nearby residents as well?

19. Have there been NDAs behind the scenes of these proposals? I am personally aware of attempts for NDAs with my home with previous attempts for CUPS and Rezoning!! Makes me wonder how many NDAs have been utilized to allow the powerful outside entities to gain further leverage?? The NDAs attempted to silence my voice, verbiage included broad statement to entities unnamed having ties to each other! Have these proposed projects been funded behind the scenes by NGOS that could ultimately show through history the funding ties together??
20. WHY has the City of Costa Mesa Planning and Council appeared to have repeatedly (my opinion based on 29 years direct experience dealing with 3150 issues) DISCOUNTED the Citizens for what appears to be accommodations to "Big Developers" (501C'S/NGOs)? Personally, it now feels beyond my ability to believe there shouldn't be considerations of conflicts of interest formulating these decisions?? Starting with Measure K and, again, in my opinion, its sketchy roots!
21. I have a right to appeal this proposal that is coming from the Planning Commission to what appears fast tracked to Council? Why am I being advised by the City Clerk (Brenda Green) to "not waste my money"? Does the City Clerk already know this to be a foregone conclusion? Where does that confidence come from? It would be great to have a reasoned discussion with the Council, however, very sadly my understanding of and experiences with this and prior councils with respect to prior public meetings are that they simply must be accomplished by code and that the meetings serve as a means for the City to feign interest by being present as residents try to assert heartfelt concerns and genuine hope that they can affect change. In my mind all the smoke and mirrors are for show only. In fact, during one (once again) late night council meeting, which I personally attended, a representative for a separate 3150 project applicant actually, leaned into my personal space, with a threatening demeanor/stance to ensure I fully understood his displeasure with my position. That experience felt threatening and made me feel very uncomfortable about attending live, in-person meetings.
22. After 29 years of this, and other similar like interactions with the City of Costa Mesa. I can no longer bring myself to personally attend in-person meetings. I shouldn't have to feel concerned just because I want to share my worries with the City. Some say, why do I contest 3150, when I "know" the City has no interest in mitigating the project's impact on my life and I "should assume" they're going to do what they want anyway. As ludicrous as it might sound, the reason is, as I get older, I simply want to believe the day will arrive when I will be able to peacefully live out life in my neighborhood and beautiful home which I purchased over 29 years ago. Despite all

my negative experiences dealing with the City over all those years, while feeling like the City has never shown legitimate concern about my well-being, just the plain, in your face, innate unfairness about the way the City approaches virtually helpless residents shouldn't just be accepted as "normal" or treated like "whatever". It seems government "for the people" should be just that. Remarkably, I still have not lost hope and I do continue to wish that the 3150 property will finally be held to its original Administrative (AP) zoning so that, for once, I can simply and peacefully enjoy my home the way I envisioned it when I first fell in love with it 29 years ago.

23. Prior to the last Public Meeting, I submitted a PowerPoint presentation for Council consideration. The meeting, which started at 5:00 PM, did not get to the 3150 project item until ~11:16 PM. They (The Council) as they worked through all the administrative processes got to the vote the next day! I was on the meeting from 5 until the conclusion. I raised my hand to comment on other agenda topics but my Zoom "raised hand" icon was never acknowledged.
24. I do not believe it to be simply coincidental that, given the alleged suspect behavior of some City representatives as highlighted in numerous local publications, that all these City and Developer led initiatives are coming to fruition given the City's approach to Measure K. I believe this is more than adequate justification for withholding a vote until at minimum all the ethical questions hanging out there in the public domain are resolved.

PGPA - 24 - 0002

pg = 1/34



25 AUG -4 AM 8 25

KW

The Costa Mesa Planning Commission will conduct a public hearing as follows to consider:

Hearing Date:	July 14, 2025	Hearing Time & Location:	6:00 PM or as soon as possible thereafter City Hall Council Chambers 77 Fair Drive, Costa Mesa, CA; and virtual locations
Application No.	PGPA-24-0002	Applicant/Agent:	Meritage Homes/ Vanessa Scheidel
Site Address:	3150 Bear Street	Zone:	AP – Administrative and Professional
Contact:	Planning Division (714) 754-5245	Email Comments to:	PCPublicComments@costamesaca.gov

Description: The applicant proposes a 142-unit (including 7 very low income units) ownership residential development on a 6.12-acre site, with 93,500 square feet of on-site open space including private balconies. The project proposes to install a new traffic signal and associated improvements at the project entrance. To facilitate the project, the applicant is requesting approval of a General Plan Amendment PGPA-24-0002 to modify maps, figures, texts, and tables of the City's Land Use Element. The applicant is also requesting approval of a Rezone, Design Review, Tentative Tract Map No. 19334, and Density Bonus Agreement to facilitate the project.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA) per CEQA, a Mitigated Negative Declaration (MND) was prepared for the project to analyze potential impacts of the project and identify measures to mitigate the environmental effects. No areas of significant impact were determined from the construction or operation of the proposed project with the implementation of mitigation measures.

Additional Information: For more information, call (714) 754-5245, or email planninginfo@costamesaca.gov. Planning Division staff are available from 8:00 AM to 5:00 PM Monday through Thursday and alternating Fridays, except specified holidays. All interested parties may submit comments to the Planning Commission in regard to this application. Please refer to the Planning Commission meeting agenda for instructions regarding how to participate in the meeting. The Planning Commission meeting agenda and staff report will be posted online 72 hours prior to the meeting at: <https://costamesa.legistar.com/Calendar.aspx>. Members of the public may submit comments via email to PCPublicComments@costamesaca.gov. Comments received by **12:00 PM** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any written communications, photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City **NO LATER THAN 12:00 PM** on the day of the hearing via email or submitted to the Planning Department on a flash drive, or mailed to the Planning Department. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information. If you challenge this project in court, you may be limited to raising only those issues you, or someone else raised, during the public hearing or in written correspondence submitted to the City, during or prior to, the public hearing.

Costa
Mesa

City of Costa Mesa
Economic & Development Services Department
Planning Division
P.O. Box 1200
Costa Mesa, CA 92626-1200

RETURN SERVICE REQUESTED

SANTA ANA, CA 92706

24 JUN 2025 PM 1 L

[REDACTED]
Occupant
[REDACTED] Encore Ct
Costa Mesa, CA 92626-7303

25 AUG 14 AM 8:25
CITY OF COSTA MESA
PLANNING DIVISION

92626-7303



PGPA-24-0002
PS 2/34

**CITY OF COSTA MESA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Costa Mesa City Council at its regular meeting at City Hall Council Chambers, 77 Fair Drive, Costa Mesa, California on **Tuesday, August 5, 2025, at 7:00 P.M.**, or as soon as possible thereafter, to consider PGPA-24-0002 for an application to construct a 142-unit (including 7 very low income units) ownership residential development on a 6.12-acre site, with 93,500 square feet of on-site open space including private balconies. The applicant is also requesting approval of a Rezone, Design Review, Tentative Tract Map No. 19334, and Density Bonus Agreement to facilitate the project. The project also includes a new traffic signal and associated improvements at the project entrance. To facilitate the project, the applicant is requesting approval of a General Plan Amendment to modify maps, figures, texts, and tables of the City's Land Use Element; and to introduce:

ORDINANCE NO. 2025-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PGPA-24-0002 TO REZONE A 6.12-ACRE SITE TO MULTIPLE FAMILY RESIDENTIAL (R3) FOR THE PROPERTY LOCATED AT 3150 BEAR STREET

Application No: PGPA-24-0002

Applicant/Agent/Appellant: Meritage Homes/ Vanessa Scheidel

Site Address: 3150 Bear Street

Zone: AP – Administrative and Professional

Description: The Planning Commission recommended approval of the project (5-0 vote) at its July 14, 2025 meeting.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA) per CEQA, a Mitigated Negative Declaration (MND) was prepared for the project to analyze potential impacts of the project and identify measures to mitigate the environmental effects. No areas of significant impact were determined from the construction or operation of the proposed project with the implementation of mitigation measures.

Public Comments: Members of the public wishing to participate in the meeting may find instructions on the agenda and may also submit written comments via email to the City Clerk at cityclerk@costamesaca.gov and they will be provided to the City Council, made available to the public, and will be part of the meeting record. Any written communications, photos, or other materials for copying and distribution to the City Council that are 10 pages or less, can be e-mailed to cityclerk@costamesaca.gov, submitted to the City Clerk's Office on a flash drive, or mailed to the City Clerk's Office. Kindly submit materials to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 12:00 p.m.** on the day of the hearing, **August 5, 2025**. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information. For further assistance, contact the City Clerk's Office at (714) 754-5225. For questions on the project contact the project Planner: Chris Yeager, Senior Planner at (714) 754-4883. The City Council agenda and related documents may also be viewed on the City's website at <http://costamesaca.gov>, 72 hours prior to the public hearing date. **IF THE AFOREMENTIONED ACTION IS CHALLENGED IN COURT**, the challenge may be limited to only those issues raised at the public hearing described in the notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Brenda Green, City Clerk, City of Costa Mesa

Published: July 19, 2025

Costa
Mesa

City of Costa Mesa
City Clerk
P.O. Box 1200
Costa Mesa, CA 92628-1200

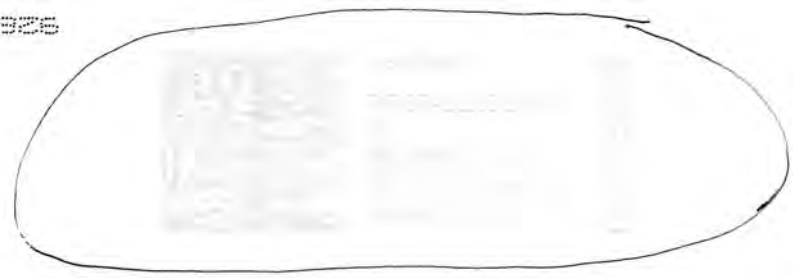
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PGPA - 24 - 0002
Pg. 4 / 34

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CITY CLERK

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ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)	
PLAINTIFFS Merit Street Media, Inc.		DEFENDANTS Trinity Broadcasting of Texas, Inc. TCT Ministries, Inc.	
ATTORNEYS (Firm Name, Address, and Telephone No.) Sidley Austin LLP One South Dearborn Chicago, IL 60603 Telephone: (312) 853-7000		ATTORNEYS (If Known) Rajiv Dhamidharka Foley & Lardner LLP 555 California Street, Suite 1700 San Francisco, CA 94104 (415) 438-6443	
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other [for Trinity Broadcasting of Texas; TCT Ministries is a Creditor] <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Breach of Contract, Breach of Covenant of Good Faith and Fair Dealing, Breach of Fiduciary Duty, Declaratory Judgment for Preference Avoidance and Equitable Subordination under 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57. Relief also sought under sections 105, 365, and 541 of title 11 of the United States Code (the "Bankruptcy Code"), and Bankruptcy Rule 7001.			
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)			
FRBP 7001(a) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input checked="" type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(b) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(c) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(d) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(e) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(f) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)		FRBP 7001(f) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(g) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(h) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(i) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(j) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input checked="" type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint Other Relief Sought		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$	

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Merit Street Media, Inc.		BANKRUPTCY CASE NO. 25-80156 (SWE)
DISTRICT IN WHICH CASE IS PENDING United States Bankruptcy Court for the Northern District of Texas	DIVISION OFFICE Dallas	NAME OF JUDGE Judge Scott W. Everett
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE July 2, 2025		PRINT NAME OF ATTORNEY (OR PLAINTIFF) James W. Ducayet

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

25 AUG 14 AM 8:26

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Email: jducayet@sidley.com
ssexton@sidley.com
arodheim@sidley.com*Proposed Attorneys for the Debtor
and Debtor in Possession***IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re; MERIT STREET MEDIA, INC. ¹ Debtor.	Chapter 11 Case No. 25-80156 (SWE)
MERIT STREET MEDIA, INC. Plaintiff, v. TRINITY BROADCASTING OF TEXAS, INC., AND TCT MINISTRIES, INC. Defendants.	Adv. Proc. No. 25-_____

¹ The last four digits of the Debtor's federal tax identification number are 8990. The Debtor's mailing address is 5501 Alliance Gateway Fwy, Fort Worth, TX 76177

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ADVERSARY COMPLAINT FOR DECLARATORY AND MONETARY RELIEF

Plaintiff Merit Street Media, Inc., ("Merit Street"), by and through its undersigned attorneys, files this adversary proceeding pursuant to 11 U.S.C. § 105 and 28 U.S.C. § 2201 against Trinity Broadcasting of Texas Inc. ("TBN") and TCT Ministries, Inc. ("TCT"), and alleges as follows:

NATURE OF THE CASE

1. This lawsuit arises out of a sad but oft told story: one side lived up to its commitments but the other, the Defendant TBN, did not. Moreover, these failures by TBN were neither unintended nor inadvertent. They were a conscious, intentional pattern of *choices* made with full awareness that the consequence of which was to sabotage and seal the fate of a new but already nationally acclaimed network which has, since its launch in April of 2024, delivered its viewers with cutting edge reports, interviews, and in-depth analysis of national importance. This fresh voice on the national stage is inexorably going dark, going off the air because TBN has refused to honor its commitment to transfer its must carry rights and thereby provide national distribution for the network—Merit Street. And this conduct stretches beyond mere breach of contract and extends to breach of fiduciary duty and breach of the duty of good faith and fair dealing—the full extent to which may require a forensic accounting audit.

2. TBN formed Merit Street as a joint venture and contractually committed to provide valuable services to the joint venture. But TBN then reneged on its obligations and abused its position as the controlling shareholder of Merit Street to improperly and unilaterally burden Merit Street with unsustainable debt, doing so either without notice or in direct violation of promises not to do so. In total, TBN transferred its obligations to Merit Street causing it to pay or incur

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obligations to third parties in excess of \$100 million—obligations that are the responsibility of TBN, not Merit Street.

3. The most egregious impact is TBN's conscious and knowing choice to cause Merit Street to lose its national distribution by withholding distribution payments despite repeatedly acknowledging those distribution payments were 100% TBN's sole responsibility. Simply put, as a result of TBN's conduct, Merit Street has nowhere to send its broadcast signal and nowhere to air its programming no matter how great it may be.

4. In January 2023, TBN and a company majority owned by Dr. Phillip C. McGraw ("Dr. Phil") called Peteski Productions, Inc. ("Peteski") entered into an agreement to form a joint venture (the "Joint Venture Agreement"). The joint venture would later be called Merit Street Media. Merit Street was formed by TBN to create a new network, with TBN being required to transfer its must carry rights to Merit Street and provide distribution and all production services as well as to make certain payments to Peteski. Certain new programming was to be and was provided by Peteski. Peteski went above and beyond its contractual duties in an effort to save the network, including funding the expenses (including payroll) that should have been borne by TBN. Importantly, TBN long ago stopped paying Peteski for Dr. Phil's services and he has thus been providing world class programs without compensation.

5. Under the Joint Venture Agreement, Peteski agreed to provide Merit Street with certain new original episodes of the Dr. Phil show, as well as primetime specials to air on the new TV network. For its part, TBN agreed to provide, *at no cost to Merit Street*, carriage to distribute Dr. Phil's shows and specials to a nationwide audience. TBN also agreed to provide all "first class quality" services necessary to produce Dr. Phil's shows and primetime specials. In short, the deal was simple and straightforward: Dr. Phil/Peteski contributed content, while TBN contributed

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access to a distribution network to air Dr. Phil's content along with the production services to support the creation of that content. TBN agreed to provide these services to the joint venture at no cost, in exchange for which TBN would have a controlling equity interest in the network.

6. Shortly after Merit Street was formed, however, TBN reneged. It began to abuse its power as a controlling shareholder to advance its own interests and those of its CEO Matthew Crouch, while causing Merit Street to assume responsibility of TBN's obligations under the Joint Venture Agreement and to otherwise enrich itself at Merit Street's expense.

- TBN caused Merit Street to enter into expensive distribution agreements with third parties to distribute Dr. Phil's new content. Those distribution agreements have aggregate monthly expense of approximately \$2.6 million and total expenses during the life of those agreements of approximately \$96 million. However, it was TBN—not Merit Street—that should have incurred those expenses.
- TBN caused Merit Street to sign a five-year, multi-million-dollar studio lease *with TBN* to produce Dr. Phil's shows, even though TBN was responsible under the Joint Venture Agreement for paying for those studio production expenses.
- TBN caused Merit Street to pay to license TBN content on the new Merit Street network, even though the Joint Venture Agreement required TBN to license that content at no cost to Merit Street.
- TBN also caused Merit Street to pay TBN for Merit Street's production expenses, such as employee and marketing expenses, even though those production expenses were the sole responsibility of TBN under the Joint Venture Agreement.

7. TBN's "production services" were also comically dysfunctional. Although it promised the equivalent of the professional facilities and services that Dr. Phil had long relied on when producing his show in Los Angeles for CBS, the supposed "first class" services TBN promised under the Joint Venture Agreement were nothing of the sort. TBN provided screens and teleprompters that blacked out during live shows, an incomplete control room operating out of a truck, an unusable cell phone app for viewers, and amateur video editing software. Merit Street staff often could not even make phone calls in the studio due to poor cell coverage. When confronted about these and many other problems, TBN did not even attempt to remedy its

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breaches. Instead, TBN's CEO dismissed these concerns by telling Merit Street that Dr. Phil only needed two chairs and a camera.

8. Additionally, TBN caused CrossSeed, Inc ("CrossSeed")—a party with whom TBN is closely connected—to make a \$25 million loan to Merit Street, which is reflected in a September 2024 promissory note. CrossSeed's directors include TBN President and CEO Matthew Crouch and former TBN Chief Business Officer Frank Amedia.

9. CrossSeed then assigned that note to another associated party, TCT, on March 5, 2025. TCT perfected the security interest granted pursuant to the note on May 27, 2025. However, the transfer of the security interest to TCT is an avoidable preference because perfection occurred more than 30 days after CrossSeed transferred the note to it and within 90 days of the date Merit Street filed its petition. Moreover, all of TBN and TCT's obligations should be equitably subordinated to Merit Street's other creditors due to TBN's gross misconduct.

10. This adversary proceeding seeks to hold TBN accountable for its multiple breaches of contract and fiduciary duties that gravely impaired Merit Street's ability to succeed and ultimately led to its failure. While Peteski has gone above and beyond to ensure Merit Street's success, including by continuing to loan on an *unsecured* basis over \$25 million to Merit Street throughout 2024 and 2025 to keep its operations afloat, TBN has not held up its end of the bargain. TBN shirked its financial and operational commitments, and engaged in extensive self-dealing, all with the goal to benefit and enrich TBN, not Merit Street.

JURISDICTION

11. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 1334(a) and (b) and 11 U.S.C. § 157.

12. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

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13. The statutory bases for the relief requested herein are 28 U.S.C. § 2201 (the "Declaratory Judgment Act") sections 105, 365, and 541 of title 11 of the United States Code (the "Bankruptcy Code"), and Bankruptcy Rule 7001.

PARTIES

14. Plaintiff Merit Street is the debtor-in-possession in the above-captioned chapter 11 case the ("Chapter 11 Case"). The Debtor is authorized to continue to operate its business and manage its properties as debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

15. Defendant Trinity Broadcasting of Texas, Inc. is a not-for-profit corporation that operates the Trinity Broadcasting Network, based in Forth Worth, Texas. TBN produces its own original Christian programs and also broadcasts those Christian programs as well as other Christian programming in the United States and internationally.

16. According to TBN, "TBN is the world's most-watched faith and family broadcasting network, available in 98% of U.S. households, reaching over 175 nations with inspirational programming in 17 languages on over 30 global networks, allowing TBN to reach a potential 2 billion viewers daily." TBN's programming is available over-the-air on numerous television stations that TBN owns, directly or through its subsidiaries. Through carriage agreements, TBN's programing and networks are also available through traditional cable and satellite companies and online streaming.

17. American televangelist Paul Crouch and his wife Jan Crouch founded TBN in late 1973. Today, TBN is overseen by its President and CEO Matthew Crouch (Paul and Jan's youngest son).

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18. Defendant TCT Ministries, Inc. is a not-for-profit corporation that operates the TCT Network, based in Marion, Illinois. Like TBN, TCT produces and broadcasts Christian programming. TCT programming is available on local television stations over-the-air or through traditional cable and satellite companies and online streaming. On information and belief, from the mid-1980s until 2007, TCT was an affiliate of TBN, and also currently maintains a relationship with TBN.

BACKGROUND

A. TBN And Peteski Form Merit Street.

19. Dr. Phil has been one of the most prominent television personalities, podcast hosts, and authors for the past twenty-three years. Dr. Phil created Peteski Productions, Inc., a Texas corporation, in 2002. Beginning in 2002, Dr. Phil hosted his talk show *Dr. Phil*, with Oprah Winfrey's Harpo Productions and CBS Media Ventures ("CBS"). He was prepared to continue the highly successful program with CBS until Mr. Crouch approached him about the prospects of a Joint Venture which eventually became Merit Street. Mr. Crouch made many promises following due diligence trips to Los Angeles to see the quality of the world class production facilities and to solicit Peteski and Dr. Phil.

20. Once Peteski agreed to the deal, there was significant dislocation for Dr. Phil personally who moved from Los Angeles, as well as many staff members of *Dr. Phil* who likewise relocated. In January 2023, CBS announced the Dr. Phil show would be ending after its 21st season.

21. As of January 10, 2023, Peteski and TBN executed the Joint Venture Agreement to form a joint venture, "NewCo," which later would become Merit Street—through which Peteski

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and TBN would launch a new television network in 2024.² Under the Joint Venture Agreement, ownership of Merit Street would be allocated 70% to TBN, and 30% to Peteski.

22. Under the Joint Venture Agreement, Peteski agreed to provide new, topical programming—specifically, 160 new ninety-minute episodes of the “Dr. Phil” show, and further, agreed that Merit Street would serve as the exclusive broadcaster of those Dr. Phil shows. Additionally, Peteski agreed to provide two primetime specials or documentaries for Merit Street to air on the new network.

23. For its part, under the Joint Venture Agreement TBN assumed full responsibility for all behind-the-scenes operations to produce Dr. Phil’s programming. Specifically, TBN agreed in the Joint Venture Agreement to provide “[a]ll production services associated with ‘Dr. Phil’ programming.” It further agreed that its production services would be “first class quality,” in a “comparable manner to the quality of other ... syndicated television programming.” For example, the Joint Venture Agreement required TBN to provide Merit Street with the following production services necessary for Dr. Phil’s programming:

- i) actual production and editing of all episodes,
- ii) dedicated hair and make-up artist,
- iii) all wardrobe expenses,
- iv) administrative personnel,
- v) legal personnel,
- vi) human resources personnel,
- vii) sales personnel,

² In February 2023, TBN formed APG Ventures, Inc. as a Delaware corporation to serve as the “NewCo” referenced in the Joint Venture Agreement. APG Ventures, Inc. changed its name to Merit Street Media, Inc. in March 2024. In February 2025, Merit Street re-incorporated in Texas.

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viii) insurance,

ix) ad campaigns and public relations,

x) travel and entertainment expenses,

xi) expenses relating to COVID protocols and mandates, and

xii) promotional and marketing and any and all other functions customarily associated with a full scale, top level production, above and below the line.

24. Under the Joint Venture Agreement, TBN also agreed to “license all TBN content to” Merit Street.

25. Critically, TBN also agreed under the Joint Venture Agreement to distribute Merit Street’s programing at no expense to Merit Street. TBN, directly or through its affiliates, owns dozens of local television stations throughout the country. Those stations have exercised their “must carry” rights—meaning they *require* cable operators serving their geographic market to carry their signals at no cost. This ensures that the TBN-owned local stations are distributed to widespread audiences. TBN also has the right to broadcast its national networks with national satellite providers DISH and DirecTV.

26. TBN agreed under the Joint Venture Agreement to distribute Merit Street’s content through TBN’s extensive national footprint, including via its local stations’ must carry rights. This unequivocal guarantee that it would provide distribution to Merit Street on a national basis was a linchpin of the deal.

27. The arrangement and division of responsibilities under the Joint Venture Agreement made sense and played to the parties’ strengths. Peteski and Dr. Phil focused on content creation, while TBN provided the production services and distribution network required to launch and sustain a successful a new television network.

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B. Merit Street Launches MeritTV.

28. On February 20, 2024, Merit Street announced that it had “successfully completed agreements to establish the Merit Street Media television network as a fully distributed, cable, satellite, and free over-the-air broadcast media brand.” Merit Street further announced: “With commitments already exceeding 65 million television homes and pending agreements set to significantly expand that number, Merit Street, in partnership with Trinity Broadcasting Network, is poised to become one of the most widely distributed startup networks in modern history.” The feature program of the network would be Dr. Phil’s new program, “Dr. Phil Primetime.”

29. On April 2, 2024, Merit Street officially launched a new television network called MeritTV. At the outset, Merit Street included three original programs: Morning on Merit Street, The News on Merit Street, and Dr. Phil Primetime.

C. TBN Abuses Its Power As The Controlling Shareholder.

30. From the get-go, TBN abused its power as the controlling shareholder to cause Merit Street to pay for TBN’s obligations and to otherwise enrich itself at Merit Street’s expense. It also failed to deliver on its obligations under the Joint Venture Agreement to ensure that MeritTV became a successful network.

I. TBN fails to distribute Merit Street content through its distribution network and instead negotiates expensive distribution agreements in Merit Street’s name.

31. To start, TBN did *not* distribute MeritTV and Dr. Phil’s programming through its national footprint—as it was required to do under the Joint Venture Agreement.

32. Instead, and without telling Merit Street or Peteski, TBN unilaterally developed a new distribution plan: TBN inexplicably caused Merit Street to enter into agreements with local television stations, cable, and national satellite providers to broadcast Merit Street’s content—at

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considerable expense to Merit Street. Merit Street's obligations under those agreements are approximately \$96 million over the life of the agreements.

33. Specifically, TBN unilaterally caused Merit Street to execute a series of nine programming license agreements with local television stations for the ability to broadcast Merit Street's programming on those local television stations.³ The terms of these licensee agreements had fees ranging from approximately \$400,000 to \$5.27 million annually and became the contractual obligations of Merit Street, not TBN. This was a far cry from the *free* distribution that TBN promised under the Joint Venture Agreement.

34. TBN also unilaterally caused Merit Street to execute distribution agreements with DirecTV and DISH, for DirecTV and DISH to distribute Merit Street's programming to its subscribers throughout the United States. Those agreements again came at a substantial cost to Merit Street: *each* approximately \$3.6 million per year. TBN caused Merit Street to enter into those new contracts with DirecTV and DISH even though TBN's own national network already had distribution rights with those distribution platforms.

35. Additionally, TBN caused Merit Street to enter into an agreement with Ocean Communications, LLC to grant Ocean a license to negotiate with third parties to achieve further distribution of the Merit Street network via Xfinity and Verizon Fios. These agreements, too, came at a substantial cost to Merit Street—approximately \$4 million total per year, depending on the number of Xfinity and Verizon Fios subscribers.

³ These agreements include the following station groups and stations: CNZ Communications, LLC (WGBP, Atlanta); KAZT, LLC (KAZT, Phoenix); Caballero III, LLC (KGMM, San Antonio); Stryker Media LLC (KYVV, San Antonio); Stryker Media 2 LLC (KOFY, San Francisco); KVMD Licensee Co., LLC (KVMD, Los Angeles); Entravision Communications Corp. (WJAL, Washington, D.C.); Mountain Broadcasting Corp. (WMBC, New York); Cunningham Broadcasting Corp. (KTXD, Dallas; WYZZ, Peoria, Illinois; WATM, Johnston, Pennsylvania).

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36. Although TBN initially paid the distribution fees under the agreements for several months, soon TBN stopped paying those fees altogether. TBN incorrectly asserted that Merit Street was responsible for these contractual obligations. This is notwithstanding the fact that TBN has acknowledged, in a signed agreement, that these contracts are TBN's "sole responsibility" and a "TBN contractual liability." The aggregate costs of these various agreements is approximately \$2.6 million per month, with increased prices in future years, and approximately \$96 million in total over the life of the agreements.

37. Because TBN has failed to satisfy its payment obligations under these agreements, numerous distributors have discontinued Merit Street's broadcast signals, which has resulted in millions of households losing access to Merit Street's programming, including *Dr. Phil Primetime*. Merit Street has also received numerous breach notices, threatening damages and discontinuation of their broadcast signals. On April 28, 2025, for example, Merit Street received a notice of breach regarding its agreement with Ocean Communications, LLC, and a second notice of breach on May 16, 2025. On May 22, 2025, Merit Street received a notice of continuing default and intent to pursue legal remedies from a law firm on behalf of several of the stations groups with which Merit Street has agreements: Stryker Media LLC, CNZ Communications SE, LLC, Caballero III, LLC, and Stryker Media 2 LLC. On June 2, 2025, Merit Street received a similar letter from the same firm on behalf of KVMD TV LLC. And on May 28, 2025, Merit Street received a Notice of Breach from Entravision Communications Corp.

38. In total, TBN saddled Merit Street with approximately \$96 million in contractual obligations that are the sole responsibility of TBN.

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2. TBN improperly causes Merit Street to enter into a lease to use TBN's production facilities.

39. On February 1, 2024, TBN caused Merit Street to enter into a five-year, multi-million-dollar lease *with TBN* to use TBN's studio space (the "Plex") to produce Dr. Phil's content. Under the lease agreement, Merit Street would pay TBN over \$2.3 million per year for five years to use 27% of the "Plex."

40. This is a classic example of self-dealing. TBN did not even inform Merit Street's senior management that it was executing the lease with itself. Instead, it caused TBN's General Counsel to sign the lease on Merit Street's behalf.

41. When Merit Street's senior management eventually learned of the lease many months later, they were shocked. TBN had agreed, as part of the Joint Venture Agreement that formed Merit Street, to provide "[a]ll production services associated with 'Dr. Phil' programming." Nothing in the Joint Venture Agreement suggests that Merit Street would need to *pay TBN* to access its studio and production space.

3. TBN improperly charges Merit Street to license TBN's content.

42. Although the Joint Venture Agreement required TBN to license all TBN content to Merit Street at no cost, TBN improperly caused Merit Street to pay millions of dollars for TBN's content—some of which never even aired on MeritTV.

4. TBN improperly charges Merit Street for production services.

43. The gift did not stop there. TBN improperly charged Merit Street for production services TBN had an obligation to provide under the Joint Venture Agreement.

44. The September 2024 balance sheet that TBN prepared on behalf of Merit Street reflect a "Notes Payable" liability to Merit Street in favor of TBN of \$132,994,750. TBN has claimed that this note payable is for personnel and other costs incurred by TBN on behalf of Merit

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Street. TBN later claimed that the note payable had grown to \$140 million. TBN never provided, despite repeated requests, an accounting or breakdown of the expenses included in this \$140 million note payable. “We don’t do that,” TBN’s Vice President of Finance stated.

45. The financial statements for Merit Street that TBN prepared while it was the controlling shareholder of Merit Street also reflect millions of dollars in expenses charged to Merit Street and paid to TBN and third parties for production services that TBN expressly agreed in the Joint Venture Agreement to provide. As just one example, the July 2024 income statement shows year-to-date marketing expenses of over \$2 million. But the Joint Venture Agreement expressly stated that TBN would be responsible for all “[p]romotional and marketing” expenses of Merit Street.

D. TBN Provides Shoddy Production Services.

46. As soon as Merit Street began producing content it quickly became apparent that TBN’s contractual promises for a state-of-the-art “first class quality” production facility and services were empty. For example:

- The teleprompters suffered from frequent malfunctions, including blackouts during live Dr. Phil episodes before studio audiences.
- The control room was incomplete, so operations ran out of a temporary setup in a truck rather than in a control room for over a year. The truck-based control group had about one third of the functionality of an industry standard control room and, unlike the standard setup, could not run multiple productions simultaneously. To make matters worse, the control room’s monitors and communication systems malfunctioned frequently.
- TBN promised state-of-the-art editing software, but instead provided only Adobe Premier, a basic tool used by entry-level video editors. During its previous 21-season run, Dr. Phil’s show used an advanced program called Avid. The downgrade led to substantial wasted time and an inferior product.
- Internal studio screens showing the stage from other rooms—including the greenroom where Dr. Phil’s guests waited before going on air—malfunctioned, preventing guests, producers, and support staff from watching an ongoing production in real time. This hindered production and forced guests to take the stage blind and without context of

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what preceded their segments. Production staff resorted to sharing screens because there were too few working ones to go around.

- TBN did not have an industry-standard system for tracking viewership. It had no Nielsen Ratings and Merit Street was never able to obtain audience metrics.
- The touch screens used for film editing at the studio were nonfunctional, which hindered the editing of footage and degraded final productions. These included the three primary screens Dr. Phil had been used to using for decades. The screens TBN provided struggled to perform basic tasks such as starting and stopping video, rearranging images, and calling up text.
- The Merit Street cell phone app, an important direct-to-consumer tool, was basically unusable.
- Cell phone service in the studio was often so poor that Merit Street staff could not make calls.
- TBN did not provide enough engineers to address the many technical glitches that arose during productions. This required Merit Street staff to compensate for TBN's deficient service through workarounds that involved using hardware and software in ways they were not designed to be used. The time required for even basic production tasks soared.

47. These glaring problems became apparent as soon as rehearsals for Dr. Phil Primetime began in early 2024. On a daily basis, Merit Street raised the issues with TBN. The reply was always the same: in effect, "don't worry about it, we'll handle it." But TBN did not handle it. The problems persisted.

48. Indeed, TBN CEO Mr. Crouch dismissed Merit Street's requests for the industry-standard service to which it was contractually entitled as unreasonable demands for "bells and whistles." If he had it his way, Mr. Crouch said, Dr. Phil Primetime's production would consist of two chairs in front of a single camera, and nothing more. This is hardly the bargain the parties reached; it is not "first class quality," nor is it "comparable" to other syndicated television programming.

49. There were other issues, too. For example, despite contractually agreeing to provide "first class quality" promotional and marketing services, TBN's marketing and PR

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contributions were lackluster—limited to just minimal social media advertising at the time of the Merit Street launch and one other social media campaign. TBN designed those limited social media efforts so that TBN itself would benefit by ensuring that a TBN entity would receive payment for the advertising.

E. The TBN And Peteski Relationship Breaks Down.

50. TBN and Peteski's relationship reached a new low in July 2024, when TBN failed to make a \$5 million payment owed to Peteski under the Joint Venture Agreement.

51. Shortly thereafter, in August 2024, Peteski and TBN agreed to amend the stock purchase agreements that each company had entered into in March 2024 whereby TBN had acquired a 70% ownership interest in Merit Street and Peteski had acquired the remaining 30% ownership interest in Merit Street. The August 2024 amendment shifted Peteski's ownership interest in Merit Street to 70% with the remaining 30% owned by TBN.⁴ Although the parties' ownership interest shifted, TBN remained obligated to provide all distribution and production services to Merit Street.

52. Shortly after transferring 70% ownership of Merit Street to Peteski in August 2024, and after just four short months of MeritTV being on the air, TBN declared that it would cease all further support for Merit Street. TBN claimed it lacked financial resources to continue to support Merit Street—notwithstanding it reported assets of over \$900 million in recent filings.

F. CrossSeed Issues \$25 Million Convertible Promissory Note.

53. In September 2024, Merit Street issued a \$25 million convertible promissory note to CrossSeed (the "CrossSeed Convertible Note"). CrossSeed is a Texas non-profit corporation and, on information and belief, closely connected to TBN. The CrossSeed Convertible Note

⁴ Currently, Peteski owns 66.5% of Merit Street, TBN owns 28.5%, and SHG Partnership, LLC owns 5%.

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converts to equity at a fixed Merit Street valuation of \$425 million at the option of CrossSeed, exercisable only at the time of an equity raise of qualified financing. The CrossSeed Convertible Note purports to be secured, and bears interest a rate of 12% simple interest, payable on the maturity date of September 7, 2026.

54. On March 5, 2025, CrossSeed assigned the note to TCT. On information and belief, TCT is closely connected to TBN. TCT filed a U.C.C. Financing Statement as a secured party on May 27, 2025.

G. The Parties Attempt—And Fail—To Salvage the Joint Venture.

55. By September 2024, it was becoming clear that TBN would never live up to its contractual obligations. Merit Street realized that in order to ensure its continued viability, it needed to resolve its outstanding disputes with TBN. To that end, the parties entered negotiations.

56. The parties' negotiations culminated in a December 9, 2024 Outline of Proposed Terms ("December 2024 Agreement"). In the December 2024 Agreement, TBN, Peteski and Merit Street "agree[d] to negotiate in good faith to reach definitive agreements addressing the issues outlined here as promptly as practical, and with the common goal of signing such definitive agreements prior to December 31, 2024." In the December 2024 Agreement, the parties also reached a resolution on a number of definite terms to document in the definitive agreements, and agreed that the definitive agreements would supersede and replace the Joint Venture Agreement. The definite terms upon which the parties agreed, included:

- ***The Plex Lease.*** TBN agreed to abate 45 months of rent.
- ***Shared Facilities.*** TBN agreed that it would grant Merit Street access to other studio areas in the Plex.
- ***\$140 Million Note Payable.*** TBN agreed that Merit Street would not be responsible for paying TBN the purported \$140 million note payable that TBN caused Merit Street to record.

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- **Prior Services.** TBN agreed that TBN would reverse charges to Merit Street for prior services provided by TBN to Merit Street.
- **Administrative Service Expenses.** TBN agreed that it would supply numerous administrative staff to Merit Street, including for accounting, payroll, billing, human resources, information technology services, technology support, and engineering.
- **Payments to Peteski.** TBN agreed to pay Peteski amounts owed.
- **License and Distribution Agreement Costs.** TBN acknowledged that “[t]he contractual costs of [Merit Street’s] current distribution agreements are the sole responsibility of TBN”—averaging about \$2.6 million per month. Merit Street had paid, on TBN’s behalf, approximately \$13 million under these contracts. While the agreement stated that TBN maintained it was not in a position to pay those expenses, it acknowledged the “significant hardship and inequity for [Merit Street] to be servicing a TBN contractual liability,” and agreed that it would reimburse Merit Street for these payments and assume current payments as it was able. Merit Street agreed to continue to make payments “subject to ultimate repayment by TBN.”

57. The December 2024 Agreement reflected the very same terms to which TBN had agreed and failed to abide by in the Joint Venture Agreement. In other words, TBN was responsible for providing distribution and production services to Merit Street at no cost to Merit Street.

58. Peteski immediately set out to prepare draft agreements based on the terms of the December Term Sheet. But then TBN abruptly stated that it would not honor the signed December 2024 Agreement. Instead, TBN proposed entirely new terms, which were unworkable and unacceptable to Merit Street.

59. All the while, the quality of TBN’s already poor production services continued to decline. Earlier this year, a senior TBN executive admitted that TBN was doing only the bare minimum for Merit Street. He sought to justify TBN’s position by baselessly characterizing Dr. Phil’s unchanged desire for first-class service as “unpredictable” expectations. Other TBN staff followed this executive’s example by insinuating that meeting TBN’s obligations to Merit Street wasted TBN’s scarce resources.

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60. Moreover, TBN defaulted on an additional \$25 million in payments due to Peteski, and continues to refuse to pay for the license and distribution agreements it caused Merit Street to enter.

H. Peteski And Dr. Phil Take Steps To Keep Merit Street Afloat.

61. Even though TBN refused to honor its commitments to Merit Street and refused to pay Peteski the amounts it was owed, Peteski and Dr. Phil continued to support Merit Street to keep it afloat.

62. Between December 2024 and May 2025, Peteski advanced additional funds to Merit Street, totaling approximately \$25.4 million. Specifically, on February 28, 2025, Merit Street issued to Peteski a convertible promissory note, pursuant to which Peteski purchased approximately \$11,407,166 of aggregate principal amount of convertible notes. And on June 1, 2025, Merit Street issued to Peteski a convertible promissory note, pursuant to which Peteski purchased approximately \$14 million of aggregate principal amount of convertible notes. These convertible notes issued by Peteski convert to equity at the valuation of the next equity raise.

63. Additionally, on June 30, 2025, Peteski agreed to enter into an agreement with Merit Street, effective June 10, 2025, whereby Peteski agreed to issue a secured bridge loan of \$6,996,636.

64. In total, to date—due to TBN's breaches of the Joint Venture Agreement—Peteski has loaned over \$25 million to Merit Street,

COUNT I
(Breach of Contract ("Joint Venture Agreement") Against TBN)

65. Merit Street incorporates the allegations set forth in the foregoing paragraphs as if set forth in full below.

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66. As of January 10, 2023, Peteski and TBN executed a valid contract, the Joint Venture Agreement.

67. Merit Street is a third-party beneficiary to the Joint Venture Agreement between Peteski and TBN. The Joint Venture Agreement was intended to benefit Merit Street directly and under the agreement TBN owes contractual duties directly to Merit Street.

68. Merit Street fully performed its obligations as a third-party beneficiary under the Joint Venture Agreement.

69. As alleged herein, TBN breached its obligations under the Joint Venture Agreement, including by failing to meet its obligations to provide production and distribution services to Merit Street and causing Merit Street to pay or incur obligations that were the responsibility of TBN.

70. As a direct and proximate result of TBN's breaches of the Joint Venture Agreement, Merit Street suffered and continues to suffer significant damages, including monetary damages.

COUNT II
(Breach of Covenant Of Good Faith And Fair Dealing
(Joint Venture Agreement) Against TBN) (In the Alternative)

71. Merit Street incorporates the allegations set forth in the foregoing paragraphs as if set forth in full below.

72. As of January 10, 2023, Peteski and TBN executed a valid contract, the Joint Venture Agreement, and Merit Street is a third-party beneficiary to the Joint Venture Agreement.

73. TBN has an obligation to perform its obligations under the Joint Venture Agreement fairly, honestly, in good faith, and in a manner that does not deprive Merit Street of the benefits and overarching purpose of the agreement.

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74. Merit Street fully performed its obligations as a third-party beneficiary under the Joint Venture Agreement.

75. To the extent that TBN's obligations to provide distribution and production services were not identified specifically in the Joint Venture Agreement, TBN breached the covenant of good faith and fair dealing by depriving Merit Street of the benefit of the Joint Venture Agreement, which was for TBN to provide production and distribution services to Merit Street at no cost to Merit Street.

76. As a direct and proximate result of TBN's breaches of the implied covenant of good faith and fair dealing, Merit Street suffered and continues to suffer significant damages, including monetary damages.

COUNT III
(Breach of Contract (December 2024 Agreement) Against TBN)

77. Merit Street incorporates the allegations set forth in the foregoing paragraphs as if set forth in full below.

78. On December 9, 2024, Merit Street, Peteski, and TBN entered into the binding December 2024 Agreement. In the December 2024 Agreement, the parties agreed on certain definite terms relating to the operation of Merit Street. The December 2024 Agreement is a complete and enforceable agreement with respect to these definite terms. The December 2024 Agreement also contained a binding agreement to "negotiate in good faith to reach definitive agreements addressing the issues outlined here as promptly as practical, and with the common goal of signing such definitive agreements prior to December 31, 2024." The definitive agreements were to supersede and replace the Joint Venture Agreement, which is governed by Delaware law.

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79. Merit Street performed its obligations under the December 2024 Agreement, including by attempting in good faith to draft final agreements addressing the issues in the December 2024 Agreement.

80. TBN breached its obligations under the December 2024 Agreement. It failed to honor the definite terms contained in the December 2024 Agreement. It also flatly refused to work in good faith to draft final agreements addressing the issues in the December 2024 Agreement. But for TBN's bad-faith conduct, final agreements would have been executed.

81. As a direct and proximate result of TBN's breaches of the December 2024 Agreement, Merit Street suffered and continues to suffer significant damages, including monetary damages.

COUNT IV
(Breach of Fiduciary Duty Against TBN)

82. Merit Street incorporates the allegations set forth in the foregoing paragraphs as if set forth in full below.

83. As alleged herein, TBN exercised control over the affairs of Merit Street and owned 70% of Merit Street through August 2024. TBN owed Merit Street fiduciary duties, including duties of loyalty and care.

84. As alleged herein, TBN breached its fiduciary duties to Merit Street, including by engaging in self-dealing and other gross misconduct to advance its own interests at the expense of Merit Street.

85. As a direct and proximate result of TBN's breaches of its fiduciary duties, Merit Street suffered and continues to suffer significant damages, including monetary damages.

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COUNT V

(Declaratory Judgment For Preference Avoidance Regarding CrossSeed Convertible Note Under 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57 Against TCT)

86. Merit Street incorporates the allegations set forth in the foregoing paragraphs as if set forth in full below.

87. This claim for relief arises under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201.

88. In September 2024, Merit Street issued a \$25 million convertible promissory note to CrossSeed.

89. Pursuant to Section 4 of the CrossSeed Convertible Note and in consideration for such note, Merit Street (i) granted to CrossSeed a security interest in all of Merit's personal property, instruments, accounts, money, deposit accounts, securities and all other investment property, contract rights or rights to the payment of money, insurance claims and proceeds, and all general intangibles, and (ii) authorized the holder of the CrossSeed Convertible Note to prepare and file a financing statement to perfect the holder's security interest.

90. On March 5, 2025, CrossSeed assigned the CrossSeed Convertible Note to TCT.

91. On May 27, 2025, TCT perfected its security interest in the CrossSeed Convertible Note by filing a UCC-1 Financing Statement as a secured party with the Secretary of State of Texas. TCT did not perfect with respect to litigation proceeds, which are not mentioned in its UCC-1 Financing Statement.

92. Under 11 U.S.C. § 547(e)(2), the transfer of an interest of the debtor in property—including the transfer of a security interest—is made at the time such transfer is perfected, where the transfer is perfected more than 30 days after the transfer was made.

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93. Here, TCT perfected its security interest more than 30 days after CrossSeed transferred to it the CrossSeed Convertible Note, so the transfer is deemed to occur on the date of perfection, May 27, 2025.

94. May 27, 2025 is within Debtor's preference period because it is within 90 days of the date Merit Street filed its bankruptcy petition (July 2, 2025).

95. Accordingly, this Court should issue an order declaring that the transfer is an avoidable preference under 11 U.S.C. § 547(b). In addition or in the alternative, this Court should issue an order declaring that TCT has no perfected security interest in Merit Street's litigation proceeds.

COUNT VI

(Declaratory Judgment for Equitable Subordination of the under 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57 Against TBN and TCT)

96. Merit Street incorporates the allegations set forth in the foregoing paragraphs as if set forth in full below.

97. This claim for relief arises under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201.

98. Equitable subordination is a remedy that allows a court to subordinate a creditor's claim to other claims as a result of misconduct by that creditor. *In re Equip. Equity Holdings, Inc.*, 491 B.R. 792, 840 (Bankr. N.D. Tex. 2013). This remedy is properly granted when (1) the claimant engaged in inequitable conduct; (2) the misconduct resulted in injury to debtors or other creditors, or conferred an unfair advantage to the claimant; and (3) equitable subordination of the claimant's claim is not contrary to other provisions of the Bankruptcy Code. *Id.* at 841–42. Further, conduct is inequitable if it involves or is the result of breaches of fiduciary duties. Additionally, if the claimant is an insider, courts scrutinize that claimant's conduct more rigorously.

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99. As alleged above, TBN breached fiduciary duties it owed to Merit Street, including by engaging in self-interested transactions that depleted Merit Street's capital. TBN then caused a \$140 million liability to be recorded on Merit Street's balance sheet in favor of TBN. Further, because TBN caused Merit Street to pay TBN and others money that TBN itself should have paid, Merit Street was forced to borrow an additional \$25 million from CrossSeed in September 2024, which note was later assigned to TCT. That \$25 million contribution was only made necessary by TBN's breaches of fiduciary duty.

100. This inequitable misconduct resulted in harm to Merit Street and its other creditors.

101. Equitable subordination would not be contrary to other provisions of the Bankruptcy Code.

102. Further, the Fifth Circuit and courts within it have equitably subordinated claims of even a secured party after finding that party engaged in wrongful conduct, as TBN has here. *See, e.g., In re Matter of Fabricators, Inc.*, 926 F.2d 1458 (5th Cir. 1991) (equitably subordinating otherwise secured lender's claim to unsecured status where, among other conduct, insider's exercise of control over debtor to allow insider to obtain a lien on debtor's assets); *In re Adv. Modular Power Sys., Inc.*, 413 B.R. 643, 676-77 (Bankr. S.D. Tex. 2009) (equitably subordinating claim to lower priority than other unsecured creditors based on insider's action in self-interest to deplete the debtors of their most profitable business). Because TBN has exerted improper control over Merit Street to solely further its own interests at the expense of Merit Street, including by causing its affiliate to issue a loan to Merit Street, any claims of TBN and TCT should be equitably subordinated.

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PRAYER FOR RELIEF

WHEREFORE, the Debtors respectfully request that upon final hearing, a judgment be entered as follows:

- A. Awarding Merit Street damages suffered as a result of TBN's breach of the Joint Venture Agreement and December 2024 Agreement, including prejudgment interest and punitive damages.
- B. Awarding Merit Street damages suffered as a result of TBN's breach of its fiduciary duties, including prejudgment interest and punitive damages.
- C. Entering judgment in favor of Merit Street and declaring that the March 5, 2025 transfer of the CrossSeed Convertible Note to TCT is an avoidable preference under 11 U.S.C. § 547(b), and, or in the alternative, that TCT has no perfected security interest in Merit Street's litigation proceeds.
- D. Entering judgment in favor of Merit Street and declaring that the CrossSeed Convertible Note should be equitably subordinated under Section 510(c) of the Bankruptcy Code;
- E. Granting Merit Street its attorneys' fees and costs; and
- F. Granting Merit Street such other and further relief as the Court may deem just and proper.

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Dated: July 2, 2025
Dallas, Texas

/s/ Jeri Leigh Miller

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*Proposed Attorneys for the Debtor
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Certificate of Service

I certify that on July 2, 2025, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

/s/ Jeri Leigh Miller

Jeri Leigh Miller

PH-1

APPEAL TO USE OF 3150 BEAR ST. AS A 142 HOUSING UNITS DEVELOPMENT

Application to establish a 142 unit housing development in an AP designated zone



3150 trees are and lot line are closer to my bedroom than **MY OWN DRIVEWAY**

Local Business



Finding:

"Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood."

- This approval is 100% Materially detrimental to my well-being. The stress is absurd and unnecessary.
 - I did not attend the public meeting precisely because of prior negative experiences at previous public meetings where I DID participate.
 - I realize I live in a City, but I love my home and I only wish to live peacefully in it without undue duress.



Finding:

"Granting the conditional use permit or minor conditional use permit will not be **materially detrimental to the health, safety, and general welfare** of the public or otherwise **injurious to property** or improvements within the immediate neighborhood."

- I am clearly directly impacted.
 - I feel like I'm on an island, handling this issue all on my own.
 - Who wouldn't be concerned about the negative impact this project will have on my market home value?
 - With that many people so near to my residence, I will feel even more unsafe than I already do.
 - Why am I left feeling helpless and hopeless by the city?



Old footage from an old computer typical of noise coming from the 3150 property

- The application does not describe any steps the property intends to take to mitigate noise.
 - There are no controls included in the application.
 - This footage captures typical noises I was exposed to for years.
 - I cannot understand why the city finds this acceptable.
 - Late night/early morning noise is not compatible with the with the general welfare.
-



A NEW FOR SALE RESIDENTIAL COMMUNITY IS BEING
PROPOSED NEAR YOU!
BEAR STREET
COSTA MESA, CALIFORNIA



Site Plan
Not to Scale



Location Map
Not to Scale

Fast Facts

- Replaces former Trinity Broadcasting Center at 3150 Bear Street
- Includes 142 new high-quality attached and detached, for-sale homes
- Two floor plans for the detached condos
- Four floor plans for the stacked flats
- Traditional architectural styles
- Two-car garages with additional on-site guest parking
- Energy efficient and water efficient buildings and landscaping
- Common amenity areas including lot lot, shade structures, turf area, and BBQ counters

Angela Crankin - Vice President of Exteriors
659-265-3547 | angela.crankin@mlcgroup.com

Meritage

MLC
Meritage Living Communities

It is not plausible to believe that the air/noise quality in my backyard will not be even further degraded.

How is this fact fair or inconsequential to me? How am I supposed to peacefully enjoy my backyard with people, cars, car alarms, exhaust, traffic noise, etc., all within a very short distance from me?

52 FOOT BUILDINGS

52 FOOT TALL, BALCONY RESIDENCIES???

- How do I go into my backyard with balconies staring into my home??
- How can a reasonable person possibly contend that the facts pertinent to this development are not detrimental to my well-being, much less my own property value?

4:28

latimes.com

5G 83

☰

Daily Pilot

LOG IN

🔍

Density — while balanced to complement the characteristics of the surrounding residential neighborhoods — is key to making the project pencil out, Crooker added.

For that reason, the Meritage subsidiary is planning to set aside eight deed-restricted units for very low-income residents, in exchange for a density bonus from the state that will allow it to build to greater heights and a higher density, while offering fewer parking spaces, than what's allowed for in Costa Mesa's municipal code.

This means three- and four-story stacked flats up to 52 feet, as opposed to the 27-foot, two-story cap imposed by the city. Instead of providing 477 parking spaces, applicants are proposing 372.

×

ADVERTISEMENT

Hope

Advertisement

NO TRAFFIC LIGHT NO CROSSWALK



It is already difficult left turn access onto Bear. Bear street will become so much more dangerous for residents and kids no plans to install even a crosswalk to Shiffer park much less a traffic light to handle all the newly increased residential traffic.

Tree Intrusion/Damage

The neighboring property's trees have intruded largely over and under my back yard.

1. How do I preserve my property from the neighboring property's roots and branches?
2. Where is the documentation supporting the approval of planting these trees so close to my property?
3. Does that approval remain valid?
4. I fear Santa Ana winds may uproot and cause 3150's trees to fall on my property and damage my property or harm me.



City Consistently all Project Proposals

I have resided in Lifestyles since 1996.

- My Noise, Air Quality, Invasive Tree issues all have been dismissed by the City.
- 1996-2017 TBN AP Administratively zoned.....
- 2019 – 2021 EF Education First (EFEKTA)
- 2021 – Present Manny Khoshbin
- Present – Meritage Homes



Transparency

1. Policy N-2.2:
 - a) Where is the data that supports that full consideration was given?
 - b) Where is the documentation that supports conclusion.
 - c) Where is the process documentation that supports how the conclusions were arrived at?
2. Policy N-2.5:
 - a) What are the city's plans for enforcement?
 - b) How many code/CUP enforcements before this permit is revoked?
3. Policy N-2.9:
 - a) Has the received noise test results from the applicant per scenarios proposed by the applicant?
 - b) Where does the city's confidence come from that the applicant will abide by the CUPs/codes, etc and that I will be able to live peaceably in my home?

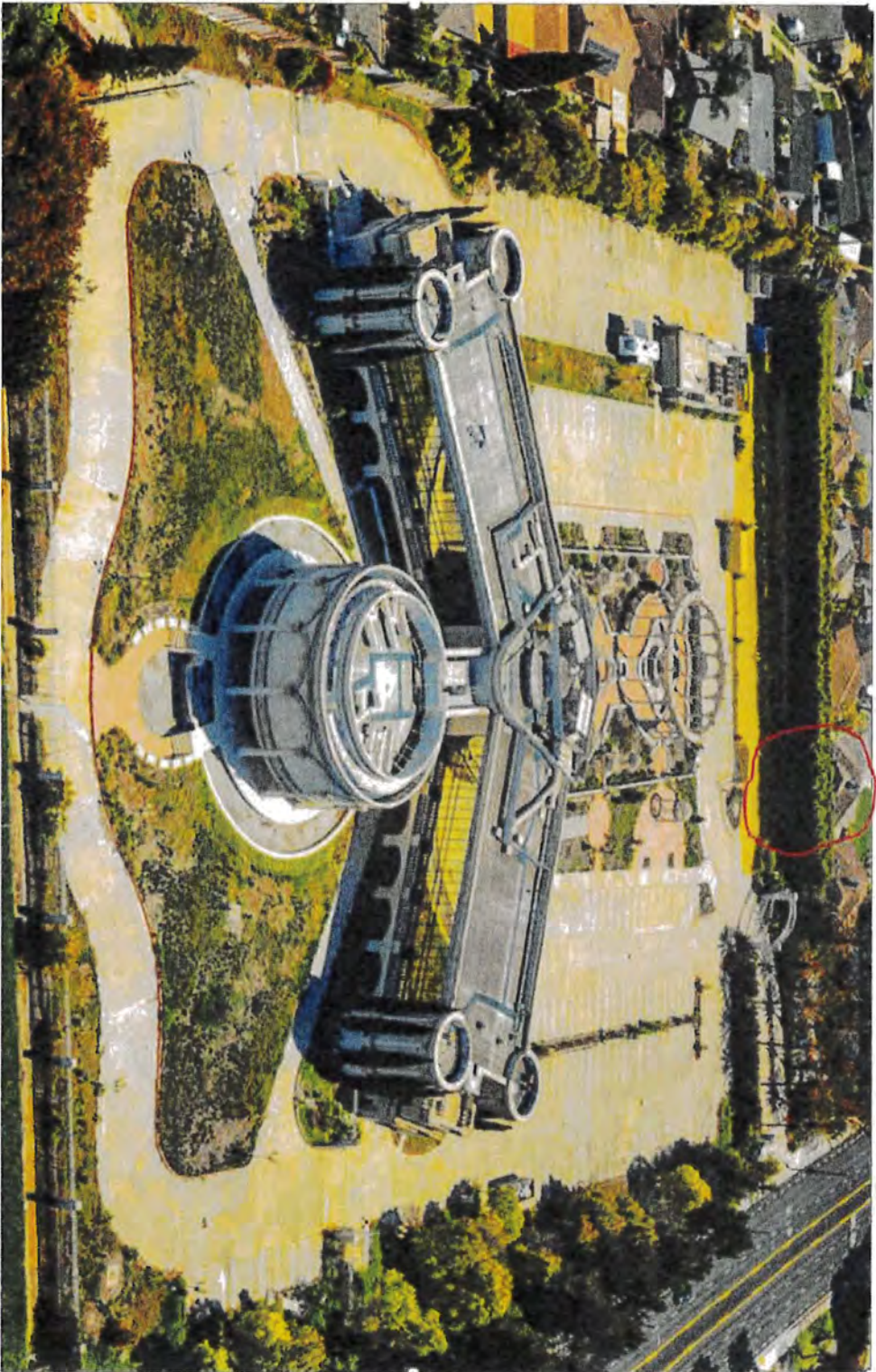
Goal N-2: Noise and Land Use Compatibility	
Integrate the known impacts of excessive noise on projects of land use planning and siting of residential and nonresidential projects.	
Objective N-2A:	Plan for the reduction in noise impacts on sensitive receptors and land uses.
Policy N-2.1:	Require the use of sound walls, berms, interior noise insulation, double-paneled windows, and other noise mitigation measures, as appropriate, in the design of new residential or other new noise sensitive land uses that are adjacent to arterials, freeways, or adjacent to industrial or commercial uses.
Policy N-2.2:	Require noise abatement for new residential and commercial projects that are adjacent to arterials, freeways, or adjacent to industrial or commercial uses.
Policy N-2.3:	Consider alternative noise level standards for medium- and large-scale projects that take into consideration the interaction of industrial operations noise impacts and the noise level development planned for the Westside and Solano.
Policy N-2.4:	Require that all proposed projects are consistent with existing noise/land use compatibility criteria.
Policy N-2.5:	Require noise abatement for new residential and commercial projects.
Policy N-2.6:	Adopt a higher exterior noise level standard for all projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible measures to meet the exterior noise level. The interior standard of 45 dBA CNEL shall be enforced for any new residential project.
N-24 Costa Mesa General Plan	
Noise Element	
Policy N-2.7:	Encourage effective site planning in residential areas that minimizes the potential for noise impacts between noise sources and residents.
Policy N-2.8:	Require new residential developments to be located away from major roads, freeways, and other noise sources, including parking lots, streets, and other noise sources, away from the residential portion of the development and adjacent to industrial or commercial development.
Policy N-2.9:	Require noise abatement for new residential and commercial projects that are adjacent to arterials, freeways, or adjacent to industrial or commercial uses.

FACTS

The City of Costa Mesa (the city) has repeatedly agreed to CUPs over and above those the property was originally zoned for.

As a long-time Costa Mesa resident, I cannot understand why the City remains so dismissive to my concerns and quality of life.

- Previously the city approved an application for EF Education. 1,400 people would have had access to the property at any given time. When that fell through the City signed on to an Event Center.
 - Now that's going by the wayside the City seems to be fine with high density dwellings right in the middle of South Coast Metro. The City now addresses the 3150 property as a high-density housing project, once again, contrary its AP zoning. Convenient use by the City of Abatements and CUPs which results in detrimental consequences to the surrounding properties.
 - Lifestyles properties on either side of mine are owned by a separate "corporate" entity which had previous ownership of the 3150 property and have been used by in/out of state persons as "hotel like" properties rather than single family dwellings.
- As such I am isolated in bringing this action forward.**





welfare ^{1 of 2} noun

wel-fare wel-fer

Synonyms of *welfare* >

- 1 : the state of doing well especially in respect to **good fortune, happiness, well-being, or prosperity**
must look out for your own *welfare*
- 2 a : aid in the form of money or necessities for those in need
b : an agency or program through which such aid is distributed

welfare ^{2 of 2} adjective

- 1 : of, relating to, or concerned with welfare and especially with improvement of the welfare of disadvantaged social groups

well-being ^{noun}

well-be-ing wel-'bē-īŋ

Synonyms of *well-being* >

: **the state of being happy, healthy, or prosperous : WELFARE**



Finding:

“Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.”

As an elder woman, I am informing the City that this process and the development itself will undoubtedly be materially detrimental to **MY** health, safety and general welfare, not to mention how the trees will continue to affect my property.

I ask the City carefully and empathetically consider my situation and take sufficient mitigating actions with respect to the 3150 Bear Street property which will lead to an opportunity for me to live peaceably in my beautiful home.

Thank you for your time and consideration.

Delivered August 5, 2025, Easily Before 12:00PM, for City Council and City Council Meeting Agenda

Dear Costa Mesa City Council (constituentservices@costamesaca.gov) and City Clerk (cityclerk@costamesaca.gov):

Please read this verbally aloud before and during the August 5, 2025 City Council meeting. Please include this in the agenda packet for the August 5, 2025 City Council meeting.

Regarding the August 5, 2025 City Council meeting's public hearing item 2 titled "MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT (PGPA-24-0002), REZONE, DESIGN REVIEW, TENTATIVE TRACT MAP NO. 19334, AND DENSITY BONUS AGREEMENT, FOR A 142-UNIT, OWNERSHIP RESIDENTIAL DEVELOPMENT AT 3150 BEAR STREET (MERITAGE HOMES)"

Please reject Meritage Homes' entire application including the mitigated negative declaration, general plan amendment, rezone, tentative tract map, and density bonus for the following reasons related to Meritage's 142 units being too dense of a population for 3150 Bear Street:

1. Negative Impacts on Expansive Soil: The neighborhoods for a few miles around 3150 Bear Street are built on expansive soil. Heavy construction and dense buildings will disturb the expansive soil resulting in damage to the foundations, walls, etc. of buildings several miles around 3150 Bear Street.
2. Negative Impacts from New Traffic Light and Turn Lanes on Bear Street: Meritage requests a new stop light and turn lanes on Bear Street for Meritage's private benefit for Meritage's 142 units worth of people. Bear Street is already heavily congested during morning, late afternoon, and early night commuting hours. Bear Street is especially congested during holidays. The congestion is especially noticeable between Bear Street's intersections with Baker Street and MacArthur Boulevard. Another traffic light that is not synchronized with other Bear Street traffic lights will exacerbate the already heavy congestion on Bear Street around 3150 Bear Street. Also near 3150 Bear Street, Bear Street only has two lanes in each direction. Adding new turn lanes to Bear Street for 142 units worth of people will result in Bear Street effectively having only 1 lane in each direction as 142 units worth of people wait on Bear Street to be able to enter 3150 Bear Street. Please note that 3140 Bear Street and the Lifestyles community do not have traffic lights for their private benefit, and denying 3140 Bear Street and the Lifestyles community traffic lights for their private benefit prevents further congestion of Bear Street. A double standard should not be applied to Meritage.
3. Crosswalk to Shiffer Park: A new cross walk across Bear Street is not needed to access Shiffer Park, because there is already a nearby crosswalk at the intersection of Bear Street and Paularino Avenue. A new cross walk would turn the Shiffer Park neighborhood into additional parking for Meritage's parking lacking proposal for 3150 Bear Street. A new cross walk would also further exacerbate traffic on Bear Street by adding another traffic light that is not synchronized with the rest of Bear Street's traffic lights.

4. Gate to Olympic Avenue: An open access gate on Olympic Avenue would negatively impact already congested street parking in the existing neighborhoods surrounded by Olympic Avenue, Trinity Drive, Paularino Avenue, Platte Drive, Allegheny Avenue, and Canadian Drive. An open access gate on Olympic Avenue would turn those neighborhoods into additional parking for the overly people dense and parking lacking Meritage proposal for 3150 Bear Street.
5. Negative Impacts on Traffic Congestion on Paularino Avenue: Paularino Avenue is already heavily congested during morning, late afternoon, and early night commuting hours, and neighbors (apartments, houses, businesses, etc.) on Paularino Avenue already have difficulty entering Paularino Avenue during hours of congestion. Paularino Avenue is only one lane in each direction so cannot handle an additional 142 units worth of people.
6. Sunlight Obstruction: Several almost 60 feet tall buildings will obstruct the sunlight and cast shadows on neighbors several miles around, which will negatively affect both their health and property values.
7. Airflow Obstruction: Several almost 60 feet tall buildings will obstruct the wind and airflow for neighbors several miles around, which will negatively affect both their health and property values.
8. View of Sky Obstruction: Several almost 60 feet tall buildings will obstruct the view of the sky for neighbors several miles around, which will negatively affect both their health and property values.
9. Should Widen Bear Street: To decrease congestion on Bear Street the City should purchase enough of 3150 Bear Street to extend and construct a third lane in both directions on Bear Street. Widening Bear Street would serve the public better than Meritage's proposal as Meritage's proposed dense construction harms the public to mainly benefit the already wealthy owners of 3150 Bear Street. The Khoshbin family already has over between \$50 million and \$100 million in assets, and already uses 3150 Bear Street to store multiple luxury cars and manage their wealth. Costa Mesa should put its very many everyday residents' wellbeing first, not the wellbeing of a few multimillionaires.

Comments on application by PGPA-24-0002.

Comments by William H. Spurgeon iv, 3078 Platte Drive.

- 1) Traffic impact: putting a signal on Bear Street will lead to traffic disasters. The north bound lanes shift from three lanes to two right at the new signal. This will cause traffic to back up into the Paularino intersection. Cars on Paularino and the housing tract exiting at Yukon to be unable to turn north on Bear. Now Paularino and Yukon will back up, The two lanes coming off the 73 freeway will also now back up onto the freeway at the dangerous point where cars from the 55 merge left and cars from the 73 merge right to get off at Bear. Cars that stop to merge into the stopped line will become an accident hazard as they now block the second lane from the 55. Southbound on Bear is already a mess. Left turning cars for the 55/73 onramp already often back up to Paularino causing cars on Paularino to back up too. The new signal will back cars into the shopping center and signals over the 405.
- 2) Parking. The city always underestimates the needed parking and they once told us on Platte Drive that new apartments on Paularino would not impact us. Not true. We daily pick up Del Taco bags and empty cups, and negotiate for parking spots on nights and weekends. Where will the “extra cars” park? On Canadian, Hudson or Olympic? This will increase traffic on our neighborhood streets. In Shiffer park or the access streets of MacKinzie or Tanana? Not cool. In the shopping center across the freeway/ There is no place for excess cars which there will be.
- 3) Obviously, this is a big money deal so the locals have little power. But this time I wanted to type up my comments so I would have a record of this “I told you so.”

From: [Wendy Morales](#)
To: [CITY CLERK](#)
Subject: Public Comment: Opposition to 3150 Bear Street Housing Project (PGPA-24-0002)
Date: Tuesday, August 5, 2025 11:44:45 AM

Dear Costa Mesa City Council Members,

I am writing to express my strong **opposition** to the proposed housing development at **3150 Bear Street (Project PGPA-24-0002)**, which was recently approved by the Planning Commission.

As a **homeowner living next to the project site**, I am deeply concerned about the significant negative impact this 142-unit development, particularly the **52-foot-tall stacked flats**, will have on our neighborhood's quality of life, infrastructure, and safety.

My primary concerns include:

- **Traffic & Parking Overload**

Bear Street and adjacent roads are already heavily impacted. Adding 142 units without sufficient parking mitigation will push more cars into our neighborhood streets, where many residents already struggle to find parking.

- **Height and Privacy Issues**

The proposed 4-story stacked flats are completely out of character with the surrounding 1-story homes. This extreme height will cast shade, eliminate privacy for existing homeowners, and reduce property values.

- **Olympic Avenue Access**

The pedestrian access point proposed at Olympic Avenue poses a safety concern and will likely increase foot traffic into a quiet residential street. We ask that this access point be removed or gated and strictly limited to emergency use only.

- **Infrastructure Strain**

The current infrastructure—roads, schools, sewer, and utilities—was not designed to support such a high-density project on a 6-acre parcel.

- **Construction Impact to Adjacent Properties**

My home is located in **direct proximity** to the project site, and I am seriously concerned about potential **structural damage** during construction. Heavy equipment, excavation, or pile driving may cause **cracking or shifting** in nearby homes. The Mitigated Negative Declaration (MND) fails to address this risk. I respectfully request that the City require a **pre-construction structural survey** of neighboring properties and hold the developer accountable for any damage incurred.

I respectfully request:

- **A reduction in height and unit count** to preserve neighborhood character
- **Removal of the Olympic Avenue pedestrian access point**
- **A formal traffic and parking impact reassessment**
- Structural protections and accountability for homes adjacent to the site

We are not opposed to new housing, but we urge the Council to prioritize **responsible growth** that respects current residents. This project, as proposed, is **too dense, too tall, and too disruptive**. Please vote **NO** on this proposal and request meaningful revisions.

Sincerely,

Wendy Morales

Costa Mesa Resident - District 2

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Aug. 5th, 2025

Subject: Community Concerns Regarding Proposed Development at 3150 Bear Street

Dear City Council Members,

As residents of the neighborhoods adjacent to the proposed development at 3150 Bear Street, we respectfully submit the following concerns in advance of the July 14th Planning Commission hearing.

Traffic Safety and Congestion

Bear Street already experiences significant congestion, particularly during peak hours, holidays, and summer weekends. The trip generation comparison in the current traffic analysis is based on prior estimated use when the building was occupied, not the current vacant condition. This results in an inaccurate baseline and may obscure the true traffic impacts. A Level of Service (LOS) analysis should be required.

The proposed addition of a signal-controlled driveway raises serious concerns. With two closely spaced signals already in place near the 73 freeway ramps, a third signal nearby could worsen backups and cause driver confusion. Cars often block intersections or run red lights in this area due to visual alignment and signal timing. Additional delays will affect not only local residents but also the city's economic engine-South Coast Plaza-by creating greater congestion at key access points.

Speeding and Unsafe Crosswalk Placement

The proposed crosswalk just beyond the downhill slope on Bear Street presents a major safety issue. Drivers frequently speed down this stretch, and Costa Mesa Police often monitor it from Shiffer Park because of how common speeding violations are. Even with a signal, a crosswalk located just past a blind hill risks being overlooked by fast-moving traffic, posing a hazard for pedestrians.

Overflow Parking into Residential Streets

We are also very concerned about the project's potential to create parking overflow in our surrounding neighborhoods. With limited on-site parking and the likelihood of multi-car

households or visitors, spillover parking will impact Mackenzie Place, Tanana Street, and Klondike Avenue-especially since two of these streets are cul-de-sacs with limited capacity. We already face tight parking conditions, and increased usage of Shiffer Park for overflow only exacerbates this. Residents and their guests are likely to use the park and nearby streets for both daytime and overnight parking, further straining the limited availability.

Additional Concerns

While we understand and appreciate the city's interest in investing in park improvements, we are concerned that the proposed budget may not be sufficient to support the increased use this development will generate. We urge a more thorough review of the funding allocation to ensure it can meet the long-term needs of the community. Additionally, the current design proposed in the plans with only having one entrance and exit will not be adequate for the park. As the number of residents and park visitors grows, expanded access and increased parking capacity will be essential.

In Conclusion

Safety and overflow parking are our community's top concerns. We ask the Planning Commission to carefully reconsider this project's design, traffic impact analysis, and neighborhood consequences. We respectfully request that these issues be thoroughly studied and addressed before any approval is granted.

Thank you for considering the voice of the community.

Justin and Regina Smith
900 Mackenzie Pl
Costa Mesa, Ca. 92626

Justin and Regina Smith

900 Mackenzie Pl

Costa Mesa, Ca 92626

Mom2boys0810@gmail.com

Aug. 5th, 2025

To: Costa Mesa City Council

Subject: Opposition to Application PGPA-24-0002 3150 Bear Street

We are writing to formally oppose the proposed 142-unit ownership residential development on the 6.12-acre site, which includes 93,500 square feet of on-site open space including private balconies and seven units designated for very low-income housing.

While the need for housing, especially affordable options, is undeniable in other cities in California, this project raises significant concerns for our community:

- **Overdevelopment of a Limited Space**

Packing 142 ownership units—regardless of unit size—onto just over 6 acres represents an extremely high density for the area. This intensity is out of character with the surrounding neighborhoods, which have historically maintained more open space, lower housing density, and a quieter residential atmosphere.

- **Pressure on Services:**

Local schools, water, sewer systems, and emergency services are already operating near the capacity for our city. Adding hundreds of new residents will place additional strain on public resources that the development does not adequately address.

- **Environmental and Community Character Concerns:**

This development would dramatically transform a relatively modest, low-density neighborhood into a high-density enclave, disrupting the established character, visual landscape, and close-knit sense of community that residents have spent years cultivating. It threatens to permanently alter both the natural environment and the social fabric of the area. We strongly urge the city to prioritize development that aligns with the community's values—focusing on thoughtful planning, environmental responsibility, and long-term sustainability.

- **Pressure on Infrastructure:**

Increased traffic from this project will worsen congestion at several already overburdened intersections, particularly at Bear Street and Yukon, as well as the Bear Street on- and off-ramps to the 73 freeway. The intersection at Yukon and Bear regularly backs up starting around 3:30 PM and continues through the

evening rush hour, often until 6:00 PM. During this time, vehicles routinely block the intersection, preventing residents from exiting the neighborhood via Yukon—whether attempting to go straight onto Paularino or turn right onto Bear to access the freeway.

Additionally, the short stretch of Paularino Avenue between Bear and Bristol is heavily congested as drivers use it as a cut-through to reach the freeways or the shopping center at Bristol and Paularino. This section of road is frequently backed up and often blocked by traffic, and the city is already filling potholes on Paularino nearly every month due to the volume and weight of vehicles.

Adding more vehicles from this proposed 142-unit development—along with traffic from the upcoming 1,583-unit Village Santa Ana at South Coast Plaza—will make Bear Street, particularly the segment from Sunflower to Baker, virtually impassable during peak times and the Christmas holiday. This corridor already experiences gridlock during the holiday season, and this level of development threatens to turn seasonal congestion into a year-round issue.

In light of these issues, I respectfully request that the Planning Commission deny or significantly revise this proposal to better reflect the community's needs and values.

Thank you for your time and consideration.

Sincerely,
Justin and Regina Smith

From: [Russell Toler](#)
To: [CITY CLERK](#)
Subject: Trinity Broadcasting Site
Date: Tuesday, August 5, 2025 12:00:36 PM

Dear Mayor and City Councilmembers,

As you review the proposal for the Trinity Broadcasting site, I urge you to pause a bit and reflect on the question of whether this development is stitching itself into the fabric of the city—or sealing itself off from it?

The former helps each increment of development integrate into the walkable, bike-able, and even drivable network of our city, while the latter guarantees just another isolated residential pod—places where cars simply go in and out and no one really knows what it's like inside. We unfortunately have plenty of these now. No wonder people complain about density and new development—none of it is seen to “contribute” to anything but traffic.

When we allow disconnected enclaves, we perpetuate car dependency, and we miss opportunities to build a cohesive, livable city.

I also want to gently lament the design quality of this particular proposal (see my previous emails on this project, they're in the record somewhere). While an improvement from previous iterations, it's still another case of maximizing units with little regard for place or form. But we cannot blame developers—this is what they do. We as a city have not articulated what kind of residential development we want to see, and what kind we don't.

As a city, we have not used our voice on design. We are still passive about it.

This, nor any single project will make or break Costa Mesa. But they add up, and together define the quality of our city. And each one sends a signal and sets a precedent—to the market, to the community, and to the next developer—of what we're okay with.

Thanks for reading,

Russell Toler

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From: [Danielle Owens](#)
To: [CITY CLERK](#)
Subject: 3150 Bear St-city council meeting
Date: Tuesday, August 5, 2025 11:59:44 AM

Dear Mayor and Council Members,

I am writing to express concerns about potential parking impacts from the proposed project at 3150 Bear St. and to suggest possible solutions for consideration.

As a resident living on the corner near the project, I am concerned that overflow parking from future residents and guests will spill into our neighborhood streets. While it has been suggested that people won't want to walk that far, I measured it: it took me 190 steps — less than 1 minute 30 seconds — to walk from our street to the crosswalk leading directly to the project. This makes it very likely people will choose to park in our neighborhood.

To address these concerns, our community proposes:

1. Permit Parking After Hours – Implementing a permit parking program in the evenings and overnight to preserve resident parking access.
2. Alternative Off-Site Parking Arrangement – Negotiating with South Coast Plaza to utilize a rarely used portion of their parking lot. This could accommodate overflow parking for the project. Sellers Plaza could pay a monthly fee for these spaces, creating an incentive and additional income for the property owner.

We appreciate your consideration of both the potential impacts and the proactive solutions that could help preserve neighborhood safety, access, and quality of life. I will be attending tonight's meeting to share further details, but I wanted these concerns and suggestions on the record in advance.

Sincerely,

Danielle and Brendan Owens

3116 Klondike Ave.

Danielle Owens
Real Estate Professional
Coldwell Banker Realty
840 Newport Center Drive #100
949-293-6712
Danielle@DanielleOwensRealEstate.com
www.DanielleOwensRealEstate.com
BRE#01914205

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From: [Michael Wauschek](#)
To: [CITY CLERK](#); [Irvine Clerk](#)
Subject: Public commit immigration
Date: Tuesday, August 5, 2025 12:14:39 PM

Hello my name is Michael wauschek I am concerned citizen

We need stop allowing these gestapo thugs aka ICE spreading fear in our communities even if your alien or not it's effects us all even if we know or not. We also needs to a ban of them of uncovering their faces by so its only making looks themselves worse then what is already are. The time is know not let's talk about at our next city council meeting

[Yahoo Mail: Search, Organize, Conquer](#)

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From: [Stewart Ramsey](#)
To: [CITY CLERK](#)
Subject: RE: August 5th Agenda Item #3
Date: Wednesday, July 30, 2025 10:31:38 AM

Dear Mayor and City Council,

I'm writing as a Costa Mesa resident who values both the natural beauty of Fairview Park and the opportunity it represents for our community to engage, learn, and connect with the land. While I appreciate the ecological goals outlined in the proposed \$1.4 million Professional Services Agreement (PSA) with Endemic Environmental Services for the Mesa Restoration Project, I respectfully urge you to pause and reconsider how we can fulfill our obligations while better serving Costa Mesa residents.

The current plan emphasizes passive restoration and biological compliance—but it does so at the expense of removing cherished recreational features like the dirt mounds used daily by kids on bikes, and by installing fencing that limits public access, rather than inviting people into nature.

Current Proposal Highlights:

\$1.4 Million Contracted to a Fullerton-Based Firm Over 7 Years

- Removes popular dirt bike mounds with no replacement amenity
 - Prioritizes fencing and restricted access over community engagement
 - Long-term monitoring and site control are fully **outsourced to Fullerton**, with no local jobs, training, or volunteer engagement
 - Public education, recreation, and equitable access are **not part of the scope**
 - Funded through state grants but **misses an opportunity** to create a public legacy Costa Mesa residents can feel and use
-

Possible Better Alternatives:

A Nature, Education, and Recreation Hub That Meets Restoration Goals — And Inspires Community

I believe it's possible to both fulfill the City's regulatory obligations and create lasting, visible, and equitable benefits through the same investment. Here's how:

1. Outdoor Amphitheater & Classroom

- A natural, shaded amphitheater for school programs, cultural events, music, and nature learning
- ADA-accessible with interpretive signage and community use
Est. Cost: \$250K–\$400K

2. BMX/Pump Track Youth Zone

- Upgrade and formalize the existing dirt mounds into a safe, inclusive BMX/pump track
 - Encourages healthy activity, keeps kids engaged in nature, and honors how the space is actually used today
- Est. Cost: \$250K–\$400K**

3. Public Environmental Education Program

- Run in partnership with OCC, UCI, nonprofits, and local educators
 - Includes field trips, citizen science, restoration volunteering, and wildlife observation
- Est. Cost: \$250K–\$400K over 7 years**

4. Interactive Trail Tools

- QR-coded self-guided tours, augmented reality stations, and historical site storytelling
- Est. Cost: \$50K–\$100K**

Why This Matters:

- **Fulfills ecological obligations** to OCTA and regulatory bodies
- **Engages the public directly** in long-term stewardship and education
- **Honors cultural and historic resources** while allowing respectful access
- **Keeps funding and energy local**
- **Leaves a visible legacy**, not just a fenced field and consultant reports

This is a once-in-a-decade investment. Let's ensure it not only meets habitat goals—but also **invites people in**, nurtures young minds, and reflects the values of an inclusive and engaged Costa Mesa.

Thank you for your leadership and consideration.

Sincerely,
Stewart William Ramsey
Costa Mesa West-Sider

CAUTION: This email originated from outside of the organization. Do not click links or open

From: [MUNOZ, SANDY](#)
To: [GREEN, BRENDA](#); [TERAN, STACY](#)
Subject: FW: Reconsideration Request: Fairview Park Restoration and Community Use
Date: Wednesday, July 30, 2025 2:53:35 PM

From: Andreas Arpiarian <aarpiarian@gmail.com>
Sent: Wednesday, July 30, 2025 10:45 AM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>
Subject: Reconsideration Request: Fairview Park Restoration and Community Use

As a Costa Mesa resident who deeply values the natural beauty of Fairview Park, I'm writing to share my perspective on the proposed \$1.4 million Professional Services Agreement (PSA) with Endemic Environmental Services for the Mesa Restoration Project.

While I appreciate the ecological goals outlined in the plan, I respectfully ask that the Council pause and reconsider how we can meet our environmental obligations while delivering greater benefits to our local community.

The current proposal focuses heavily on passive restoration and biological compliance, but it comes at the cost of removing beloved recreational features—such as the dirt mounds that kids use daily—and adding fencing that restricts access rather than encouraging people to engage with nature.

Concerns with the Current Proposal:

- \$1.4 million allocated to a Fullerton-based firm over 7 years
- Removal of the dirt bike mounds with no replacement
- Emphasis on fencing and restricted access over community use
- Monitoring and maintenance fully outsourced with no local job or volunteer opportunities
- No focus on public education, recreation, or equitable access
- Funded by state grants, yet lacks a community-oriented legacy

A More Inclusive Alternative:

It is entirely possible to meet restoration requirements while creating a space that educates, inspires, and benefits Costa Mesa residents. Consider these enhancements:

1. Outdoor Amphitheater and Classroom

A shaded, natural space for school programs, cultural events, and nature education
ADA-accessible with interpretive signage for community use

Estimated cost: \$250K–\$400K

2. Youth BMX/Pump Track Zone

Upgrade the existing dirt mounds into a safe, inclusive space for riding
Promotes healthy activity and honors how the land is used today

Estimated cost: \$250K–\$400K

3. Public Environmental Education Program

Partner with OCC, UCI, and local nonprofits to provide hands-on learning
Includes field trips, citizen science, and restoration volunteer opportunities

Estimated cost: \$250K–\$400K over 7 years

4. Interactive Trail Tools

QR-coded self-guided tours, augmented reality features, and storytelling signage

Estimated cost: \$50K–\$100K

Why This Approach Matters:

- Meets environmental commitments to OCTA and regulators
- Engages the community in stewardship and education
- Respects cultural and historical significance while allowing thoughtful access
- Keeps funding, jobs, and energy local
- Leaves a visible and meaningful legacy—not just reports and fencing

Thank you for considering a more balanced and community-focused path forward for Fairview Park.

Andreas Arpiarian

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From: [Wendy Laurie](#)
To: [CITY COUNCIL](#); [CITY CLERK](#)
Subject: New Business Agenda Item 3- Fencing Areas of Fairview Park
Date: Monday, August 4, 2025 3:15:48 PM

Dear City Council Members,

Please vote no on New Business Agenda Item 3 - PROFESSIONAL SERVICES AGREEMENT WITH ENDEMIC ENVIRONMENTAL SERVICES INC. FOR THE FAIRVIEW PARK MESA RESTORATION PROJECT, etc.

I think we are all in agreement that “Parks make life better.” We need access to parks in order for this to be true. Fencing and restricting more areas of the park will cut into activities - hiking, glider flights, community gatherings - that give people reasons to love, respect, and maintain the natural beauty.

Thank you for your consideration.

-Wendy Russo, lifelong Costa Mesa resident

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From: [Mat Garcia](#)
To: [CITY CLERK](#)
Subject: Fw: August 5, 2025 Council Meeting - New Business Item 3 - Endemic Environmental PSA
Date: Monday, August 4, 2025 1:09:31 PM
Attachments: [Letter to City Council - 2025-08-05 New Business Item 3.pdf](#)

Hi City Clerk,

Please record this email and the attached letter as part of the public record for tomorrow's city council meeting for New Business Item 3.

Thank you,
Mat Garcia

From: Mat Garcia <mat.garcia@live.com>
Sent: Monday, August 4, 2025 12:59 PM
To: citycouncil@costamesaca.gov <citycouncil@costamesaca.gov>
Cc: CECILIA.GALLARDODALY@costamesaca.gov <CECILIA.GALLARDODALY@costamesaca.gov>; GRUNER, BRIAN <brian.gruner@costamesaca.gov>
Subject: August 5, 2025 Council Meeting - New Business Item 3 - Endemic Environmental PSA

Dear Council Members,

Please see the attached letter urging you to vote no on New Business Agenda Item 3 regarding the Professional Services Agreement with Endemic Environmental Services Inc. for the Fairview Park Mesa Restoration Project.

Key concerns include:

- **Lack of community input**
- **Premature action** ahead of the pending Fairview Park Master Plan Revision (draft due Sept. 16)
- **Overreach in restoration area**—162% of what is contractually required by OCTA
- **Negative impacts on park access and use**, especially for families, youth, and seniors
- **Potential Measure AA violations** due to permanent fencing and significant changes without a public vote

The proposal threatens to eliminate cherished open space and recreational trails without proper community engagement. I respectfully ask that this item be rejected or significantly amended to protect public access and balance diverse community interests.

Thank you for your time and consideration,

Mat Garcia
Costa Mesa Resident

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August 4, 2025

Dear City Council Members,

Please vote no on New Business Agenda Item 3 - PROFESSIONAL SERVICES AGREEMENT WITH ENDEMIC ENVIRONMENTAL SERVICES INC. FOR THE FAIRVIEW PARK MESA RESTORATION PROJECT, etc. Here are some reasons why it does not make sense for Costa Mesa.

1. Approving this item will negatively impact many residents of Costa Mesa and visitors to Fairview Park. Specifically, fencing off large areas of the north mesa that contain small trails that are highly valued by the community.
 - a. Staff did not collect community input on this project.
 - b. Impacts, especially negative impacts, to the community are not factored in by staff.
 - c. Input from Parks and Community Services Commission or the Fairview Park Steering Committee is not present in the staff report.
 - d. No evidence of staff consideration given to how the community, especially the youth, families, and seniors, uses the current areas which are proposed to be closed.
2. This item should be considered only after the City Council has had the opportunity to weigh in and provide direction on the Fairview Park Master Plan Revision, which the draft is coming to Council soon.
 - a. The Draft Master Plan Revision is tentatively scheduled to come to Council on September 16, 2025.
 - b. The staff proposed temporary fencing will lead to permanent fencing. And that is not what many in the City want.
 - i. While the staff report's map for this item specifically uses the term "temporary fencing" to close off the areas to be restored, the Fairview Park Master Plan Revision Technical Reports [posted on the City's website] recommend that "protective fencing should be installed along the perimeter of the [entire] Mesa" (*source 2023 Vegetation Map and Habitat Restoration Opportunities for Fairview Park - LandIQ Technical Report p. 14 of 283*) which will be permanent fencing leading to closure of many existing small trails and activities (which exist outside of environmentally sensitive areas of the park, see Figure 2) that currently are enjoyed by many residents of Costa Mesa and the surrounding communities.

- ii. Many residents have already and will speak out against proposed extensive fencing off of Fairview Park during the Master Plan Revision process.
 - iii. Extensive fencing prevents open play which is needed more than ever.
- 3. Only perform the minimum, contractually required acreage restoration.
 - a. Understanding that the City has contracted obligations to fulfill the 2011 OCTA Environmental Mitigation Program, the City is not required to fulfill that obligation in this location of Fairview Park and the City is especially not obligated to restore additional acreage beyond what is required by the OCTA Contract. This only adds cost and, in this location, increases the negative impact to residents.
 - b. The City is required to provide 9.5 acres of restoration to fulfill their contracted obligations, but staff is choosing to provide 15.35 acres of restoration. That is 162% of the area that is required.
 - c. Please have staff locate an area of Fairview Park that is less utilized by the community. There are portions of the park that are barren and are not utilized by the community.
- 4. The issuance of this contract is an “expansion or intensification of use” which Measure AA specifically defines as a “Significant Change” requiring a vote of the Costa Mesa Electorate.
 - a. This item is an expansion and intensification of use that is favored by and benefits one group of the community over others. Specifically, people that actively participate in the maintenance and ‘restoration’ activities stand to benefit from this item, while people that enjoy the openness and small trails stand to lose.
 - b. Measure AA’s purpose is to give the voters of Costa Mesa a voice in large changes to Fairview Park. Measure AA provides for an exception to the City-wide vote for Significant Changes requirement if the Significant Change is for restoration purposes (Section 6). However, Section 6 of measure AA is meant to allow regular and needed, small project restorations to occur without having to endure the cost and time of a City-wide vote, not to allow major, community impacting changes to Fairview Park in the name of ‘restoration’. To make large, impactful changes to Fairview Park without a City-wide vote is to ignore the intent and the first five and a half pages of Measure AA.

All residents of Costa Mesa and the surrounding community should be allowed to enjoy the remaining open spaces of Costa Mesa, and the City should balance the uses and desires of all groups that have interest in protecting Fairview Park. The staff recommendation turns

open space (much of which is currently outside of defined environmentally sensitive areas of the park) into fenced-off environmentally sensitive areas. Please vote no or amend this item so that the community can continue to utilize the north mesa of Fairview Park to find solitude and peace in the open spaces that remain. Closing off large areas of some of the most actively used portions of the park does not help the City of Costa Mesa or its residents.

Thank you for your time and consideration,

Mat Garcia
Resident of Costa Mesa

Figure 1. Map from the staff report showing proposed restoration area.

ATTACHMENT 1

Fairview Park CSS and Flower Fields HRMP

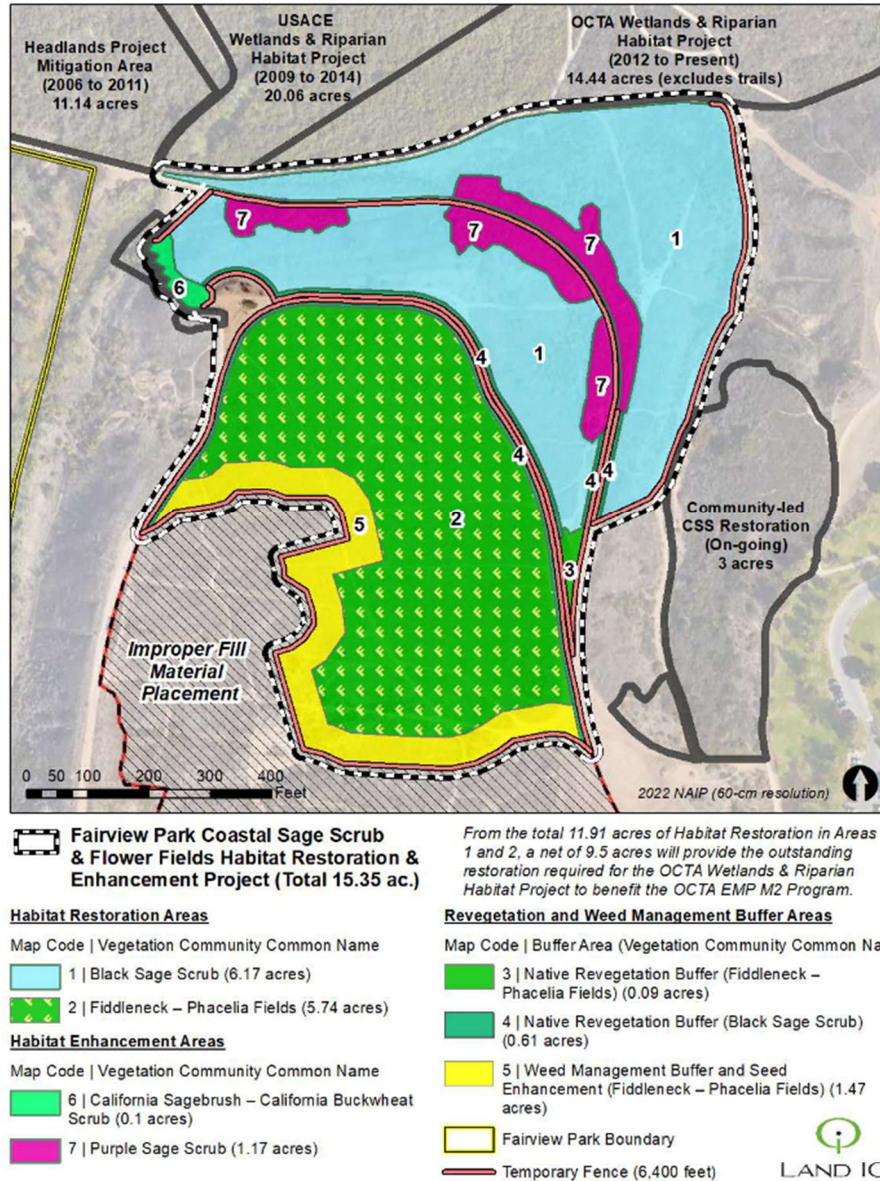


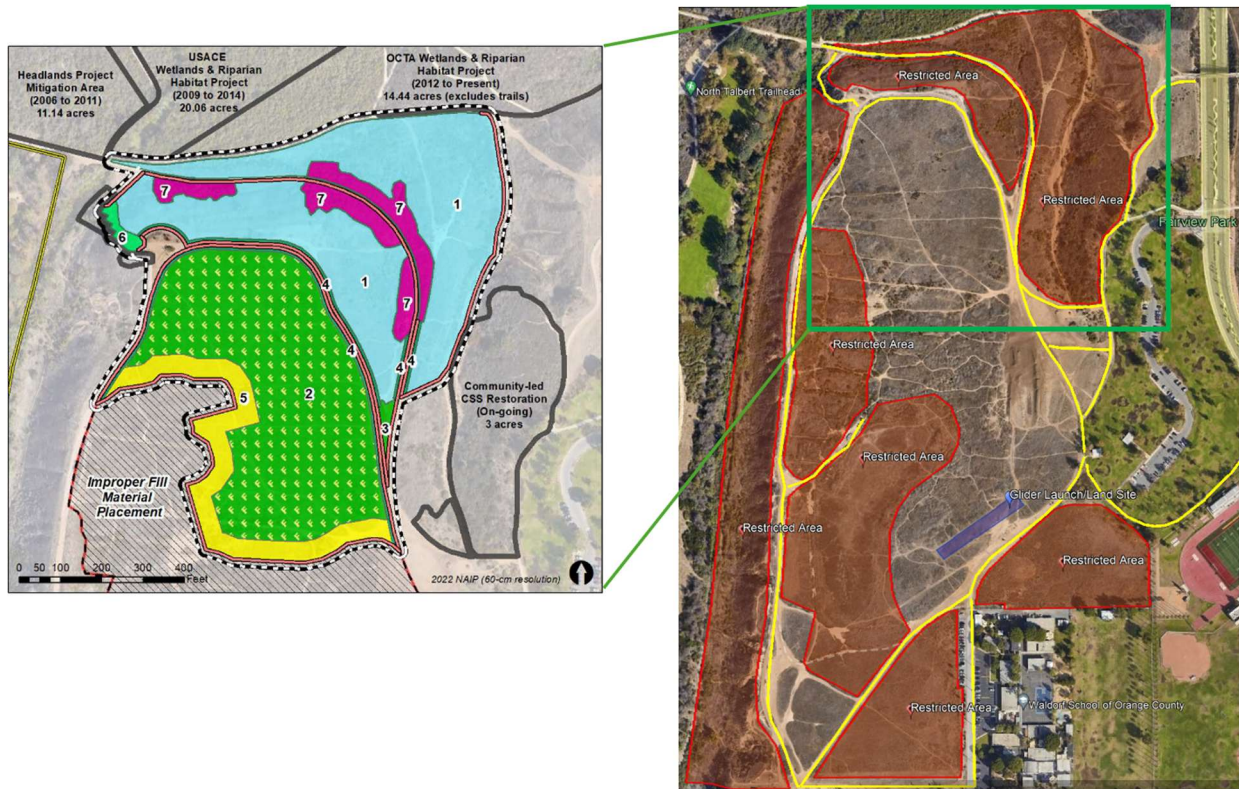
Figure 1-3 Location of the CSS & Flower Fields Habitat Restoration Project Areas, Including a Net of 9.5 Acres in Areas 1 and 2 Required for the OCTA Wetlands and Riparian Habitat Project.

Figure 2. Map showing the west side of Fairview Park's environmentally sensitive or restricted areas identified by the City in 2023. This map is currently posted on the City's website.

(<https://www.costamesaca.gov/community/fairview-park/model-aircraft-permits>)



Figure 3. Small trails on the north mesa will be closed, likely forever, within the areas identified to be fenced off (most of the area in the green box).



From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: Letter for City Council
Date: Monday, August 4, 2025 2:50:01 PM
Attachments: [image001.wmz](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Respectfully,
Brenda Green
City Clerk
City Clerk's Office | (714) 754-5221
77 Fair Drive | Costa Mesa | CA 92626



As City Hall has reopened, we encourage the public to take advantage of our appointment system. Appointments can be made at www.costamesaca.gov/appointments. Please note that It is required that all guests check in with our Concierge Staff, located on the 1st Floor Lobby, upon arrival at City Hall.

From: Jeffrey Cellini <jeffrey.cellini@ca.rr.com>
Sent: Monday, August 4, 2025 2:45 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>
Subject: Letter for City Council

Dear Brenda,
Please forward this to the city council member's.
Thank you!

Dear City Council Members,
I am a Costa Mesa resident living at 2157 Pacific Ave, B-102. I am greatly opposed to Item 3 of your current agenda, Professional Services Agreement with Endemic Environmental Services Inc. for the Fairview Park Mesa Restoration Project.
Approving this item will negatively impact many Costa Mesa residents and visitors to the park, including myself and many of the friend I have met while walking there daily.
I am 70 years old and retired. This is a big part of my day / life. I enjoy walking on all of the trails partaking in all that nature has to offer. Doing this contributes greatly to my physical, mental, and spiritual well being! If you were to visit the park you will see that there are hundreds of people that utilize and enjoy this area daily. I have talked to many people since it was first on your agenda months ago and everyone I talked to was in agreement with me that we did not want to see any restriction's, fences, or trails close in the park area.
I certainly hope that you will visit the park many times and talk to the patrons personally before making a decision that will make so many people unhappy taking away a privilege that they have and

enjoy!

Thank you for your consideration,

Jeffrey Cellini

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From: [TORRES, IVIS](#)
To: [GREEN, BRENDA](#)
Cc: [TERAN, STACY](#); [CONSTITUENT SERVICES](#)
Subject: FW: Fairview Park
Date: Monday, August 4, 2025 2:29:38 PM

Hi Brenda,

Please see the public comment below to be shared with the Mayor and City Council. Thank you!

Kind regards,
Ivis D. Torres
Management Aide | Constituent Services Team
(714) 754-4867 (office) | (949) 629-5032 (cellphone)
77 Fair Drive | Costa Mesa | CA 92626

PLEASE TAKE INTO ACCOUNT THE ENVIRONMENT BEFORE PRINTING THIS EMAIL. THANK YOU!

-----Original Message-----

From: SUSAN BURGESS <sburgessi@aol.com>
Sent: Thursday, July 31, 2025 11:32 PM
To: CONSTITUENT SERVICES <constituentservices@costamesaca.gov>
Subject: Fairview Park

To Whom It May Concern:

Thank you for adding the Burrowing Owl and Crotch's Bumblebee to the Consultants Contract Document. These are little creatures, but they play an important role.

This bumblebee is a prolific pollinator for both native plants and crops like tomatoes and blueberries. It's also an ally to other species such as the Monarch Butterfly because of its fondness for milkweed.

Burrowing owls serve as effective pest control, consuming insect and rodent populations. They help protect our crops from destructive insects and the ecosystem from disease. A family of burrowing owls consumes thousands of insects and rodents in a single season.

As you vote for the Fairview Park Master Plan, please consider that these animals need protection. They need the natural habitat that is unique to Fairview Park. Please protect the highly biologically sensitive areas within the park, such as the vernal pools.

By protecting the environment, you are helping not only the animals but us humans too!
Thank you for your consideration,

Susan Burgess

Sent from my iPhone

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From: [Priscilla Rocco](#)
To: [CITY CLERK](#)
Subject: Preserve and Protect Fairview Park, the Jewel of Costa Mesa
Date: Tuesday, August 5, 2025 11:13:59 AM
Attachments: [DYK Burrowing Owl PDF.pdf](#)
[DYK Crotch's Bumble Bee.pdf](#)
[DYK Fairy Shrimp PDF.pdf](#)

City Council,

Finding the Crotch's Bumble Bee and the Western Burrowing Owl in Fairview Park shows that we must be serious about restoring and protecting the habitat at the park, as it is home to more endangered and threatened species every day.

What some of the new council members may not know is this (and past) city councils have welcomed destruction to the habitats that must legally be protected by any consultant working in the park. The habitats that would be home to these new endangered species - and present home to endangered fairy shrimp - are being destroyed by a few plane hobbyists (Harbor Soaring Society) launching their planes from the vernal pool watershed.

Fairview Park:

- Has the largest vernal pool complex west of the Mississippi
- Is listed on the National Register of Historic Places, as the Fairview Indian Site
- Is a federally listed archeological site and spiritual home of the Acjachemen and Tongva tribes
- Is larger than all of Costa Mesa's city parks put together (208 acres)
- Is the only passive use nature park in the city with unique native habitat and animals
- Is without a park ranger due to the city council's refusal to protect these treasures

Costa Mesa City Councils have welcomed Harbor Soaring Society despite the fact that they have:

- Altered the vernal pool watershed, redirecting rain that supports endangered fairy shrimp
- Trampled fairy shrimp habitat while retrieving their planes and lines from the vernal pools
- Mowed and trampled habitat that would support Western Burrowing Owls and Crotch's Bumble Bees

- Frighten away birds who must hunt and nest in these habitats
- Fly their planes regularly at other local venues, negating their need for Fairview Park
- Threatened in a public meeting to oust council members who vote to prevent HSS from flying their glider planes in Fairview Park

The council has welcomed HSS against the recommendations and directives of:

- The consulting team of scientists and experts updating the Fairview Park Master Plan
- The United States Fish and Wildlife Service and California Department of Fish and Wildlife
- The biologists they've hired showing the damage using 100 years of aerial photographs
- The Fairview Park Steering Committee they've appointed
- The Fairview Park Administrators they've hired
- Hundreds of members and experts in Fairview Park Alliance
- 70% of residents who voted to protect and restore Fairview Park with Measure AA

Ecosystems are like a delicate machine. If one component is destroyed, the machine won't run. It took thousands of years for the soil structures to be laid down and the native plants and animals to evolve together to create the vernal pool complex in Fairview Park. When the native plants and habitats are destroyed, species die.

As biodiversity is destroyed world wide, the human species will also die. This is not hyperbole, it is a scientific fact that has been known for at least 100 years. If this city council wants to join a worldwide effort to protect 30% of plant, animal, and water biodiversity by 2030, there is an easy solution. Stop the destruction at Fairview Park by the Harbor Soaring Society (and ebikes) and restore and protect the park for future generations and for the burgeoning EcoTravel visitors.

Priscilla Rocc
Costa Mesa

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DID YOU KNOW?

There is a mystery afoot! One of California's native pollinators, the Crotch's bumble bee, is vanishing from many regions. But just recently, this mysterious bee has been seen in Fairview Park!

In 2019, the California Fish and Game Commission voted to classify the Crotch's bumble bee as "Endangered" under the California Endangered Species Act. This designation protects creatures and the habitats they need to survive, like Fairview Park. As it is not a migratory species of bee, if it's happy in Fairview Park it will stay year-round pollinating native plants that native ecosystems rely upon.

Your mission, as a Fairview Park Nature Explorer, is to help us find, observe, photograph, and record any sightings of the Crotch's bumble bee on the iNaturalist app. The more endangered species documented in Fairview Park, the more people will become aware of Fairview Park's biodiversity and beauty and want to protect it. Just be careful, because Crotch's bumble bees nest underground in abandoned rodent dens, as over 70% of bee species do.

Named after entomologist George Robert Crotch, the Crotch's bumble bee is found from May to September, with their peak occurring in July, in coastal grasslands and scrub areas from San Diego to Redding (in Northern California). Their favorite nectar source is milkweed, which they pollinate while feeding, which in turn benefits Monarch butterflies who lay their eggs there. But they feed on a wide range of native plants such as dusty maidens, lupines, phacelias, sages, delphinium, snapdragons, poppies, and wild buckwheat. The reasons for their decline is humans encroaching in wild areas bringing development, agriculture, fire and fire suppression, pesticides, pollution, and climate change.

Quiet natural places like Fairview Park help us protect birds, animals, and native plants from disappearing from the earth forever. THIS IS THE HIDDEN MAGIC OF FAIRVIEW PARK.

Presented by Fairview Park Alliance.

Join us and/or donate: <https://www.fairviewparkalliance.org>

Photograph by Travis Cooper from iNaturalist.



DID YOU KNOW?

Some owls live in the ground. Burrowing Owls use empty ground squirrel holes as homes. If you look at Fairview Park around October, you may see them standing outside their burrows. But unlike Harry Potter's owl, they're small and brown, with round heads, long legs, and short tails. When it's quiet you may see them hunting insects and small animals for food. But stay on the paths or you may crush their burrows.

They like Fairview Park because it provides them with all they need during the winter. Where they come from, in the northern prairies and plains, winters are very cold. In February or March when the weather warms up, they head back up north to nest and raise their young. Quiet natural places like Fairview Park help us protect birds, animals, and native plants from disappearing from the earth forever. THIS IS THE HIDDEN MAGIC OF FAIRVIEW PARK!

Presented by Fairview Park Alliance.

Join us and/or donate:

<https://www.fairviewparkalliance.org/>

Photo of Burrowing Owl donated to FPA by Lam-Som Vinh



DID YOU KNOW?

In Costa Mesa there are fairies that live in vernal pools that disappear and reappear like magic. But these fairies don't have wings, they are tiny shrimp. If you go to Fairview Park when rain has filled the vernal pools, the Fairy Shrimp wake up. Their eleven pairs of legs allow them to glide gracefully upside down in wavelike movements in the water. They live happily eating the algae, bacteria, protozoa, and other things the vernal pools provide. Then they mate and produce eggs.

When the summer comes, the vernal pools dry out, and the eggs wait. Like most tiny things, they are very delicate and need to be protected, as does their home. That's why you should ALWAYS stay on the paths at Fairview Park. You might trample the Fairy Shrimp eggs, or insects, small animals, or plants that live there. Quiet natural places like Fairview Park help us protect birds, animals, and native plants from disappearing from the earth forever. THIS IS THE HIDDEN MAGIC OF FAIRVIEW PARK.

Presented by Fairview Park Alliance.

Join us and/or donate: <https://www.fairviewparkalliance.org/>

Photo of Vernal Pool with Snowy Egret and Great White Egret hunting donated to FPA by Jonathan Schiesel.

From: [Devon Pfeil](#)
To: [CITY CLERK](#)
Subject: Fwd: Please vote no on New Business Agenda Item 3 - PROFESSIONAL SERVICES AGREEMENT WITH ENDEMIC ENVIRONMENTAL SERVICES INC. FOR THE FAIRVIEW PARK MESA RESTORATION PROJECT
Date: Tuesday, August 5, 2025 9:16:31 AM

----- Forwarded message -----

From: Devon Pfeil <devon.pfeil@gmail.com>
Date: Tue, Aug 5, 2025 at 9:15 AM
Subject: Please vote no on New Business Agenda Item 3 - PROFESSIONAL SERVICES AGREEMENT WITH ENDEMIC ENVIRONMENTAL SERVICES INC. FOR THE FAIRVIEW PARK MESA RESTORATION PROJECT
To: <citycouncil@costamesaca.gov>

Dear Council Members,

Please vote no on New Business Agenda Item 3 - PROFESSIONAL SERVICES AGREEMENT WITH ENDEMIC ENVIRONMENTAL SERVICES INC. FOR THE FAIRVIEW PARK MESA RESTORATION PROJECT, etc. Here are some reasons why it does not make sense for Costa Mesa.

1. Approving this item will negatively impact many residents of Costa Mesa and visitors to Fairview Park. Specifically, fencing off large areas of the north mesa that contain small trails that are highly valued by the community.
2. This item should be considered only after the City Council has had the opportunity to weigh in and provide direction on the Fairview Park Master Plan Revision, which the draft is coming to Council soon.
3. Only perform the minimum, contractually required acreage restoration.
4. The issuance of this contract is an “expansion or intensification of use” which Measure AA specifically defines as a “Significant Change” requiring a vote of the Costa Mesa Electorate.

All residents of Costa Mesa and the surrounding community should be allowed to enjoy the remaining open spaces of Costa Mesa, and the City should balance the uses and desires of all groups that have interest in protecting Fairview Park. The staff recommendation turns open space (much of which is currently outside of defined environmentally sensitive areas of the park) into fenced-off environmentally sensitive areas. Please vote no or amend this item so that the community can continue to utilize the north mesa of Fairview Park to find solitude and peace in the open spaces that remain. Closing off large areas of some of the most actively used portions of the park does not help the City of Costa Mesa or its residents.

While I am no longer a Costa Mesa resident, I have fond memories of using this park when I

was, from 2014-2021. I still find myself driving from Tustin to use this park and hope to continue to enjoy it in a way that is beneficial to more Orange County families.

Thank you for the consideration,
Devon Pfeil

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From: [Patrick Flynn](#)
To: [CITY CLERK](#)
Subject: Fwd: August 5, 2025 Council Meeting - Protect Fairview Park – Vote No on Item 3
Date: Monday, August 4, 2025 9:37:31 PM

Good evening. I'm forwarding my email I sent to the City Council regarding Fairview Park below.

Thank you for your support and attention to this matter.

Best,
Patrick

----- Forwarded message -----

From: **Patrick Flynn** <patrickrf@gmail.com>
Date: Mon, Aug 4, 2025 at 9:29 PM
Subject: August 5, 2025 Council Meeting - Protect Fairview Park – Vote No on Item 3
To: <citycouncil@costamesaca.gov>

Dear Council Members,

I'm writing to urge you to vote **no** on New Business Agenda Item 3 regarding the Professional Services Agreement with Endemic Environmental Services Inc. for the Fairview Park Mesa Restoration Project.

While I appreciate efforts to preserve and care for Fairview Park, this proposal raises serious concerns:

- Minimal opportunity for meaningful community input
- Action taken before completion of the Fairview Park Master Plan Revision (draft due September 16)
- Restoration scope exceeding contractual OCTA requirements by 162%
- Loss of public access and enjoyment for families, youth, and seniors
- Possible Measure AA violations due to permanent fencing and major changes without a public vote

Fairview Park is more than just open space—it's a community gathering place. It's where we walk our dogs in the morning, take weekend bike rides with our kids, meet friends for Concerts in the Park, play games on the grass, and where many have enjoyed model airplane flying with the Harbor Soaring Society. These experiences and freedoms are part of what makes our city special.

I respectfully request that this proposal be rejected or significantly revised to ensure public access, safeguard cherished recreational spaces, and reflect the diverse interests of our community.

Thank you for your time and thoughtful consideration.

Patrick Flynn
Westside Costa Mesa Resident

--

Patrick Flynn
949.355.4379

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From: johnritt@yahoo.com
To: [CITY COUNCIL](#)
Cc: [CITY CLERK](#)
Subject: New Business meeting Item 3. Endemic Environmental Services for the Fairview Park restoration project...
Date: Tuesday, August 5, 2025 11:45:03 AM
Importance: High

Dear City Council Members,

I writing this email in regards to your August 5, council meeting – New Business meeting Item 3.

A you are well aware, any actions taken in regards to Fairview Park, have become increasingly contentions and controversial. As such, I assume you have received numerous pro/con comments regarding the awarding of a 1.44-million-dollar contract, to Endemic Environmental Services for the Fairview Park restoration project. While I do have my opinions on the subject... the intent of my following comments regards the “process” not the outcome, specifically...

Having resided in Costa Mesa for 55+ years, I have become familiar with the ebbs and flows (political swings) in City Hall and the administration of the city. I have become increasingly concerned about the increasing polarization and acrimony taking place during council meetings and other venues. In my opinion, there are many ways this trend could be attenuated and reversed. Of course, one way the council could effect a positive change would be assuring that all deliberations are done with the greatest degree of transparency possible.

To that end, I believe it would be in everyone’s best interest to delay the awarding of the aforementioned “Restoration” contract until the long awaited FVP Master Plan has been presented (Sept. 16) and the residents of Costa Mesa have had a chance to comment and voice their collective opinions. The delay would allow the optimal integration of the restoration project into the Master Plan, with possible cost savings. The integration of the FVP Master Plan and “Restoration” project... after the public has had a full opportunity to measure and evaluate the outcome, will possibly result in the most cost-effective solution... and certainly a more transparent outcome!

Thank you for your consideration,

John Rittenhouse

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From: [Ross Minion](#)
To: [CITY COUNCIL](#)
Cc: [CITY CLERK](#)
Subject: Proposed Endemic Environmental PSA, New Business #3, August 5th, 2025
Date: Tuesday, August 5, 2025 11:12:48 AM

Dear Council Members,

I am writing to express my concern regarding the proposed PSA with Endemic Environmental Services Inc. for Fairview Park.

The Mesa Restoration Project Location Map indicates that 6,400 feet of fencing would be installed, blocking off access to trails and vital open space for the next seven years. This proposal effectively removes 15+ acres of already limited open space for our children and community members to walk, play and enjoy the great outdoors. If restoration activities are required, they can be completed without blocking off or removing trails.

The community has already lost use of much of the park. Community partners have been turned away, forced to move loved events to the tiny Lions Park. Why are we considering any proposal which further removes, reduces, or restricts access and enjoyment of our beloved park?

Please vote no on the PSA as submitted.

Sincerely,

Ross Minion

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ALL TOP STORIES

Former Costa Mesa City Manager Alleges Unlawful Firing



BY **ANGELINA HICKS**

Jul 22, 2025



Why you can trust Voice of OC



The Costa Mesa City Hall sign in Costa Mesa, Calif., on July 15, 2025. Credit: JOSIAH MENDOZA, Voice of OC.

After a narrow majority of Costa Mesa City Council members abruptly fired City Manager Lori Ann Farrell Harrison earlier this year, she brought a lawsuit against the city, claiming Brown Act violations and unlawful activity by the mayor.

She's also claiming the city retaliated against her after she brought forward concerns of the mayor's alleged illegal actions, like quid pro quo.

There have been few details offered to explain Farrell Harrison's termination after a 4-2-1 closed session vote on May 6 ended her employment at city hall. At that meeting, Councilmembers Andrea Marr and Arlis Reynolds voted no, and Mayor John Stephens abstained from the vote.

[*Read: [Costa Mesa City Council Abruptly Fires City Manager](#)*]

In a July 7 petition filed with the Orange County Superior Court, Farrell Harrison claims the city failed to properly agendaize two discussions regarding her employment during council meetings on April 15 and May 6.

She alleges the city violated California's open meetings law, known as the Brown Act, by failing to properly alert the public about these closed session discussions.

Farrell Harrison is also claiming the city retaliated against her after she brought forward complaints about Mayor Stephens' alleged illegal activity, including potential conflicts of interest, quid pro quo activities and gender and racial discrimination toward city employees, according to the lawsuit.

"Ms. Farrell Harrison was stunned by these events, as was her staff, who supported her efforts to elevate the discussion about these serious challenges with Mayor Stephens, and required that the behaviors discontinue," reads the lawsuit.

"How the City moved from trying to solve a serious liability with Mayor Stephens's potentially illegal activity to a public firing of its well-respected, accomplished City Manager has but one answer: the City retaliated against Ms. Farrell Harrison for her protected disclosures."

Stephens did not return a request for comment for this story. The rest of the city council also did not respond to email requests.

The lawsuit claims that Farrell Harrison notified three city council members about her concerns regarding Mayor Stephens on March 28.

It also explains that she provided six members of the council with a 14-page complaint regarding potential unlawful activity by Stephens titled, "Formal Complaint – Mayoral Potential Conflicts of Interest, Illicit Interference, and Undue Influence in City Operations, Permitting and Contracts" on April 29 – a week before she was fired.

According to the lawsuit, the report was developed by Farrell Harrison and other city staff members based on their interactions with the mayor.



Mayor John Stephens listens at this City Council meeting in Costa Mesa, Calif., on July 15, 2025. Credit: JOSIAH MENDOZA, Voice of OC.

The former city manager claims the city’s first Brown Act violation was on April 15. Farrell Harrison is claiming the council unlawfully held a discussion about her employee performance review during a closed session item agendized as “Potential Litigation.”

A second Brown Act violation is alleged to have happened during the council’s meeting on May 6.

During the closed session at that meeting, one agenda item was listed as a “Public Employee Performance Evaluation” for the city manager.

Farrell Harrison alleges the city improperly noticed this item by failing to mention an employee dismissal or disciplinary discussion on the agenda.

“Further, the City’s notice of the ‘Performance Review’ of the City Manager was part of a deliberate intent to deceive Ms. Farrell Harrison, City employees, and members of the public,” reads the lawsuit.

“Ms. Farrell Harrison is informed and believes that the City Council deliberately described the May 6, 2025, Closed Session meeting as a ‘performance evaluation’ rather than a ‘dismissal’ to conceal the fact that certain City Councilmembers had engaged in serial meetings outside of a properly noticed City Council meeting.”

The lawsuit seeks a judge to rule on whether or not the city violated the Brown Act, which forbids serial meetings — meaning that decisions are daisy-chained together before an official vote.

It also asks the court to nullify the city’s action of terminating Farrell Harrison from May 6.

If the city doesn’t nullify Farrell Harrison’s termination, the lawsuit asks the city to instead produce all documents, reports, emails, texts and phone logs related to the closed session meeting where Farrell Harrison was fired.

The lawsuit also asks that all closed session meetings for the next three years be recorded with audio and video.

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