PARTIDA, ANNA PH - 1

From: David Haithcock <dhaithcock@costamesachamber.com>
Sent: Monday, November 27, 2023 10:36 AM
To: PC Public Comments
Cc: DRAPKIN, SCOTT; ERETH, ADAM; TOLER, RUSSELL; KLEPACK, KAREN; ZICH, JON; ROJAS, JOHNNY; VALLARTA, ANGELY; VIVAR, JIMMY
Subject: Support for Vista Meridian Global Academy
Attachments: Costa Mesa Chamber Letter of Support for Vista Meridian Global Academy.pdf

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CONNECTIONS START HERE

COSTA MESA
Chamber of Commerce

November 27, 2023

City of Costa Mesa Planning Commission
77 Fair Dr
Costa Mesa CA 92626

Subject: Support for Vista Meridian Global Academy

Dear Members of the Costa Mesa Planning Commission,

On behalf of the Costa Mesa Chamber of Commerce, I am writing to convey our ardent support for Vista Meridian Global Academy's proposal to establish a new educational facility in the City of Costa Mesa.

Vista Meridian Global Academy has demonstrated a commitment to providing exceptional education through a dedicated team of highly credentialed educators, administrators, and support staff. Their innovative approach to learning and the implementation of a comprehensive curriculum will contribute positively to the educational landscape in our community.

As an organization deeply invested in the prosperity and growth of Costa Mesa, we are honored that Vista Meridian has chosen our city for their educational expansion. We believe that the presence of Vista Meridian will not only enhance the educational opportunities for local families but also contribute to the overall development of our community and the future success of our residents.

We urge the Planning Commission to consider the numerous benefits that Vista Meridian Global Academy will bring to our city and to grant the necessary approvals for the establishment of their new facility.

Sincerely,

David Haithcock
President and CEO

PARTIDA, ANNA PH-1

From: Wallid Kazi <wkazi@ecmconsults.com>
Sent: Monday, November 27, 2023 12:01 PM
To: PC Public Comments
Cc: Jon Chernila (jon@cco-cpa.com); Justin Nassie; Anna Schlotzhauer; 'Brent Haskell'; Ed Salcedo (esalcedo@gcapservices.com)
Subject: Objection to School Plan

I am writing this email to formally lodge an objection to the application for a public charter high school, Vista Meridian Global Academy, adjacent to our office building located at 3525 Hyland Avenue, Costa Mesa, CA, 92626.
The following are 6 point why this school application should be denied:

1. Incompatibility with Zoning Regulations:
The proposed public charter high school, Vista Meridian Global Academy, is intended to be located in an existing industrial office building in an office zone. Granting a Conditional Use Permit (CUP) for this school would deviate from the intended use of the office zone. This change could disrupt the character and purpose of the area, leading to potential conflicts with existing businesses and the surrounding community. Maintaining the integrity of the office zone zoning regulations is essential to preserving the intended land use and avoiding potential land-use conflicts.

2. Impact on the Nearby Vista Meridian Global Academy School:
The planning application seeks to establish a public charter high school in close proximity to the planned site of the Vista Meridian Global Academy School. This proximity could lead to operational challenges and conflicts. Noise, traffic congestion, and other disturbances associated with the new high school could disrupt the learning environment of the existing school. This potential disruption to the educational experience of students at the nearby school should be a significant concern, and granting the CUP may exacerbate these issues.

3. Traffic and Parking Concerns:
The proposed high school is expected to accommodate up to 500 students, along with staff, resulting in a substantial increase in vehicular traffic in the area during school hours. The Minor Conditional Use Permit (MCUP) for small car parking may not adequately address the potential traffic congestion and parking shortages that could arise. This could lead to safety hazards, inconvenience for the neighboring businesses, and traffic congestion on local roads. Given the limited parking provisions and the potential for increased traffic, the application should be denied unless it can adequately address these concerns.

4. Impact on Property Values:
The establishment of a public charter high school in an office zone could have adverse effects on property values in the vicinity. Potential concerns about increased traffic, noise, and changes in the character of the neighborhood may deter prospective buyers or tenants, leading to a decrease in property values. This could result in economic hardship for property owners and could have broader implications for the community's stability.

5. Safety and Security:
With a significant increase in the student population and staff, there may be safety and security concerns, especially if the school is located adjacent to an industrial area. Ensuring the safety of students, staff, and the surrounding community should be a top priority. The application should be denied unless a comprehensive safety and security plan is in place to address potential risks, including those associated with the industrial environment.

6. Adequate Infrastructure:
The proposed school would introduce a substantial number of students and employees to the area, putting a strain on local infrastructure such as utilities, public transportation, and emergency services. The application should be denied unless it demonstrates that the existing infrastructure can support the increased demand and that any necessary improvements will be made to prevent any negative impacts on the community.

These points highlight the potential negative impacts of granting the CUP for a public charter high school in an office zone near an existing school and the need to carefully consider the compatibility of the proposal with the surrounding area.

Wallid Kazi, Ph.D., P.G.

President

Direct 714.662.2757 | Main 714.662.2759

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Correspondence received after 12 noon deadline.

PH-1

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TO BE INCLUDED IN THE RECORD

November 27, 2023

VIA EMAIL

Adam Ereth, Chair
Russell Toler, Vice Chair
Johnny Rojas, Planning Commissioner
Angely Andrade Vallarta, Planning Commissioner
Karen Klepack, Planning Commissioner
Jon Zich, Planning Commissioner
Jimmy Vivar, Planning Commissioner
Planning Commission
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Re: Newport-Mesa Unified School District,
Vista Meridian Global Academy;
Our file 5260.1108

Dear Chair Ereth, Vice-Chair Toler, and Planning Commissioners Rojas, Vallarta, Klepack, Zich and Vivar:

This office represents the Newport Mesa Unified School District ("NMUSD" or "District"). NMUSD just learned just this morning that the City of Costa Mesa Planning Commission ("Commission") will be considering a resolution related to locating the Vista Meridian Global Academy Charter School ("Vista Meridian") at 1620 Sunflower Avenue, Costa Mesa ("Resolution") – within the boundaries of NMUSD. Notably, at no time during the application process was the District notified of the application or any actions taken related thereto. NMUSD has significant concerns with the proposed

action by the Commission under the Charter Schools Act ("Act") as well as the law governing the California Environmental Quality Act ("CEQA"). **NMUSD hereby objects to any action authorizing, permitting or sanctioning Vista Meridian locating at the Sunflower Avenue address or any other location within the District boundaries.**

1. The Charter School Act Precludes Vista Meridian from Locating at the Proposed Site

As a matter of law, Vista Meridian may not locate within the NMUSD boundaries and the District objects to any action purporting to authorize Vista Meridian to locate at 1620 Sunflower Avenue, Costa Mesa, or any other location within the District boundaries. Vista Meridian is a charter school authorized by the Orange County Board of Education ("OCBOE"). It was approved as a countywide charter school under Education Code section 47605.6 and is bound by the Act. Charter schools are, in fact, "*strictly* creatures of statute." (*Wilson v. State Board of Education* (1999) 75 Cal.App.4th 1125, 1135; emphasis in original.) The Act is very specific about where a charter may locate and specifies that no countywide charter may locate in a district that was not notified of the charter school's intention to locate in the district's boundaries nor may it locate in any location that is not identified in the approved charter document. (Ed. Code, § 47605.6.)

Here, the charter does *not* include a location on Sunflower Avenue nor any other site within the NMUSD boundaries. Moreover, Vista Meridian did not provide notice to NMUSD of the intent to locate in the District. To the contrary - Vista Meridian expressly informed the District it would *not* locate in the District boundaries. (See attached ["First I want to reassure you that we do not have any current or future plans to expand into your district"].) Thus, it is a violation of law for Vista Meridian to locate at 1620 Sunflower Avenue, Costa Mesa, or any other site within the District. As the foundation of the proposed action is contrary to law, we urge the Commission to reject the Resolution and related proposals.

2. The Proposed CEQA Action Does Not Conform to Law

The proposed Resolution finds that locating and operating Vista Meridian is categorically exempt from CEQA pursuant to the Class 1 exemption set forth in CEQA Guidelines Section 15301. This exemption "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving *negligible or no expansion of existing or former use.*" (CEQA Guideline, § 15301, emphasis added.) In fact, the key consideration to determining whether this exemption applies is whether the proposed project involves "negligible to no expansion of use." Here, while Vista Meridian may be proposing to make minor improvements to this existing office building, operating a public charter school in these facilities is an entirely <u>new use</u> that is both different from and potentially a significant expansion of use.

Based on our limited time to review of the record given the District was only informed of this proposed action this morning, there seems to be no assessment of whether use of this property as a public school would expand the use of the property. We believe it would certainly change the use substantially from any existing or prior use of the site such that the project, as a whole (construction and <u>use</u> of the facilities) would not be eligible for a Class 1 exemption.

Further, the mere fact that a use is permitted by local zoning does not render it exempt from compliance with CEQA. Projects must be evaluated on an individual basis to determine the required level of CEQA compliance. Placing a *new* school in an Industrial Park zone, with limited vehicular access for the nearly 500 plus anticipated students, together with school site staff, and no outdoor recreational space for students during the school day would hardly seem to carry forward the type of existing or former use contemplated by a Class 1 exemption.

Lastly, while the "Findings" set forth in Exhibit A to the proposed Resolution state that the project "would not have a significant effect on the environment due to unusual circumstances," – which imposes an exception to using a categorical exemption - there is not substantial evidence in the record supporting application of Class 1 exemption. As noted in the recent decision, *California Construction and Industrial Materials Association v. County of Ventura* (2023) --- Cal.Rptr.3d ----, a lead agency may not merely state that an exemption applies to a proposed project. Rather, the lead agency's decision *must be supported with substantial evidence*. (Ibid.) Here, given the proposed new use of the site as a school, we do not believe such evidence exists in the record. Accordingly, we ask that Commission deny approval of the Notice of Exemption, and instead direct staff to fully address the environmental impacts of this proposed project in compliance with CEQA.

The District reserves all objections, rights and remedies related to this matter.

Very truly yours,

DANNIS WOLIVER KELLEY

Sue Ann Salmon Evans

SASE:sdf

PARTIDA, ANNA PH-1

From: Brent Stoll <Brent@roseequities.com>
Sent: Monday, November 27, 2023 5:44 PM
To: PC Public Comments
Cc: DRAPKIN, SCOTT; ERETH, ADAM; TOLER, RUSSELL; KLEPACK, KAREN; ZICH, JON; ROJAS, JOHNNY; VALLARTA, ANGELY; VIVAR, JIMMY
Subject: Vista Meridian Global Academy

Planning Commission,

We would like to lend our support for the Vista Meridian Global Academy school site, located at 1600 - 1620 Sunflower Avenue.
The South Coast Metro West (inclusive of these properties) submarket is a changing to a mixed-use, resilient neighborhood, demanded by today's dynamic businesses, employees and residents alike.
New and future land uses at the Press, the changing Hive, SOCO, Home Ranch, VANs and our site at One Metro West, are the foundation for this north of the 405 neighborhood.
The inclusion of a charter school will only add to the character.

There are natural pedestrian advantages of this neighborhood, including narrow east/west streets and the Santa Ana River Trial.
As these land uses in South Costa Metro West change, we hope the city leaders and planners continue to develop the pedestrian infrastructure in the area.
By encouraging non-auto trips, the neighborhood can continue to build on these inherent advantages and blossom.

We look forward to work with the city and surrounding property owners, on the proposed pedestrian improvements to Sunflower Avenue, associated with One Metro West (west of Hyland).
And we look forward to welcoming Vista Meridian Global Academy to the neighborhood.

Best,

Brent Stoll

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