



**REGULAR PLANNING COMMISSION
MONDAY, FEBRUARY 23, 2026 - MINUTES**

CALL TO ORDER - The Regular Planning Commission Meeting was called to order by Chair Harlan at 6:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG - Commissioner Rojas led the Pledge of Allegiance.

ROLL CALL

Present: Chair Jeffrey Harlan, Vice Chair Jon Zich, Commissioner Angely Andrade, Commissioner Robert Dickson, Commissioner Karen Klepack, Commissioner David Martinez, Commissioner Johnny Rojas

Absent: None

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS - MATTERS NOT LISTED ON THE AGENDA:

Windy Simo expressed concern about undocumented labor practices, stating that employers should be responsible for legally processing and documenting workers to ensure fair wages and protections. She emphasized her belief that all individuals working in the country should be properly documented. She also raised neighborhood quality-of-life issues, including noise from a nearby gym and construction activity occurring during restricted Sunday hours, and requested stronger enforcement of local regulations so that her community does not continue to experience ongoing disturbances.

Cynthia McDonald, criticized the City's upcoming Measure K rezoning outreach meetings, stating that they do not function as true town halls and instead rely on tightly controlled presentations that limit meaningful dialogue and provide little substantive information. She argued that prior outreach efforts lacked transparency, noting missing materials such as the adopted Housing Element and information about RHNA obligations, and said important details were only shared after public pressure. She questioned the value of attending meetings when public input does not appear to influence outcomes and gave the City's engagement process a "failing grade," citing a lack of leadership. She also raised concerns about the noon deadline

for written public comments and alleged inconsistent handling of submitted correspondence, stating that this undermines transparency, erodes public trust, and creates the appearance of preferential treatment.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Martinez announced three upcoming community events: the Community Emergency Response Team kickoff taking place at 6:00 p.m. at City Hall in the Community Room, with the Fire Marshal expected to attend; the All Abilities Resource Fair scheduled for Saturday, February 28, from 11:00 a.m. to 1:00 p.m. at the Senior Center; and the continuation of the Planning Department's "Neighborhoods Where We All Belong" outreach meetings next week.

Commissioner Dickson apologized for his recent absences due to elbow surgery and addressed concerns raised during public comment regarding transparency and public engagement. He emphasized that municipal government's role is to serve the community and encouraged ensuring that all written comments received before deadlines are made publicly accessible. He expressed concern about limited information in outreach materials, noting that postcards and City communications such as the "City Hall Snapshot" could provide clearer and more detailed information about upcoming public meetings and significant land use matters. He echoed calls for more town hall-style engagement, acknowledged logistical challenges in organizing such events, and encouraged expanded efforts to better inform residents about important planning decisions, stating that increased awareness may help improve public participation.

Commissioner Andrade expressed support for providing a more open forum format for community engagement, noting that a previous town hall held in the Council Chambers was effective in allowing residents to share feedback. She suggested incorporating a similar open-floor opportunity into upcoming outreach meetings, allowing dedicated time for public comment and concerns rather than relying solely on structured interactive activities.

CONSENT CALENDAR:

1. FEBRUARY 9, 2026, UNOFFICIAL MEETING MINUTES

MOVED/SECOND: DICKSON/ MARTINEZ

MOTION: to approve Consent Calendar.

The motion carried by the following roll call vote:

Ayes: Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas

Nays: None

Absent: None
Recused: None
Motion carried: 7-0
ACTION:

Planning Commission approved consent calendar items.

-----**END OF CONSENT CALENDAR**-----

PUBLIC HEARINGS:

Chair Harlan made a motion to reorder the agenda by moving Public Hearing Item No. 1 to be heard last. Seconded by Commissioner Dickson.

MOVED/SECOND: HARLAN/DICKSON

MOTION: To move staff recommendations.

Ayes: Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Rojas

Nays: Commissioner Martinez

Absent: None

Recused: None

Motion carried: 6-1

2. MINOR CONDITIONAL USE PERMIT (PMCP-26-0003) TO AMEND CONDITIONAL USE PERMIT PA-21-36 TO MODIFY HOURS OF OPERATION, REMOVE THE REQUIREMENT FOR A 24-HOUR SECURITY GUARD, AND CONDUCT A SIX-MONTH REVIEW FOR "420 NATIVE GARDEN" RETAIL CANNABIS STOREFRONT, LOCATED AT 167 CABRILLO STREET

One ex-parte communication reported.

Presentation by Assistant Planner, Gabriel Villalobos.

Chris Glew stated he read and agreed to the conditions if approval.

Public comments:

Jim Fitzpatrick stated that the matter had been overblown and praised the significant improvements made to the property compared to its previous condition. He expressed concern that the business was required to pay \$3,800 to remove a security guard condition that had previously been eliminated by unanimous City Council action, and questioned whether other businesses would face similar costs. He urged the Commission to be more business-friendly, consider refunding the fee, and take a more solution-oriented approach.

Motion Discussion:

Discussion ensued regarding the motion to approve the amendment, with Commissioners noting the business's positive operational history and strong support from nearby residents. Members characterized the request as reasonable and consistent with current Municipal Code standards. Concerns were raised about the \$3,800 fee required to process the change and whether broader policy adjustments should be considered by City Council. Additional comments emphasized the need to streamline future conditions of approval by citing the Municipal Code to avoid unnecessary administrative reviews. Overall, Commissioners expressed support for the motion and the business's continued success.

MOVED/SECOND: DICKSON/ZICH

MOTION: Move staff's recommendation.

Ayes: Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Rojas, Commissioner Martinez

Nays: None

Absent: None

Recused: None

Motion carried: 7-0

ACTION:

The Planning Commission adopted a resolution to:

1. Find the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities;
2. Approve Minor Conditional Use Permit (PMCP-26-0003) based on findings of fact and subject to conditions of approval; and
3. Find that the operations during the initial six-month review period have been consistent with the project's Conditions of Approval, have not resulted in issues related to neighborhood compatibility, and receive and file the review.

3. CALL FOR REVIEW OF THE APPROVAL OF SPECIAL USE PERMIT (PGSH-24-0002) TO ALLOW A SOBER LIVING HOME WITH SIX OR FEWER RESIDENTS TO BE LOCATED AT 1601 BAKER STREET

Two ex-parte communication reported.

Presentation by Senior Planner, Victor Mendez.

Mary Willcox, applicant team, stated she read and agreed to the conditions of approval.

Public comments:

Gary Hill stated that he and his family strongly oppose the proposed sober living use next to their home, citing concerns for their daughter who lives directly adjacent to the property. He expressed that placing multiple unrelated adult residents in a single-family neighborhood could introduce safety, noise, and behavioral concerns that do not currently exist. While acknowledging the value of recovery programs, he argued that this location is inappropriate and urged the City to prioritize the safety and stability of the residential neighborhood.

Wyatt Russell stated that he disagrees with staff's recommendation to uphold the hearing officer's approval, arguing that the record does not support a finding of full compliance with the Municipal Code. He cited prior statements from the applicant denying operation of a sober living home, while referencing a County contract and online advertisements that list the property as a recovery residence. He contended that these inconsistencies may constitute materially misleading information under the code and warrant further review before affirming the approval.

Marilyn Scott Waters, a long-time Baker Street resident, urged denial of the special use permit, arguing the project has not complied with CEQA and may increase traffic, noise, and public safety impacts without proper environmental review. She stated the proposal is inconsistent with the General Plan and R-1 zoning, citing concerns about overconcentration of congregate living facilities on the same block. She also questioned compliance with Municipal Code requirements, including separation standards and operator accountability, and expressed concerns about parking, neighborhood impacts, and quality of life.

Jim Fitzpatrick questioned what specific problem the City was attempting to address, stating that no documented facts or evidence had been presented to justify denial of the sober living operation. He noted that the hearing officer, an independent attorney, found no factual basis for denial and emphasized that similar facilities, including one operating locally for 10 years, have generated no police calls or code violations. He contrasted this with other properties in the area that have documented service calls, arguing there is no demonstrated negative impact from the sober living home at issue.

Speaker five urged the Commission to carefully consider concerns raised by other neighbors and said they are worried about the proposed facility's potential impacts on the community. They cited statistics about relapse rates and crime associated with substance abuse, arguing these risks could affect neighborhood safety and quality of life. They also emphasized the need to verify that the operator

is accurately representing what the business will be doing before any approval is upheld.

Kristin Auslander, expressed concern about the proposed facility's impact on neighborhood safety and family life. While supportive of treatment programs, she questioned prior operations at the property and referenced police activity at other locations operated by the same organization. She shared a personal example involving her child retrieving a ball over the fence to illustrate her discomfort and urged reconsideration of the application in the interest of community safety.

Motion Discussion:

Discussion focused on the limited scope of the Commission's review, with members emphasizing that the decision was ministerial and confined to determining whether the applicant complied with municipal code requirements. Commissioners stated they did not find new evidence that would justify overturning the approval and noted their role is to apply existing City Council policies, not create or modify them. While acknowledging and expressing empathy for neighbors' concerns about safety and neighborhood impacts, members reiterated that the application met the code standards before them. Ultimately, Commissioners indicated they would support the motion based on compliance with the established regulations, despite reservations about broader policy issues.

MOVED/SECOND: MARTINEZ/HARLAN

MOTION: To move staff recommendations.

Ayes: Chair Harlan, Vice Chair Zich, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Martinez, Commissioner Rojas

Nays: None

Absent: None

Recused: None

Motion carried: 7-0

ACTION:

The Planning Commission adopted a Resolution to:

1. Adopt a Resolution approving a three-year extension of time for ZA-22-08, which allowed a major amendment to the Avenue of the Arts Hotel Master Plan (PA-16-50), and
2. Determine that Pursuant to CEQA Guidelines Section 15168(c), no subsequent or supplemental EIR is required, and the previously certified EIR adequately addresses the environmental impacts of the proposed project

1. A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE SIXTH CYCLE HOUSING ELEMENT (2021-2029) OF THE CITY OF COSTA MESA'S GENERAL PLAN (PCTY-26-0001) IN CONNECTION WITH THE HOUSING ELEMENT SITES REZONING (PCTY-25-0008 AND PSPA-26-0001)

Presentation by Senior Planner, Michelle Halligan.

Staff presented the proposed targeted amendments to the Housing Element sites inventory that stem from a recent court opinion that altered how cities must structure the zoning of Housing Element sites, which prompted renewed outreach to property owners. As a result, three property owners (representing 17 sites) requested removal and two property owners requested addition, creating a net loss of sites and units. If the Housing Element amendment is approved by the City Council, a 180-day "no net loss" period is triggered. Within that time frame, the City will be tasked with identifying adequate sites to restore capacity to address the Regional Housing Needs Allocation. During discussion, commissioners asked about timing, and HCD certification impacts; staff clarified that the Housing Element amendment and previously recommended rezoning actions are running on parallel tracks and that certification efforts will continue concurrently. Questions also focused on outreach strategy, how replacement sites would be identified, and whether Measure K properties or density adjustments could help restore capacity. Staff emphasized ongoing coordination with property owners and the state, explaining that the 180-day window is intended to allow cities to recalibrate without jeopardizing or losing certification. A more thorough update of the Housing Element would be completed during the 180-day timeframe. Overall, the discussion centered on process, sequencing, and maintaining compliance while working toward restoring the required housing capacity.

Public comments:

Jim Fitzpatrick expressed concern that the City is disregarding warning letters and guidance from HCD, the Attorney General, and Disability Rights California, and argued that failing to meaningfully address those concerns could expose the City to further legal and financial consequences. He referenced prior litigation, including a costly settlement, to dispute claims that the City has been "winning" on group home issues. He questioned what specific ordinance changes have been made in response to settlement agreements and agency feedback, and urged the City to shift from a confrontational posture toward greater cooperation to avoid additional legal risk.

Gay Royer, requested that the Club's longtime property be removed from the Housing Element sites list. She highlighted the organization's 115-year history in Costa Mesa and described the building as an important, affordable gathering space used by schools, nonprofits, community groups, and neighborhood

families. She emphasized its role as a community hub on the west side, including daily use by local students and families, and urged the Commission to preserve the property's longstanding civic and social function.

Sue Lester spoke in support of removing the Costa Mesa Women's Club property from the Housing Element opportunity sites list, emphasizing the organization's 115-year history of community service. She stated that the Club has no intention of selling or redeveloping the property so keeping it on the list would be misleading and could subject the organization to unwanted pressure from developers. She highlighted the Club's longstanding contributions to the west side community and urged the Commission to respect the wishes of the property owners and preserve the site's community-serving role.

Speaker 4 expressed support for removing the Women's Club property from the Housing Element list, arguing that applying overlays and identifying sites for affordable housing unfairly encumbers private property owners. He raised concerns about infrastructure capacity, including traffic, street design, and park space, questioning how additional housing would be supported. He acknowledged the City's obligation to comply with state housing requirements but urged the Commission to consider the perspective of property owners and make decisions that protect their interests.

Cynthia McDonald expressed support for removing the Women's Club property but urged the Commission to delay action until significant compliance concerns are addressed. She questioned the impact of removing multiple sites on the City's housing capacity and asked whether HCD has been consulted about the resulting shortfall and potential enforcement consequences. She raised concerns about possible funding losses, legal exposure, and the risk of state penalties or court intervention if the City remains out of compliance. She also questioned how replacement capacity would be identified and whether additional property owners might request removal, further complicating compliance, and urged the Commission to pause and seek clearer answers before proceeding.

Speaker 6 stated that if larger, high-profile properties are removed from the housing list while the Women's Club remains included, it would reinforce concerns about unequal treatment. She emphasized the Women's Club's long history of charitable service in Costa Mesa and its contributions to the community since 1910. She urged the Commission to remove the Club's property from the list so it can continue its community-focused work.

Betsy Densmore, expressed concern that the proposed removals represent a significant weakening of the previously approved Housing Element. She stated that given the uncertainty surrounding the recent court opinion and involvement of various state agencies, it would be premature to move sites in and out of the

inventory so quickly. She urged the Commission to pause and allow more time to evaluate which properties should remain or be removed under the evolving legal framework before making a recommendation.

Commission Discussion:

Commissioners discussed the proposed targeted Housing Element amendments, confirming that the Women's Club property was included among the sites slated for removal and that staff has been coordinating with HCD regarding the implications and the required 180-day no net loss process. Supporters of the motion emphasized the importance of maintaining a path toward HCD certification while honoring property owner requests and adapting to the recent court decision that altered the regulatory framework. One commissioner opposed the motion, expressing concerns about the overall housing strategy, infrastructure impacts, and whether property owners fully understand the consequences of remaining on the sites list. Other commissioners acknowledged the evolving legal landscape and staff's efforts, concluding that advancing the recommendation to City Council was the most prudent course to maintain progress toward compliance and regulatory certainty and honor the property owners requests.

MOVED/SECOND: MARTINEZ/DICKSON

MOTION: To move staff recommendation.

Ayes: Chair Harlan, Commissioner Andrade, Commissioner Dickson, Commissioner Klepack, Commissioner Rojas, Commissioner Martinez

Nays: Vice Chair Zich

Absent:

Recused: None

Motion carried: 6-1

ACTION:

The Planning Commission adopted a resolution to:

1. Resolution No. 2022-67, certifying the Mitigated Negative Declaration (MND) and adopting the Mitigation Monitoring and Reporting Program (MMRP) statutorily and that the project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.085(a)(SB 131); and Find that the project is consistent with the Costa Mesa City Council adopted
2. Recommend that the City Council adopt a Resolution to amend the City of Costa Mesa Sixth Cycle (2021-2029) Housing Element of the City's General Plan to add two Housing Element Opportunity Sites and remove 17 Housing Element Opportunity Sites.

OLD BUSINESS: None.

REPORT - PUBLIC WORKS - Mr. Yang announced that striping and pavement markings on Fairview Road, between Fair Drive and Newport Boulevard, will begin this evening following completion of recent grinding and asphalt overlay work. Due to traffic volumes and congestion, lane striping and installation of thermoplastic markings for crosswalks and bicycle facilities will occur during evening hours over the next four days. Staff also noted that a new HAWK pedestrian signal will be installed near Valley Forge in the coming months to improve pedestrian safety. The public was advised to follow all posted signs and traffic control measures while traveling through the area.

REPORT - DEVELOPMENT SERVICES - Director Tai announced three upcoming "Neighborhoods Where We Belong" workshops scheduled for March 2 (in person at the Norma Herzog Community Center), March 5 (virtual via Zoom), and March 7 (in person at the Costa Mesa Senior Center). These sessions will refine concepts developed during the first round of workshops, focusing on community priorities, future housing and mixed-use planning, and draft development regulations, with Spanish interpretation, kid-friendly activities, and refreshments provided. Staff also noted that the February 9 rezoning item and tonight's Housing Element amendment are anticipated to go before City Council on March 17, along with the City's annual General Plan and Housing Element Progress Report due to the state by April 1. Lastly, staff highlighted the recent launch of the City's Active Development Map, now available on the City's main webpage, currently in beta with mobile optimization in progress.

REPORT - ASSISTANT CITY ATTORNEY - None.

ADJOURNMENT AT 9:33 p.m.

Submitted by:



CARRIE TAI, SECRETARY
COSTA MESA PLANNING COMMISSION