

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO DENY PLANNING APPLICATION 22-45 FOR A NEW PUBLIC CHARTER HIGH SCHOOL (“VISTA MERIDIAN GLOBAL ACADEMY”) AND A MINOR CONDITIONAL USE PERMIT FOR SMALL CAR PARKING LOCATED AT 1620 SUNFLOWER AVENUE

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 22-45 was filed by Joseph Smith, authorized agent for the property owner, SFHY Enterprise, LLC requesting approval of the following:

Planning Application 22-45 is for a Conditional Use Permit (CUP) to allow a new public charter high school (“Vista Meridian Global Academy”) in an existing industrial office building and a Minor Conditional Use Permit (MCUP) for the allowance of small car parking. The proposed school would include grades 9 through 12 for up to 500 students, 36 full-time employees, and 15 part-time employees. School classes are proposed from 8:30 AM to 4:00 PM, Monday through Thursday and from 8:30 AM to 2:00 PM on Fridays. Student parking is proposed to be restricted with only student drop-off/pick-up allowed during limited hours. Proposed improvements would consist of interior remodeling of the existing two-story building, new building signage and paint, accessibility upgrades, and parking lot improvements.

WHEREAS, a duly noticed public hearing held by the Planning Commission on November 27, 2023, with all persons having the opportunity to speak for and against the proposal, and the project was denied by the Planning Commission on a 6-1 vote;

WHEREAS, on November 28, 2023 Mayor Stephens filed a request for the City Council review of the Planning Commission’s decision;

WHEREAS, a duly noticed public hearing was held by the City Council on January 16, 2024 with all persons having the opportunity to speak for and against the item;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities, and Section 15270(a) for projects that a public agency rejects or disapproves.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

WHEREAS, the City Council has considered all public comments which have been received either in writing or at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

BE IT RESOLVED that based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby denies Planning Application 22-45 with respect to the property described above.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 16th day of January, 2024.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16th day of January, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17th day of January, 2024.

Brenda Green, City Clerk

EXHIBIT A

FINDINGS

- A. Pursuant to CMMC Section 13-29(g), when granting an application for a conditional use permit and/or a minor conditional use permit, the reviewing authority shall find that the evidence presented in the administrative record substantially meets certain required findings. The Applicant failed to meet its' burden to demonstrate that the proposed project would comply with all of the requirements of Section 13-29(g)(2), and therefore the City Council was unable to make the required findings to approve the proposed use for each and every reason set forth herein below:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Findings for Denial: The proposed public charter school was found to be incompatible with the adjacent land uses in that the proposal includes educating minors within the City's Measure X "green zone", where cannabis manufacturing, distribution, research and development, testing, and home delivery businesses are allowed to operate. There are approximately 25 cannabis non-storefront businesses operating in the green zone, with the closest non-storefront cannabis business operating approximately 500 feet from the subject site. The proposed project also presents traffic circulation and queueing concerns, as adjacent property owners voiced their concerns regarding existing and potential traffic impacts resulting during peak hour pick-up and drop-off times for students. A specific concern is the potential of traffic queueing that would occur along the southbound lane of Hyland Avenue impacting the adjacent property located north of the project site.

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.

Facts in Support of Finding for Denial: The proposed charter school would be materially detrimental to the health, safety and general welfare of the public and otherwise injurious to property or improvements within the immediate neighborhood as the proposed traffic queuing plan provided by the applicants is insufficient for a proposed school with 500 students. In addition, the internal circulation proposed for the site is not adequately designed to accommodate the circulation needs of three school buses, ten school vans, private vehicles for 36 employees and the daily pick up and drop off activity for 500 students. The school would cause a risk to student's health and safety as a result of the increase in pedestrian, bicyclist and vehicle traffic circulating through the project site at high-demand periods (pick-up and drop-off). Lastly, the proposed school's education programs are limited to indoor spaces and do not provide any outdoor on-site

student activity areas which is incompatible with the proposed school use and detrimental to student health and welfare.

Finding: Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Finding for Denial: The proposed school would result in a use, density and intensity that is not in conformance with the General Plan in that the subject property is located in the City's Industrial Park General Plan Land Use area which requires Institutional uses (schools) to be compatible with adjacent land uses and to not result in traffic issues. The City Council could not make the required Conditional Use Permit findings because of potential land use incompatibility of educating minors within the City's Measure X "green zone" where cannabis manufacturing, distribution, research and development, testing, and home delivery businesses are allowed to operate, and the onsite and offsite traffic conflicts that would result from the intensity of the proposed new 500-student school.