

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF  
COSTA MESA PLANNING COMMISSION**

**November 27, 2023**

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Commissioner Zich led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Adam Ereth, Vice Chair Russell Toller, Commissioner Angely Andrade, Commissioner Karen Klepack, Commissioner Jonny Rojas, Commissioner Vivar, Commissioner Jon Zich

Absent: None

Officials Present: Director of Development Services Jennifer Ie, Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Director of Public Works Raja Sethuraman, Assistant Planner Gabriel Villalobos, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:**

None.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Zich informed the public on how to sign up for e-notification for up-to-date information from the City.

Chair Ereth shared the new app available to the public, “Costa Mesa 411”.

Commissioner Andrade echoed Commissioner Zich’s comments and spoke on Native American Heritage Month.

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Commissioner Vivar thanked Commissioner Zich for his comments on the information he provided to the public. Thanked the public for their attendance and thanked staff for their efforts and dedication to the City of Costa Mesa.

Chair Ereth echoed his colleges sentiments. As well as, welcomed students from the local school district in attendance.

**CONSENT CALENDAR:**

**No member of the public nor Commissioner requested to pull a Consent Calendar item.**

**1. APPROVAL OF MEETING MINUTES: NOVEMBER 13, 2023**

**MOVED/SECOND:** Vivar/Toler

**MOTION:** Approve recommended action for Consent Calendar Item No. 1.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Rojas, Klepack, Vivar Zich

Nays: None

Absent: None

Abstained: None

Motion carried: 7-0

**ACTION:** Planning Commission approved the minutes of the regular meeting of the November 13, 2023.

**PUBLIC HEARINGS****1. 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**

**Project Description:** 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 hours 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 paint, accessibility upgrades, and parking lot improvements. No other building or site modifications are proposed.

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**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Commissioner Zich had a conversation with Wallid Kazi.

Commissioner Andrade had a conversation with the potential principle.

Commissioner Viviar received an email correspondence.

Commissioner Klepack had a phone conversation with one of the business owners from a neighboring building.

Chair Ereth spoke with staff from the neighboring property regarding transportation and circulation, the executive director of the City of Costa mesa's Chamber of Commerce, a trustee from the Newport Mesa School District and the Assistant Superintended from the Newport Mesa School District.

Gabriel Villalobos, Assistant Planner, presented the staff report.

The Commission asked questions of staff including discussion of: Measure X Zoning, separation requirements from sensitive uses, bike racks, parking and circulation, traffic certification for school staff directing traffic, parking, free transportation services provided for students, school funding, local school district involvement, current enrollment numbers, community benefits, student pick up and drop off, absence of outdoor space for students, and bike/pedestrian facilities surrounding the school.

**The Chair opened the Public Hearing.**

Joseph Smith, applicant, stated he had read and agreed to the conditions of approval.

The Commission asked questions of the applicant including discussion of: Applicants reasons for not opening the proposed school in Santa Ana, school funding, Applicants reasons for choosing Costa mesa for their school site, the school's educational program, communication with Newport-Mesa Unified School District (NMUSD), the schools educational model, community interest, teachers union, projected number of Costa Mesa residents to enroll in the school, funding allocation, California Interscholastic Federation (CIF) sports, safety of students on the Santa Ana bike trail, similarities with Costa Mesa's Early College High School's educational model, bike racks, staff training for traffic management, the number of students on site, school provided transportation, parking, traffic flow during student pick up and drop offs, afterschool programs, the applicants source of funding for updates and renovations to the facility, nearby cannabis facilities, current

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enrollment numbers, open enrollment, lottery application and waitlist, and the location of other school sites.

The Chair called for a break at 7:46 p.m.

The Chair called the meeting back into order at 8:01 p.m.

**The Chair opened public comments.**

Dave Hathcock spoke in favor of the item.

Trent Speire spoke in favor of the item.

Jasmine Aguilera spoke in favor of the item.

Pamula Serafin spoke in favor of the item.

Brianna Williams spoke in favor of the item.

Mary Cappellini spoke in opposition of the item.

Jeffery Trader spoke in opposition of the item.

**The Chair closed public comments.**

The Commission asked questions of the applicant and staff including discussion of: a letter sent to the commission via email during the meeting, communications with the applicant and the school district, NMUSD comments on their concerns with the California Environmental Quality Act (CEQA) exemptions. The letter was provided to the applicant team.

**The Chair closed the Public Hearing.****The Chair Reopened the Public hearing for certain clarification.**

The Commission asked questions of the Newport-Mesa Unified School district representative including discussion of: Funds from the school district, and the difference between the proposed schools educational plan compared to the schools already established with in the district.

**The Chair closed the Public Hearing.**

Commissioner Toler made a motion to approve the project.

Motion failed for lack of second.

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Commissioner Zich made a motion to deny the project. Seconded by Chair Ereth for discussion. Official Second from Commissioner Andrade

The Commission discussed the motion including: compatibility, site location in Measure X zone, parking circulation, community needs, health and safety of the students, land use, traffic impacts for surrounding uses, and absence of outdoor space for students.

**MOVED/SECOND:** Zich/Andrade

**MOTION:** to Deny Planning application PA-22-45

The motion carried by the following roll call vote:

Ayes: Ereth, Andrade, Rojas, Taber, Vivar, Zich

Nays: Toler

Absent: None

Recused: None

Motion carried: 6-1

**ACTION:** The Planning Commission adopted a resolution to: Deny PA-22-45.

**RESOLUTION PC-2023-30 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA DENYING 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 Chair explained the appeal process.

**2. POTENTIAL ORDINANCE TO AMEND TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE AND REQUISITE MODIFICATIONS REQUIRED IN TITLE 9 (BUSINESS LICENSES) FOR MODIFICATIONS TO THE CITY'S RETAIL CANNABIS PROVISIONS**

**CMMC CODE AMENDMENT AND ORDINANCE NO. 2023-XX.** The Planning Commission recommendation to the City Council regarding a proposed code amendment that would modify Title 13 (Planning, Zoning, and Development) of the CMMC regarding the City's retail cannabis provisions. The Planning Commission will also consider any requisite code modifications required in Title 9 (Business Licenses) that are specifically applicable to the City's retail cannabis program.

**Environmental Determination:** The ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) (General Rule).

Commissioner Klepack spoke with a Keith Sheinberg cannabis applicant about his concerns.

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Commissioner Vivar spoke with a cannabis applicant Keith Sheinberg about his concerns, a code enforcement officer from the City of Santa Ana, and Scott Drapkin.

Commissioner Rojas spoke with Keith Sheinberg a cannabis applicant about his concerns.

Commissioner Zich spoke with Keith Sheinberg a cannabis applicant about his concerns.

Commissioner Andrade spoke with a Keith Sheinberg about his concerns.

Vice Chair Toler spoke with a Keith Sheinberg about his concerns.

Chair Ereth spoke with a Keith Sheinberg about his concerns.

Michelle Halligan, Contract Planner, presented the staff report.

**The Chair opened the Public Hearing.**

The Commission asked questions of staff including discussion of: measurements of separation from a sensitive use to a cannabis storefront, whether commission could suggest definition of a youth center to City Council, adding an "item for suggestion to council" to the next meeting.

**The Chair opened public comments.**

Patrick Martin, spoke in favor of the ordinance change to allow the word "cannabis" or "dispensary" in signage.

Marianne Orr, shared her support in changing the Ordinance to better fit the community.

Speaker three, echoed Marianne Orr's comments and added he was in support of adding "cannabis" or "dispensary" to store front signage.

Chris Glue, echoed Patrick Martin's comments on allowing the word "cannabis" or "dispensary" in signage and asked for a decrease in badge fees.

Mark Adams, spoke on buffer zones between storefronts.

Speaker six, spoke on his concern for applicants in que before the proposed Ordinance change.

**The Chair closed public comments.**

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The Commission asked further questions of staff including discussion of: how this update will affect those already in the queue for storefronts, comparisons of surrounding City's requirements, the majority of the Commission agreed that the minimum separation between cannabis storefronts should be at least 1000ft, the majority of the Planning Commission agreed on a minimum separation of 100ft from residential housing, the majority of the Planning Commission agreed to process 30 cannabis storefront applications already in the queue and setting a cap of 15 retail storefronts in the City for future applications.

**The Chair continued the item to the next scheduled planning commission meeting.**

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**DEPARTMENTAL REPORTS**

1. Public Works Report – None.
2. Development Services Report – None.

**CITY ATTORNEY'S OFFICE REPORT**

1. City Attorney – None.

**ADJOURNMENT AT 10:55 PM**

Submitted by:

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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION