

RESOLUTION NO. 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 PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA 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 was held by the Planning Commission on November 27, 2023, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15301 (Class 1), for Existing Facilities, as described specifically in the staff report, and 15270 for a project that a public agency disapproves;

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

NOW, THEREFORE, based on the evidence in the record, the Planning Commission 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 27th day of November, 2023.



Adam Ereth, Chair
Costa Mesa Planning Commission

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

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023-30 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on November 27, 2023 by the following votes:

AYES: Ereth, Andrade, Klepack, Rojas, Vivar, Zich

NOES: Toler

ABSENT: None

ABSTAIN: None



Scott Drapkin, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

- A. Pursuant to CMMC Section 13-29(g), when granting an application for a conditional use permit, the Planning Commission 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 Planning Commission 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 located in the general area in that the project includes educating minors within the City's Measure X "Green Zone" area where certain cannabis businesses (manufacturing, distribution, research and development, testing laboratories and delivery) are allowed to be located. The new school is proposed approximately 500 feet from the nearest Measure X facility. The proposed project also presents traffic 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 cited was the possibility of traffic queueing into the public right-of-way 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 was found to 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 Planning Commission found that the proposed traffic queuing plan provided by the applicant was insufficient for a proposed school with 500 students. In addition, Commissioners stated concerns with the internal circulation of vehicles proposed for the site as it was not adequately designed for the proposed school circulation demand. The Planning Commission also found that health and safety risks would result from the mix of pedestrian, bicyclist and vehicle traffic circulating through the project site at high-demand periods (pick-up and drop-off). Another concerns voiced by the Planning Commission included student health relating to the school's proposed operations of students residing only indoors for the entirety of the school day.

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. The subject property is located in the City's Industrial Park General Plan Land Use area. Pursuant to the City's General Plan Land Use Element, Institutional uses are allowed in the Industrial Park District "provided that land use compatibility and traffic issues have been addressed". The Planning Commission could not make the required Conditional Use Permit findings because of potential land use incompatibility and traffic conflicts that would result from the proposed new school.