

MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMISSION
ORANGE COUNTY, CALIFORNIA
Wednesday, December 13, 2023, 1:30 P.M.

COUNTY ADMINISTRATION NORTH BUILDING
400 W. Civic Center Dr, Multipurpose Room 101
Santa Ana, California 92701

CLAUDIA PEREZ
CHAIRWOMEN
Fourth District

MARIA CEJA
COMMISSIONER
Second District

DAVID E. BARTLETT
COMMISSIONER
Fifth District



TRUNG "JOE" HA
COMMISSIONER
First District

KEVIN RICE
COMMISSIONER
Third District

ATTENDANCE: Commissioners: Bartlett, Ha, Perez, Ceja, & Rice

PRESENT: EXECUTIVE OFFICER Justin Kirk
COUNTY COUNSEL Nicole Walsh
SECRETARY Marissa Leahy

PLEDGE OF ALLEGIANCE: Commissioner Ceja, Second District Commissioner, led the assembly in the Pledge of Allegiance.

I. CONSENT ITEM - MINUTES

The meeting minutes of August 23, 2023, were motioned for approval by Commissioner Bartlett, seconded by Commissioner Ha, and approved by a unanimous vote. Commissioner Rice and Commissioner Ceja abstained. The meeting minutes of November 8, 2023, were motioned for approval by Commissioner Bartlett, seconded by Commissioner Ha, and approved by a unanimous vote. Commissioner Perez and Commissioner Ceja abstained.

II. DISCUSSION ITEMS

ITEM #1 PUBLIC HEARING - PA23-0052 – APPLICANT - CHAD JACKSON, PRESIDENT OF FAIRMONT SCHOOLS – LOCATION 12421 NEWPORT AVE (APN: 401-191-02) AND 12381 NEWPORT AVE (APN: 401-191-25) IN UNINCORPORATED TUSTIN WITHIN THE SECOND (2ND) SUPERVISORIAL DISTRICT

Applicant is requesting for a Use Permit to: allow for the Fairmont Private School, located at 12421 Newport Avenue, to expand their operation into the adjacent property, located at 12381 Newport Avenue, and establish “Educational Institution” as the principal land use for both properties; increase the enrollment capacity to 420 students from 320; install a 6’ high perimeter fence around both properties; approve a reduction in the required parking for the new use; and make interior and exterior modifications to the existing school and church buildings. The two parcels will be merged under single ownership and no new buildings are proposed.

RECOMMENDED ACTION(S):

OC Development Services/Planning recommends the Planning Commission:

1. Receive the staff report and public testimony as appropriate;
2. Find that the proposed project is exempt from CEQA per CEQA Guidelines Section 15302 Class 2 (Replacement and Reconstruction) for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and
3. Approve Planning Application PA23-0052 for a Use Permit, subject to the Findings and Conditions of Approval provided as Attachments 1 and 2 to this report.

Special Notes:

Arturo Cervantes, Senior Planner, provided the presentation and answered questions from the Planning Commission. The applicants also provided a presentation and answered questions from the board regarding their project. An additional presentation was made by Denis Bilodeau to review the traffic study report. Five members of the public spoke in opposition of the project. Four members spoke in support of the project.

The following conditions were added for approval:

1. Once capacity at the school as allowed by the use permit is reached and a follow up traffic study is conducted, the traffic study shall be brought to the Planning Commission for review.
2. The applicant shall complete a traffic circulation plan that addresses traffic circulation of pick-up and drop off to be reviewed by the county’s traffic engineer. The plan shall be submitted prior to permit issuance for tenant improvements related to the Use Permit and shall be approved prior to the issuance of a Certificate of Occupancy.
3. Applicant shall submit Parking Management Plan(s) for after hour or larger events held on site at least 14 days in advance of the event.

The Use Permit shall be placed on the Planning Commission agenda one year from the date of this approval for a review of operations at the site. No action on the Use Permit shall be taken.

The following is the action taken by the Orange County Planning Commission:

The motion for Item #1 was made by Commissioner Bartlett to approve as recommended with the additional conditions of approval. The motion was seconded by Commissioner Ceja. The motion carried by a 4-0 vote:

APPROVE (1) Ha: Y (2) Ceja: Y (3) Rice: N (4) Perez: Y (5) Bartlett: Y
 Vote Key: Y=Yes; N=No; A=Abstain; X=Excused
 OTHER
 DENIED
 UNANIMOUS

ITEM #2 APPROVAL OF 2024 MEETING DATES

Recommended Action (s):

1. Approve the schedule of meetings for 2024.

Special Notes:

None

The following is the action taken by the Orange County Planning Commission:

The motion for Item #2 was made by Commissioner Ceja and seconded by Commissioner Bartlett to approve the schedule of meetings for 2023 and adopt Planning Commission Resolution No. 2022-02.

APPROVE (1) Ha: Y (2) Ceja: Y (3) Rice: Y (4) Perez: Y (5) Bartlett: Y
 Vote Key: Y=Yes; N=No; A=Abstain; X=Excused
 OTHER
 DENIED
 UNANIMOUS

III. EXECUTIVE OFFICER UPDATE

- No update.

IV. COUNTY COUNSEL UPDATE

- Received notice of the lawsuit for the Ranch Hills development. They have not sued on the CEQA basis, they have sued under the Housing Accountability Act alleging that substantively and procedurally the Planning Commission and Board of Supervisors did not have the right to approve the development. The Office of County Counsel will be working to defend the county on this item.
- Staff and County Counsel are working to address HCD comments from September 2023 on the on the Housing Element draft. A lot of rezoning work is anticipated. This is to make sure that the county meets the regional housing needs allocation. This will not be seen until March or April of 2024.

V. PLANNING COMMISSIONER COMMENTS

- Commissioner Perez – Thanked the Planning Commission and said that it was honor and privilege to serve on the committee as well as the chairperson. She gave a welcome to Commissioner Ceja
- Commissioner Bartlett – Thanked his fellow Commissioners and all staff. Wished everyone Happy Holidays.
- Commissioner Rice – Welcomed Commissioner Ceja and wished everyone a Merry Christmas and Happy Holidays.
- Commissioner Ha – Thanked everyone for their hard work and dedication. Wished everyone Happy Holidays.
- Commissioner Ceja – Thanked the public. She also thanked Public Works staff for all their work. Wished everyone Happy Holidays.

VI. PUBLIC COMMENTS

- None

VII. ADJOURNMENT

- **Planning Commission meeting adjourned at 3:39pm**