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**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION****July 11, 2022****CALL TO ORDER**

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Vivar led the Pledge of Allegiance.

ROLL CALL

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Jonny Rojas, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Vivar

Absent: Commissioner Adam Ereth

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Transportation Services Manager Jennifer Rosales, Senior Planner Nancy Huynh Assistant Planner Gabe Villalobos, and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

None.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Russell encouraged the public to watch the City Councils Study Session on the Housing Element. She also informed the public on the first Concert in the Park event.

Chair de Arakal encouraged the public to attend the City Councils Study Session on the Housing Element.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 22-13 FOR A CANNABIS DISTRIBUTION FACILITY (“HERA DISTRIBUTION LLC”) AT 3505 CADILLAC AVENUE, UNIT F3

Project Description: Planning Application 22-13 is a request for a Conditional Use Permit (CUP) to operate a cannabis distribution facility (Hera Distribution LLC) within a 5,890-square-foot tenant space at 3505 Cadillac Avenue, Unit F3. The proposal will include the demolition of interior partition walls and interior tenant improvements to establish limited access areas for distribution storage and auxiliary office space. One distribution vehicle will be stored underroof within the existing warehouse space.

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

No ex-parte communications reported.

Gabe Villalobos, Assistant Planner, presented the staff report.

Commission and Staff Discussion:

Commissioner Toler and Commissioner Rojas thanked staff for the Measure X maps that were included in the report. Chair de Arakal asked staff whether this was the first distribution only application the commission has heard.

Chair opened Public Hearing.

Mike Stewart, applicant, stated he had read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on showroom practice, procedures and customer experience at the proposed location. Whom the applicant would allow access to the showroom and the applicant’s consolidation of their other cannabis business in Santa Ana.

The Chair opened Public comments.

PUBLIC COMMENT:

No Public Comments.

The Chair closed Public Comments.

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The Chair closed the Public Hearing.

Commissioner Toler made a motion to approve application PA-22-13 subject to conditions of approval. Seconded by Commissioner Russell.

Vice Chair Zich stated he was in support of the motion.

Commissioner Vivar stated he was in support of the motion.

Chair de Arakal stated he was not in support of the motion.

MOVED/SECOND: Toler/Russell

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Zich, Rojas, Russell, Toler, Vivar

Nays: de Arakal

Absent: Ereth

Abstained: None

Motion carried: 5-1-1-0

ACTION: The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-13, subject to conditions of approval.

RESOLUTION PC-2022-13 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-13 FOR A CANNABIS DISTRIBUTION FACILITY (HERA DISTRIBUTION LLC) AT 3505 CADILLAC AVENUE, UNIT F3

The Chair explained the appeal process.

2. PLANNING APPLICATION 21-25 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2801 HARBOR BOULEVARD, SUITE C, D, AND E (OFF THE CHARTS)

Project Description: Planning Application 21-25 is a request for a CUP to allow a retail cannabis uses in an existing 2,400-square-foot tenant space within the existing commercial building located at 2801 Harbor Boulevard, Suites C, D, and E. The affiliated State license is Type 10 "storefront retailer" which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

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Environmental Determination: The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use.

No ex-parte communications reported.

Gabriel Villalobos, Assistant Planner, presented the staff report.

Commission and staff discussion included:

Discussion ensued on Cannabis Regulation Policies, parking lot re-pavement, number of parking spaces available, employee parking and security guard presence.

Commission, Staff and Applicant Discussion included:

Shawn Maddocks, applicant's representative, stated he read and agreed to the conditions of approval.

Discussion ensued on bike parking, on and off-site parking plans, number of employees and product delivery.

Vice Chair Zich asked the applicant to clarify the offsite-parking plan.

The Chair opened Public Comments.

PUBLIC COMMENT:

The Chair closed public comment and public hearing.

Chair de Arakal made a motion to approve application PA-21-25 subject to conditions of approval. Seconded by Commissioner Rojas.

Chair de Arakal spoke on his motion.

Commissioner Vivar spoke in opposition of the motion.

Commissioner Russell spoke in support of the motion.

Vice Chair Zich spoke in support of the motion.

MOVED/SECOND: de Arakal/Rojas

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Rojas, Russell, Toler

Nays: Vivar

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Absent: Ereth
 Abstained: None
 Motion carried: 5-1-1-0

ACTION: The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-25, subject to conditions of approval.

RESOLUTION NO. PC-2022-14 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-25 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY IN THE C1 ZONE AT 2801 HARBOR BOULEVARD

The Chair explained the appeal process.

Chair called for a recess at 7:55 p.m.

Chair reconvened the meeting at 8:05 p.m.

3. PLANNING APPLICATION 21-24 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2275 NEWPORT BOULEVARD

Project Description: Planning Application 21-24 is a request for a Conditional Use Permit (CUP) to allow a retail cannabis storefront use in an existing 1,738-square-foot commercial building located at 2275 Newport Boulevard. The affiliated State license is Type 10 “storefront retailer” which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers visiting the storefront, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

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

No ex-parte communications.

Gabriel Villalobos, Assistant Planner, presented the staff report.

Commission and Staff:

Discussion ensued on ADA parking, general parking, bike wracks and parking lot restriping.

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Shawn Maddocks, Applicants representative, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on customer check-in procedures, landscaping, planned mural, intended use of surplus parking and parking lot improvements.

The Chair opened the public hearing.

The Chair opened public comments.

PUBLIC COMMENTS

Speaker one, spoke in support. However, asked the City to better utilize the lot and add another business to the site.

Speaker two, spoke in support. However, had traffic concerns.

The Chair closed public comment and public hearing.

Commissioner Vivar made a motion to approve application PA-21-24 subject to conditions of approval. Seconded by Commissioner Rojas.

Commissioner Russell spoke in support of the motion.

Vice Chair Zich spoke in support of the motion.

Commissioner Vivar spoke in support of the motion.

Chair de Arakal spoke in support of the motion.

MOVED/SECOND: Vivar/Rojas

MOTION: Move staff's recommendation as written.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Rojas, Russell, Toler, Vivar

Nays: None

Absent: Ereth

Abstained: None

Motion carried: 6-0-1-0

ACTION: The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and

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2. Approve Planning Application 21-24, subject to conditions of approval.

RESOLUTION PC-2020-15 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-24 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (NECTAR MARKETS) IN THE C2 ZONE AT 2275 NEWPORT BOULEVARD

The Chair explained the appeal process.

4. PLANNING APPLICATION 21-20 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 124 EAST 17TH STREET

Project Description: Planning Application 21-20 is a request for a CUP to allow retail cannabis uses within an existing 2,340-square-foot commercial building located at 124 East 17th Street. The affiliated State license is a Type 10 “storefront retailer” which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

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

Nancy Huynh, Senior Planner, presented staff report.

Commission and Staff:

Discussion ensued on ADA parking, driveway width, and easements.

Chair de Arakal asked about the property’s easements.

Chair opened Public Hearing.

Peter Ishak, applicant, stated he read and agreed with the conditions of approval.

Commission, Staff and Applicant:

Discussion ensued on applicants’ relationships with neighboring businesses, planned mural, product display cases and packaging

The Chair opened public comment.

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PUBLIC COMMENTS:

No public comments.

The Chair closed Public comments.

Commission, Staff and Applicant:

Discussion ensued on proposed parking and the wall located in the parking lot.

Chair de Arakal closed the public hearing.

Commissioner Russell made a motion to approve application PA-21-20 subject to conditions of approval. Seconded by Chair de Arakal.

Commissioner Toler spoke in support of the motion.

Commissioner Vivar spoke in support of the motion.

Vice Chair Zich spoke in support of the motion.

Commissioner Russell spoke on her motion.

Chair de Arakal spoke in support of the motion.

MOVED/SECOND: Russell/de Arakal

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Rojas, Russell, Toler, Vivar

Nays: None

Absent: Ereth

Abstained: None

Motion carried: 6-0-1-0

ACTION: The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-20, subject to conditions of approval.

RESOLUTION PC-2020-16 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-20 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY IN THE C2 ZONE AT 124 EAST 17TH STREET

The Chair explained the appeal process.

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DEPARTMENTAL REPORT(S)

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

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 9:33 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION