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**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION****August 22, 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 Adam Ereth, Commissioner Dianne Russell, Commissioner Johnny Rojas, Commissioner Russell Toler, Commissioner Jimmy Vivar

Absent: None

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Senior Planner Nancy Huynh, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

Chair de Arakal announced an agenda change to Public Hearing Item No. 2, 170 East 17th Street, Suites 115 and 116.

Director of Economic and Development Services Jennifer Le noted staff received a request from the applicant this evening to continue this item to a date uncertain. Staff will re-notice the item when it is re-agendized.

Chair de Arakal made a motion. Seconded by Commissioner Zich.

MOVED SECONDED: de Arakal/Zich

MOTION: Continue Planning Application 21-29 for a retail cannabis storefront business located at 170 East 17th Street, Suites 115 and 116 (Catalyst) to a date uncertain.

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

Nays: None

Absent: None

Recused: None

Motion Carried: 7-0

PUBLIC COMMENTS:

Cosa Mesa resident spoke regarding a gym located at 140 East 17th Street, and the many noise complaints made on the loud music played during their aerobics classes. The speaker suggested they are violating the terms of their Conditional Use Permit (CUP) and would like the City to follow-up.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Ereth thanked staff and commented on the John Wayne Airport “Fly Friendly” program that will lower the noise emissions coming from the general aviation jets. The public can learn more by going to their website: www.ocair.com

Commissioner Russell noted the Costa Mesa Alliance for Better Streets is giving away bike lights for three nights beginning tomorrow.

Chair de Arakal complimented the Public Works Department on the new traffic signal and parking on Randolph Avenue.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS**1. PLANNING APPLICATION 21-18 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2710 HARBOR BOULEVARD (STIIIZY)**

Project Description: Planning Application 21-18 is a request for a Conditional Use Permit (CUP) to operate a storefront retail cannabis business with delivery within an existing 11,274-square-foot commercial building located at 2710 Harbor Boulevard. The business would sell pre-packaged cannabis and prepackaged cannabis products directly to customers onsite and via delivery to private addresses, subject to conditions of approval.

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

Five Ex-Parte Communications to report:

Commissioner Ereth noted a conference call he had with the applicants.

Commissioner Vivar exchanged an email with the applicants representatives.

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Commissioner Russell noted a telephone call with the applicant's representatives.

Vice Chair received an email from the applicant's representative.

Chair de Arakal received an email from the applicant's representative.

Nancy Huynh, Senior Planner presented the staff report.

Commission and Staff:

Discussion ensued regarding access to the rear of the property, bike rack capacity and the location of the trash enclosure. Staff confirmed the new trash enclosure would be placed in the same location as previous one.

Vice Chair Zich requested clarification on whether ownership percentages and partnerships of these businesses are validated during the application process. Staff confirmed that they are.

Discussion arose regarding Floor area ratio (FAR) and the shared parking requirements for the property, as well as the conditions of approval regarding proximity to residential listed in the staff report.

The Chair opened Public Hearing:

Tak Sato, applicant, stated he had read and agreed to the conditions of the approval.

Commission, Applicant and Staff:

Mr. Sato, thanked staff and provided an overview of this application.

Commissioner Vivar asked whether the applicant's other sites were comparable in size to this location and whether those sites were successfully managed. The applicant gave a brief overview of their other locations and experience they bring in managing their businesses.

Discussion ensued regarding security and outreach to the surrounding area.

Vice Chair Zich noted the applicants partnership with a Measure X business. Discussion ensued with applicant regarding partnership, ownership percentages and retail shelf space to be used by that business.

Chair de Arakal asked if the security guards would be armed, and the applicant affirmed.

The Chair opened Public comments.

PUBLIC COMMENT:

Matt Bell, Secretary Treasurer for Local 324, spoke in support of the business and noted they would be providing jobs to local residents.

Jason Piatza, Costa Mesa resident, spoke in support of the business and its location on Harbor Blvd.

Wade Lee, Costa Mesa resident, spoke in support of the business.

Nicole Lloyd, Costa Mesa resident, spoke in opposition to the business. She did not support armed guards and an all cash business.

Costa Mesa resident spoke in support of the business and its location.

Greg Johnson, property owner, spoke in support of the business and the operators.

The Chair closed the Public Hearing.

Chair de Arakal made a motion. Seconded by Commissioner Ereth

Vice Chair Zich supports the motion due to Costa Mesa voters allowing retail cannabis by approving Measure Q, and project compliance with applicable local and State regulations.

Commissioner Vivar also supports the motion with the backing of Land Use Element (LU 6.9) that encourages new businesses while retaining existing businesses in the City of Costa Mesa.

Commissioner Toler is also in support of the motion that will allow a new store into an existing empty business.

Commissioner Russell thanked both staff and the applicant for their excellent presentations.

Chair de Arakal complimented the applicant on their presentation and experience.

MOVED/SECOND: de Arakal/Ereth

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Recused: None

Motion carried: 7-0

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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 Existing Facilitates (Class 1), and
2. Approve Planning Application 21-18, subject to conditions of approval.

RESOLUTION PC-2022-20 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-18 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (STIIIZY) IN THE C1 ZONE AT 2710 HARBOR BOULEVARD.

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang noted the new traffic signal at Baker Street and Randolph Avenue is now fully functional and serving its purpose well in directing traffic. The Wilson Street improvement project is well under way and on track.
2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 7:06 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION