

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

January 23, 2023

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Toler led the Pledge of Allegiance.

OATH OF OFFICE FOR NEWLY-APPOINTED PLANNING COMMISSIONERS BY CITY CLERK.

ELECTION OF OFFICERS:

1. Selection of Chairperson:

MOVED/SECOND: Vivar/Toler

MOTION: Nomination of Adam Ereth for Planning Commission Chair

The motion carried by the following roll call vote:

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

Nays: Zich

Absent: None

Abstained: None

Motion carried: 6-1

2. Selection of Vice Chairperson:

MOVED/SECOND: Ereth/Vivar

MOTION: Nomination of Russell Toler for Planning Commission Vice Chair

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstained: None

Motion carried: 7-0

ROLL CALL

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

Absent: None

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Assistant Planner Patrick Achis, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Wendy Simos urged the city to address late-night noise disturbances by expanding code enforcement hours, suggesting the addition of an overnight shift. She proposed a "Bring Back the Birds" campaign, highlighting how excessive noise from businesses drives away wildlife and disrupts residents' peace.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Vivar expressed gratitude to his family, friends, fiancée, community members, and colleagues for their support and thanked Council Member Arlis Reynolds for reappointing him to a full term. He pledged to serve the community with fairness and a balanced approach and looks forward to working with the new Chair, Vice Chair, and his fellow commissioners.

Vice Chair Toler thanked the commission for electing and entrusting him as Vice Chair, welcomed the new commissioners, and congratulated Chair Erth on his appointment. He praised Chair Erth's thoroughness, intelligence, and dedication, expressing confidence in his leadership as the commission tackles major issues like housing, rezoning, and general plan updates.

Chair Erth welcomed Commissioners Andrade Vallarta and Time Taber, praising their strong reputations and expressing enthusiasm about serving with them. He also thanked outgoing commissioners Diane Russell and Byron de Arakal, acknowledged the significant responsibility of his new role, and expressed gratitude and excitement for the work ahead.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 22-32 AND TENTATIVE PARCEL MAP 2022-135 FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 1592 REDLANDS PLACE

Project Description: Planning Application 22-32 is a Design Review and Tentative Parcel Map 2022-135 request for a residential small lot subdivision project to demolish two detached residential units and construct two, two-story, detached single-family dwelling units with attached two-car garages. Included is a request for the front home to deviate from Second Story coverage requirements to allow a 37-square-foot balcony. The project would divide the existing 7,910-square-foot lot into two parcels.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15315 (Class 15), Minor Division of Land, and Section 15332 (Class 32) In-Fill Development.

One ex-parte communication reported by Commissioner Zich.

Patrick Achis, Assistant Planner, presented the staff report.

Commission and Staff:

During the discussion, the commission explored ways to address privacy concerns between the proposed development and neighboring properties. Staff explained that while initial landscaping would need to meet minimum size requirements, it could grow over time to provide full screening, and the commission could condition the planting of more mature trees if desired. Additional privacy measures such as raising windowsill heights, using frosted glass, and combining these with landscaping were also considered. Commissioner Vivar asked about the existing driveway width and received clarification that the new design would follow the current footprint. He also confirmed that each unit would have four parking spaces, totaling eight for the site. Commissioner Zich questioned the accuracy of floor area ratio calculations in the staff report and received confirmation that the numbers had been transposed, with the rear unit in compliance. He also raised concerns about the applicability of certain conditions of approval under the small lot subdivision ordinance, questioning whether shared driveways truly necessitate HOA-style agreements. Staff acknowledged his interpretation and explained that most small lot subdivisions do include shared features that justify the requirements. Commissioner Andrade Vallarta expressed appreciation for the focus on homeownership but urged consideration of who such developments truly serve, advocating for more equitable access.

Chair opened Public Hearing.

Daniel Morgan, applicants representative, stated he had read and agreed to the conditions of approval.

Discussion ensued between the applicant and the commission, Commissioner Zich asked whether the two homes being proposed were already sold or would be sold after construction. The applicant explained that the homes are not yet sold and that, due to current challenges in the construction financing market, they are still determining if they can proceed with building them. Commissioner Zich then pointed out that future buyers wouldn't know if the windows were originally designed differently, to which the applicant agreed. However, the applicant emphasized that natural light is a significant selling point, especially in a primary bedroom, as it affects buyers' mood and appeal.

The Chair opened for public comments.

PUBLIC COMMENT:

Maura Gleason, expressed concern about the size and low placement of several second-story windows that would directly overlook her backyard and side yard, significantly impacting her privacy. She clarified that her comments were not against having windows but specifically requested raising the sill height and questioned whether landscaping within the five-foot setback would effectively address the issue.

The Chair closed public comments.

During the discussion, Commissioner Vivar asked the applicant about tenant notification and potential displacement, learning that the front unit has been uninhabitable for years and the rear unit is occupied by a local family on a month-to-month basis. The applicant stated there are no immediate plans to begin construction and assured that the tenants would not be displaced abruptly and would be supported if relocation became necessary. Vice Chair Toler then invited public commenter Maura Gleason to clarify her concerns about window privacy, to which she explained that her primary request was to raise the sill height to 48 inches, while also being open to alternatives like clerestory or frosted windows. She emphasized the long-term impact of losing backyard privacy, given her family's long-term residency. The applicant and architect responded that they were open to raising the sill height to four feet, which they agreed was reasonable and would help preserve privacy without significantly compromising natural light. They also discussed potential window coverings and noted that frosted glass could be replaced by future owners, making sill height a more reliable solution.

The Chair closed the Public Hearing.

Vice Chair Toler made a motion. Seconded by Commissioner Andrade.

Commissioners expressed overall support for the project while raising broader planning considerations. Vice Chair Toler noted the project fits zoning but highlighted concerns about small lot subdivisions altering neighborhood character and called for future shifts toward diverse housing types. Commissioners Vivar and Zich offered differing views on parking, with Vivar suggesting more green space and Zich defending the need for adequate parking for families. Zich also emphasized the value of homeownership opportunities and urged earlier notification for neighboring homeowners. Commissioner Taber suggested planting tall landscaping for privacy.

MOVED/SECOND: Toler/Andrade

MOTION: Move staff's recommendation

The motion carried by the following roll call vote:

Ayes: Chair Ereth, Vice Chair Toler, Andrade, Rojas, Taber, Vivar, Zich

Nays: None

Absent: None

Recused: None

Motion carried: 7-0

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 15315 (Class 15) Minor Division of Land, and Section 15332 (Class 32) In-Fill Development; and
2. Approve Design Review PA-22-32 and Tentative Parcel Map 2022-135, subject to conditions of approval.

RESOLUTION PC-2023-01 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-32 FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AND TENTATIVE PARCEL MAP 2022-135 IN THE R2-MD ZONE FOR PROPERTY AT 1592 REDLANDS PLACE

The Chair explained the appeal process.

2. **PLANNING APPLICATION 21-36 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 167 CABRILLO STREET (CABRILLO COMMUNITY PROJECT LLC DBA NATIVE GARDEN)**

Project Description: Planning Application 21-36 is a request for a Conditional Use Permit to allow a retail cannabis storefront use within an existing single-story commercial building located at 167 Cabrillo Street. The proposed use would be

subject to Costa Mesa's Cannabis regulations, conditions of approval, and State Cannabis regulations.

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.

Five ex-parte communication reported by Chair Ereth, Vice Chair Toler, Commissioner Taber, Commissioner Vivar and Commissioner Zich.

Michelle Hallagen, Contract Planner, presented the staff report.

The discussion between the commission and staff focused on clarifying key details in the staff report and understanding the implications of the proposed cannabis retail use. Topics included correcting address and operational hour discrepancies, verifying separation requirements from sensitive uses, and ensuring compliance with parking standards. Commissioners questioned the methodology used to calculate vehicle trips, comparing staff's use of retail-based data to potential alternatives like warehouse rates, and staff explained their rationale using zoning context and comparisons with other cities. Concerns were also raised about lighting impacts, signage design, landscaping changes, and how off-site parking would be regulated. The commission further explored whether limiting business hours would affect staff's recommendation, and staff confirmed they had encouraged the applicant to reduce hours or consider a delivery-only model, though the applicant declined.

The Chair opened the Public hearing.

Chris Glew, applicants representative, stated he had read and agreed to the conditions of approval.

The discussion between the commission and the applicant focused on the applicant's experience operating cannabis businesses near residential areas, their proposed operations model, and neighborhood impact. The applicant shared positive experiences from other locations, highlighting proactive communication with neighbors, strict security measures, and staff responsiveness to complaints. They emphasized that the proposed store would operate on an appointment-only basis to manage traffic and ensure a personalized customer experience. Commissioners raised concerns about proximity to residential properties and clarified that the building, not the parking lot, is the basis for measuring required separation. Staff confirmed that the proposed parking is within five feet of a neighboring residential property, contrary to the applicant's belief. The applicant also clarified that delivery service would not be offered, as it could intensify traffic, and product deliveries to the site would be infrequent and low-impact. When asked about expansion, the applicant confirmed there are no plans to scale up operations at the site, as the business model is designed to remain small and focused.

Commissioners also noted that previous cannabis approvals have included reduced operating hours and encouraged the applicant to consider community concerns if traffic or other issues arise after opening.

The Chair Opened Public Comment.

Janice Hale, spoke in strong opposition to the project, citing concerns about increased traffic, neighborhood safety, and its impact on her three children. She described multiple recent car accidents at the corner, including one that totaled her new minivan, and questioned why a cannabis business needs to be placed in a residential area when there are already 14 approved elsewhere in the City.

Wendy Simo, voiced strong support for the proposed cannabis dispensary, arguing that it would not increase traffic or noise in the neighborhood. She compared it to a nearby gym that operates from 5 AM to 10 PM with heavy traffic and loud music, stating the dispensary would have far less impact and should be allowed to operate similarly.

Mario Robles, expressed opposition to the proposed dispensary, citing concerns about post-purchase behavior based on a past experience with a previous dispensary in the area. He described witnessing individuals, including teenagers, using marijuana in nearby parking lots after purchases and emphasized the need to consider the potential impact of impaired behavior on neighborhood safety and atmosphere.

Patrick Martin, spoke in support of the proposed dispensary. He praised the project for its potential to create jobs, improve the property's appearance, and provide safe, local access to cannabis from trusted operators.

Katherine Strouse who previously ran a nonprofit art, music, and yoga program for children near the proposed site, initially opposed the dispensary due to its proximity to her youth-focused business. However, after closing her business and speaking with the Native Garden team, she now supports the project, describing the applicants as professional and a positive addition to Costa Mesa.

Speaker Six , expressed strong support for the proposed dispensary, sharing that it would provide a convenient and safe local option for her to shop after work. She praised similar cannabis stores for being well-maintained, professional, and respectful to their surrounding communities, and believes the new shop would improve the area's appearance without bringing negative impacts.

Alex Blangen, expressed support for the proposed dispensary, emphasizing the need to regulate cannabis to prevent continued black market activity. He shared his desire to revitalize the property, contribute to the community through job creation and tax revenue, and add value to the commercial area, stating the current use offers little benefit or visual appeal.

Speaker eight, voiced support for the proposed dispensary, noting the location is convenient and well-suited for the use. He praised the applicants for their efforts to improve the site and their willingness to adjust operating hours—something he hasn't seen other applicants offer in past meetings.

Julie Calzada, expressed support for the proposed dispensary, stating it would save her time and money by eliminating the need to travel to Santa Ana or Long Beach. She added that she feels safer in Costa Mesa and hopes the project is approved.

Andy Cohen, spoke in opposition to the proposed dispensary, expressing personal concerns about an individual associated with the project. He criticized the individual's professionalism and character, stating he would not recommend working with him.

Derek Smith, spoke in support of the applicant, emphasizing their strong track record of providing high-quality jobs and exceeding legal requirements. He highlighted the applicant's community outreach, willingness to make design and operational adjustments, and history of responsible cannabis operations, urging the commission to consider these factors when making their decision.

Kevin Harrington, expressed support for the proposed dispensary, highlighting its potential to create jobs and generate tax revenue that could be reinvested into the city. He argued that cannabis use will happen regardless and that a regulated local option is preferable, especially given the existing nightlife activity in nearby areas like Triangle Square.

Speaker thirteen, voiced strong support for the proposed dispensary, citing its convenience, especially compared to traveling to Santa Ana or Los Angeles. She shared her positive experiences at other dispensaries, praising their professionalism, cleanliness, and safety measures, and expressed confidence that the Cabrillo location would add value to the neighborhood and the city.

Speaker fourteen, spoke in favor of the proposed dispensary, highlighting its potential to create jobs across various roles and serve both recreational and medical cannabis users. She emphasized the industry's strong profit margins and tax benefits, suggesting the revenue could be used to improve infrastructure and support low-income communities while reducing reliance on enforcement-based approaches.

Speaker fifteen, spoke in support of the proposed dispensary, emphasizing the family's long-standing business roots and strong work ethic. He shared that Alex has been raised with the same values of integrity and community-mindedness, expressing confidence that the business aims to contribute positively to Costa Mesa, not just profit.

Virginia Gutierrez spoke in strong support of the proposed dispensary, calling it one of the best projects presented that day. She emphasized the benefits of safer, regulated cannabis access, professional security, and community inclusion, stating that the legal operation would help reduce stigma and foster a positive neighborhood presence.

Diana Vetter, expressed opposition to the dispensary, citing high traffic volume, frequent accidents, and poor visibility at nearby intersections. While not against cannabis itself, she questioned the location's suitability, raised concerns about increased congestion and safety risks, and argued that the storefront would negatively impact residents, especially after a daycare recently vacated the area.

Catherine Young, opposed the proposed dispensary, expressing concern about increased traffic and its impact on nearby families, including young children and teenagers. She cited the city's General Plan, emphasizing that the 17th Street commercial corridor is intended to serve residents with limited retail, and warned that adding multiple cannabis stores in the area would conflict with the plan's intent and compromise pedestrian and bicycle safety in the residential neighborhood.

Speaker nineteen, spoke in strong support of the proposed dispensary, arguing that concerns raised by the planning department—such as increased noise, traffic, and renter deterrence—are unfounded. They emphasized that cannabis businesses are highly regulated, often quieter than other uses, and that most traffic would avoid Cabrillo due to GPS routing and street layout. The speaker noted the project would improve the property, resolve existing code violations, and enhance neighborhood safety and aesthetics, urging the commission to approve it as a valuable upgrade and community asset.

The Chair Closed Public Comment.

The commission asked staff to summarize their reasons for recommending denial of the proposed cannabis storefront. Staff explained that the site is located on local residential streets within a CL zone, which is intended for low-intensity uses and includes language urging caution to ensure compatibility with surrounding neighborhoods. Unlike previously approved dispensaries located on major commercial corridors, this would be the first in a residential buffer zone, and staff emphasized that the need for significant adjustments to make the project viable indicates the site's inherent limitations. Commissioners also asked about public feedback, with staff confirming they received numerous opposition letters that echoed concerns about traffic, intensification of use, and neighborhood impact—concerns consistent with staff's analysis. Questions were also raised about allowable uses in the zone, with staff clarifying that only limited types of retail are permitted by right and that cannabis uses, subject to a Conditional Use Permit, allow the Planning Commission to impose stricter conditions. Finally, staff described what a six-month review would look like, including monitoring police

activity, traffic patterns, and site visits, although the city has not yet conducted such a review due to the newness of cannabis storefront operations.

The Chair Closed the Public hearing.

Commissioner Vivar made a motion. Motion fails for a lack of second.

Commissioner Zich made a motion to continue the item. Seconded by Vice Chair Toler.

During the discussion on the motion, commissioners expressed interest in exploring conditions that could make the proposed cannabis storefront acceptable rather than focusing solely on reasons for denial. Suggestions included possibly shortening hours of operation to mitigate neighborhood impacts. The motion was made to continue the item to a specific date—February 27—to allow staff time to prepare two resolutions: one for approval with conditions and one for denial, so the commission could fully consider both options. While one commissioner felt a dual resolution approach was unnecessary, the consensus was to proceed with it, and the motion passed to revisit the item on the set date.

MOVED/SECOND: Zich/Toler

MOTION: Move staff's recommendation

The motion carried by the following roll call vote:

Ayes: Chair Erath, Vice Chair Toler, Andrade, Rojas, Taber, Zich

Nays: Vivar

Absent: None

Recused: None

Motion carried: 6-1

ACTION: The Planning Commission continued the item to February 27, 2023.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S)

1. Public Services Report – None.
2. Development Services Report – Ms. Le welcomed the new commissioners and congratulated the newly appointed Chair and Vice Chair, expressing confidence in their leadership. She noted that the department has a big year ahead and will soon begin sharing updates on last year's accomplishments, performance indicators, and upcoming priorities.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 10:03 PM

Submitted by:


for SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION