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

April 10, 2023

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 Adam Ereth, Vice Chair Russell Toller, Commissioner Jonny Rojas, Commissioner Tim Taber, Commissioner Vivar, Commissioner Jon Zich

Absent: Commissioner Angely Andrade

Staff Present: Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Associate Planner Chris Yeager, Assistant Planner Chris Aldana, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

None.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Rojas compared neighboring cities cannabis store front quantities to Costa Mesa's number of already approved cannabis locations. He asked about the number of dispensaries Costa Mesa will be approving.

Commissioner Zich followed up on his request to have the Cannabis Application Status updated or removed from the City's website.

Commissioner Taber asked whether there was a back-log of non-cannabis related items.

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Commissioner Vivar asked transportation for an update on the 19th Street Project. He also spoke to Commissioner Rojas comments and possible saturation of the cannabis market.

Vice Chair Toler spoke on housing. He stated he was looking forward to the discussions coming in the next few month in regards to implementing the Housing Element.

Chair Ereth thanked the Parks and Recreation Department on the Spring Fest event that was held the past weekend. He also stated he attended the Fairview Park Restoration event over the weekend with the Fairview Park Alliance.

He further stated the primary role of the Planning Commission is to make judicial reviews. To make those decisions, the Commission uses the general plan, ordinances and code to make findings on and to approve or deny the items brought before them. He stated he would argue the secondary role of the Commission is to consider the wider development initiatives and ideas within the City as promulgated by the City Council.

CONSENT CALENDAR:**1. APPROVAL OF MINUTES**

Commissioner Vivar made motion to approve minutes as written. Seconded by Vice Chair Toler.

MOVED/SECOND: Vivar/ Toler

MOTION: Moves staff recommendations.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas Vivar, Zich

Nays: None

Absent: Andrade

Abstained: Taber

Motion carried: 5-0-1-1

PUBLIC HEARINGS**1. PLANNING APPLICATION 22-42 FOR A CANNABIS NON-STOREFRONT RETAIL BUSINESS ("A & D COURIERS") LOCATED AT 2706 HARBOR BOULEVARD, SUITE 208**

Project Description: Planning Application 22-42 is a request for a cannabis non-storefront retail business ("A&D Couriers") within an existing multi-tenant mixed use building located at 2706 Harbor Boulevard, Suite 208 in the Local Business District (C1) zone.

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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.

No ex-parte communications reported.

Chris Aldana, Assistant Planner, presented the staff report.

Commission and Staff:

Discussion ensued on vehicles used for delivery, delivering staff, the difference between commercial zoned delivery only and Measure X zoned delivery only locations, delivery and distribution hours and if there will be site improvements.

The Chair opened Public Hearing.

Annie Santillan, applicant, stated she read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on the applicants plan for marketing and the applicant's decision to do a delivery only business.

The Chair opened Public Comments.

PUBLIC COMMENT:

David Dywike, spoke in support of the item.

The Chair closed Public Comments.

The Chair closed the Public Hearing.

Chair Ereth made a motion to approve application PA-22-42 subject to conditions of approval. Seconded by Vivar.

Commissioner Vivar spoke in support of the motion.

Commissioner Ereth spoke on his motion.

MOVED/SECOND: Ereth/ Vivar

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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

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Nays: None
 Absent: Andrade
 Recused: None
 Motion carried: 6-0

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 22-42, subject to conditions of approval.

RESOLUTION PC-2023-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-42 FOR A NON-STOREFRONT RETAIL BUSINESS ("A & D COURIERS") AT 2706 HARBOR BOULEVARD, SUITE 208

The Chair explained the appeal process.

2. PLANNING APPLICATION 22-27 FOR A RETAIL CANNABIS NON-STOREFRONT AND CANNABIS DISTRIBUTION FACILITY LOCATED AT 3505 CADILLAC AVE, UNIT O-209A (AK EXCLUSIVES)

Project Description: Planning Application 22-27 is a request for a CUP to operate both a non-storefront retail and distribution facility within a 1,170-square-foot tenant space in a multi-tenant industrial office building located at 3505 Cadillac Avenue, Unit O-209A. ("Non-storefront" delivery refers to the delivery of pre-packaged goods from the storefront business to customers at private addresses.)

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.

No ex-parte communications reported.

Gabriel Villalobos, Assistant Planner, presented the staff report.

The Chair opened Public Hearing.

Amin Kaun, applicant, stated that he had read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on the different aspects of retail delivery verses distribution facilities.

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The Chair opened Public Comments.

PUBLIC COMMENT:

No public comments.

The Chair closed the Public Comments.

The Chair closed the Public Hearing.

Vice Chair Toler made a motion to approve application PA-22-27 subject to conditions of approval. Seconded by Commissioner Rojas.

Vice Chair Toler spoke in his motion.

Commissioner Rojas spoke in support of the motion.

Chair Ereth spoke in support of the motion.

MOVED/SECOND: Toler/Rojas

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Andrade

Recused: None

Motion carried: 6-0

ACTION: The Planning Commission adopted a Resolution to:

1. Find that the project is 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 22-27, subject to conditions of approval.

RESOLUTION PC-2023-10 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-27 FOR A CANNABIS DISTRIBUTION AND NON-STOREFRONT RETAIL FACILITY (AK EXCLUSIVES) AT 3505 CADILLAC AVENUE, UNIT O-209A

The Chair explained the appeal process.

3. PLANNING APPLICATION 21-38 FOR A RETAIL CANNABIS 23-1167

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**STOREFRONT BUSINESS LOCATED AT 2424 NEWPORT BOULEVARD
UNITS C AND F (GAIA WELLNESS)**

Project Description: Planning Application 21-38 is a request for a CUP to allow a 1,552-square-foot retail cannabis storefront in an existing multi-tenant commercial building at 2424 Newport Boulevard (Units C and F). The affiliated State license is a Type 10 “storefront retailer” license. If approved, the business would be allowed to sell pre-packaged cannabis and pre-packaged cannabis products to customers onsite, subject to conditions of approval and other City and State requirements.

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.

Chair Ereth reported ex-parte communications.

Michelle Halligan, contract planner, presented staff report.

Commission and Staff:

Discussion ensued on the project site layout, letters of support received, wayfinding signage, prior occupant vacancies in the proposed building, associated restrictions with commercial residential, and the practical differences between commercial limited and commercial residential zoning.

The Chair opened Public Hearing.

Sean Maddocks, applicant’s representative, stated he read and agreed to the staff report.

Commission, Applicant and Staff:

Discussion ensued on signage, landscaping, noticing, previous tenants’ relocation, applicant’s discussion with the landlord, and incorporation and licensing of the company.

The Chair opened Public Comments

Public Comments:

None.

The Chair closed public comments.

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The Chair closed the Public Hearing.

Commissioner Rojas made a motion to approve application PA-22-27 subject to conditions of approval. Seconded by Vice Chair Toler.

Commissioner Vivar spoke in support of the motion.

Chair Ereth spoke in support of the motion.

MOVED/SECOND: Rojas/Toler

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Vivar, Zich

Nays: None

Absent: Andrade

Abstain: Taber

Motion carried: 5-0-1-1

ACTION: The Planning Commission adopted a Resolution to:

1. Find that the project is 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 21-38, subject to conditions of approval.

RESOLUTION PC-2023-11- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-38 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (GAIA WELLNESS) IN THE C1 ZONE AT 2424 NEWPORT BOULEVARD, UNITS C AND F

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang spoke on the West 19th Street Improvement Project. He informed the public on the City Councils upcoming Study Session with the Public Works staff giving a presentation.
2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

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ADJOURNMENT AT 8:35 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION