UNOFFICIAL UNTIL APPROVED

MEETING MINUTES OF THE CITY OF COSTA MESA PLANNING COMMISSION

August 14 2023

CALL TO ORDER

The Chair called the meeting to order at 6:10 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Rojas led the Pledge of Allegiance.

ROLL CALL

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

Absent: None

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

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Windy Simo, spoke on the noise coming from Gym 12. She commented on the reports made by Code Enforcement.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Vivar thanked Public Works Department for their work towards the making streets of Costa Mesa safer for pedestrians.

Commissioner Klepack thanked the Commission and staff for a warm welcome to the Planning Commission.

Chair Ereth stated the Commission was happy to welcome Commissioner Klepack on to the Planning Commission and stated he looked forward to working with her.

CONSENT CALENDAR:

No member of the public nor Commissioner requested to pull a Consent Calendar item.

1. **DECEMBER 12, 2022 UNOFFICIAL MEETING MINUTES**
2. **APRIL 24, 2023 UNOFFICIAL MEETING MINUTES**

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

MOVED/SECOND: Toler/Vivar
MOTION: Approve recommended action for Consent Calendar Items No. 1 and 2.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Klepack, Rojas, Vivar, Zich
Nays: None
Absent: None
Abstained: None.
Motion carried: 7-0

PUBLIC HEARINGS

1. **PLANNING APPLICATION 22-12 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING LOCATED AT 141 E. 16TH STREET (THE MERCANTILE)**

   Project Description: At its July 24, 2023 meeting, the Planning Commission continued the subject application to the next regularly scheduled Planning Commission meeting in order for staff to return with certain information. Planning Application 22-12 is a request for a Conditional Use Permit to allow an approximately 2,000-square-foot retail cannabis storefront use with delivery within an existing single-story commercial building located at 141 E. 16th Street.

   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.

   Scott Drapkin, Assistant Director, stated the applicant's legal council sent staff a letter requesting the item be pulled from the Agenda.

   Vice Chair Toler motioned to remove the item from the agenda and that the item be continued to a date uncertain. Seconded by Commissioner Vivar.

MOVED/SECOND: Toler/Vivar
MOTION: Approve staff's recommendation.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Klepack, Rojas, Vivar, Zich
Nays: None
Absent: None
Abstained: None.
Motion carried: 7-0

ACTION: The Planning Commission removed the item from the Agenda.

2. PLANNING APPLICATION 23-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A TATTOO AND BODY PIERCING (BODYART) ESTABLISHMENT AT 1834 NEWPORT BLVD, UNITS C & D

Project Description: Planning Application 23-04 is a request for a Conditional Use Permit for a new tattoo establishment (Cleopatra Ink) at 1834 Newport Blvd, Units C & D. The proposed use will occupy an approximate 1,300-square-foot space located within a multi-tenant commercial building. Hours of operation proposed are 10 a.m. to 10 p.m., seven days a week with a maximum of three employees onsite at any time.

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 Commission asked questions of staff including discussion of: site address occupancy clarification, and the number of customers allowed in the facility.

The Chair opened the Public Hearing.

Lugardo Madarza, applicant's representative, stated she had read and agreed to the conditions of approval.

The Chair opened public comments.

No public comments.

The Chair closed public comments.

The Chair closed the Public Hearing.

Commissioner Vivar made a motion. Seconded by Commissioner Rojas.

The Commission discussed the motion including:

Commissioner Vivar stated he was excited to see this new business come into Costa Mesa.

Chair Ereth told the applicant he apricated the applicant bringing their business to Costa Mesa

MOVED/SECOND: Vivar / Toler
MOTION: Approve staff's recommendation.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Klepack, Rojas, Vivar, Zich
Nays: None
Absent: None
Abstained: 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 15301 (Existing Facilities); and
2. Approve Planning Application 23-04, subject to conditions of approval.

RESOLUTION PC-2023-22 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A BODY ART ESTABLISHMENT AT 1834 NEWPORT BLVD, UNITS C & D

3. PLANNING APPLICATION 22-05 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 1505 MESA VERDE DR. E. ("C21+")

Project Description: Planning Application 22-05 is a request for a Conditional Use Permit to allow a 5,941-square-foot retail cannabis storefront use with delivery within an existing single-story commercial building located at 1505 Mesa Verde Drive E.

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.

Ex-pare communications:

Commissioner Zich reached out to a member of the public about a flyer that was received.

Commissioner Andrade spoke to the massage business on site.

Commissioner Vivar spoke to all the existing businesses on site and the building owner.

Chair Ereth spoke with a representative of the nearby Azulon Senior Living apartment building and received an email form a member of the public.

Michelle Halligan, Contract Planner, presented the staff report.

The Commission asked questions of staff including discussion of: location of the building entrance, structure improvements, Orange County Department of education facility near subject site, parking requirements, reasonings for conditions of approval number 8, sensitive use definition, and nearby Art studio.

The Chair opened the Public Hearing.

Hazelina Bell Adora, applicant, stated he had read and agreed to the conditions of approval.

The Commission asked questions of the applicant including discussion of: Age range of customers, relocation businesses on the property, lease agreement with the business owners on the property, public outreach, noticing, types of products being sold, medical aspect of the business, 90-day notice to vacate for current tenants, rent increases, stipend provided to current tenants for relocation, Medical Cannabis, inventory control, live clone plants being sold, and the Air filtration systems.

The Chair opened public comments.

Carrie Mizera, spoke in opposition of the item.

Barbara Carisless, spoke in opposition of the item.

Mark Less, spoke in opposition of the item.

The Chair closed public comments.

The Commission asked questions of the applicant including discussion of: how the product will impact a person’s still developing brain, neighboring school and

sensitive use distance, none flowering plant clones, THC percentages, no onsite consumption, security on site, and neighboring sites.

The Chair closed the Public Hearing.

Commissioner Vivar made a motion to deny Planning Application 22-05. Seconded by Commissioner Andrade.

The Commission discussed the motion including:

Commissioner Vivar stated based on the comments heard tonight, and the surrounding uses that are concentrated in the area are not compatible with the proposed use.

Commissioner Andrade stated the proposed use does not fit the area and is detrimental to the health and well being of the general public.

Commissioner Zich made a substitute motion to approve application Planning Application 22-05. Seconded by Commissioner Klepack.

The Commission discussed the motion including:

Commissioner Zich stated the application complies with all the required findings.

Commissioner Klepack stated the item complies with all the findings.

Vice Chair Toler stated this item follows the standards set by the City Council.

Commissioner Andrade stated the code is looking different then what the people voted on. That it is the Commissions role is to help be the voice of the people.

Commissioner Rojas, stated he agrees with all the Commissioners. However, the item follows the letter of the law and that regulations set by the City Council.

Commissioner Vivar stated that the voice of the people should be heard at every stage of deliberation of government bodies.

Commissioner Zich stated he agreed with all the Commissioners and hopes the City Council is listening and responsive.

Chair Ereth stated he agrees with his fellow Commissioners. However, it is not the Commissions job to create policy, the Commission is meant to regulate applications pursuant to adopted code and the general plan.

MOVED/SECOND: Zich/Klepack
MOTION: Approve staff's recommendation.

The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Rojas, Zich
Nays: Andrade, Vivar
Absent: None
Recused: None
Motion carried: 2-5

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 22-05, subject to conditions of approval.

RESOLUTION PC-2023-23 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-05 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (C21+) IN THE C1 ZONE AT 1505 MESA VERDE DRIVE EAST

OLD BUSINESS:

None.

NEW BUSINESS:

None.

DEPARTMENTAL REPORTS

1. Public Works Report – Mr. Yang spoke on the west 19th street bicycle improvement project.

2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT

1. City Attorney – None.

ADJOURNMENT AT 7:10 PM

Submitted by:

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SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION