

**RESOLUTION NO. PC-2023-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-39 TO EXTEND THE ENTITLEMENT OF PA-19-29 THE PROPERTY AT 3505 CADILLAC AVENUE, UNIT O-106 THROUGH OCTOBER 9, 2024**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, on or about November 8, 2016, Costa Mesa voters approved Measure X; which allows for the distribution, manufacturing, processing, research and development laboratories, testing laboratories and transportation of marijuana related uses located in the Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties north of South Coast Drive, west of Harbor Boulevard, excluding the South Coast Collection (SOCO) property located at 3033 Hyland Avenue.

WHEREAS, Planning Application 19-29 was approved by the Planning Commission on April 13, 2020, subject to conditions of approval, for the following described project:

A Conditional Use Permit to operate a cannabis manufacturing and distribution facility within a 4,480-square-foot tenant space at 3505 Cadillac Avenue, O-106. The applicant is proposing to use the tenant space for cannabis manufacturing, packaging, and distribution. The facility would have security systems (card readers, security cameras, etc.) throughout the facility. No cultivation of marijuana, or marijuana dispensary, is permitted.

WHEREAS, Planning Application 19-29 was extended by the Director of Economic and Development Services on April 11, 2022 for a 6-month time extension under Costa Mesa Municipal Code (CMMC) Section 13-29(k)(6). This approval extended PA-19-29's expiration to October 10, 2022.

WHEREAS, Planning Application 22-38 was filed by Bruce Entezam (Complex Plus) for the property owner, 3505 Cadillac 1 LLC, on October 10, 2022, requesting a one-year extension of PA-19-29, in accordance with CMMC Section 13-29(k)(6);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 13, 2023 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of CEQA under Section 15301 (Class 1) for Existing Facilities.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES that based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval of PA-19-29 dated April 13, 2020, the Planning Commission hereby **APPROVES** Planning Application 22-38 extending the effective date of PA-19-29 through October 9, 2024.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 22-38 and upon applicant's compliance with each and all of the conditions in PA-19-29, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 13th day of March, 2022.**

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Adam Ereth, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA   )  
COUNTY OF ORANGE    )ss  
CITY OF COSTA MESA    )

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on March 13, 2023 by the following votes:

AYES:           COMMISSIONERS

NOES:           COMMISSIONERS

ABSENT:        COMMISSIONERS

ABSTAIN:       COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2023-

## EXHIBIT A

### FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(K)(6) because:

**Finding:** A permit or approval may be extended beyond the expiration of the original approval provided the director or the review authority finds that there have been no changes in the conditions or circumstances of the site, such as Zoning Code or General Plan amendment or other local and statewide regulations affecting the approved development standards, or project so that there would have been ground for denial of the original project or any changes to the General Plan and/or Zoning Code that would preclude approval of the same project at the time of the requested extension.

- **Facts in Support of Findings:** The applicant indicates that the purpose of the time extension is to provide more time to submit for tenant improvements which is required based on financial hardships previously incurred from the pandemic. The approved Planning Application PA-19-29 remains in substantial compliance with the current Zoning Code and there have been no amendments to the General Plan and the Zoning Code that would affect the original project approval. General Plan **Policy LU-6.8** intends to provide efficient and timely review of development proposals while maintaining quality customer service standards for the business, development, and residential community. Approval of the time-extension would help promote Policy LU-6.8 by avoiding applicant development costs and time associated with filing a new application. The applicant has indicated that the additional 12 months to October 9, 2024 is sufficient to obtain building permits and begin work.

- B. **Finding:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1) for Existing Facilities. This exemption applies to the operation of existing structures involving negligible or no expansion of the use. The project involves no exterior additions to the existing industrial building. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.
- C. Conditions of Approval for approved PA-19-29 dated April 13, 2020, shall remain in full force and effect.