UNOFFICIAL UNTIL APPROVED

MEETING MINUTES OF THE CITY OF COSTA MESA
PLANNING COMMISSION

June 13, 2022
Regular Meeting – 6:00 p.m.

CALL TO ORDER:

Chair de Arakal called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

Commissioner Adam Ereth led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Adam Ereth, Commissioner Jonny Rojas, Commissioner Russell Toler, Commissioner Jimmy Vivar, Commissioner Dianne Russell

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Senior Planner Nancy Huynh, Associate Planner Chris Yeager, Contract planner Michelle Halligan, Public Works Director Raja Sethuraman, Transportation Services Manager Jennifer Rosales, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Frank Spitzer, resident, asked about the delay of the Wilson Water project.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Ereth spoke about the Lions Club Fish Fry that occurred over the weekend.

Commissioner Rojas thanked Costa Mesa Police Department for their surprise escort for the Wilson High school Graduating class.

Commissioner Toler stated he attended the Lions Club Fish fry with his family.

Commissioner Russell thanked the Lions Club for putting on the fish fry.

Vice Chair Zich informed the public on how to sign up for City notifications for the Planning Commission and City Council agendas through the website.

Chair de Arakal thanked the Costa Mesa Police Department for immediately elevating their presents at the schools following the Robb Elementary shooting.

PUBLIC HEARINGS:

1. **PLANNING APPLICATION 22-10 REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE AT 3390 HARBOR BOULEVARD**

   No public comments were received on this item.

   No ex-parte communications to report.

   Associate Planner, Chris Yeager, presented the staff report.

   Commission and staff discussion included:

   Commissioner Vivar asked staff asked if the remote nature of the lease will change in the future.

   Chair de Arakal opened the Public Hearing.

   Chair de Arakal asked the applicants representative if they have read the conditions of approval and if they agreed with them.

   Carmen Twerk, property owner's representative, stated that they had read the staff report and agreed to the conditions of approval.

   Chair de Arakal asked the owners team if they were aware that their lease could potentially be modified in the future.

   PUBLIC COMMENT:

   No public comments.

   The Chair closed the public comment portion of the public hearing.

   The Chair closed the public hearing.

   Chair de Arakal made motion. Seconded by Commissioner Toler.

   MOVED/SECOND: de Arakal/Toler
   MOTION: Moved staff's recommendation.

The motion carried by the following roll call vote:
Ayes: de Arakal, Zich, Ereth, Rojas, Russell, Toler, Vivar
Nays: None
Absent: None
Recused: None
Motion carried: 7-0

ACTION: Planning Commission adopted a Resolution:

1. Finding 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. Approving Planning Application 21-12, subject to conditions of approval.

RESOLUTION NO. PC-08-2022 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-10 FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A TEMPORARY COURTHOUSE USE LOCATED AT 3390 HARBOR BOULEVARD

The Chair explained the appeal process.

2. REVIEW OF PLANNING DIVISION ZONING APPROVAL BC21-00147 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND REMODEL AT 283 EAST 19TH STREET

Two Public Comments were received for this item.

No ex-parte communications to report.

Associate Planner, Chris Yeager, presented the staff report.

Commissioner Vivar asked about project shading impacts.

Commissioner Ereth asked about vegetation and opaque glass.

Vice chair Zich asked about Zoning approval process and if this item might come back to the Planning Commission.

Chair de Arakal asked about the egress window.

Chair de Arakal opened the Public Hearing.

Public Comment:

Karen Arnold, property owner next door to subject property, stated that shade and privacy are a major concern. The previous owner agreed to awning windows so that their privacy would not be invaded.

Commission, staff and property owner's discussion included:

Vice Chair Zich asked if the windows in question opened from the bottom. He asked the appellant if flipping the floor plan 180 degrees would satisfy privacy concerns.

Commissioner Viviar asked the appellant if they feel that shade will impact their vegetation.

Vice Chair Zich asked the owners representative if they felt the ideas he presented earlier would be workable.

Chair De Arakal closed the Public Hearing.

Chair deArakal stated he may make a motion to uphold the Zoning Administrator decision as is. He stated the applicants have met all the codes to have this project approved. however, wanted to hear from the other commissioners about their opinions before making that motion.

Vice Chair Zich Made a motion to uphold the Zoning Administrators approval with two modifications. Modifications include flipping the lay out of the library by 180 degrees and the second modification to include the out cove on the master two bedroom. Seconded by Commissioner Ereth.

Vice Chiar Zich stated he feels the motion satisfies both the applicants wishes and the privacy concerns of the neighbors.

Commissioner Ereth stated he was in support of the motion.

Commissioner Russell stated she was not in support of the motion.

Commissioner Rojas stated he is not in support of the motion.

Commissioner VIviar stated he is in support of the motion. However, would be open to hear a substitute motion.

Chair deArakal stated he was not in support of the motion.

Chair deArakal made a substitute motion to continue the item to the June 27, 2022 Planning commission meeting. Seconded by Commissioner Rojas.

Commissioner Russell stated she was in support of the motion.

Commissioner Viviar spoke in support of the motion.

Commissioner Zich spoke in support of the motion.

MOVED/SECOND: deArkal/Russell
MOTION: To continue the item to the June 27, 2022 Planning Commission meeting.

The motion carried by the following roll call vote:
Ayes: de Arakal, Zich, Ereth, Rojas, Russell, Vivar
Nays: None
Absent: None
Recused: Toler
Motion carried: 6-0-1

ACTION: Planning Commission continued the item to the June 27, 2022 Planning Commission meeting.

3. PLANNING APPLICATION 21-22 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2301 NEWPORT BOULEVARD

Public comments were received on this item, provided to the Commission and made part of the record.

Ex-parte communications:

Chair de Arakal had a conversation with the applicant.

Commissioner Ereth had a phone call with applicant.

Contract Planner, Michelle Halligan, presented the staff report.

Commission and staff discussion included:

Commissioner Vivar asked staff if the loading and unloading site would be visible from Newport Boulevard. Commissioner Vivar had concerns with the loading site being visible, security on site, the number of security guards, and potential parking issues.

Commissioner Ereth asked if the names of the owners will be public record and what information will become public.

Commissioner Rojas stated he echoed Commissioner Vivar's concerns on traffic flow and security.

Commissioner Toler asked what would happen if the applicant failed to meet the conditions of approval. He asked how the CUP relates to the State License and if one is dependent of the other.

Chair de Arakal asked if the security evaluation included a photometric study of their lighting scheme. He also asked about lighting requirements.

Chair de Arakal opened the Public hearing.

The applicant agreed to the conditions of approval.

Applicant's representative gave presentation.

Commission, staff and applicant discussion included:

Commissioner Russell asked applicant about security and landscaping plans.

Commissioner Ereth asked if the applicant will take Crypto as a form of payment, types of vehicles used to delivery product, landscaping and the Community benefits plan.

Commissioner Vivar asked for clarification on the security plan, traffic certification for employees and their traffic control devices, product storage behind closed casing, and procedures for customers with a medical marijuana card.

Chair de Arakal opened public comment.

Rod Hoover, spoke in opposition of the project.

Robert Taft Jr. stated he works with the Orange County Grand Jury and was hired to do an investigation on cannabis businesses in Santa Ana. He stated that the report found an increase in revenue to the City and no increase in criminal activity.

David Martinez commented on circulation and asked for a reduction on the number of driveways on the project's property.

Chair de Arakal Closed Public Comment.

Vice Chair Zich asked about the delivery starting at 5:00 a.m. and what issues staff found with that timeframe for delivery. He asked about 18-year-olds with medical cards and the process of purchasing product.

Commissioner Toler asked the reason as to why the code will not allow deliveries before 7am.

Commissioner Vivar asked that the applicants obtain traffic safety certification.

Chair de Arakal asked that the applicants moving forward provide a photometric study and lighting plan.

Chair de Arakal made motion.

Vice Chair Zich spoke in support if the motion.

Commissioner Toler spoke in support of the motion.

Commissioner Russell spoke in support of the motion and thanked staff for all their hard work.

Commissioner Ereth thanked staff for all of their hard work.

Chair de Arakal thanked the applicant and staff and spoke in support of the motion.

MOVED/SECOND: de Arakal/Ereth
MOTION: Moved staff's recommendation.

The motion carried by the following roll call vote:
Ayes: de Arakal, Zich, Ereth, Rojas, Russell, Toler, Vivar
Nays: None
Absent: None
Recused: None
Motion carried: 7-0

ACTION: Planning Commission adopted a Resolution:

1. Finding 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. Approving Planning Application 21-22, subject to conditions of approval.

RESOLUTION NO. PC-2022-09- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-22 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (CULTURE CANNABIS CLUB) IN THE C2 ZONE AT 2301 NEWPORT BOULEVARD

4. PLANNING APPLICATION 21-21 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 1990 HARBOR BOULEVARD

Public comments were received on this item, provided to the Commission and made part of the record.

No ex-parte communications.

Contract Planner, Michelle Halligan, presented the staff report.

Commissioner Ereth asked staff about the nonconformance of the property, relocation of the building entrance, parking attendant and driveway safety, traffic impact study, high volume events and the impacts on traffic.

Commissioner Vivar asked staff about the proposed landscape planters, security for delivery of product to the facility, why traffic control certification was not conditioned, and if there are prepotential pedestrian dangers associated with the driveway.

Chair deArakal asked staff about the entrance location and lighting plans.

Vice Chair Zich asked staff about driveway width requirements.

Chiar opened public hearing.

Robert Taft Jr. applicant, stated he read and agreed to conditions of approval.

The Chair opened public comments.

Ed Sapego, spoke on the lighting plan requested by the chair and the one lane entrance on the property.

David Martinez, spoke on pedestrian safety on this site.

The Chair Closed Public Comment.

Commissioner Viviar inquired on the driveway and pedestrians' safety.

Commissioner Ereth inquired on potential bike and pedestrian hazards, parking attendants and potential traffic impacts.

Chair closed Public Hearing.

Vice Chair Zich made motion to approve application. Seconded by Commissioner Russell.

Commissioner Zich spoke on his motion.

MOVED/SECOND: Zich/Russell
MOTION: Moved staff's recommendation.

The motion carried by the following roll call vote:
Ayes: de Arakal, Zich, Rojas, Russell, and Toler
Nays: Ereth, Vivar
Absent: None
Recused: None
Motion carried: 7-0

ACTION: Planning Commission adopted a Resolution:

1. Finding 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. Approving Planning Application 21-21, subject to conditions of approval.

RESOLUTION NO. PC-2022-10 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-21 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (VERTICAL FOUR DBA 420 CENTRAL NEWPORT MESA) IN THE C1 ZONE AT 1990 HARBOR BOULEVARD

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S):

1. Public Services Report – Mr. Yang, informed the commission and public of a virtual meeting on the storm water master plan.

2. Development Services Department – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney - None.

ADJOURNMENT AT 9:59 P.M.

Submitted by:

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SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION