

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

**March 27, 2023**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Commissioner Zich led the Pledge of Allegiance.

**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: Commissioner Jonny Rojas

Staff Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Senior Planner Nancy Huynh, Associate Planner Chris Yeager, Transpiration Manager Jennifer Rosales, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

None.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Vivar stated he received a flyer in the mail for the Northgate Market informational meeting that he will be attending on April 22.

Commissioner Andrade stated she attended the first Northgate informational meeting. She stated it was well attended and engaging.

Vice Chair Toler informed the public of the upcoming deadline to submit public comments for the environmental impact report for the State Emergency Operation Center that will be built at the Fairview Developmental Center.

Commissioner Vivar asked when the Commission would appoint a new Commissioner Liaison to the Housing and Grant Services Committee. Staff responded that the City Council is still considering the matter.

**CONSENT CALENDAR:**

**1. MINUTES FOR THE MEETING OF FEBRUARY 28, 2022**

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

**MOVED/SECOND:** Ereth/Vivar

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Vivar, Zich

Nays: None

Absent: Rojas

Abstained: Taber

Motion carried: 5-0-1-1

**2. MINUTES FOR THE MEETING OF JUNE 27, 2022**

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

**MOVED/SECOND:** Vivar/Ereth

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Vivar, Zich

Nays: None

Absent: Rojas

Abstained: Taber

Motion carried: 5-0-1-1

**PUBLIC HEARINGS**

**1. PLANNING APPLICATION 21-39 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 770 W. 19th STREET (NEBRINA)**

**Project Description:** Planning Application 21-39 is a request for a Conditional Use Permit to allow a retail cannabis storefront and delivery use within an existing 1,933 square-foot single-story commercial building located at 770 W 19<sup>th</sup> Street.

**Environmental Determination:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Commissioner Viviar recused himself from the item for having ownership in a business located within 500 feet of the subject property.

One ex-parte communication reported:

Chair Ereth held a call with Brandon Banks and spoke with a representative from the United Food and Commercial Workers international union. (UFCW)

Nancy Huynh, Senior Planner, presented the staff report.

**Commission and Staff:**

Discussion ensued on planting more trees along store fronts, planting drought tolerant or California native plants, cannabis advertainments on the billboard, and circulation on site.

**The Chair opened Public Hearing.**

Brandon Banks, applicant, stated he had read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Discussion ensued on the business name choice, residential public outreach efforts, the competitive advantage of this cannabis site, marketing plan, security on property, pedestrian access and their labor peace agreement.

The Chair opened Public Comments.

**PUBLIC COMMENT:**

Kevin Rager, spoke in opposition of the item.

Craig Litwin, spoke in support of the item.

Cathryn Young, spoke in opposition of the item.

The Chair closed Public Comments.

The Chair closed the Public Hearing.

**Commission and Staff:**

Discussion ensued on project noticing and separation requirements from sensitive uses.

**Commission Discussion:**

Discussion ensued on the number of trees in Costa Mesa, the future of Costa Mesa, and the number of cannabis sites.

Vice Chair Toler made a motion. Seconded by Chair Ereth.

Vice Chair Toler spoke on his motion.

Chair Ereth asked for a note to staff be put on the record to plant a tree in front of the site.

Commissioner Zich spoke in support of the motion.

Commissioner Taber spoke in support of the motion.

**MOVED/SECOND:** Toler/Ereth

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Taber, Zich

Nays: None

Absent: Rojas

Recused: Vivar

Motion carried: 5-0-1-1

**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 21-39, subject to conditions of approval.

**RESOLUTION PC-2023-07 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING**

**PLANNING APPLICATION 21-39 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (NEBRINA) IN THE C1 ZONE LOCATED AT 770 W. 19TH STREET**

The Chair explained the appeal process.

**2. PLANNING APPLICATION 21-37 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2146 NEWPORT BOULEVARD, UNIT C AND D (OTC VENTURA LLC)**

**Project Description:** Planning Application 21-37 is a request for a Conditional Use Permit to allow a retail cannabis storefront and delivery use in an existing 2,883-square-foot tenant space within a single-story, multiple-tenant commercial building located at 2146 Newport Boulevard (Units C and D).

**Environmental Determination:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities

Two ex-parte communications reported:

Commissioner Zich stated he spoke to the applicant during the meeting break.

Chair Ereth spoke with the applicant and the representative from the UFCW.

Christopher Yeager, Associate Planner, presented the staff report.

**Commission and Staff:**

Discussion ensued on other tenants in the proposed building, zoning, separation from sensitive uses and land use designation.

**Chair opened Public Hearing.**

Shawn Maddocks, applicant, stated that he had read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Discussion ensued on other storefronts owned by applicant, types of products offered, competitive advantage of this location, addiction education, labored peace agreement, noticing and the timeline of the nearby daycare facility licensing.

The Chair opened Public Comments.

**PUBLIC COMMENT:**

Speaker one, spoke in opposition of the item.

Yohan Gout, spoke in support of the item.

Speaker three, spoke in support of the item but had concerns on parking.

The Chair closed the Public Comments.

**Commission and Staff:**

Discussion ensued on parking.

**Commissioner Discussion:**

Discussion ensued on distance requirements from daycare, approval of sensitive uses after cannabis applications have been approved, the Crossing Church's knowledge of the proposed cannabis site, and the 55-freeway barrier from the daycare.

The Chair closed the Public Hearing.

Vice Chair Toler made a motion to approve application PA-21-37 subject to conditions of approval.

Vice Chair Toler made a motion. Seconded by Chair Ereth.

Vice chair Toler spoke on his motion.

Chair Ereth spoke in support of the motion.

**MOVED/SECOND:** Toler/Ereth

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Vivar, Zich

Nays: Taber

Absent: Rojas

Recused: None

Motion carried: 5-1-1-0

**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 (Existing Facilities); and
2. Approve Planning Application 21-37, subject to conditions of approval.

**RESOLUTION PC-2023-08- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-37 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (OTC VENTURA LLC) IN THE C1 ZONE AT 2146 NEWPORT BOULEVARD, UNITS C & D**

The Chair explained the appeal process.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – Mr. Yang spoke on the Bicycle Wayfinding Signage Project public outreach meeting on March 28, 2023 at 6:00 p.m. via zoom.
2. Development Services Report – None.

**CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – None.

**ADJOURNMENT AT 8:35 P.M.**

Submitted by:



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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION