

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

**February 28, 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:**

Chair de Arakal led the Pledge of Allegiance.

**ROLL CALL:**

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

Absent: Commissioner Jonny Rojas

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Interim Assistant Director Sheri Vander Dussen, Associate Planner Christopher Yeager, Contract Planner Michelle Halligan, Lieutenant Ed Everett, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie Colgan and Anna Partida

**ELECTION OF OFFICER:**

**1. SELECTION OF LIAISON TO THE HOUSING AND PUBLIC SERVICE GRANT COMMITTEE**

Commissioner de Arakal made motion to appoint Dianne Russell to the Housing and Public Services Grant Committee. Seconded by Vice Chair Zich.

**MOVED/SECOND:** de Arakal/Zich

**MOTION:** To appoint Dianne Russell to serve as the Planning Commission Liaison to the Housing and Public Service Grant Committee.

**Commission discussion included:**

Commissioner Toler stated he was in full support of the motion.

Commissioner Ereth seconded Commissioner Toler's comments on the motion.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Russell, Toler, Vivar

Nays: None

Absent: Rojas

Recused: None

Motion carried: 6-0

**ACTION:** Dianne Russell was selected as the Liaison to the Housing and Public Service Grant Committee.

**ANNOUNCEMENTS AND PRESENTATIONS:** None.

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:**

No public comments.

Chair de Arakal closed public comments.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Vivar informed the Commission and public that he spoke at his old high school about the importance of civic engagement and the importance of getting involved in their local community.

Commissioner Russell thanked the Commission for their support and appointing her to the Housing and Services Grant Committee.

Commissioner Toler presented a slide show regrading street frontages and design.

Commissioner Zich thanked Commissioner Toler for his presentation and stated Commissioner Toler had his support. He also thanked those from the public that were present in chambers for coming to the meeting.

**CONSENT CALENDAR:** None.

**PUBLIC HEARINGS:**

- 1. PLANNING APPLICATION 21-13 IS A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A PHARMACEUTICAL MANUFACTURING USE LOCATED AT 3030 AIRWAY AVENUE**

**Project Description:** Planning Application 21-13 is a request for a Conditional Use Permit (CUP) to allow for a pharmaceutical manufacturing use within the MP (Industrial Park) zone. The project proposes a major tenant improvement to

establish offices and laboratories (19,000 square feet), manufacturing (21,300 square feet), and warehousing uses (10,700 square feet). Exterior improvements include the removal and decommissioning of rooftop equipment, construction of a central utility plant, installation of an underground waste neutralization system, installation of an emergency generator, switchboards, compressed air systems, bulk tanks, transformer, modification of parking, and the installation of additional landscaping. The facility would be operated by Avid Biosciences, is proposed to operate 24 hours a day, and is projected to employ approximately 50 people over the next five years.

**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 public comments received on this item.

One ex-parte communication to report: Vice Chair Zich had conversations with staff on the item and conducted his own research on the item.

Associate Planner, Chris Yeager, presented the staff report.

**Commission and staff discussion included:**

Vice Chair Zich asked staff whether they require physical proof of the applicants, wastewater discharge permit before the City issues the applicant their building permit. He also asked whether the Fire Department reviewed the list of chemicals on the chemical inventory list and whether the applicant will be in possession of material safety data sheets for all the chemicals prior to operation.

Commissioner Vivar asked staff about odor control and what staff finds acceptable in regards to odor levels. He also asked whether the City has been in contact with the Sanitary Department to get their input on the potential discharge loads into the sewer from the facility.

The Chair opened the Public Hearing.

**PUBLIC COMMENT**

Applicant's Team: Michael Alston and Rami Barghout

Mr. Alston stated that he read the staff report and agrees to the conditions of approval.

Mr. Alston and Mr. Barghout presented a slide show.

**Commission, staff and Applicant discussion included:**

Vice Chair Zich asked the applicant how often the FDA conducts audits, and if they have an insurer that also conducts inspections. He asked if the Orange County Fire Authority would be conducting the inspections for their Costa Mesa facility. He inquired about clean rooms in the facility and if they employees will have to wear a breathing apparatus.

Commissioner Vivar asked the applicant what the differences between the Tustin facility and the Costa Mesa would be. He inquired about energy consumption and the applicants plan for the energy infrastructure. He asked the applicant about the facilities security.

Chair de Arakal asked the applicant about buffer tanks and what they will be used for. He asked the applicant about the safety features of their equipment with high pressure.

Chair opened Public Comment portion of the public hearing.

No public comments.

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

The Chair closed the public hearing.

**MOVED/SECOND:** de Arakal/Ereth

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

**Staff comments on Motion included:**

Vice Chair Zich thanked staff for following up prior to the public hearing on a number of his questions.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Russell, Toler, Vivar

Nays: None

Absent: Rojas

Recused: None

Motion carried: 6-0

**ACTION:** 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.
2. Approve Planning Application 21-13, subject to conditions of approval.

**RESOLUTION PC-2022-01-02 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING**

**PLANNING APPLICATION 21-13 FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A PHARMACEUTICAL MANUFACTURING USE LOCATED AT 3030 AIRWAY AVENUE**

The Chair explained the appeal process.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**1. CANNABIS RETAIL STOREFRONT AND NON-STOREFRONT REGULATIONS - INFORMATIONAL PRESENTATION**

**Project Description:** Staff provided to the Planning Commission with an informational presentation to assist and prepare the Commission for its review of the upcoming retail cannabis Conditional Use Permit applications. The presentation focused on the following topics:

- A background, timeline and summary of the City's cannabis regulations;
- A description of the types of cannabis related businesses that are permitted in the City with specific emphasis on retail cannabis uses;
- A summary of the applicable Costa Mesa Municipal Code regulations relating to cannabis permitting (including location requirements, development standards, and operational requirements);
- A discussion of the City's cannabis permitting process (including pre-application review, ownership requirements/background checks, business plan review, security plan review, and building and safety review);
- A review of the City's applicable Conditional Use Permit process and findings; and
- A summary of the cannabis retail applications under review.

**Environmental Determination:** In accordance with the California Environmental Quality Act (CEQA) Guidelines, the staff presentation is an exempt activity pursuant to Sections 15060(c)(1),(2)&(3) and 15061(b)(3). The presentation is not a "project" under CEQA.

Assistant Director Scott Drapkin presented the presentation.

**Commission and staff discussion included:**

Commissioner Ereth asked whether the future approved cannabis sites would preclude private schools or charter schools from opening up in the buffer zones around those cannabis businesses.

Commissioner Vivar asked whether business partners or those with majority stakes in the company would need to get a background check. He asked about security concerns with cannabis facilities and whether illegal facilities, which have

been shut down in the past, would affect legal cannabis facilities from opening. He inquired about transportation aspects of cannabis retailers, fees and advertising specifics. He also asked staff for a list of business displacements.

Commissioner Toler stated he was also interested in information on business that will be displaced.

Commissioner Russell asked about encouraging minority participation and giving minorities priority.

Vice Chair Zich asked why cannabis applicants need to show their financial situation in detail and for a list of examples of what is not compatible with the City in regards to cannabis application approval. He inquired about taxes and asked what percent of a cannabis delivery sale would be taxable.

Chair de Arakal asked about the cannabis business review process, what the process entails and the timeline of the process. He asked about traffic analysis and parking studies in the approval process. He also asked for an assessment of the Planning Department's staffing levels, where the staff is at in processing the cannabis applications, and whether these applications are hindering other non-cannabis applications from being processed.

Chair de Arakal opened public comment.

**PUBLIC COMMENT:**

No public comments.

The Chair closed public comment.

Chair de Arakal continued this item to the next meeting on March 14, 2022.

**DEPARTMENTAL REPORT(S):**

1. Public Services Report - Mr. Yang provided an update on the Jack Hammett Sports Project construction.
2. Development Services Department - None.

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

1. City Attorney - None.

**ADJOURNMENT AT 8:21 P.M.**

Submitted by:

A handwritten signature in black ink, appearing to read 'Drapkin', is written over a horizontal line.

SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION