UNOFFICIAL UNTIL APPROVED

MEETING MINUTES OF THE CITY OF COSTA MESA PLANNING COMMISSION

May 22, 2023

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Vivar led the Pledge of Allegiance.

ROLL CALL

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

Absent: None.

Staff Present: Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Assistant Planner Chris Aldana, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Wendy Simo, spoke on Gym 12 and the sound the gym is producing in the early morning hours.

Phone-in caller, informed the public about the public meeting being held on ourneghiborhoodvoiceics.com. to inform the public on an initiative that will be on ballot November 20. She commented on the joint study session between Planning Commission and City Council held the previous week

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Vivar spoke on parking concerns at cannabis store front grand openings. He spoke on parking requirements.

Commissioner Zich spoke to the comments from commissioner Vivar.

Vice Chair Toler spoke on Love Costa Mesa Day.

CONSENT CALENDAR:

1. **APRIL 25, 2022 UNOFFICIAL MEETING MINUTES**

2. **AUGUST 8, 2022 UNOFFICIAL MEETING MINUTES**

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

   MOVED/SECOND: Vivar/ Ereth
   MOTION: Moves staff recommendations.
   The motion carried by the following roll call vote:
   Ayes: Ereth, Toler, Rojas Vivar, Zich
   Nays: None
   Absent: Andrade
   Abstained: Taber
   Motion carried: 5-1-1

   Chair Ereth pulled Consent Calendar item number three for review.

   Commissioner Andrade joined meeting at 6:14 p.m.

3. **GENERAL PLAN CONFORMITY RESOLUTION FOR THE CITY OF 23-1228 COSTA MESA ONE-YEAR FY 2023-2024 AND FIVE-YEAR FY 2023-2028 CAPITAL IMPROVEMENT PROGRAMS**

   Discussion ensued on energy and sustainability, climate action plan, Norma Hertzog Center roof replacement, tree planting program, City Council approval, type of metrics used while preparing the budget, active transportation, and westside park development plans.

   Chair Ereth made motion to approve Consent Calendar item number three as written. Seconded by Vice Chair Toler.

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

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 15378 in that the City's Capital Improvement Program is a fiscal planning and budgeting activity, which allows the City to plan for future specific capital improvement projects and does not commit the City to implement any specific project or project design; and

2. Approve the General Plan Conformity Resolution for the City of Costa Mesa one-year FY 2023-2024 and five-year FY 2023-2028 Capital Improvement Program (CIP).

RESOLUTION NO. PC-2023-15 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE PROPOSED ONE-YEAR FY 2023-2024 AND FIVE-YEAR FY 2023-2028 CAPITAL IMPROVEMENT PROGRAMS ARE IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN

PUBLIC HEARINGS

1. PLANNING APPLICATION 22-14 AND TENTATIVE PARCEL MAP 2022-139 FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 185 ROCHESTER STREET

Project Description: Planning Application 22-14 and Parcel Map 20-04 (Tentative Parcel Map 2022-139) is a request for a residential small lot subdivision to create two parcels and for the construction of two units. The project proposes to subdivide the 6,343-square-foot parcel into two parcels; that are approximately 3,334 and 3,009 square feet. The project includes the demolition of an existing single-family residential unit and the construction of two new-detached single-family dwelling units with attached two-car garages. In addition, the project proposes site improvements including new hardscape and landscaping throughout.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15315 (Class 15), Minor Division of Land, and Section 15332 (Class 32) In-Fill Development.

No ex-parte communications reported.

Jeffrey Rimando, Assistant Planner, presented the staff report.

Commission and Staff:

Discussion ensued on the proposed subdivision HOA, garage storage space, shared driveway, using garage space as storage, property grading, wall height, open space requirements, historic resource requirements, driveway finishing, and sewage updates.

The Chair opened Public Hearing.

Stephen Chin, applicant representative, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on the finished grading of the site, wall height, grass and water conservation.

The Chair opened Public Comments.

PUBLIC COMMENT:

None.

The Chair closed Public Comments.

The Chair closed the Public Hearing.

Commissioner Taber made a motion to approve application PA-22-14, Parcel Map 20-04 and Tentative Parcel Map 2022-139, subject to conditions of approval. Seconded by Vice Chair Toler.

Commissioner Taber spoke on his motion.

Vice Chair Toler spoke in support of the motion.

Commissioner Zich spoke in support of the motion.

Commissioner Vivar spoke in support of the motion.

Chair Ereth spoke in support of the motion.

MOVED/SECOND: Taber/ Toler
MOTION: Moves staff recommendation.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Rojas, Taber, Vivar, Zich
Nays: None
Absent: None
Recused: 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 15315 (Class 15) Minor Division of Land, and Section 15303 (Class 3) New Construction or Conversion of Small Structures; and
2. Approve Planning Application 22-14 and Parcel Map 20-04 (Tentative Parcel Map 2022-139), subject to conditions of approval.

RESOLUTION NO. PC-2023-16 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-14 AND TENTATIVE PARCEL MAP 2022-139 FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 185 ROCHESTER STREET

The Chair explained the appeal process.

2. PLANNING APPLICATION 22-04 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2790 HARBOR BLVD. SUITES 107, 109, AND 115 (FROM THE EARTH)

Project Description: Planning Application 22-04 is a request for a Conditional Use Permit to allow a 2,370-square-foot retail cannabis storefront with delivery ("From the Earth") within an existing multi-tenant commercial building located at 2790 Harbor Boulevard, Suites 107, 109, and 115. The proposed use would be subject to Costa Mesa's regulations, conditions of approval, and State cannabis regulations.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), for the permitting and/or minor alterations of Existing Facilities.

Two ex-parte communications reported:

Commissioner Vivar had a conversation with a tenant at 2790 Harbor.

Commissioner Zich had a conversation with James Dewey.

Christopher Aldana, Assistant Planner, presented the staff report.

Discussion ensued on CUP's approved in the shopping center, sign requirements, procedures for product delivery, previous tenants in the center, parking concerns, tenants being displaced, land use policy and procedures, zoning, saturation

concerns, labor peace agreement, reason this location has been vacant for so long, difference between C1 and C2 zoning districts and window visibility requirements.

The Chair opened Public Hearing.

Dan Zaharoni, applicant, stated that he had read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on the applicant acquiring of third unit on site, public outreach, armed security, training for employees, From the Earth Foundation and volunteer opportunities, Harold Robinson Foundation sponsorship, donation of money to and sponsoring of local schools, potential conflicts with supporting schools with a cannabis business, communication with current tenant occupying space in proposed site, displacement of current tenant, plans for neighboring relationships, management of parking and traffic, event days, window transparency and natural light, and advertising.

The Chair opened Public Comments.

PUBLIC COMMENT:

Public speaker one, spoke in opposition of the item.

Mary Pham, spoke in opposition of the item.

Jason Piazza, spoke in support of the item.

Michael Seagal, does not support or oppose item. However, has parking and security concerns.

Pubic speaker five, spoke in opposition of the item.

Public speaker six, spoke in opposition of the item.

Public speaker seven, spoke in opposition of the item.

Jurado Camacho, spoke in opposition of the item.

Eferman Rosales, spoke in opposition of the item.

Tony Arietta, spoke in opposition of the item.

Speaker eleven, spoke in opposition of the item.

The Chair closed the Public Comments.

Dan Zaharoni gave closing comments.

Commission and staff:

City staff was asked if outreach to neighbors is a requirement.

The Chair closed the Public Hearing.

Chair Ereth made motion to continue Planning Application 22-04 to the next regularly scheduled planning commission meeting. Seconded by Vice Chair Toler.

Chair Ereth spoke on his motion.

Vice Chair Toler spoke in support of the motion.

Commissioner Taber made alternate Motion to deny Planning Application 22-04. Seconded by Commissioner Vivar.

Commissioner Taber spoke on his motion.

Commissioner Vivar spoke in support of the alternate motion.

Commissioner Zich spoke in support of the alternate motion.

Commissioner Rojas spoke in support of the alternate motion.

Commissioner Andrade, spoke in support of the alternate motion.

Chair Ereth spoke in opposition of the alternate motion.

MOVED/SECOND: Taber/Vivar
MOTION: To deny Planning Application 22-04.
The motion carried by the following roll call vote:
Ayes: Andrade, Rojas, Taber, Vivar, Zich
Nays: Ereth, Toler
Absent: None
Recused: None
Motion carried: 5-2

ACTION: The Planning Commission adopted a Resolution to deny Planning Application 22-04.

RESOLUTION NO. PC-2023-17 - A RESOLUTION OF THE PLANNING

COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA DENYING PLANNING APPLICATION 22-04 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (FROM THE EARTH) IN THE C1 ZONE AT 2790 HARBOR BOULEVARD, SUITES 107, 109, AND 115

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang wished everyone a Happy National Public Works week.

2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 10:00 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION