UNOFFICIAL UNTIL APPROVED

MEETING MINUTES OF THE CITY OF COSTA MESA PLANNING COMMISSION

September 26, 2022

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Russell led the Pledge of Allegiance.

ROLL CALL

Present: Vice Chair Jon Zich, Commissioner Adam Ereth, Commissioner Johnny Rojas, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jimmy Vivar

Absent: Chair Byron de Arakal

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Deputy City Attorney Tarquin Preziosi, Principal Planner Phayvanh Nanthavongdouangsy, Assistant Planner Patrick Achis, Transportation Services Manager Jennifer Rosales, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

Director of Economic and Development Services Jennifer Le introduced newly hired Principal Planner, Phayvanh Nanthavongdouangsy to the Planning Commission.

PUBLIC COMMENTS:

Wendy Simo, Costa Mesa resident, thanked staff for their help in quieting the music coming from the gym located at 140 17th Street.

Jay Humphrey, Costa Mesa resident, gave a presentation on the number of housing units in Costa Mesa.

Costa Mesa business owner, spoke on his cannabis business (Winter Green) that came before the Planning Commission last April.

Costa Mesa resident, spoke on ballot Measure K.

Costa Mesa resident, also spoke on ballot Measure K.

Costa Mesa resident, asked for an update on when the road repair taking place on Wilson Street between Harbor Boulevard and Fairview Road would be completed. City Engineer Seung Yang gave an update on the project.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Toler spoke on the recent street tragedies in the City, road safety and the comfort of our streets. He expressed support for staff in their efforts to make the streets better for all people. He also announced three bills signed by the Governor: AB 1938, AB 2264 and AB 2097.

Commissioner Ereth noted he attended the State of The City and thanked the Chamber of Commerce for their efforts. He was also pleased to have attended Art Venture and to see all the local artists represented at the event. He noted his attendance at the Wild & Scenic film festival held in Mesa Verde last weekend.

Commissioner Vivar thanked the public for attending the Commission meeting and welcomed Phayvanh to the City. He noted his participation in a prayer breakfast with Council Member Reynolds in honor of Hispanic Heritage month. He requested that staff provide a site map showing locations of approved and pending Measure Q applications. Director Lee noted staff will provide this information to the Commission.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:

1. **ZONING APPLICATION 22-22 TO AMEND A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (PA-17-17) TO DEVIATE FROM SHARED PARKING REQUIREMENTS AND ALLOW AN ACCESSORY TASTING AREA IN AN EXISTING HOME-BREWING SUPPLY AND SPECIALTY BEER AND WINE STORE (WINDSOR HOMEBREW SUPPLY) IN THE C1 ZONE FOR PROPERTY AT 743 BAKER STREET, SUITES D AND E**

   Project Description: Planning Application ZA-22-22 is an amendment to an existing conditional use permit (PA-17-07). The proposed amendment would add a 476-square-foot accessory tasting area within an existing retail establishment that specializes in beer, wine, and home brewing. The accessory tasting area is designed to provide customers with a beer tasting and educational experience. Included is a request for a finding of public convenience or necessity for the issuance for a Type 42 (On-Sale Beer and Wine – Public Premises) license through the California Department

of Alcoholic Beverage Control (ABC). Proposed hours of operation are 10 a.m. to 7 p.m. daily.

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

Two ex-parte communications to report:

Commissioner Russell visited the site and talked with staff.

Vice Chair Zich visited the site and also talked with staff.

Assistant Director Scott Drapkin introduced Assistant Planner Patrick Achis to the Commission.

Assistant Planner Patrick Achis, presented the staff report.

Commission and Staff:

Commissioner Vivar asked why staff included Land Use Policy 6.7 for this application. Assistant Planner Achis noted the policy was used as a way to retain and encourage the economic opportunities for this existing business.

Vice Chair Zich had questions regarding the conceptual plans submitted. Staff noted that more detailed plans would be submitted in the building permit stage.

Discussion ensued regarding portable refrigerated units, the prohibition of their use, and the requirements of ADA compliance of restrooms.

The Vice Chair opened public hearing.

Mr. Scott Windsor, applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. Windsor thanked staff and provided a brief overview of the business.

Commissioner Vivar inquired whether the applicant would use the second instructional class proposed in the report. Mr. Windsor answered he would not at the present time, but wanted that option in the future, if needed.

The Vice Chair opened Public Comments.

PUBLIC COMMENT:

Roderick Graham, adjacent property owner, spoke in favor of the application and insufficient parking in the surrounding area. He asked the Commissioners to consider a paid parking plan for the area.

Kyle Bishop, Costa Mesa resident, spoke in favor of the application.

The Vice Chair closed Public Comments.

The Vice Chair closed the Public Hearing.

Commissioner Toler made a motion, seconded by Commissioner Rojas.

Commissioner Toler spoke on his motion and supported the idea of paid parking in the area.

Commissioner Rojas spoke on his second and also supported the idea of paid parking.

Commissioner Russell spoke on her support for retaining an existing business and paid parking for the area.

Commissioner Vivar spoke in support of retaining this existing business and the idea of paid parking.

Commissioner Ereth also spoke in support of the application.

Vice Chair Zich spoke on his support for the application, and the number of ABC licenses in the area. He also commented on the parking in the area.

MOVED/SECOND: Toler/Rojas
MOTION: Move staff's recommendation.
The motion carried by the following roll call vote:
Ayes: Zich, Ereth, Rojas, Russell, Toler, Vivar
Nays: None
Absent: de Arakal
Recused: None
Motion carried: 6-0

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) Section 15301 (Class 1), Existing Facilities; and
2. Approve Zoning Application 22-22 and making a finding of public convenience or necessity for the issuance of a Type 42 (On-Sale Beer and Wine – Public Premises) ABC license, subject to conditions of approval.

RESOLUTION PC-2022-23 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING

APPLICATION 22-22 FOR A CONDITIONAL USE PERMIT AMENDMENT TO DEVIATE FROM SHARED PARKING REQUIREMENTS AND ALLOW AN ACCESSORY TASTING AREA IN AN EXISTING HOME-BREWING SUPPLY AND SPECIALTY BEER AND WINE STORE IN THE C1 ZONE FOR PROPERTY AT 743 BAKER STREET, SUITES D AND E

The Vice Chair explained the appeal process.

2. PLANNING APPLICATION 22-17 FOR A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE K-12 SCHOOL (RENASCENCE SCHOOL INTERNATIONAL) IN THE C1 ZONE FOR THE PROPERTY AT 1600 ADAMS AVENUE AND 2850 MESA VERDE DRIVE EAST

Project Description: Planning Application 22-17 is a request for a Conditional Use Permit to operate a private K-12 school (Renascence School International) in the existing 23,000 square foot building. Up to 210 students would attend the school on weekdays from 8:00 a.m. to 3:30 p.m.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities and 15332 (Class 32) In-Fill Development Projects.

Four ex-parte communications to report:

Commissioner Ereth recused himself from the item, due to his long term support of the Renascence School.

Commissioner Vivar talked to one of the parents of a student.

Commissioner Russell attended their open house, took a tour of the facility and talked to staff.

Commissioner Rojas talked to someone affiliated with the school at the beginning of this meeting.

Assistant Planner Patrick Achis, presented the staff report.

Commission and Staff:

Commissioner Rojas asked for clarification on the pickup drop off area noted in the staff report.

Assistant Development Services Director Scott Drapkin noted he will have Transportation Manager Jennifer Rosales speak to the Commission on any traffic concerns.

Commissioner Russell asked whether the traffic circulation for this school would interfere with the Montessori School next door.

Mr. Drapkin noted staff had visited the site on several occasions, spoke with the Montessori school and does not believe it would create any traffic impacts.

Commissioner Vivar asked whether an elevator would be on site due to ADA concerns.

Mr. Arich confirmed the applicant is adding an elevator to the property.

Commissioner Vivar had questions on signage and traffic restrictions for the site.

Transportation Services Manager Jennifer Rosales, spoke on the signage while exiting the site and striping for the right turn restrictions on Adams Avenue.

Vice Chair Zich requested clarification on the enrollment numbers for the school, which he received.

Discussion ensued on parking space counts and available parking spaces for this property and the adjacent property.

Discussion ensued regarding access via Mesa Verde Drive East, vehicle queuing during drop off times for the school and way finder signs on Adams Avenue to direct patrons into the correct school entrance.

The Vice Chair opened Public Hearing.

Adrienne Gadsden, case planner for the project, spoke briefly on the conditions of approval.

Carrie Mizera, Executive Director and authorized agent, stated she read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Ms. Mizera thanked staff and provided an overview of the application.

Several students and a representative of the property owner spoke in support of the project.

Commissioner Toler asked whether the school had a bus system or ride share program in order to mitigate the vehicles coming into the school. Ms. Mizera noted the school is actively working with a ride share program to implement a plan in the near future.

Discussion ensured regarding the City's upcoming Adams Avenue improvement plans that will provide significant changes to the street.

Commissioner Toler noted his concern with the right turn lane onto Adams Avenue from the school and questioned if additional conditions of approval need to be added.

Commissioner Vivar supported language learning and the students that spoke in support of their school.

Discussion ensued regarding bicycle racks, bus drop off zone area for field trips; and a food and supply delivery designated area.

Vice Chair Zich thanked the students for their presentation and asked whether the school had any accreditations.

Ms. Mizera noted the school is in the process of obtaining accreditation through WASA.

The Vice Chair opened Public comments.

PUBLIC COMMENT:

Speaker 1, student attending the school, spoke in favor of the application.

Speaker 2, spoke in favor of the application.

Eric Emory, Costa Mesa resident, spoke in favor of the application and pedestrian safety on Mesa Verde Drive East.

Heather Reeves, resident and business owner in Costa Mesa, spoke in favor of the application.

Danny Reed, Campus Director of Renascence School International (K-12), spoke in favor of the application and the school.

Christina Nielson, Costa Mesa resident, spoke in favor of the application.

Michael Flynn, Costa Mesa resident and business owner, spoke in favor of the application.

Mag Christianson, Costa Mesa resident, spoke in favor of the application.

Deanna Law, spoke in favor of the application.

Dr. Mary Pham, Costa Mesa resident and business owner, spoke in favor of the application.

Catelyn Swaggert, Costa Mesa resident, spoke in favor of the application.

The Vice Chair closed Public Comments.

Ms. Mizera clarified that they will have bike rack at the school.

Commissioner Vivar requested clarification of the Mesa Verde Drive entrance restrictions.

Assistant Director Scott Drapkin, noted that entrance will also have right turn only restrictions and signage for the school.

The Vice Chair closed the public hearing.

Commissioner Russell made a motion, seconded by Commissioner Rojas.

Commissioner Russell spoke on the motion and approval of the application.

Commissioner Rojas spoke on the motion and his approval of the application.

Commissioner Toler spoke on the motion, his approval of the application and asked the City to make note of the school entrance during the Adams Avenue project.

Commissioner Vivar spoke on the motion and approval of the application. He asked the maker of the motion whether they would add a condition to include a (R-3-2) No Left Turn sign facing the traffic from the driveway.

Mr. Drapkin noted that the motion could include the language that staff can research and review Commissioner Vivar's request for the sign and include this an additional condition of approval, only if appropriate.

Commissioner Russell affirmed the additional language to the motion. Commissioner Rojas affirmed.

Vice Chair Zich spoke on the motion and his approval of the application.

MOVED/SECOND: Russell/Rojas
MOTION: Move staff's recommendation and have staff research and review whether a (R-3-2) No Left Turn sign facing traffic from the driveway on Adams Avenue be added as a Condition of Approval, only if appropriate.
The motion carried by the following roll call vote:
Ayes: Zich, Rojas, Russell, Toler, Vivar
Nays: None

Absent: de Arakal
Recused: Ereth
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) Section 15301 (Class 1), Existing Facilities and Section 15332 (Class 32), Infill; and
2. Approve Planning Application 22-17, subject to conditions of approval.

RESOLUTION PC-2022-24 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-17 FOR A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE K-12 SCHOOL IN THE C1 ZONE FOR THE PROPERTY AT 1600 ADAMS AVENUE AND 2850 MESA VERDE DRIVE EAST

The Vice Chair explained the appeal process.

Commissioner Ereth returned to the dais at 8:22 p.m.

The Commission took a break at 8:23 p.m.

The Commission reconvened at 8:35 p.m.

3. PLANNING APPLICATION 21-29 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 170 EAST 17TH STREET, SUITES 115 AND 116 (CATALYST)

Project Description: Planning Application 21-29 is a request for a Conditional Use Permit to operate a storefront retail cannabis business within an existing 2,559 – square-foot tenant space (suites 115 and 116) within an existing commercial building located at 170 East 17th Street. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customer's onsite, subject to conditions.

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

Five ex-parte communications to report:

Commissioner Ereth visited the property and spoke to the current tenant.

Commissioner Vivar visited the property and spoke to the current tenant.

Commissioner Russell visited the property and met with several tenants in the building.

Commissioner Toler had spoken with the applicant via Zoom call.

Vice Chair Zich visited the property and spoke with the property owner.

Senior Planner Nancy Huynh, presented the staff report.

Commission and Staff:

Commissioner Ereth requested clarification on how the applicant will achieve greater conformance to code requirements, as outlined in the staff report.

Ms. Huynh noted the applicant will landscape and re-stripe the parking area, in order to achieve greater code compliance.

Discussion ensued regarding advertisement standards for cannabis.

Commissioner Vivar requested clarification on the Land Use Policy used for this application.

Vice Chair Zich had a question on Condition of Approval (COA) number 11 and number 7.

Ms. Huynh noted COA number 11 should have referenced COA number 6, staff will make that correction.

Discussion ensued regarding the Lot Line adjustment requirement and recordation prior to building permits being issued for this project.

The Vice Chair opened the Public Hearing:

Mr. Elliott Lewis, owner and applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. Lewis thanked staff and provided a brief overview of the application.

Commissioner Vivar requested clarification on the applicant's social equity license issued in Los Angeles County.

Mr. Lewis explained the process and the license issued for those cannabis businesses.

Discussion ensued regarding the project site location and the the current tenant.

Commissioner Ereth noted his meeting with the current tenant.

Discussion ensued regarding the business integrating with the neighborhood and how that will be accomplished.

The Vice Chair opened Public Comments.

PUBLIC COMMENT:

Speaker 1, employee of Catalyst, spoke in favor of the application.

Speaker 2, employee of Catalyst, spoke in favor of the application.

Amber Tovar, employee of Catalyst, spoke in favor of the application.

Danielle Lopez, employee of Catalyst, spoke in favor of the application.

Valerie Brunege, employee of Catalyst, spoke in favor of the application.

Christiana Ahmad, spoke in favor of the application.

The Vice Chair closed Public Comments.

The Vice Chair closed the Public Hearing.

Mr. Elliott spoke in favor of his application.

Vice Chair Zich spoke on his visit to the location and observed storage containers and canopies in the parking lot that support the car wash and asked if these were approved.

Ms. Huynh affirmed they are an approved use for that parking lot.

Discussion ensued on the parking lot and storage container approvals.

Commissioner Toler made a motion, seconded by Commissioner Russell.

Commissioner Toler, Commissioner Russell and Commissioner Rojas spoke in favor of the motion.

Commissioner Vivar spoke in opposition of the motion.

Vice Chair Zich spoke in favor of the motion.

MOVED/SECOND: Toler/Russell
MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:
Ayes: Zich, Rojas, Russell, Toler
Nays: Ereth, Vivar
Absent: de Arakal
Recused: None
Motion carried: 4-2

ACTION: The Planning Commission adopted a resolution to:

2. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-29, subject to conditions of approval.

RESOLUTION PC-2022-25 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-29 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (CATALYST) IN THE C2 ZONE AT 170 EAST 17TH STREET, SUITES 115 AND 116

The Vice Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang introduced Transportation Serviced Manager Jennifer Rosales who spoke on two "Walk to School Day" events planned on October 5th and 12th. She invited the Commissioners and public to attend.

   Mr. Yang spoke on the duration of the street project on Placentia Avenue, per Vice Chair Zich's request.

2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 9:46 P.M.

Submitted by:

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SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION