

UNOFFICIAL UNTIL APPROVED

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

August 8, 2022

CALL TO ORDER

The Chair called the meeting to order at 6:05 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Toler led the Pledge of Allegiance.

ROLL CALL

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

Absent: None

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Deputy City Attorney Tarquin Preziosi, Senior Planner Nancy Huynh, Contract Planner Michelle Halligan, Assistant Planner Gilbert Villalobos, Active Transportation Coordinator Brett Atencio Thomas, Senior Engineer Noel Casil, City Engineer Seung Yang, and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

None.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Vivar thanked the public for attending the Planning Commission meeting and invited the public to also attend the City Council meetings.

Chair de Arakal thanked public services for the installation of the stop signs at Sonora Road and Drake Avenue. He has noticed a reduction in speed in this area.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:

1. PLANNING APPLICATION 21-27 FOR A RETAIL CANNABIS STOREFRONT USE WITH DELIVERY LOCATED AT 1072 BRISTOL STREET, SUITE 100

Project Description: Planning Application 21-27 is a request for a conditional use permit to operate a storefront retail cannabis business with delivery within an existing 3,286-square-foot suite and a 11,880-square-foot commercial building located at 1072 Bristol Street. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and via delivery to private addresses, subject to conditions of approval.

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 Ereth spoke with the applicant twice.

Commissioner Vivar spoke to members of the community near the project and the existing tenant at the property.

Contract Planner Michelle Halligan, presented the staff report.

Commission and Staff:

Commissioner Ereth asked whether other tenants of the property will have their own parking designations separate from the applicant. Staff noted that is not a requirement at this time.

Discussion ensued on the signage for the business, the parking monitor for the site and what the City's working definition of "materially detrimental" is, as noted in the staff report.

Commissioner Ereth spoke on the General Plan Land Use Element specified in the staff report for this business.

Commissioner Ereth asked whether the applicant had plans to expand at this location. Staff noted the application is only for this specific suite and any expansion plan in the future would need to be considered separately.

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Commissioner Vivar noted no rules in regards to trash pick-ups in the staff report. Staff noted the trash enclosure is located in the front of the building adjacent to Bristol Street, which would not impact the residential neighborhood.

Discussion ensued regarding the school bus pickup site located at Masters Circle and possible expansion of this business into an adjacent suite.

Commissioner Toler noted LED strip lighting in the site plan and confirmed with staff that the signage would be reviewed for the City's sign standards.

Vice Chair Zich asked for clarification on what the City's code would allow in the C1 Zone. Staff explained the various commercial uses allowed in the C1 Zone.

The Chair opened public hearing.

Mr. Sean Maddox, applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. Maddox thanked staff and provided an overview of the business.

Commissioner Ereth asked the applicant how they would mitigate customers parking in Masters Circle, which the applicant clarified by noting their use of parking attendants on the site.

Discussion ensued regarding parking concerns and mitigation.

Commissioner Vivar had questions on parking concerns, which the applicant answered.

Commissioner Vivar questioned the applicant whether the business had any expansion plans at the site.

Mr. Maddox stated the retail space has no plans for expansion, however Mr. Andy Singh (co-owner) does plan on occupying another suite for office use only and is considering purchasing the building in the future.

Vice Chair Zich asked the applicant on his availability to neighboring residents when they had concerns regarding the business. Mr. Maddox noted many of the residents have his email and phone number already and he is readily available to any concerned residents.

Discussion ensued regarding operation of the business and mitigation measures to ease concerns of the adjacent residential neighborhood.

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Chair de Arakal asked the applicant to clarify the date of the initial outreach efforts to the adjacent residents, which Mr. Maddox answered as late May or early June of this year.

The Chair opened Public Comments.**PUBLIC COMMENT:**

Claudia Tebbs, Costa Mesa resident, spoke in opposition to the application and her concerns regarding parking.

Speaker 2, spoke in opposition to the application and concerns regarding parking and close proximity to a residential neighborhood.

Marianne Orr, Costa Mesa resident, spoke in opposition to the application and her concerns on crime and parking.

Speaker 4, spoke in opposition to the application and spoke on her concerns of the close proximity to a residential neighborhood.

Shelly Walsh, Costa Mesa resident, spoke in opposition to the application and her concerns regarding crime increasing around a dispensary.

Scott Norville, Costa Mesa resident, spoke in favor of licensed cannabis dispensaries.

John Peterson, Costa Mesa resident, spoke in opposition to the application.

Ray Markley, adjacent business owner, spoke in opposition to the application and his concerns regarding parking.

Charles Clark, Costa Mesa resident, spoke in opposition to the application and his concerns regarding speeding and parking in his residential neighborhood.

Geraldine Favela, Costa Mesa resident, spoke in favor of the application and cannabis dispensaries.

Brenda Arnett, Costa Mesa resident, spoke in opposition to the application and her concerns on quality of life issues and quiet enjoyment of her home.

Ahmet Rahman, Costa Mesa resident, spoke in opposition to the application and his safety concerns.

Jerry Arnett, Costa Mesa resident, spoke in opposition to the application and quality of life issues.

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Mike Musalee, Costa Mesa business owner, spoke in favor of the application and the co-owners of the business.

Elizabeth Moser, spoke on behalf of Tim Boss, Costa Mesa resident, who is in opposition to the application.

Chelsea Dalton, Costa Mesa resident, spoke in favor of the application and the business owners.

Susan Gabriel, Costa Mesa resident, spoke in opposition to the application.

Shelby, Costa Mesa resident/cannabis worker, spoke in favor of the application.

Speaker 19, spoke in opposition to the application.

Speaker 20, spoke in opposition to the application and his concerns of safety for the neighborhood.

David Walker, Costa Mesa resident, spoke in opposition to the application and his concerns of safety for the neighborhood.

Speaker 22, Costa Mesa resident, spoke in opposition to the application and her concerns for parking and safety in the neighborhood.

Speaker 23, Costa Mesa resident, spoke in opposition to the application and his concerns for safety in the neighborhood.

Ellen Walker, Costa Mesa resident, spoke in opposition to the application and the location of the business.

Linda Rank, Costa Mesa resident, spoke in opposition to the application and safety concerns.

Speaker 26, Costa Mesa resident, spoke in opposition to the application and safety concerns.

Cassius Rutherford, Costa Mesa resident, spoke on his observations at the location.

David Martinez, Costa Mesa resident, spoke on parking not being an issue in the area and active transportation.

The Chair closed Public Comments

The Chair invited the applicant to speak on public comments.

Andy Singh provided comments.

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Discussion ensued regarding security operations at the location.

Commissioner Toler questioned Mr. Singh on the reasons for this business staying open later in the evening. Mr. Singh noted the City's ordinance allows the business stay open until 10:00 pm and noted most retail stores stay open late for business.

The Chair closed the public hearing.

Discussion ensued on whether another retailer or this applicant had submitted an application for a cannabis storefront on the second floor at this address.

Chair de Arakal made a motion, seconded by Vice Chair Zich.

Chair de Arakal spoke on his motion to deny the application.

Vice Chair Zich spoke on his second to deny the application.

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

Chair de Arakal spoke on the City's code, the discretionary review by the Planning Commission and the location of this application adjacent to a residential neighborhood.

MOVED/SECOND: de Arakal/Zich

MOTION: Deny 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: The Planning Commission adopted a resolution to:

1. Find that CEQA does not apply to this project because it has been rejected and will not be carried out, pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a); and
2. Deny Planning Application 21-27.

RESOLUTION PC-2022-17 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA DENYING PLANNING APPLICATION 21-27 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (CM TRIANGLE) IN THE C1 ZONE AT 1072 BRISTOL STREET, SUITE 100.

The Chair explained the appeal process.

The Commission took a break at 8:48 p.m.

The Commission reconvened at 8:59 p.m.

2. PLANNING APPLICATION 21-17 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2845 HARBOR BOULEVARD (MARKETPLACE)

Project Description: Planning Application 21-17 is a request for a Conditional Use Permit to operate a storefront retail cannabis business with delivery within an existing 4,073-square-foot commercial building located at 2845 Harbor Boulevard. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and via delivery to private addresses, subject to conditions of approval.

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.

Four ex-parte communications to report:

Commissioner Ereth called the applicant, but did not receive a call return.

Commissioner Vivar had email communication regarding this item.

Commissioner Russell had email communication with the applicant.

Chair de Arakal received an email from applicant.

Assistant Planner Gabriel Villalobos, presented the staff report.

Commission and Staff:

Commissioner Ereth asked for clarification on alcoholic beverages sold on site. Senior Planner, Nancy Huynh, noted per State law cannabis beverages cannot be infused with alcohol.

Discussion ensued regarding the restriction of customer access to the driveway on Lemon Street, and driveway approach access on Ponderosa Street and Harbor Boulevard.

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Commissioner Ereth asked whether this property fell into any of the housing opportunity sites along Harbor Boulevard. Assistant Director Scott Drapkin, confirmed the property is not an opportunity site.

Commissioner Vivar asked on the property ownership of the adjacent site, due to the shared access agreement for parking with this application. Mr. Villalobos noted the applicant is leasing both parcels from the same property owner in order to gain more parking spots and additional ingress and egress to the business.

Discussion ensued regarding vehicle ingress and egress on Ponderosa Street and traffic in the adjacent residential neighborhood.

Commissioner Vivar asked for clarification on the lease termination for the parcel, which staff answered.

Commissioner Rojas requested clarification on the distance between the Ponderosa Street entrance and the Harbor Boulevard entrance, which staff answered.

Chair de Arakal asked on trips per day to the site and how they were calculated. Senior Engineer Noel Casil explained how the trips were calculated for the site.

Chair de Arakal asked for clarification on the lease for the two parcels on site. Staff confirmed the applicant is leasing both parcels on the site.

The Chair opened Public Hearing.

Christopher Glew, applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. Glew thanked staff and provided an overview of the business.

Commissioner Ereth had questions regarding ride sharing and technology, which the applicant noted they encourage employees to use Uber, and encourage residents to walk, ride or use bus transportation.

Discussion ensued regarding the planned security measures and job outreach efforts to local community colleges and neighborhoods.

Commissioner Vivar asked the applicant on their community outreach efforts to the residential neighborhoods and businesses near them, which Mr. Glew provided.

Discussion ensued regarding the second parcel being leased and the anticipated use for the extra parking on site.

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Chair de Arakal noted the potential condition of a parking monitor for the first 90 days of the opening of the business, to monitor the traffic flow.

The Chair opened Public comments.**PUBLIC COMMENT:**

Chelsea Fogelman, Costa Mesa resident and business owner, spoke in favor of the application.

The Chair closed Public comments.**The Chair closed the public hearing.**

Commissioner Toler made a motion, seconded by Commissioner Russell.

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

Chair de Arakal asked the maker of the motion and the second if they agreed to add an additional condition of approval to have two parking attendants to monitor the parking lot for first 90 days.

Commissioner Toler agreed, as did Commissioner Russell.

Commissioner Vivar spoke in favor of the motion.

Vice Chair Zich spoke in favor of the motion.

Chair de Arakal spoke in favor of the motion.

MOVED/SECOND: Toler/Russell

MOTION: Move staff's recommendation with added condition of approval.

The motion carried by the following roll call vote:

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

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) Section 15301 (Class 1), Existing Facilities and;
2. Approve Planning Application 22-17, subject to conditions of approval with added condition.

ADDED CONDITION:

Condition of Approval (Operational Conditions) No. 26 to read: In the first 90 days of business operations, there shall be at least two parking attendants to monitor the parking lot. The parking attendants shall be stationed near the driveway entrances to ensure that customers are not parking in the adjacent properties parking spaces, and to direct vehicles on-site so they do not queue on to Harbor Boulevard or Ponderosa Street. The attendants shall also ensure the parking lot is functioning efficiently without negatively impacting the existing businesses onsite and any surrounding properties. Economic and Development Services staff will periodically visit the business unannounced within the first 90 days on several occasions to verify the parking and circulation condition during normal hours of operation. After the initial 90 days, staff will determine if the parking attendants are still needed to maintain efficient parking and traffic flow.

RESOLUTION PC-2022-18 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-17 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (MARKETPLACE) IN THE C1 ZONE AT 2845 HARBOR BOULEVARD

The Chair explained the appeal process.

3. PLANNING APPLICATION 21-16 FOR A RETAIL CANNABIS STOREFRONT USE WITH DELIVERY LOCATED AT 1854 NEWPORT BOULEVARD

Project Description: Planning Application 21-16 is a request for a CUP to allow retail cannabis uses within an existing 1,300-square-foot building with delivery located at 1854 Newport Boulevard. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers' onsite and via delivery to private addresses, subject to conditions of approval.

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 attempted to contact the applicant.

Commissioner Vivar had communication with Jim Fitzpatrick.

Commissioner Toler spoke with staff and the applicant.

Commissioner Russell exchanged emails with the applicant's representative.

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Chair de Arakal received an email from the applicant's representative but did not respond.

Contract Planner Michelle Halligan, presented the staff report.

Commission and Staff:

Commissioner Ereth asked for clarification from staff that the signage for the building will remove any imaging of a cannabis leaf. Ms. Halligan noted the City code is very specific on not using a leaf or the word cannabis.

Commissioner Vivar requested clarification whether the site will only have two access points into the property. Active Transportation Coordinator Brett Atencio Thomas explained the access to the property (one on Broadway and one on Newport Boulevard) as recommended by staff.

Discussion ensued regarding the right turn only on Broadway, and hours of operation for the previous tenant.

The Chair opened the Public Hearing:

Christopher Glew, applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

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

Commissioner Ereth asked the applicant on their job recruitment efforts to hire local residents. Mr. Glew provided a brief outline on their recruitment efforts.

Discussion ensued regarding the one ingress/egress from Newport Boulevard and the one egress from Broadway.

Commissioner Vivar requested clarification on the vendor delivery times to the business, which Mr. Glew explained.

Vice Chair Zich commented on support of youth organizations by this business.

The Chair opened Public Comments.**PUBLIC COMMENT:**

Speaker 1, expressed his support for the closing of one entrance on Newport Boulevard and pedestrian access.

The Chair closed Public Comments.

The Chair closed the Public Hearing.

Chair de Arakal made a motion, seconded by Commissioner Ereth.

Mr. Drapkin asked the Chair if he would include Transportation Services request in the motion limiting the ingress/egress to only one entrance on Newport Boulevard.

Chair de Arakal agreed, as did Commissioner Ereth.

Commissioner Toler, and Commissioner Ereth spoke in support of the motion.

Commissioner Vivar supports the motion and appreciated the applicants outreach to the community. He also agreed with Vice Chair Zich's comments on youth organizations.

MOVED/SECOND: de Arakal/Ereth

MOTION: Move staff's recommendation with added condition of approval.

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: 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 Planning Application 21-16, subject to conditions of approval with added condition.

ADDED CONDITION:

Condition of approval (Operational Conditions) No. 24 to read: The applicant shall submit a revised parking lot and circulation site plan to the Development Services Department that (1) removes the southerly driveway on Newport Boulevard, (2) revises the northerly driveway on Newport Boulevard to include ingress/egress and (3) the driveway on Broadway be limited to exit only for the right-hand turns only. A sign shall be posted on the private property near the exit of Broadway that indicates "Right-Hand Turns Only." The parking lot plan changes shall be subject to the approval of the Director of Public Works.

RESOLUTION PC-2022-19 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-16 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (DIPPITY BY MR. NICE GUY) IN THE C2 ZONE AT 1854 NEWPORT BOULEVARD

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The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang reported the traffic signal at Baker Street and Randolph Avenue is now up and running.
2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 10:28 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION