

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

November 27, 2017

These meeting minutes represent an "action minute" format with a concise summary of the meeting. A video of the meeting may be viewed on the City's website at www.costamesaca.gov or purchased on DVD upon request.

The Chair called the meeting to order (00:00:10).

Vice Chair de Arakal led the Pledge of Allegiance.

ROLL CALL

Present: Chair Stephan Andranian
Vice Chair Byron de Arakal
Commissioner Jeffrey Harlan
Commissioner Isabell Kerins
Commissioner Carla Navarro Woods

Staff: Barry Curtis, Director of Economic and Development Services
Jennifer Le, Assistant Director of Development Services
Tarquin Preziosi, Assistant City Attorney
Yolanda Summerhill, Deputy City Attorney
Scott Porter, City Attorney's office
Bart Mejia, City Engineer
Willa Bouwens-Killeen, Zoning Administrator
Mel Lee, Senior Planner
JohnWilly Aglupos, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

Chief Stefano welcomed Jon Neal as the City's new Assistant Fire Marshall.

PUBLIC COMMENTS:

Rick Huffman, Costa Mesa resident, asked that the slideshow presented at the special meeting be made available online and suggested hiring a professional urban planning consultant to help out with the Small Lot Ordinance (SLO) and Urban Plan/Overlay Districts issues.

Wendy Leece, Costa Mesa resident, asked that the Commission look at the original vision for the overlay districts and asked what the process would be to undo the overlays on Newport Beach and Harbor Boulevard.

Beth Refakus, Costa Mesa resident, announced items that the military affairs team is collecting for the 1/5 Marine unit at Camp Pendleton and asked to adjourn the meeting in memory of Brad Long.

Jay Humphrey, Costa Mesa resident, stated concerns with the lack of information that was provided on the topics that were discussed at the special meeting and suggested taking action right away.

An unidentified speaker stated concerns with how the SLO was adopted and suggested doing a petition to eliminate the SLO and Overlay Districts.

Joanne Perler, Costa Mesa resident, suggested that a goal of the Commission should be to look at potential development and see if it makes sense for the City. She suggested that the SLO might not be a good thing and that building any more should not be a goal.

Robin Leffler, Costa Mesa resident, spoke about the City's Measure Y and stated that the City's General Plan did not reflect what the residents wanted.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Vice Chair de Arakal spoke about the passing of City employee, Brad Long.

Chair Andranian stated that the meeting will be adjourned in Brad Long's honor.

CONSENT CALENDAR (00:24:33)

1. MINUTES FOR THE MEETING OF OCTOBER 9, 2017.

There were no public comments on the consent calendar items.

**MOTION: Move approval of Consent Calendar.
Moved by Vice Chair de Arakal, seconded by Commissioner Harlan.**

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods
Noes: None
Absent: None
Abstained: None

PUBLIC HEARINGS (00:25:32)

1. PLANNING APPLICATION PA-17-38 TO ALLOW A MEDICAL MARIJUANA EXTRACTION FACILITY AT 3590 CADILLAC AVENUE, UNIT B

Project Description: Planning Application PA-17-38 is a request for a Conditional Use Permit (CUP) for a Medical Marijuana facility within a 7,315-square-foot tenant space at 3590 Cadillac Avenue, Unit B. The proposed use would involve the extraction of oils from marijuana plants. The project site will include a product storage room, a vault room, offices, and a conference room. The facility will be staffed by at least 2 persons. The facility will have up to four 25-ton rosin press machines for the extraction of oils from marijuana plants and will also have security systems (card readers, security cameras, etc.) throughout the facility. No distribution of marijuana, cultivation of marijuana, or medical marijuana dispensary is permitted.

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

No ex-parte communications to report.

Mel Lee, Senior Planner, presented the staff report.

Commissioner Navarro Woods, staff and Tarquin Preziosi, Assistant City Attorney, discussed the medical marijuana green waste process and energy use; and how the recently adopted state regulations would apply to this application.

Vice Chair de Arakal stated concerns with the auditing and monitoring aspect of an all cash business; asked how the product is transported to and from the facility; asked how the roll-up doors will be secured; and asked that there be card swipe access into the vault room and product storage area.

Mr. Lee explained that some aspects of the security plans are proprietary information and not available to the public. Vice Chair de Arakal responded that he would like to see the security plans maybe in closed session so he can see and understand how the security plans are being handled.

PUBLIC COMMENTS

Chris Sheppard, applicant, read and agreed to the conditions of approval. He presented a video on the process of extracting the oils from the marijuana plant and answered questions about what happens to the green waste, transportation, auditing, banks that accept cash from medical marijuana businesses, locks on the roll up doors, and the vault security plan.

Commissioners and Mr. Sheppard discussed transportation companies; if more press machines will be added in the future; and how much electricity the machines use.

Wendy Leece, Costa Mesa resident, asked about security when the product is taken off the transportation truck; stated concerns regarding the potential for reduced inspections stated in Condition of Approval No. 27; and whether Code Enforcement has sufficient staff to be able to inspect on a quarterly basis.

Teresa Drain, Costa Mesa resident, asked if there will be a smell that occurs during the extraction process.

An unidentified speaker spoke in opposition to this item.

An unidentified speaker spoke in support to this item.

Mr. Sheppard responded to public comments.

Commissioner Kerins asked if security cameras will be located where the trucks will be dropping off the marijuana plants. Mr. Sheppard responded yes.

The Chair closed the public hearing.

Vice Chair de Arakal and Mr. Preziosi discussed the distributing component of Measure X.

Commissioner Navarro Woods, Mr. Curtis and Mr. Preziosi discussed staffing levels to enforce conditions for the new marijuana businesses under Measure X and how the City is planning to adapt to all the changes that are going to occur at the State level with Prop 64.

MOTION: Move that the Planning Commission adopt a Resolution to approve Planning Application PA-17-38, subject to findings in Exhibit A and to the conditions of approval in Exhibit B and find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301.

Moved by Vice Chair de Arakal, seconded by Commissioner Kerins.

RESOLUTION PC-17-49 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-17-38 TO ALLOW A MEDICAL MARIJUANA EXTRACTION FACILITY AT 3590 CADILLAC AVENUE, UNIT B

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

2. REVIEW OF ZONING APPLICATION ZA-17-11 TO INSTALL A SMALL CELL FACILITY ON TOP OF A SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED ADJACENT TO 450 WEST WILSON STREET

Project Description: A review of the Zoning Administrator's approval of a minor conditional use permit (MCUP) to allow the installation of a small cell facility on top of a Southern California Edison (SCE) streetlight pole located within a 500-foot radius of residentially-zoned properties and a deviation from the maximum allowed volume of the radio box. This item was continued from the November 13, 2017 Planning Commission meeting.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 (Class 3), New Construction or Conversion of Small Structures.

No ex-parte communications to report.

Commissioner Harlan recused himself at 7:24 p.m.

John Willy Aglupos, Assistant Planner, presented the staff report.

Commissioners, staff, Scott Porter, City Attorney's staff, Yolanda Summerhill, Deputy City Attorney, and Bart Mejia, City Engineer, discussed what the Commission's jurisdiction is when reviewing this item; notification rules; submittal process; post-construction testing of the cell towers; ownership of the light poles; who maintains the light poles; and radio boxes.

Vice Chair de Arakal suggested that the RF (radio frequency) report be a part of the packet in future applications and not required as a condition of approval.

PUBLIC COMMENTS

Peter Blied, applicant, read and agreed to the conditions of approval. He explained the reasons why the small cell facility is needed.

Commissioners and Mr. Blied discussed how many more projects he is planning on in the City; key areas they will be placed; why they were not applied for all at the same time; impacts of wildlife nesting on cell facilities; the need for this cell facility in the proposed location; whether the cell facilities are repeaters; and the range of the facility.

An unidentified speaker spoke in support of this item and asked how the cell facility will be serviced and where the truck will park.

Wendy Leece, Costa Mesa resident, spoke in opposition to this item, questioned the need for it, and stated concerns with the concentration of cell facilities in the City.

Barbara Morihira, Costa Mesa resident, stated concerns with the number and location of cell facilities in the City and suggested limiting them in residential areas.

Teresa Drain, Costa Mesa resident, read information from a website of how many cell facilities and antennas are located near the application site.

An unidentified speaker spoke in opposition to this item, noting her preference for these items to be reviewed at a public hearing and expressing concern regarding safety and the number of cell facilities in the City.

Mr. Blied responded to public comments.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission uphold the Zoning Administrator's approval of Minor Conditional Use Permit ZA-17-11.

Moved by Vice Chair de Arakal, seconded by Commissioner Kerins.

Chair Andranian directed staff to look into the cell facility on the east side to see if it is in violation of any City rules and suggested to work with the owner of the facility to minimize its effect.

RESOLUTION PC-17-50 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION AND APPROVING MINOR CONDITIONAL USE PERMIT ZA-17-11 TO INSTALL A SMALL CELL FACILITY ON TOP OF A STREETLIGHT POLE LOCATED ADJACENT TO 450 WEST WILSON STREET

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: Harlan

The Chair explained the appeal process.

Commissioner Harlan re-entered Chambers at 8:21 p.m.

3. REVIEW OF ZONING APPLICATION ZA-17-38 TO INSTALL A SMALL CELL FACILITY ON TOP OF A SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED ADJACENT TO 2196 HARBOR BOULEVARD

Project Description: A review of the Zoning Administrator's approval of a minor conditional use permit (MCUP) to allow the installation of a small cell facility on top of a Southern California Edison (SCE) streetlight pole located within a 500-foot radius of residentially-zoned properties and a deviation from the required antenna height. This item was rescheduled from the November 13, 2017 Planning Commission meeting due to lack of quorum.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 (Class 3), New Construction or Conversion of Small Structures.

Chair Andranian recused himself from this item and Public Hearing Item No. 4 at 8:22 p.m.

Commissioner Harlan recused at 8:23 p.m.

No ex-parte communications to report.

JohnWilly Aglupos, Assistant Planner, presented the staff report.

PUBLIC COMMENTS

Aaron Snyder, applicant's representative, read and agreed to the conditions of approval. He presented a slideshow of the proposed application.

Commissioner Kerins and Mr. Snyder discussed the design of the small cell facility, particularly the canister diameter and volume.

An unidentified speaker stated concerns with the cell facility designs being all different and the City not earning money from the cell facility.

Mr. Snyder gave closing comments.

The Vice Chair closed the public hearing.

MOTION: Move that the Planning Commission uphold the Zoning Administrator's approval of Minor Conditional Use Permit ZA-17-38.

Moved by Commissioner Navarro Woods, seconded by Vice Chair de Arakal.

Commissioner Navarro Woods suggested that maybe the City should consider buying back the Southern California Edison light poles to generate revenue.

Vice Chair de Arakal asked staff to look into if there could be a uniform standard of design included in Ordinance 19-15.

RESOLUTION PC-17-51 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION AND APPROVING MINOR CONDITIONAL USE PERMIT ZA-17-38 TO INSTALL A SMALL CELL FACILITY ON TOP OF A STREETLIGHT POLE LOCATED ADJACENT TO 2196 HARBOR BOULEVARD

The motion carried by the following roll call vote:

Ayes: de Arakal, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: Andranian and Harlan

The Vice Chair explained the appeal process.

Commissioner Harlan re-entered Chambers at 8:40 p.m.

4. REVIEW OF ZONING APPLICATION ZA-17-39 TO INSTALL A SMALL CELL FACILITY ON TOP OF A SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED ADJACENT TO 333 MERRIMAC WAY

Project Description: A review of the Zoning Administrator's approval of a minor conditional use permit (MCUP) to allow the installation of a small cell facility on top of a Southern California

Edison (SCE) streetlight pole located within a 500-foot radius of residentially-zoned properties and a deviation from the maximum antenna height. This item was continued from the November 13, 2017 Planning Commission meeting.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15303 (Class 3), New Construction or Conversion of Small Structures.

No ex-parte communications to report.

Johnwilly Aglupos, Assistant Planner, presented the staff report.

Commissioner Kerins stated concerns with the small cell facility's proximity to the neighborhood.

Mr. Porter and Commissioners Kerins discussed if the Commissioners have jurisdiction over the location of the cell facility.

Commissioner Navarro Woods stated concerns with the location of the small cell facility being near pine trees and asked who maintains the trees for proper function of the cell facility.

Mr. Mejia responded that if the pine trees are City owned, then the Maintenance Department is limited to normal maintenance for each of the trees and the utility company would be responsible for any additional maintenance.

PUBLIC COMMENTS

Aaron Snyder, applicant's representative, read and agreed to the conditions of approval and responded to Commissioners concerns.

Commissioner Kerins asked Mr. Snyder if they looked at placing the cell facility in the parking lot across the street. Mr. Snyder responded no, it is a private property and not in the public right-of-way where they have the legal right to locate.

Commissioner Navarro Woods and Mr. Snyder discussed whether the Orange County Fairgrounds location was considered.

Teresa Drain, Costa Mesa resident, stated concerns with the cell facility pole's aesthetics, visibility from the adjacent residential neighborhood, and suggested moving them to Orange Coast College.

An unidentified speaker expressed concern regarding the cell facility pole's proximity to residential uses and asked if there was a leasing agent involved in the application with contacting Southern California Edison.

Mr. Snyder responded to public comments.

Vice Chair de Arakal asked Mr. Snyder to explain their legal rights to locate in public right-of-way under State law.

The Vice Chair closed the public hearing.

Vice Chair de Arakal asked Mr. Porter if the State preempts the Commissioners discretion on the aesthetics of the cell facility. Mr. Porter responded it does not relate to aesthetics but to allow anyone that has State approval to use the public right-of-way for free.

Commissioner Kerins and Mr. Porter discussed whether the Commissioners have the ability to dictate the location of the cell facility.

**MOTION: Move that the Planning Commission uphold the Zoning Administrator's approval of Minor Conditional Use Permit for ZA-17-39.
Moved by Vice Chair de Arakal, seconded by Commissioner Harlan with discussion.**

Commissioners, staff and Ms. Summerhill discussed an alternative option of continuing the item to clarify street right-of-way boundaries and discuss viable alternative locations.

Mr. Porter explained the legal aspect of the findings that the Commission would need to make if they decided to deny the item.

**SUBSTITUTE MOTION: Move that the Planning Commission continue the item, requesting additional information.
Moved by Commissioner Navarro Woods, seconded by Commissioner Kerins.**

Vice Chair de Arakal and staff discussed the public right-of-way for the proposed cell tower.

The motion carried by the following roll call vote:

Ayes: Harlan, Kerins, Navarro Woods
Noes: de Arakal
Absent: None
Abstained: Andranian

Following the vote, Mr. Porter stated the applicant is suggesting an alternative design.

Ms. Summerhill stated that the Commission can consider an additional motion and re-open the hearing.

The Vice Chair re-opened the public hearing.

Mr. Snyder stated they are willing to use an alternative canister that would reduce the size to 26 inches.

Commissioner Navarro Woods and Mr. Snyder discussed why the applicant is willing to reduce the size of the canister in this application but suggested it was not feasible in the previous one.

An unidentified speaker stated concerns with the applicant's willingness to change the size of the canister in this application but not in the previous one. Asked if an alternative site was possible and if the canister could be smaller.

Teresa Drain, Costa Mesa resident, asked to uphold the substitute motion and consider an alternative site.

The Vice Chair closed the public hearing.

The Vice Chair asked the Commissioners that voted for the substitute motion if they wanted to offer a new motion for consideration.

Commissioner Harlan and staff discussed whether the applicant supplied a range of alternatives or if the City can supply a range of alternatives to consider for this particular situation.

The Vice Chair stated that the previous motion will stand.

Ms. Summerhill suggested that applicant work with staff to make alternative proposals.

Vice Chair stated that the direction to staff is to work with the applicant to explore alternative proposals and to consider comments made by the Commission.

Mr. Snyder stated that he would be in agreement to a continuance to a January time frame.

DEPARTMENTAL REPORT(S)

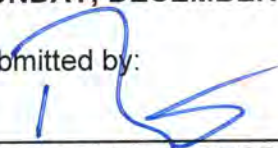
1. Public Services Report – Mr. Mejia gave an update on the Arlington Drive Bioswale project.
2. Development Services Report – none.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – reflected on working with City employee, Brad Long, and stated that she appreciates and enjoys working with everyone.

ADJOURNMENT (03:22:09) IN MEMORY AND HONOR OF CITY EMPLOYEE BRAD LONG, TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, DECEMBER 11, 2017.

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION