

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

**September 13, 2021**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

Absent: None

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, Assistant Planner Christopher Yeager, City Engineer Seung Yang and Recording Secretary Julie Colgan

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

None.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

None.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS**

- 1. PLANNING APPLICATION 18-34 A2 (ZA-21-18) TO MODIFY A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT TO ALLOW FOR A TYPE 7**

## **MANUFACTURING LICENSE FOR VOLATILE EXTRACTION AT 3503 CADILLAC AVENUE, UNIT F5**

**Project Description:** Planning Application 18-34 A2 is a request to modify the previously-approved Conditional Use Permit for an existing marijuana manufacturing and distribution facility located within a 7,178-square-foot tenant space in an existing multi-tenant industrial building. The applicant is proposing to modify its approved manufacturing license from a Type 6 (non-volatile extraction) to a Type 7 (volatile extraction) license. No cannabis retail or cultivation is proposed.

**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 reported:

Vice Chair Zich noted an ex-parte communication via email from the applicant's authorized agent notifying him that this planning application was forthcoming.

Commissioner Russell noted an ex-parte communication via email from the applicant's authorized agent notifying her that this planning application was forthcoming.

Commission Ereth noted an ex-parte communication via email from the applicant's authorized agent as well as the owner notifying him that this planning application was forthcoming.

Chair de Arakal noted an ex-parte communication via email and telephone conversation with the applicant's authorized agent.

Christopher Yeager, Assistant Planner, presented the staff report.

### **Commission and Staff:**

Commissioners asked staff questions regarding the fire safety plans, hazardous materials considerations, and approval by the City's Fire Marshall.

Fire Marshall Jon Neal noted their approval with the equipment and safety plans. He noted no excess butane will be stored at the site.

Commissioner Ereth asked if the applicant is required to submit their communications from the South Coast Air Quality Management Division (SCAQMD) to the City and if this is a condition of approval for a Type 7 license.

Director of Economic and Development Services Jennifer Le noted that this is typically addressed during the building permit process and is not listed as a separate condition of approval.

Discussion ensued regarding the bio-waste from this facility and if the bio-waste will count towards the City's organic waste numbers, per State regulations.

### **The Chair opened the Public Hearing**

Jim Fitzpatrick, representing the applicant, stated he had read and agreed to the conditions of the approval.

### **Commission, Applicant and Staff:**

Mr. Fitzpatrick thanked staff and provided a brief overview of this application.

Commissioner Ereth requested clarification from the applicant on the status with SCAQMD and where they source their bio mass.

Mr. Fitzpatrick noted they are still in plan review and are not required to contact SCAQMD at this point in the process. He also noted in order for the applicant to control their supply chain process, their bio mass supply is mainly sourced by genetics rather than the location of where it is grown. He noted this will give them a very specialized end product.

The Chair opened Public Comments.

### **PUBLIC COMMENTS:**

Steven Chan, Costa Mesa resident, supported the application as long as they are compliant with all applicable State and Local regulations. He also asked the Chair to again open public comments at the end of the meeting for items not listed on the agenda.

### **The Chair closed Public Comments**

Chair de Arakal requested clarification from staff on why this minor conditional use permit (MCUP) was forwarded to the Planning Commission. He suggested that these types of MCUP's be handled at the Zoning Administrator level in the future.

### **The Chair closed the Public Hearing**

Vice Chair Zich made a motion. Seconded by Commissioner Russell.

Commissioner Ereth requested the maker of the motion include a condition of approval that the applicant provide their SCAQMD paperwork to the City. Commissioner Zich was in agreement.

Mr. Fitzpatrick, applicant's representative, objected to the added condition.

Vice Chair Zich withdrew his support for the added condition and requested his original motion, seconded by Commissioner Russell.

Commissioner Ereth made a substitute motion adding the SCAQMD requirement as a condition of approval. Motion did not move forward due to a lack of a second.

**MOVED/SECOND:** Zich/ Russell

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Recused: None

Motion carried: 5-0

**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 15301 Existing Facilities (Class 1), and
2. Approve Planning Application 18-34 A2 (ZA-21-18), subject to conditions of approval.

**RESOLUTION PC-2021-17 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 18-34 A2 (ZA-21-18) TO MODIFY A PREVIOUSLY CONDITIONAL USE PERMIT TO ALLOW TYPE 7 VOLATILE EXTRACTION AT 3505 CADILLACE AVENUE, UNIT F5**

The Chair explained the appeal process.

2. **ZONING APPLICATION 21-22 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW A COUNSELING USE IN A CL ZONE AND TO DEVIATE FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE LOCATED AT 3151 AIRWAY AVENUE, SUITE L2**

**Project Description:** Zoning Application 21-22 is a request for a Minor Conditional Use Permit (MCUP) to allow for a counseling use in the CL zone and to deviate from parking requirements for a group counseling use due to unique operating characteristics located in Suite L2 of an existing multi-tenant commercial property

**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.

No ex-parte communications reported.

Christopher Yeager, Assistant Planner, presented the staff report.

Commissioners asked staff questions regarding the 500-foot notification requirement, which staff confirmed was sent to tenants and property owners as required.

**The Chair opened the Public Hearing.**

Mary and Robert Cass, applicants, stated they had read and agreed to the conditions of approval.

Discussion ensued regarding the definition of intensive individual therapy that would be held at this location and confirmation that medication would not be dispensed at the site.

Discussion also ensued on rapid drug testing and protocols followed when an individual has tested positive.

**The Chair opened Public Comments.**

**PUBLIC COMMENTS:**

None.

**The Chair closed Public Comments.**

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

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Recused: None

Motion carried: 5-0

**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 15301 Existing Facilities (Class 1), and
2. Approve Zoning Application 21-22, subject to conditions of approval.

**RESOLUTION PC-2021-18 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION 21-22 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW A COUNSELING USE IN A CL ZONE AND TO DEVIATE FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE LOCATED AT 3151 AIRWAY AVENUE, SUITE L2**

The Chair explained the appeal process.

**The Chair reopened Public Comments for items not listed on the agenda.**

**PUBLIC COMMENTS:**

Steven Chan, a Costa Mesa resident, commented on the Housing Element and suggested affordable housing be built in the 100-acre golf practice area and not in the two adjoining golf courses. He also commented that Strut Bar is operating as a public nuisance.

The Chair closed Public Comments.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – Mr. Yang noted the city-wide parking study is underway. Three public meetings have been held, and another virtual meeting is being held September 28, 2021 at 6:00 p.m. and invited the community to attend.
2. Development Services Report – Ms. Le thanked Commissioners for participating in the joint study session with City Council regarding the Housing Element. Ms. Le reminded the community the last day to make a public comment on the Housing Element is September 15, 2021.

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

1. City Attorney – Mr. Preziosi noted the Ninth Circuit Court of Appeals has upheld the City of Costa Mesa's trial court victory in the Yellowstone matter.

Chair de Arakal asked Mr. Preziosi to provide the Commission a legal analysis on Senate Bills 9 and 10 if signed by the Governor.

**ADJOURNMENT AT 7:06 P.M.**

Submitted by:

  
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JENNIFER LE, SECRETARY  
COSTA MESA PLANNING COMMISSION