



PLANNING COMMISSION AGENDA

February 26, 2018

*Pre-Meeting Agenda Review begins at **5:30 p.m.** in Conference Room 1A

Planning Commission Meeting begins at **6:00 p.m. in the Council Chambers

CALL TO ORDER.

PLEDGE OF ALLEGIANCE TO THE FLAG.

ROLL CALL: Chair Stephan Andranian

Vice Chair Byron de Arakal

Commissioners: Jeffrey Harlan, Isabell Kerins, Carla Navarro Woods

ANNOUNCEMENTS AND PRESENTATIONS:

PUBLIC COMMENTS:

To ensure fair and equal treatment of all who appear before the Planning Commission, and to expedite City business, speakers may be limited to three minutes during Public Comments to speak on any item within the Planning Commission's jurisdiction, which is not listed on the Agenda. This time may be extended for good cause by the Chair or by majority vote of the Planning Commission. In accordance with Costa Mesa Municipal Code, Sec. 2-64 (1): No person in the audience shall engage in disorderly, disruptive, disturbing, delaying or boisterous conduct.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the Planning Commission, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following Planning Commission action on the remainder of the Consent Calendar. Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Chair, state their name (optional), and item number to be addressed.

CONSENT CALENDAR:

1. [MINUTES FOR THE MEETING OF JANUARY 8, 2018](#)

Recommended Action: Approve the minutes of a regular meeting of the Planning Commission held on January 8, 2018.

PUBLIC HEARINGS:

PROCEDURE: Announcement of Public Hearing Item, Report of Ex Parte Communications, Staff Report Presentation, Commission Questions for Staff, Open Public Hearing, Close Public Hearing, Motion

1. [CONDITIONAL USE PERMIT PA-16-33 TO OPERATE A SOBER LIVING FACILITY HOUSING UP TO 10 GENDER-SPECIFIC ADULTS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE; OPERATED BY RAW RECOVERY, LLC, AT 268 KNOX STREET](#)

Project Description: Conditional Use Permit (CUP) PA-16-33 is a request to operate a sober living facility housing up to 10 gender-specific adults. The applicant also submitted a request for a reasonable accommodation for relief from certain land use requirements of the Zoning Code. The application for accommodation was denied. The applicant appealed that decision to the Planning Commission. This item was continued from the February 12, 2018 Planning Commission meeting.

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

Recommended Action: Adopt a Resolution upholding the Director's denial of the request for reasonable accommodation, and approving Conditional Use Permit PA-16-33, subject to conditions of approval.

2. [CODE AMENDMENT CO-18-01: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING THE TEXT OF URGENCY ORDINANCE 17-16, AMENDING ARTICLE 20 \(MARIJUANA AND/OR MEDICAL MARIJUANA USES AND ACTIVITIES\) OF CHAPTER IX \(SPECIAL LAND USE REGULATIONS\) OF TITLE 13 \(PLANNING ZONING AND DEVELOPMENT\), RELATING TO CULTIVATION OF MARIJUANA AND CERTAIN MARIJUANA RELATED USES](#)

Description: The proposed Code Amendment (CO-18-01) will amend portions of Article 20 of Chapter IX of Title 13 of the Costa Mesa Municipal Code, adopting the text of Urgency Ordinance No. 17-16, as it pertains to provisions for marijuana and cannabis uses in the City. The proposed Code Amendment would, with minor textual revisions, make permanent the temporary Code provisions adopted by Urgency Ordinance 17-16 which prohibit cultivation (to the extent allowed by state law), dispensaries, and retail sales of marijuana.

Environmental Determination: The project is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Recommended Action: Staff recommends that the Planning Commission recommend that the City Council:

1. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that activity in question may have an effect on the environment, the activity is not subject to CEQA”; and
2. Recommend that the City Council adopt Code Amendment CO-18-01 amending the following:
 - Article 20 (Marijuana and/or Medical Marijuana Uses and Activities) of Chapter IX (Special Land Use Regulations) of Title 13 (Planning Zoning and Development), Relating to Cultivation of Marijuana and Certain Marijuana Related Uses.

3. [CODE AMENDMENT CO-17-07: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING ARTICLE 5 \(ADMINISTRATION, APPLICATION AND PROCEDURES\) OF CHAPTER I \(BUSINESS TAX\) AND CHAPTER VI \(MEDICAL MARIJUANA BUSINESS PERMITS\) OF TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\); CHAPTER IV \(CITYWIDE LAND USE MATRIX\) AND ARTICLE 21 \(MEDICAL MARIJUANA DISTRIBUTING, MANUFACTURING, PROCESSING, RESEARCH AND DEVELOPMENT, TESTING LABORATORIES AND TRANSPORTING LOCATIONS\) OF CHAPTER IX \(SPECIAL LAND USE REGULATIONS\) OF TITLE 13 \(PLANNING ZONING AND DEVELOPMENT\), RELATING TO AMENDMENTS TO VOTER APPROVED ORDINANCE 16-15 \(MEASURE X, THE COSTA MESA MEDICAL MARIJUANA MEASURE\)](#)

Description: The proposed Code Amendment (CO-17-07) will amend portions of Title 9 and Title 13 of the Costa Mesa Municipal Code as they pertain to provisions for marijuana and cannabis uses permitted in the City. The proposed Code Amendment will amend portions of Title 9 and Title 13 of the Costa Mesa Municipal Code as they pertain to provisions for medical marijuana uses permitted in the City pursuant to Measure X. The proposed Code amendment allows for adult use marijuana to be distributed, manufactured, researched and developed and tested in the same locations and subject to the same permitting process and restrictions as medical marijuana and makes textual revisions to conform to state law. Cultivation (to the extent allowed by state law), dispensaries, and retail sales of marijuana will continue to be prohibited in the City. The primary purpose of the proposed code amendment is to allow the same types of “adult use” wholesale marijuana activities in those areas where wholesale medical marijuana activities are currently allowed pursuant to Measure X. The secondary purpose is to achieve consistency with state law.

Environmental Determination: The project is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Recommended Action: Staff recommends that the Planning Commission recommend that the City Council:

1. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that activity in question may have an effect on the environment, the activity is not subject to CEQA”; and
2. Recommend that the City Council adopt Code Amendment CO-17-07 amending the following:
 - Article 5 of Chapter I of Title 9 of the Costa Mesa Municipal Code (Licenses and Business Regulations) Section 9-29.5 and Sections 9-481 through 9-499;
 - Chapter IV of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development) Sections 13-30 (31a through 31f); and
 - Article 21 of Chapter IX of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, And Development) Sections 13-200.90 through 13-200-94.

4. **AMENDMENT TO PLANNING APPLICATION PA-17-38 A1 FOR A MEDICAL MARIJUANA EXTRACTION FACILITY AT 3590 CADILLAC AVENUE, UNIT B**

Project Description: Planning Application PA-17-38 A1 is an amendment to a previously approved Conditional Use Permit (PA-17-38) for a Medical Marijuana extraction facility (Oil Haus) within a 7,315-square-foot tenant space in an existing industrial building. The previously approved Conditional Use Permit allows for extraction, manufacturing/processing, and packaging at the subject property. The proposed amendment would include offices, manufacturing/processing facilities, e.g., the equipment used to extract oils from marijuana plants and process the oils into the finished product, laboratories, testing facilities, preparation, packaging, and storage of the finished product. No distribution services are proposed. The facility would be staffed by at least 8 persons. The hours of operation are proposed to be from 8:00 AM to 6:00 PM, seven days a week, increasing to 24-hour-a-day operation, if demand warrants. Security systems (card readers, security cameras, etc.) will be installed throughout the facility. No 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Recommended Action:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
2. Adopt a Resolution to approve Planning Application PA-17-38 A1, subject to conditions of approval.

5. [PLANNING APPLICATION PA-17-45 FOR A MEDICAL MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY \(MELLOW EXTRACTS\) AT 3505 CADILLAC AVENUE, UNIT J5](#)

Project Description: Planning Application PA-17-45 is Conditional Use Permit for a Medical Marijuana manufacturing and distribution facility (Mellow Extracts) within a 4,549-square-foot tenant space in an existing industrial building. The proposed facility would include offices, extraction, preparation, manufacturing/processing, packaging, staging, storage, and distribution of cannabis products. The facility will be staffed by at least 9 persons. Hours of operation are proposed to be from 7:00 AM to 7:00 PM, Monday through Saturday, increasing to 24-hour-a-day operation if demand warrants. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Recommended Action:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
2. Adopt a Resolution to approve Planning Application PA-17-45, subject to conditions of approval.

6. [PLANNING APPLICATION PA-17-47 FOR A MEDICAL MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY \(SOL DISTRO\) AT 3560 CADILLAC AVENUE](#)

Project Description: Planning Application PA-17-47 is a Conditional Use Permit for a Medical Marijuana manufacturing and distribution facility (Fluid South, dba as Sol Distro) within a 20,000-square-foot tenant space in an existing industrial building. The proposed facility would include offices, preparation, manufacturing/processing, packaging, staging, storage, and distribution of cannabis products and indoor parking for one delivery vehicle. The facility also includes equipment for brewing non-alcoholic carbonated beverages. The facility will be staffed by at least 32 persons, including transportation drivers. The initial hours of operation are proposed to be from 7:00 AM to 7:00 PM, Monday through Saturday, increasing to a 24-hour-a-day operation, if demand warrants. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Recommended Action:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
2. Adopt a Resolution to approve Planning Application PA-17-47, subject to conditions of approval.

7. [PLANNING APPLICATION PA-17-49 FOR A MEDICAL MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY \(JOSHD FARMS\) AT 3505 CADILLAC AVENUE, UNIT F9](#)

Project Description: Planning Application PA-17-49 is a Conditional Use Permit for a Medical Marijuana manufacturing and distribution facility (JoshD Farms) within a 10,007-square-foot tenant space in an existing industrial building. The proposed facility would include preparation, extraction, manufacturing/processing, packaging, staging, storage, and distribution of cannabis products and indoor parking for one delivery vehicle. The facility will be staffed by at least eight persons, including transportation drivers. The initial hours of operation are proposed to be from 7 AM to 7 PM, Monday through Saturday, increasing to a 24-hour-a-day operation, if demand warrants. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Recommended Action:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
2. Adopt a Resolution to approve Planning Application PA-17-49, subject to conditions of approval.

8. [PLANNING APPLICATION PA-18-03 FOR A MEDICAL MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY \(SE7ENLEAF, LLC\) AT 3505 CADILLAC AVENUE, UNIT M101](#)

Project Description: Planning Application PA-18-03 is a Conditional Use Permit for a Medical Marijuana manufacturing and distribution facility (Se7enLeaf, LLC) within a 2,299-square-foot tenant space in an existing industrial building. The proposed facility would include extraction, manufacturing/processing, preparation, packaging, staging, storage, and distribution of cannabis products and an office and conference area. The facility will be staffed by at least eight employees. The initial hours of operation are proposed to be from 7 AM to 7 PM, Monday through Saturday, increasing to a 24-hour-a-day operation, if demand warrants. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Recommended Action:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
2. Adopt a Resolution to approve Planning Application PA-18-03, subject to conditions of approval.

9. **PLANNING APPLICATION PA-18-04 FOR A MEDICAL MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY (SE7ENLEAF, LLC) AT 3505 CADILLAC AVENUE, UNIT L3**

Project Description: Planning Application PA-18-04 is a Conditional Use Permit for a Medical Marijuana manufacturing and distribution facility (Se7enLeaf, LLC) within a 4,360-square-foot tenant space in an existing industrial building. The proposed facility would include preparation, extraction, processing, packaging, staging, storage, and distribution of cannabis products, offices and an indoor parking space for one delivery vehicle. The facility will be staffed at least 15 employees. The initial hours of operation are proposed to be from 7 AM to 7 PM, Monday through Saturday, increasing to a 24-hour-a-day operation, if demand warrants. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No 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 CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Recommended Action:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and
2. Adopt a Resolution to approve Planning Application PA-18-04, subject to conditions of approval.

DEPARTMENTAL REPORTS

1. **Public Services Report**
Recommended Action: Receive and file
2. **Development Services Report**
Recommended Action: Receive and file

CITY ATTORNEY'S OFFICE REPORT

1. **City Attorney**
Recommended Action: Receive and file

ADJOURNMENT: NEXT PLANNING COMMISSION SPECIAL MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, MARCH 5, 2018.

ADDITIONAL INFORMATION

PLANNING COMMISSION MEETINGS:

Costa Mesa Planning Commission meets the second and fourth Monday of each month at 6:00 p.m. in the Council Chambers at City Hall, 77 Fair Drive. All Planning Commission meetings are open to the public.

The Planning Commission and staff hold an Agenda Review Study Session at 5:30 p.m., prior to the regular meeting, in Conference Room 1A. This session is open to the public. Each member of the public will be given the opportunity to speak for one (1) minute on study session items.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

1. Any written communications, photos, or other material for copying and distribution to the Planning Commission must be submitted to the Planning Division staff **NO LATER THAN 3:00 P.M.** If the public wishes to submit written communication, photos, or other material for distribution to the Planning Commission at the meeting **AFTER 3:00 p.m.**, 10 copies will need to be provided for distribution. Please note that **NO** copies of written communication will be made **AFTER 3:00 p.m.** Any materials to be displayed on the overhead projector at the Planning Commission Meeting must be submitted to the Planning Department **NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.**
2. **All cell phones and other electronic devices are to be turned off or set to vibrate.** Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.
3. In accordance with City Council Policy 000-11, and among other requirements, any video submitted for display at a public meeting must have been previously reviewed by staff to verify appropriateness for general audiences. A copy of this policy is available at City Hall during normal office hours.
4. Free Wi-Fi is available in the Council Chamber during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

AGENDA REPORTS:

Reports may be obtained on the City's web site at www.costamesaca.gov. Agenda Packets are available for public review in three-ring binders located at the Planning Division Counter at City Hall located on the second floor during normal business hours and at the Council Chambers entrance during the meeting. In addition, such writings and documents may be posted, whenever possible, as part of the agenda, on the City's website at www.costamesaca.gov.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an aggrieved party files: (1) an application for rehearing by the Planning Commission, or (2) an appeal to the City Council, or (3) a member of City Council requests a review of the action. Applications for appeals or re-hearings are available in the Planning Division and in the City Clerk's office.

CONTACT US:

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