

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

**April 9, 2018**

*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](http://www.costamesaca.gov) or purchased on DVD upon request.*

The Chair called the meeting to order (00:00:18).

Commissioner Harlan led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Stephan Andranian  
Commissioner Jeffrey Harlan  
Commissioner Carla Navarro Woods

Absent: Vice Chair Byron de Arakal  
Commissioner Isabell Kerins

Staff: Barry Curtis, Director of Economic and Development Services  
Jennifer Le, Assistant Director of Development Services  
Yolanda Summerhill, Deputy City Attorney  
Tarquin Preziosi, Assistant City Attorney  
Bart Mejia, City Engineer  
Mino Ashabi, Principal Planner  
Mel Lee, Senior Planner  
Justin Arios, Assistant Planner  
John Willy Aglupos, Assistant Planner  
Jon Neal, Assistant Fire Marshall  
Julie Colgan, Recording Secretary

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

Steven Chan, Costa Mesa resident, spoke regarding bills introduced in Sacramento regarding residential recovery and sober living facilities and asked the Commissioners to agendize legislative efforts in Sacramento so the residents know what steps they can take to influence the State legislation.

An unidentified speaker spoke on various issues.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Harlan asked staff for an update on housing legislation that has passed in the last year, specially SB35, and asked how the City is planning to address it.

Commissioner Navarro Woods spoke regarding a conference that the City of Newport Beach and the County of Orange will be holding regarding the homeless issue.

Chair Andranian spoke regarding the City Council's special meeting on the homeless issue and welcomed new Associate Planner, Nancy Huynh.

**CONSENT CALENDAR:**

**1. MINUTES FOR THE MEETING OF FEBRUARY 26, 2018**

**MOTION: Move approval of minutes for February 26, 2018 meeting.**

**Moved by Commissioner Harlan, seconded by Commissioner Navarro Woods.**

The motion carried by the following roll call vote:

Ayes: Andranian, Harlan, Navarro Woods

Noes: None

Absent: de Arakal, Kerins

Abstained: None

**PUBLIC HEARINGS (00:11:45)**

**1. PLANNING APPLICATION 17-42 FOR A CONDITIONAL USE PERMIT FOR MODIFIED OPERATIONS AT AN EXISTING CHURCH (ST. MARY ARMENIAN CHURCH) LOCATED AT 148 22ND STREET (INCLUDING ADDRESSES 118 22ND STREET AND 126 22ND STREET)**

**Project Description:** Planning Application 17-42 is a request for a Conditional Use Permit to modify operations at an existing church (St. Mary Armenian Church), in conjunction with proposed renovations and additions. The proposed project includes: renovation of the existing church building including the addition of ancillary offices and classrooms for Saturday/Sunday school; construction of a new 8,618-square-foot assembly hall; demolition of two residential structures to accommodate parking lot improvements for 100 parking spaces; and a new landscaped courtyard/plaza.

Staff is recommending that the Commission continue this item to the May 14, 2018 meeting.

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

The Chair opened the public hearing.

**PUBLIC COMMENTS**

Judith Stamper, Costa Mesa resident, spoke in support of this item.

**MOTION: Move that the Planning Commission continue this item to May 14th.**

**Moved by Commissioner Harlan, seconded by Commissioner Navarro Woods.**

The motion carried by the following roll call vote:

Ayes: Andranian, Harlan, Navarro Woods

Noes: None

Absent: de Arakal, Kerins

Abstained: None



**2. AN ORDINANCE TO ADOPT CODE AMENDMENT CO-18-02 AMENDING TITLE 13, ARTICLE 2.5 OF CHAPTER V OF THE COSTA MESA MUNICIPAL CODE RELATED TO SMALL LOT SUBDIVISIONS**

**Project Description:** As directed by the City Council, Code Amendment CO-18-02 is proposed to amend the Small Lot Ordinance (SLO) development standards to be consistent with Common Interest Development standards.

**Environmental Determination:** The ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) (General Rule).

Minoo Ashabi, Principal Planner, presented the staff report.

Commissioners and staff discussed whether the policy on the 6,000-square-foot minimum for lots established before 1994 was eliminated; average size allowed under the proposed standards for two-units on two lots; whether the proposed revisions would preclude anyone in a multi-family zone from developing two units on a lot; average lot size on the mock ups; reasons the City Council adopted the small lot ordinance; subdivision standards; whether the purpose of the small lot ordinance was to create opportunity for homeownership; homeowner occupancy survey results; economic impacts; and whether the survey asked about the affordability aspect of small lot projects.

**PUBLIC COMMENTS**

Craig Rothenburger, Costa Mesa resident, spoke in opposition to this item.

Scott Yang, Costa Mesa resident, spoke in opposition to this item.

Richard Fallon, Costa Mesa resident, spoke in opposition to this item.

Tom Walker, Costa Mesa resident, spoke in support of new construction in the City and the City's small lot ordinance.

Carlos Garcia, Costa Mesa resident, spoke in opposition to this item.

Kerry Smith, Costa Mesa resident, asked if the first floor and second floor setback is 15 feet for both and stated concerns with the parking requirement for a two-bedroom home.

Mike Young, Costa Mesa resident, spoke in opposition to this item.

Steven Chan, Costa Mesa resident, stated support for staff's recommendation for this item.

An unidentified speaker asked to get rid of the City's small lot ordinance and the City's overlay zones.

John Griggs, owns property in Costa Mesa, spoke on this item.

Beth Refakes, Costa Mesa resident, spoke on the changes requested by the City Council on this item but had questions about the parking requirements for a two-bedroom unit.

A speaker representing People for Housing Orange County, spoke in support of small lot homes.



Mark Kazuki, Costa Mesa resident, spoke in opposition to this item.

The Chair closed the public hearing.

Commissioner Navarro Woods and staff discussed whether this amendment would make any changes to the open space standards.

Chair Andranian stated he does not support the ordinance as written because it will eliminate the City's small lot ordinance and he believes that was not the intent of the City Council.

**MOTION: Move that the Planning Commission recommend denial of the Ordinance.**

**Moved by Chair Andranian, seconded by Commissioner Harlan with discussion.**

Commissioner Harlan spoke in support of the motion.

Commissioner Navarro Woods stated there is an opportunity to make the City's small lot ordinance work and is not comfortable with denying the proposed ordinance.

**SUBSTITUTE MOTION: Move to continue the item to a date uncertain and direct staff to make additional revisions to reflect comments and suggestions made by the Commissioners including addressing lot size.**

**Moved by Commissioner Navarro Woods, seconded by Chair Andranian.**

Commissioner Navarro Woods stated she would like to get more of a response back from the surveys before making a decision on this item.

Commissioner Harlan stated he agreed with the motion; would like to have the Commissioners that are absent be present when making a decision on this item; and that any unit built helps with the housing crisis.

The motion carried by the following roll call vote:

Ayes: Andranian, Harlan, Navarro Woods

Noes: None

Absent: de Arakal, Kerins

Abstained: None

The Commission called for a break at 7:25 p.m.

The Commission reconvened at 7:31 p.m.

**3. PLANNING APPLICATION 18-06 FOR A MEDICAL MARIJUANA MANUFACTURING AND PROCESSING FACILITY (LEAF CONCEPTS, LLC) AT 3505 CADILLAC AVENUE, BUILDING E**

**Project Description:** Planning Application 18-06 is a request for a Conditional Use Permit for a Medical Marijuana manufacturing facility (Leaf Concepts, LLC) within a 7,783-square-foot tenant space in an existing industrial building. The proposed facility will include preparation, extraction, manufacturing and processing (e.g. distillation, oven, mixing and commercial kitchen), packaging, storage, and ancillary offices. The facility will be staffed by at least 12 employees. The initial hours of operation are proposed to be from 7 AM to 4 PM with a possible second shift from 4 PM to 1 AM, daily, 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.

No ex-parte communications to report.

JohnWilly Aglupos, Assistant Planner, presented the staff report.

Commissioners and staff discussed whether the applicant provided any other information regarding the operation of each room; how many Medical Marijuana applications have been approved; and asked to include in future staff reports a graphic that shows other medical marijuana businesses that are pending and have been approved in the vicinity of the project site.

### **PUBLIC COMMENTS**

Commissioners and Meilad Rafiei, applicant, discussed the operation of the facility; how entry would occur into each room; raw materials; butane extraction process and safety procedures; safety measures; what occurs in each room of the facility; employee training; how many facilities they operate; what would warrant the additional operation shift hours; and when those shifts would occur.

No public comments.

Mr. Rafiei provided closing comments.

The Chair closed the public hearing.

Chair Andranian stated he cannot support the application based on the lack of evidence in the record.

**MOTION: Move that the Planning Commission continue this item to the May 31, 2018 meeting.**

**Moved by Chair Andranian, seconded by Commissioner Navarro Woods.**

Commissioner Navarro Woods spoke in support of the motion based on the lack of information provided in the application.

The motion carried by the following roll call vote:

Ayes: Andranian, Harlan, Navarro Woods

Noes: None

Absent: de Arakal, Kerins

Abstained: None

The Chair explained the appeal process.

#### **4. PLANNING APPLICATION 18-07 FOR A MEDICAL MARIJUANA MANUFACTURING FACILITY (YUMMI KARMA, LLC) AT 3505 CADILLAC AVENUE, UNIT O-101**



**Project Description:** Planning Application 18-07 is a request for a Conditional Use Permit for a Medical Marijuana manufacturing facility (Yummi Karma, LLC) within a 2,650-square-foot tenant space in an existing industrial building. The proposed facility would include preparation, extraction, manufacturing, processing, packaging, and storage of cannabis products as well as ancillary offices. The facility will be staffed by at least 12 employees. The hours of operation are proposed to be from 7 AM to 7 PM, Monday through Friday. 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.

No ex-parte communications to report.

Justin Arios, Assistant Planner, presented the staff report.

### **PUBLIC COMMENTS**

Krystal Kitahara, Owner & CEO, stated that she has read the conditions of approval and agreed to them. She presented a slideshow on the proposed application.

Kymber Ward, Director of Business Development, explained how the raw products enter the building; how much material will be delivered at a time; and their security system.

No public comments.

The Chair closed the public hearing.

**MOTION: Move that the Planning Commission find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and adopt a Resolution to approve Planning Application 18-07, subject to conditions of approval.**

**Moved by Commissioner Navarro Woods, seconded by Commissioner Harlan.**

Commissioner Navarro Woods and Commissioner Harlan commended the applicant for using child safety locks on their products.

**RESOLUTION PC-18-31 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-18-07 TO ALLOW A MEDICAL MARIJUANA MANUFACTURING FACILITY AT 3505 CADILLAC AVENUE, UNIT O-101**

The motion carried by the following roll call vote:

Ayes: Andranian, Harlan, Navarro Woods

Noes: None

Absent: de Arakal, Kerins

Abstained: None

The Chair explained the appeal process.

### **5. PLANNING APPLICATION 18-09 FOR A MEDICAL MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY (HEALING PLANT) AT 1685 TORONTO WAY**



**Project Description:** Planning Application 18-09 is a request for a Conditional Use Permit for a Medical Marijuana manufacturing and distribution facility (The Healing Plant) within an existing 22,173-square-foot industrial building. The proposed facility would include preparation, extraction, manufacturing, processing, packaging, staging, storage, and distribution of cannabis products, including non-alcoholic carbonated beverages and edibles, and ancillary office areas. The facility will be staffed by at least 12 employees. The initial hours of operation are proposed to be from 7 AM to 7 PM, daily, 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.

One ex-parte communication to report: Chair Andranian had a conversation with the applicant's representative.

Mel Lee, Senior Planner, presented the staff report.

## **PUBLIC COMMENTS**

Jim Fitzpatrick, applicant's representative, stated he has read the conditions of approval and agreed to them. He presented a slideshow on the proposed application.

Ed Sapigao, architect, explained the application's floor plans.

Tom Johnson, security expert, explained the application's security plan.

Commissioner Navarro Woods, Mr. Fitzpatrick, and Mr. Sapigao discussed how receiving of goods and distribution will occur; the escape route if there is a power outage; the back-up power system; and the reason for fumigating the facility.

Commissioner Harlan, staff, and Mr. Fitzpatrick discussed the maximum number of employees when at full capacity.

No public comments.

The Chair closed the public hearing.

**MOTION: Move that the Planning Commission find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities); and adopt a Resolution to approve Planning Application 18-09, subject to conditions of approval.**

**Moved by Commissioner Navarro Woods, seconded by Commissioner Harlan with discussion.**

Chair Andranian appreciated the applicant's thoroughness with its application and presentation and spoke in support of the motion.

Commissioner Harlan appreciated the quality presentation and thoughtfulness of design but stated concerns with the condition of increasing to 24-hour a day operation if demand warrants. He asked staff to clarify how that can be measured.

Jennifer Le, Assistant Director of Development Services, clarified that most industrial and manufacturing uses do not have limits on hours of operation; it is proposed by the applicant and carried forward in a condition of approval. The Commission can limit hours as a part of their purview in the conditions of approval, if desired.

Chair Andranian stated the public nuisance section in Condition of Approval No. 1 could address Commissioner Harlan's concerns.

Ms. Le stated that a public nuisance case would be handled by Code Enforcement and clarified that most previous applications like this have requested 24-hour operations if demand warrants.

**RESOLUTION PC-18-32 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-18-09 TO ALLOW A MEDICAL MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY AT 1685 TORONTO WAY**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – none.
2. Development Services Report – none.

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

1. City Attorney – none.

**ADJOURNMENT (02:52:36) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, APRIL 23, 2018.**

Submitted by:

  
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BARRY CURTIS, SECRETARY  
COSTA MESA PLANNING COMMISSION