

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

**Special Meeting  
November 15, 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 (00:00:16).

Commissioner Zich led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Stephan Andranian  
Vice Chair Byron de Arakal  
Commissioner Jeffrey Harlan  
Commissioner Carla Navarro Woods  
Commissioner Jon Zich

Staff: Barry Curtis, Director of Economic and Development Services  
Jennifer Le, Assistant Director of Development Services  
Tarquin Preziosi, Assistant City Attorney  
Jon Neal, Assistant Fire Marshall  
Nancy Huynh, Associate Planner  
Justin Arios, Assistant Planner  
Johnwilly Aglupos, Assistant Planner  
Katelyn Walsh, Assistant Planner  
Julie Colgan, Recording Secretary

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

No public comments.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Navarro Woods spoke about the City's coyote management plan that is available at City Hall.

**CONSENT CALENDAR:**

**1. MINUTES FOR THE MEETING OF OCTOBER 22, 2018**

**2. MINUTES FOR THE MEETING OF OCTOBER 8, 2018**

**MOTION: Move approval of the consent calendar.**

**Moved by Vice Chair de Arakal, seconded by Commissioner Zich.**

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstained: None

#### **PUBLIC HEARINGS (00:04:49)**

##### **1. TENTATIVE PARCEL MAP 2018-133 (PM-18-133) FOR THE SUBDIVISION OF A SINGLE PARCEL INTO TWO PARCELS AT 362 LA PERLE LANE**

**Project Description:** Tentative Parcel Map 2018-133 (PM-18-133) is a request for the subdivision of a 7,204-square-foot parcel to allow the development of a residential small lot project containing two detached, single-family, dwelling units. The parcel map proposes to subdivide one parcel into two separate parcels, with one dwelling unit on each parcel. Planning Commission previously approved the Design Review for the small lot project on March 5, 2018 (PA-17-20). The proposed subdivision is consistent with the Small Lot Subdivision Development Standards and the Subdivision Map Act.

**Environmental Determination:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15315 (Class 15), Minor Land Divisions.

No ex-parte communications to report.

Nancy Huynh, Associate Planner, presented the staff report.

Commissioner Navarro Woods and Jennifer Le, Assistant Director of Development Services, discussed whether the applicant swapped out the Brazilian pepper tree on his design plans.

#### **PUBLIC COMMENTS**

Commissioner Navarro Woods confirmed with Ryan Oldham, applicant's representative, that the Brazilian pepper tree would be replaced with a different species on the final landscape plans.

No public comments.

The Chair closed the public hearing.

**MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15315, Class 15, Minor Land Divisions; and approve Tentative Parcel Map 2018-133, subject to findings in Exhibit A and conditions of approval in Exhibit B.**

**Moved by Vice Chair de Arakal, seconded by Commissioner Harlan.**

**RESOLUTION PC-18-74 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 2018-133 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS IN THE R2-MD ZONE FOR PROPERTY AT 362 LA PERLE LANE**

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

**2. PLANNING APPLICATION 18-22 AND TENTATIVE PARCEL MAP NO. 2018-177 FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AT 1592 RIVERSIDE PLACE**

**Project Description:** Planning Application 18-22 is a request for:

1. Design Review for the construction of two, two-story, detached single-family residences on a 7,909-square-foot parcel. Each proposed residence is approximately 2,900 square feet in area and includes four bedrooms, four bathrooms, an office and an attached two-car garage. The project satisfies all Small Lot Subdivision development standards and Residential Design Guidelines.
2. Tentative Parcel Map No. 2018-177 for the subdivision of a 7,909 square-foot parcel into two separate parcels, with one unit on each parcel, consistent with the Small Lot Subdivision Ordinance.

**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.

No ex-parte communications to report.

Ms. Le stated that staff's recommendation is to continue the item to the December 10, 2018 meeting to allow staff and the applicant to coordinate additional plan details.

The Chair opened the public hearing.

**PUBLIC COMMENTS**

No public comments.

**MOTION: Move that the Planning Commission continue the item to the Planning Commission meeting of December 10<sup>th</sup> leaving the public hearing open.**

**Moved by Vice Chair de Arakal, seconded by Chair Andranian.**

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstained: None

**3. PLANNING APPLICATION 18-21 FOR A MARIJUANA MANUFACTURING FACILITY (AUBIO LABS, LLC) AT 3505 CADILLAC AVENUE, UNIT O-201**

**Project Description:** Planning Application 18-21 is a request for a Conditional Use Permit (CUP) for a marijuana manufacturing facility within an existing 2,650-square-foot industrial building. The facility will be operated by Aubio Labs, LLC. The proposed facility will provide non-volatile ethanol cannabis extraction (cannabis concentrates, specifically oils for vaporizer cartridges and tinctures). Rooms include reception and locker areas, storage and inventory rooms, and manufacturing areas. The facility proposes to utilize the services of licensed distributors for the transport of raw material to the facility and final product from the facility. Distribution vehicles will be loaded and unloaded outside the suite in a proposed designated loading area within the parking lot. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No cultivation of marijuana or 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.

Commissioners, Ms. Le, and Tarquin Preziosi, Assistant City Attorney, discussed the criteria used to determine whether an applicant fails a background check; whether this is the first application with a condition for an armed security guard; the level of training of the armed security guard; how transferring the product from the inventory room out through the reception area to be loaded onto a van would occur; whether the reception area is a secured room; whether regulations allow the product to leave a secured area into a less secured area interior to the building; who is the lower-level tenant; whether Building O has a roll-up door; whether there are exterior security cameras facing the loading area; clarification regarding which room has the wall of windows; the distance from the building to the delivery truck; and whether staff has a position regarding the maximum distance for a loading areas.

**PUBLIC COMMENTS**

Ellena Loeffler, the applicant's safety officer, stated that she has read the conditions of approval and agrees to them except Condition of Approval No. 41 requiring an armed guard. She presented a slideshow on the proposed application.

Commissioners, Ms. Loeffler, and Jeremy Miller, applicant, discussed: the suite's HVAC system; the location of the loading stall; how many trips would be necessary to transfer the product up the stairs; whether it is a requirement of the state for a licensed transporter to have an armed guard while transporting a cannabis product; would fume hoods be used in the

manufacturing area; whether staff would be present during equipment operation; the fail-safe mechanisms that would be in place; how many trips would be involved once the business operates at maximum capacity and how the trim would be processed; how odor would be controlled outdoors during loading and transportation; how the suite location was chosen; whether distribution of product from the rear entry was considered; whether stairs and a second floor suite location pose a risk for potential distributors; whether the applicant feels an armed security guard is needed; how deliveries occurring at the same time for both operators in Building O would be coordinated; and whether the subject unit is being subleased in this building.

Commissioner Zich and Ms. Le discussed staff's position regarding multiple operators using the same designated loading stall.

Daniel Bistany, tenant in the 3525 Hyland Avenue building, stated concerns with the security risk of having an unsecured loading area and outdoor deliveries.

The Chair closed the public hearing.

Vice Chair de Arakal and staff discussed how many Measure X businesses out of the applications submitted are located on the second floor or in a facility that does not have an enclosed garage for deliveries and how many of the pending Measure X items that are located on the first floor are requesting outdoor delivery at a designated spot.

Barry Curtis, Director of Development Services, clarified that 17 Measure X items have already been approved and 13 or 14 are still pending.

Vice Chair de Arakal expressed concerns with approving further applications before the Commission determines a policy regarding the maximum distance for outdoor deliveries and whether or not an armed security guard should be required.

Commissioner Navarro Woods agreed with Vice Chair de Arakal wanting to have a policy regarding outdoor deliveries and stated concern with approving an application with pending concerns.

**MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Class 1; and approve Planning Application 18-21, subject to all conditions of approval as itemized in the staff report.**

**Moved by Commissioner Zich, seconded by Chair Andranian with the purpose of discussion.**

Commission Zich and Chair Andranian commented on the motion.

Vice Chair de Arakal and Ms. Le discussed how many applications have come before the Commission with outdoor delivery and pick up in an unsecured area and who decided that indoor delivery was the better option.

Commissioner Harlan and Ms. Le discussed whether this is the first application for a suite on the second floor with an unsecured outside delivery.

**SUBSTITUTE MOTION: Move that the Planning Commission continue this item to a date uncertain.**

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

Commissioner Navarro Woods suggested that staff to look into how other jurisdictions handle the loading issue and spoke in support of the substitute motion.

Commissioner Zich spoke in opposition to the substitute motion.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Navarro Woods

Noes: Andranian, Zich

Absent: None

Abstained: None

**4. PLANNING APPLICATION 18-38 FOR A MARIJUANA DISTRIBUTION FACILITY (BIOSGROVE TECHNOLOGY, INC.) AT 3505 CADILLAC AVENUE, UNIT M-201**

**Project Description:** Planning Application 18-38 is a request for a Conditional Use Permit for a marijuana distribution facility (BiosGrove Technology, Inc.) within a 2,631-square-foot tenant space located within an existing industrial building. The proposed facility would distribute cannabis products produced by licensed cannabis manufacturers including vape cartridges, flower, tinctures and edibles. No extraction or manufacturing of cannabis will occur at this facility. The proposed facility will include a loading room to process orders, packaging room, product storage room, and support rooms including an ancillary office and conference room. Delivery vehicles used for the distribution of cannabis products will be loaded and unloaded outside the suite in the proposed designated loading area within the parking lot. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No cultivation of marijuana, or 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.

Nancy Huynh, Associate Planner, presented the staff report.

**PUBLIC COMMENTS**

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

Commissioners and Mr. Rafiei discussed the importance of having a parking stall for delivery close to the front door; how many Measure X applications Mr. Rafiei has processed in various jurisdictions and how many of them had outdoor loading areas located beyond 30 to 50 feet away; the volume of deliveries; whether the vehicles would be kept on-site and would they be marked with signage; whether he would coordinate with other cannabis businesses within

Cambridge Park and how those deliveries would occur; security protocols for deliveries; and whether the Cambridge Park owner has agreed to the parking stall for deliveries.

Commissioner Navarro Woods and Ms. Le discussed whether staff would be okay with a parking stall for deliveries that is further away, if it is monitored by outside surveillance cameras.

An unidentified speaker asked whether there are non-cannabis businesses in the same building and whether they share the same air conditioning unit.

Daniel Bistany, tenant in the 3525 Hyland Avenue building, asked about the City's security consultant. .

An unidentified speaker asked whether there is coordination going on with the armed security with the different cannabis industries within Cambridge Park.

Mr. Rafiei responded to public comments.

Commissioners and Mr. Rafiei discussed whether having Cambridge Park suites rented only to the cannabis industry makes it more or less safe; whether it is less optimal to introduce a cannabis use into a building that has mixed tenants; whether having some form of security escorting the movement of the product from the delivery vehicle to the facility is critical; whether the applicant would apply a surrender policy; and what Mr. Rafiei's professional background is.

The Chair closed the public hearing.

Commissioner Navarro Woods and staff discussed whether HdL Companies was still involved in the applicant's permitting process even though the applicant has its own security firm; and whether HdL Companies had any comments regarding the applicant's loading of product outside.

**MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Class 1, Existing Facilities; and approve Planning Application 18-38, subject to conditions of approval.**

**Moved by Chair Andranian, seconded by Commissioner Zich.**

Chair Andranian provided comments.

Commissioner Zich, Ms. Le, and Mr. Curtis discussed what the process would be to remove the condition of armed security from the conditional use permit at a future date.

Vice Chair de Arakal asked that Condition of Approval Number 1 include limiting the hours of distribution and to make sure the business be limited to distribution only and not include any references to manufacturing other than in the generic conditions. He also suggested having a study session where the City's consultant, HdL Companies, could give examples of how other cities address unsecured loading of cannabis products.

Chair Andranian and Commissioner Zich agreed to add Vice Chair de Arakal's requests to the motion.

**RESOLUTION PC-18-75 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT PA-18-38 TO ALLOW A MARIJUANA DISTRIBUTION FACILITY AT 3505 CADILLAC AVENUE, UNIT M-201**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

The Commission called for a break at 8:34 p.m.

The Commission reconvened the meeting at 8:39 p.m.

**5. PLANNING APPLICATION 18-14 FOR A MARIJUANA DISTRIBUTION FACILITY (SHELF LIFE, INC.) AT 3525 HYLAND AVENUE, SUITE 225**

**Project Description:** Planning Application 18-14 is a request for a Conditional Use Permit for a marijuana distribution facility within a 1,173-square-foot tenant space of an existing industrial building. The facility will be operated by Shelf Life, Inc. The proposed facility would distribute pre-packaged cannabis products produced by licensed cannabis manufacturers including pre-rolled joints, oils, waxes, beverages, and similar products. No extraction or manufacturing of cannabis will occur at this facility. Rooms include reception and lobby areas, storage rooms, and ancillary offices. Delivery vehicles used for the distribution of cannabis products will be loaded and unloaded outside the suite in the proposed designated loading area within the parking lot. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No cultivation of marijuana, or 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.

Two ex-parte communications to report: Commissioner Zich had a telephone conversation with Dan Bistany and met with the applicants when he visited the building and Commissioner Navarro Woods spoke with Ron Newton, a business owner in the office building, and with Shelf Life and walked through the location and followed up with a phone call to the applicant.

Katelyn Walsh, Assistant Planner, presented the staff report.

Commissioners, Ms. Walsh, Ms. Le, and Mr. Preziosi discussed: whether the applicant will be rolling joints at the location; whether the exterior security cameras installed are tenant operated; whether Conditions of Approval Nos. 39b and No. 41 can be implemented; whether the applicant could use the elevator if the hand truck was impractical to use up and down the stairs; whether the display of products is allowed; whether public comments received were a



factor in staff's recommendation; how the Measure X area was selected and whether building suitability was considered; whether tenants in the buildings located within the Measure X zone had an opportunity to voice any concerns before the boundaries of the Measure X zone was determined; whether paraphernalia is permitted inside a Measure X business; whether any correspondence from the property management company has been received; and, the location of the designated loading area on the site plan.

## **PUBLIC COMMENTS**

Courtney Eder, applicant, stated she has read the conditions of approval and agrees to them. She answered the Commissioners questions and presented a slideshow on the proposed application.

Commissioners and Ms. Eder discussed scale and intensity of the deliveries expected; how odor control would occur when the pre-packaged products are delivered; whether the security cameras provided by the applicant would be shared; where the product is stored; and, whether they wanted to be in a traditional office-like setting like Hyland versus being surrounded by other cannabis businesses.

Bob Warren stated concerns with the application turning the office building into a manufacturing and warehouse building instead; with his wife having to move her business and lose money in the process if the application is approved; and, asked the Commissioners to go visit building.

Travis Castro, owner of the subject property, spoke in support of this item.

Roy Newton, suite owner in the building, stated concerns with having a Federally-illegal business in the same building with his business that is Federally funded and with the potential of having his Federal security clearance revoked; and, spoke in opposition to this item.

Daniel Bistany, tenant in the building, asked that there be a condition to have a secure cage around the electrical closet that will control the centralized security cameras and that there be accountability if someone violates the conditions regarding odor control due to the shared HVAC system.

An adjacent owner of a suite at the office building stated concerns with guaranteeing that the front door would not be used for deliveries; the parking stall location for deliveries being unclear; sharing the same HVAC system with cannabis uses; and stated it is an office space not an industrial space.

Rolee Tazi, adjacent suite owner in the office building, stated concerns with the smell from cannabis travelling through the HVAC system and his clients smelling it; and requested strict enforcement if a cannabis smell occurs.

Greg Reece, owner/occupant at the office building, stated concerns with the cannabis odor in the HVAC system; stated that if more cannabis businesses operate at this location and they require several armed security guards, their presence would scare his clients; and discussed the displacement of long time owners at the building because they cannot work along-side cannabis businesses.

Ms. Eder responded to public comments.

The Chair closed the public hearing.

Commissioner Zich and Mr. Preziosi discussed whether the City has a legal concern with putting one business in jeopardy by approving a cannabis business.

Commissioners and Ms. Le discussed conditions that address odor control; whether Measure X at this location is an appropriate use for the zone; and whether this project could establish a precedent regarding the loading of cannabis.

**MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Class 1, Existing Facilities; and approve Planning Application 18-14, subject to all conditions of approval.**

**Moved by Commissioner Zich.**

Motion died due to a lack of a second.

**MOTION: Move that the Planning Commission deny the application based on the finding that it is not substantially compatible with development in the same general area, specifically the building in which it is located.**

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

Commissioner Harlan, Vice Chair de Arakal, and Commissioner Navarro Woods spoke in support of the motion.

Commissioner Zich spoke in opposition to the motion.

**RESOLUTION PC-18-76 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA, DENYING CONDITIONAL USE PERMIT PA-18-14 TO ALLOW A MARIJUANA DISTRIBUTION FACILITY AT 3525 HYLAND AVENUE, SUITE 225**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

**6. PLANNING APPLICATION 18-32 FOR A MARIJUANA MANUFACTURING FACILITY (HYLAND RESOURCES) AT 3525 HYLAND AVENUE, SUITE 115**

**Project Description:** Planning Application 18-32 is a request for a Conditional Use Permit for a marijuana manufacturing facility (Hyland Resources) within a 900-square-foot tenant space in an existing multi-tenant industrial building. The facility will be operated by 3525 Hyland, LLC. The proposed facility will include preparation, manufacturing, packaging, and storage of cannabis products, including pre-rolled and hand-rolled joints. No extraction of cannabis

will occur at this facility. Rooms include reception and lobby, production, storage and packaging, and ancillary offices. The facility would utilize the services of licensed distributors for the transport of product to and from the facility. Distribution vehicles will be loaded and unloaded outside the suite in a proposed designated loading area within the parking lot. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No cultivation of marijuana, or 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.

Katelyn Walsh, Assistant Planner, presented the staff report.

Mr. Curtis asked the Commission if they would be support combining the two public hearings remaining on the agenda, since it is the same applicant.

Mr. Rafiei agreed to combining his two applications.

The Commission agreed to combine both public hearings. Refer to Item 7.

## **7. PLANNING APPLICATION 18-16 FOR A MARIJUANA DISTRIBUTION FACILITY (HYLAND DISTRIBUTION) AT 3525 HYLAND AVENUE, SUITE 110**

**Project Description:** Planning Application 18-16 is a request for a Conditional Use Permit for a marijuana distribution facility (Hyland Distribution) within a 3,622-square-foot tenant space in an existing industrial building. The proposed facility would distribute cannabis products produced by licensed cannabis manufacturers including pre-rolled and hand-rolled joints. No extraction or manufacturing of cannabis will occur at this facility. Rooms include reception and lobby, order fulfillment, storage rooms and ancillary offices. Delivery vehicles used for the distribution of cannabis products will be loaded and unloaded outside the suite in the proposed designated loading area within the parking lot. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No cultivation of marijuana, or 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.

Ms. Walsh presented the staff report for PA-18-16 and 18-32.

Commissioner Zich and Ms. Le discussed whether taxes would be collected as two separate businesses.

### **PUBLIC COMMENTS**

Meilad Rafiei, applicant's representative, stated he has read conditions of approval for both applications and agrees to them. He presented a slideshow on the proposed applications.

Commissioners, Mr. Rafiei, and staff discussed why the applicant had to apply for two separate conditional use permits; whether the property owners of Hyland Resources are present at the meeting; whether the signage at the front of the building will be located at the suite entrance or the building entrance; and whether changes to the fire prevention plan to address odor control would occur.

Mathew Manslow, works in the office building, spoke in opposition to this item and stated concerns with losing their contracts with the government because their security clearance could be revoked for having a marijuana business operating in the same building.

Rolee Tazi, owner of Suite 200 in the same building, stated concerns with losing his government contracts; stated that there is no designated parking at this location and indicated that designated parking would not be allowed; and spoke in opposition to this item.

Daniel Bistany, tenant in the building, stated concerns with sharing the HVAC system and cannabis odor emanating from the front of the suite to the outside which is near a public walkway.

Greg Reece, owner/user at the office building, stated concerns with the smell coming from cannabis manufacturing and the shared HVAC system; and the compatibility issue with the surrounding businesses.

Scott Pringle, works in the office building, spoke on the compatibility issue with the surrounding businesses and how the HVAC system would be incompatible.

Bob Warren stated concerns with the HVAC system and having marijuana manufacturing in the same building; parking; and described that the armed security guards transporting products would frighten his wife's clients.

Roy Newton, suite owner in the building, stated concerns with the odor and losing his business over it. He stated that the electrical for the HVAC system is connected and separating it would be costly.

A speaker asked whether there have been any buildings in Measure X that have been cannabis free (besides the SOCO area) and whether adding Hyland as a cannabis free building can be voted on.

Mr. Rafiei responded to public comments.

The Chair closed the public hearings.

**MOTION: Move that the Planning Commission deny Planning Application 18-32 for a marijuana manufacturing facility at 3525 Hyland Avenue, Suite 115 based on the Commission's determination that the finding cannot be made that the proposed development is substantially compatible with the developments in the same general area and that granting the conditional use permit would be material detrimental to the health safety and general welfare for the public.**

**Moved by Vice Chair de Arakal, seconded by Commissioner Zich.**

**RESOLUTION PC-18-77 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA, DENYING CONDITIONAL USE PERMIT PA-18-32 TO ALLOW A MARIJUANA MANUFACTURING FACILITY AT 3525 HYLAND AVENUE, SUITE 115**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

**MOTION: Move that the Planning Commission deny Planning Application 18-16 based on its being unable to support the required findings that the proposed use is compatible with the office park area and based on that fact that the Commission cannot say with certainty that granting this conditional use permit will not be materially detrimental to other business owners or health, safety, and welfare of the public.**

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

**RESOLUTION PC-18-78 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA DENYING CONDITIONAL USE PERMIT PA-18-16 TO ALLOW A MARIJUANA DISTRIBUTION FACILITY AT 3525 HYLAND AVENUE, SUITE 110**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

**DEPARTMENTAL REPORT(S)**

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

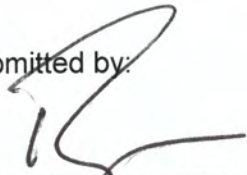
**CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – none.

**ADJOURNMENT (05:14:36)**

Chair Andranian adjourned the meeting in honor of Captain Mike Kreza of the Costa Mesa Fire Department.

Submitted by:



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BARRY CURTIS, SECRETARY  
COSTA MESA PLANNING COMMISSION