

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

April 13, 2020

CALL TO ORDER

The Chair called the meeting to order at 6:01 PM and read a brief statement into the record regarding COVID 19.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair de Arakal led the Pledge of Allegiance.

ROLL CALL

Present in Council Chambers: Chair Byron de Arakal

Present via teleconference: Vice Chair Jeffrey Harlan, Commissioner Kedarious Colbert, Commissioner Marc Perkins, Commissioner Dianne Russell, Commissioner Jenna Tourje, Commissioner Jon Zich

Absent: None

Officials Present in Council Chambers: Assistant Director of Development Services Jennifer Le, , Fire Marshal Jon Neal, , Transportation Services Manager Jennifer Rosales, Principal Planner Minoo Ashabi, Associate Planner Nancy Huynh, Assistant Planner Justin Arios, City Clerk Brenda Green, and Recording Secretary Julie Colgan

Officials Present via teleconference: Director of Economic and Development Services Barry Curtis, Assistant City Attorney Tarquin Preziosi, Interim City Engineer Bart Mejia

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Tarquin Preziosi, Assistant City Attorney, provided a response to concerns raised by the public regarding whether or not certain applications are "essential businesses".

Brenda Green, City Clerk, read general public comments into the record from Wendy Leece, Robin Leffler, Mary Spadoni, Anna Vrska, Ann Parker, Cindy Black, and John Merrill.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Zich commented on the general public comments received for tonight's meeting; on City's essential businesses; on phone calls he made and public correspondence for tonight's meeting; and public engagement.

Commissioner Tourje commented on ways to gather public comment for essential meetings.

Commissioner Tourje made a motion to continue Public Hearing Item No. 3.

The Commission discussed continuing Public Hearing Item No. 3 to the second meeting in May contingent on the City developing a process for members of the public to provide comments.

MOVED/SECOND: Tourje/Russell

MOTION: Move Continuance of Public Hearing Item No. 3 until May 26.

Commissioner Zich asked whether the applicant is amenable to the continuance and whether the applicant can add changes to their application after public engagement with the City residents. Mr. Curtis responded that the applicant can make changes as long as it is before the staff report goes out.

Jeff Sack, applicant's representative, responded that he is not amenable to continuing the item.

Spencer Kallick, applicant's attorney, asked that the item be heard at tonight's meeting.

Commissioner Perkins, Commissioner Russell, Commissioner Colbert, and Vice Chair Harlan commented on the motion.

Mr. Preziosi commented on how to proceed if any further comments occurred on the merits of the application.

Chair de Arakal made a substitute motion.

MOVED/SECOND: de Arakal/ Harlan

SUBSTITUTE MOTION: Continue Public Hearing Item No. 3 until May 11.

The motion failed by the following roll call vote:

Ayes: de Arakal, Harlan, and Perkins

Nays: Colbert, Russell, Tourje, and Zich

Absent: None

Motion failed: 3-4

The original motion from Commissioner Tourje was voted on since the substitute motion failed.

MOVED/SECOND: Tourje/Russell

MOTION: Move Continuance of Public Hearing Item No. 3 until May 26.

Mr. Curtis recommended to continue the item to a date uncertain and it will be re-noticed.

Discussion ensued on continuing the item to a date uncertain.

Chair de Arakal asked whether Commissioner Tourje's motion is to continue Public Hearing Item No. 3 and ask staff to come back with a date in which the Commission could hear the item during the week of May 25. Commissioner Tourje responded yes and Commissioner Russell agreed to the motion.

MOVED/SECOND: Tourje/Russell

MOTION: Continue Public Hearing Item No. 3 and asked staff to come back with a date in which the Commission could hear the item the week of May 25.

Commissioner Zich spoke in opposition to the motion.

The motion carried by the following roll call vote:

Ayes: Colbert, Perkins, Russell, and Tourje

Nays: de Arakal, Harlan, and Zich

Absent: None

Motion carried: 4-3

Continued Commissioner Comments and Suggestions.

Commissioner Perkins spoke on public input during COVID 19 and the City's overall system on public feedback on decision making items.

Commissioner Russell spoke on public engagement during COVID 19.

Commissioner Colbert spoke on the public engagement process during COVID 19.

Vice Chair Harlan thanked Commissioners and staff for all the work they are doing during this time.

Chair de Arakal thanked City staff for everything they are doing during COVID 19; thanked the community for their efforts during COVID 19; spoke on the hard times city businesses are having; on the system that is currently in place for public input for City meetings; and on the economy.

CONSENT CALENDAR:

1. **MINUTES FOR THE MEETING OF DECEMBER 9, 2019**
2. **MINUTES FOR THE SPECIAL CLOSED SESSION MEETING OF DECEMBER 9, 2019**
3. **MINUTES FOR THE MEETING OF NOVEMBER 25, 2019**
4. **MINUTES FOR THE SPECIAL MEETING OF NOVEMBER 14, 2019**
5. **MINUTES FOR THE MEETING OF OCTOBER 14, 2019**
6. **MINUTES FOR THE MEETING OF SEPTEMBER 23, 2019**
7. **MINUTES FOR THE MEETING OF SEPTEMBER 9, 2019**

Commissioners announced what Consent Calendar items they will be abstaining from.

MOVED/SECOND: de Arakal/Zich

MOTION: Move Consent Calendar.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Colbert, Perkins, Russell, Tourje, and Zich.

Nays: None

Absent: None

Abstained: de Arakal abstained from Consent Calendar Item No. 6, Perkins abstained from Consent Calendar Item No. 4, 5, 6 and 7, Russell abstained from Consent Calendar Item No. 6, and Tourje abstained from Consent Calendar Item No. 1, 2, and 5.

Motion carried:

Consent Calendar Item No. 1: 6-0

Consent Calendar Item No. 2: 6-0

Consent Calendar Item No. 3: 7-0

Consent Calendar Item No. 4: 6-0

Consent Calendar Item No. 5: 5-0

Consent Calendar Item No. 6: 4-0

Consent Calendar Item No. 7: 6-0

PUBLIC HEARINGS

1. DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR), GENERAL PLAN AMENDMENT GP-20-01, REZONE R-20-01, SPECIFIC PLAN SP-20-01, MASTER PLAN PA-19-19, TENTATIVE TRACT MAP T-19-01, AND DEVELOPMENT AGREEMENT DA-20-02 FOR DEVELOPMENT OF A MIXED-USE PROJECT (ONE METRO WEST) LOCATED AT 1683 SUNFLOWER AVENUE

Project Description: The subject application is a request to allow for the One Metro West project, proposed at 1683 Sunflower Avenue on a 15.23-acre property. The project is proposed to include up to 1,057 residential dwelling units (anticipated to be rental units with a minimum of 105 affordable units), 25,000 square feet of commercial office, 6,000 square feet of specialty retail, and 1.5-acres of open space. The project would also include off-site improvements to Sunflower Avenue and a bicycle trail connection to the existing Santa Ana River Trail. All existing buildings, structures, parking areas, drive aisles, and hardscape/landscape improvements are proposed to be demolished. The proposed project requires City approval of: Draft Environmental Impact Report (State Clearinghouse (SCH) No. 2019050014), General Plan Amendment (GP-20-01), Zone Change (R-20-01), Specific Plan (SP-20-01), Master Plan (PA-19-19), Tentative Tract Map (T-19-01), and Development Agreement (DA-20-02). The proposed General Plan Amendment would change the General Plan land use designation of the site from Industrial Park to High Density Residential and establish a site-specific density of 80 dwelling units per acre. The proposed Rezone would change the site's zoning designation from Industrial Park (MP) to Planned Development Residential – High Density (PDR-HD). The proposed project includes the establishment of a Specific Plan which identifies site-specific development standards and design guidelines for the project site. A Master Plan is also proposed which includes plans and details on architecture and site design, landscaping and off-site improvements for the project site. The proposed Tentative Tract Map would subdivide the property for condominium purposes. The proposed Development Agreement defines the terms, conditions and specific requirements for development of the site between the project applicant and the City.

Environmental Determination: A Draft Environmental Impact Report (DEIR, SCH No. 2019050014) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15073, the Draft EIR was made available for public review from February 7, 2020 through March 23, 2020. The City extended the public review period through March 30, 2020 due to circumstances surrounding COVID-19.

Seven ex-parte communications to report: Commissioner Zich met with the applicant four or five weeks ago; Commissioner Tourje met with the applicant four or five weeks ago; Commissioner Perkins met with the applicant's representative Brent Stoll; Commissioner Russell met with the applicant four or five weeks ago and met with the applicant before she became a Commissioner and another additional time to discuss affordable housing; Vice Chair Harlan met with the applicant; Chair de Arakal met with the applicant on different occasions over the last 18 to 24 months to understand various design concepts as they came forward; and Commissioner Colbert met with the applicant on March 3.

Nancy Huynh, Associate Planner, presented the staff report.

City Consultants present via teleconference: Kristen Bogue, Project Manager with Michael Baker International and Eddie Torres, Principal-in-charge with Michael Baker International.

Discussion ensued on LU policy 1.3; ownership housing; whether the open space/park ratio in the General Plan is currently met; different development park fee ratios; Measure Y; RHNA analysis; self-contained mixed use development; development's effect on Measure X use at this location; whether the project's 1.5 acre of park space cause a separation conflict with the Measure X zone; location of project windows; outdoor areas exemption from any noise standards; why certain intersections were not identified as being impacted; required number of parking spaces per unit; number of affordable units included in project; easement along the Santa Ana River trail; percentage of the project's affordable units versus what is required by RHNA; what would be the process to expand the Specific Plan for the general area; greenhouse gas emissions analysis in the draft EIR; difference between the two models of trip generation referred in the draft EIR; whether biking and walking was taken into account in the trip generation in the draft EIR; why we cannot apply mitigation to reduce VMT; whether the maximum threshold for air pollution is scaled for the project; location of the project's affordable housing units; the current employment at the site; why the travel lanes are 12 feet wide on Sunflower Avenue; how the proposed open space compares to other Planned Development projects; the project's residential dwelling units face interior courtyard and open space; light impact to the nearby residential neighborhoods; development agreement will capture the variety of units in terms of bedroom type that will be affordable; potential for cut through traffic in the Mesa Verde neighborhood; the project's development agreement addressing the mixed level of affordable housing units; proposed density and total number of units; Airport Land Use Commission's authority on the project; what approach was taken into consideration for the project's height and massing to the surrounding area; who would be in charge of the maintenance of the bike trail within the easement; how the project and its phasing could help the City's RHNA numbers; how air quality was considered in the exterior and interior of the units; electric vehicle parking spaces; the capacity of existing utilities to support the development; City Fire Department analysis on future impacts of the development; number of affordable housing units constructed during the last RHNA cycle; why a rezone for PDR-HD is requested; and that the air quality analysis used the same assumption as the traffic analysis regarding the trip generation.

The Commission took a break at 9:29 PM.

The Commission reconvened at 9:37 PM.

The Chair opened the public hearing.

Mary Spadoni provided an email in opposition to the project.

Ann Parker provided an email asking to postpone the item.

Jason Thesing provided an email in opposition to the project.

Stephen Smith provided an email in opposition to the project.

John Merrill provided an email in opposition to the project.

Ben Chapman provided an email in opposition to the project.

MOVED/SECOND: de Arakal/ Colbert

MOTION: Move the Planning Commission keep the public hearing and the public comment open and continue the public hearing on this item until the meeting of April 27.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Colbert, Perkins, Russell, Tourje, and Zich.

Nays: None

Absent: None

Motion carried: 7-0

The Commission took a break at 11:08 PM.

The Commission reconvened at 11:15 PM.

2. PLANNING APPLICATION 19-29 FOR A MARIJUANA MANUFACTURING FACILITY (COMPLEX PLUS) AT 3505 CADILLAC AVENUE, UNIT O-106

Project Description: Planning Application 19-29 is a request for a Conditional Use Permit for a marijuana manufacturing facility within a 4,480-square-foot tenant space in an existing industrial building. The facility would be operated by Complex Plus. The proposed facility would manufacture cannabis products utilizing butane extraction; no distribution of cannabis would occur at this facility. The facility would have security systems (card readers, security cameras, etc.) throughout the facility. No cultivation of marijuana or a 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.

Discussion ensued on the Measure X businesses that have been approved; marijuana business tax rate approved by the City Council recently; how many Measure X businesses are operating in Cambridge Park; that third party distributor's license comes from the State; conditions of approval for this project that are different from other Measure X projects approved; and other butane extractions approved in the condominium office complex.

The Chair opened the public hearing.

PUBLIC COMMENTS

Bruce Entezam, applicant, stated that he has read and agrees to the conditions of approval.

Discussion ensued on whether the complex has bicycle parking for employees; how many employees will be onsite; training guidelines for new employees; request to increase hours of operation for extraction; where photo ID badges had been required in past Measure X approvals; and Mr. Entezam stated it would be okay to add the language "photo ID" badge in Condition of Approval No. 10.

The Chair opened for public comments.

There were no public comments.

The Chair closed the public hearing.

MOVED/SECOND: de Arakal/ Tourje

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Colbert, Perkins, Russell, Tourje, and Zich.

Nays: None

Absent: None

Motion carried: 7-0

ACTION: Planning Commission adopt 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 (Class 1), Existing Facilities; and
2. Approve Planning Application 19-29, subject to conditions of approval.

RESOLUTION PC-2020-11 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 19-29 TO ALLOW A MARIJUANA MANUFACTURING FACILITY (COMPLEX PLUS) IN THE PDI ZONE FOR PROPERTY AT 3505 CADILLAC AVENUE, UNIT O-106

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Mr. Curtis reported on the status of the daily operations occurring in the Development Services Department.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT AT 11:39 PM

Submitted by:



JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION