



PLANNING COMMISSION AGENDA

MONDAY, MARCH 22, 2021

VIRTUAL LOCATIONS, COSTA MESA, CALIFORNIA

SPECIAL CLOSED SESSION 5:00 P.M.

REGULAR MEETING 6:00 P.M.

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Planning Commission Members to attend Planning Commission meetings telephonically. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. You may observe the Planning Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) AND ONLINE AT youtube.com/costamesatv.
2. Zoom Webinar – March 22, 2021 – (For both 5:00 p.m. and 6:00 p.m. meetings)
Please click the link below to join the webinar:
<https://zoom.us/j/96060379921?pwd=N2lrbzhJM2hWU3puZkk1T3VYT3hoQT09>

Or sign into Zoom.com and “Join a Meeting”

Webinar ID: 960 6037 9921/ Passcode: 595958

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” function located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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Participate via telephone: US: + 1 669 900 6833
Webinar ID: 960 6037 9921/ Passcode: 595958

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item may submit your comment via email to PCPublicComments@costamesaca.gov. Comments received by **12:00 P.M.** on the date of the meeting will be provided to the Planning Commission, made available to the public, and will be part of the meeting record. Any photos, PowerPoints or other materials for distribution to the Planning Commission must be 10 pages or less and submitted to the City as described above **NO LATER THAN 12:00 P.M.** on the day of the hearing. All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted. A direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats: .mp4, .mov, or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information.
4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or cityclerk@costamesaca.gov and we will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.
5. The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

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MONDAY, MARCH 22, 2021 – 5:00 P.M.

SPECIAL CLOSED SESSION

BYRON DE ARAKAL

Chair

KEDARIOUS COLBERT

Vice Chair

DIANNE RUSSELL

Planning Commissioner

JOHN STEPHENS

Planning Commissioner

TARQUIN PREZIOSI

Assistant City Attorney

JON ZICH

Planning Commissioner

JENNA TOURJE

Planning Commissioner

RUSSELL TOLER

Planning Commissioner

JENNIFER LE

Director of Economic and Development Services

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

Members of the public are welcome to address the Planning Commission only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.

CLOSED SESSION ITEM(S):

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – ONE CASE** - Pursuant to subdivision (d)(2) of Section 54956.9 California Government Code, Potential Litigation.

The Planning Commission will recess for Closed Session.

**MONDAY, MARCH 22, 2021
REGULAR MEETING – 6:00 P.M.**

BYRON DE ARAKAL
Chair

KEDARIOUS COLBERT
Vice Chair

DIANNE RUSSELL
Planning Commissioner

JOHN STEPHENS
Planning Commissioner

TARQUIN PREZIOSI
Assistant City Attorney

JON ZICH
Planning Commissioner

JENNA TOURJE
Planning Commissioner

RUSSELL TOLER
Planning Commissioner

JENNIFER LE
Director of Economic and Development Services

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

ANNOUNCEMENTS AND PRESENTATIONS

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

CONSENT CALENDAR: None

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. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE TO ADOPT CODE AMENDMENT CO-2021-01 TO AMEND CHAPTER IX, ARTICLE 21 AND CHAPTER IV, TABLE 13-30 OF TITLE 13 TO ESTABLISH THE DEVELOPMENT STANDARDS FOR CANNABIS USES, INCLUDING RETAIL CANNABIS STOREFRONT AND NON-STOREFRONT USES AND AN ORDINANCE TO AMEND CHAPTER I, ARTICLE 5, CHAPTER II, ARTICLE 1 AND CHAPTER VI OF TITLE 9 OF THE COSTA MESA MUNICIPAL

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CODE REGARDING THE TAXATION, REGULATION, OPERATING REQUIREMENTS AND STANDARDS FOR CANNABIS USES INCLUDING RETAIL CANNABIS STOREFRONT AND NON-STOREFRONT USES, IN ORDER TO IMPLEMENT THE CITY OF COSTA MESA RETAIL CANNABIS TAX AND REGULATION MEASURE (MEASURE Q)

Project Description: An Ordinance for Zoning Code Amendment CO-2021-01 to amend portions of Title 13 (Planning, Zoning, and Development) of the Costa Mesa Municipal Code and an Ordinance to amend portions of Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code to establish the taxation, regulations, operating requirements and standards for cannabis uses, including retail cannabis storefront and non-storefront uses in order to implement the City of Costa Mesa Retail Cannabis Tax and Regulation Measure (Measure Q). This item was continued from the February 22, 2021 meeting.

Environmental Determination: The ordinances are exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) (General Rule), Section 15301 (Class 1), Existing Facilities, Section 15303 (Class 3), New Construction or Conversion, Section 15308 (Class 8) Actions by Regulatory Agencies, and Section 15332 (Class 32), Infill Development.

Recommended Action: Staff recommends that the Planning Commission:

- Review Ordinance 2021-X2 which amends chapters of Title 9 of the Costa Mesa Municipal Code and make recommendations to the City Council regarding the definitions set forth in Chapter VI (Cannabis Business Permits); and
- Adopt a Resolution recommending that the City Council:
 - Find that the adoption of Zoning Code Amendment CO-2021-01 is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3), General Rule, Section 15301 (Class 1), Existing Facilities, Section 15303 (Class 3), New Construction or Conversion of Small Structures, Section 15308 (Class 8), Actions by Regulatory Agencies, and Section 15332 (Class 32), In-fill Development Projects; and
 - Give first reading to Ordinance 2021-X1 to adopt Zoning Code Amendment CO-2021-01 to amend the following chapters of the Costa Mesa Municipal Code: Chapter IX (Special Land Use Regulations), Article 21 (Location of Marijuana Distributing, Manufacturing, Research and Development and Testing Laboratories) of Title 13 (Planning, Zoning and Development); and Chapter IV (Citywide Land Use Matrix), Table 13-30 (Land Use Matrix) of Title 13.

[Click here for public correspondence received on this item](#)

[Click here for information provided to the Planning Commission after the staff report was released](#)

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2. [PLANNING APPLICATION 20-17 FOR A CONDITIONAL USE PERMIT AND MINOR MODIFICATION TO ALLOW FOR THE CONSTRUCTION OF A FAST 5 XPRESS CAR WASH LOCATED AT 2950 HARBOR BOULEVARD](#)

Project Description: Planning Application 20-17 is a request for a Conditional Use Permit (CUP) to allow for the construction of a new 4,962-square-foot self-serve car wash facility (Fast 5 Xpress Car Wash). The application includes a minor modification request to reduce the landscape setback on Harbor Boulevard (20 feet required; 16 feet proposed). The project proposes a steel structure with a 135-foot long carwash tunnel; 26 vacuum/parking spaces with tan canvas awnings covering each stall; and additional employee parking stalls. The project proposes all new site lighting, a new trash enclosure and new landscape for the site.

Environmental Determination: The project is exempt from the provisions of CEQA per CEQA Guidelines Section 15303 (Class 3), New Construction.

Recommended Action: Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is exempt from the provisions of CEQA under CEQA Guidelines Section 15303 (New Construction); and
2. Approve PA-20-17 (Conditional Use Permit and Minor Modification), subject to conditions of approval.

3. [PLANNING APPLICATION 01-30A \(PA-18-01\) IS A REQUEST TO AMEND CONDITIONAL USE PERMIT PA-01-30 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION PURSUANT TO AN ABC LICENSE \(TYPE 20, OFF-SALE BEER AND WINE\) IN CONJUNCTION WITH THE OPERATION OF AN EXISTING FUEL AND SERVICE STATION INCLUDING A MINI-MARKET AT 195 E. 17TH STREET](#)

Project Description: Planning Application 01-30A (PA-18-01) is a request to amend conditional use permit PA-01-30 to allow the sale of alcoholic beverages for off-site consumption pursuant to an ABC License Type 20 (Off-Sale Beer and Wine) in conjunction with the operation of an existing fuel /service station and a mini-market at 195 E. 17th Street. The Type 20 (Off-Sale Beer and Wine) license is proposed to be transferred from Santa Monica Seafood Market and Café to ExtraMile Mini Market.

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

Recommended Action: Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of CEQA per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve the request subject to staff recommended conditions of approval, approve with modifications, or deny Planning Application 18-01.

[Additional documents provided to the Commission](#)

DEPARTMENTAL REPORTS:

1. **Public Services Report**
2. **Development Services Report**

CITY ATTORNEY'S OFFICE REPORT:

1. **City Attorney**

ADJOURNMENT

Next Meeting: Planning Commission regular meeting, April 12, 2021, 6:00 P.M.

ADDITIONAL INFORMATION

PLANNING COMMISSION MEETINGS:

Costa Mesa Planning Commission meets the second and fourth Monday of each month at 6:00 P.M.

PUBLIC COMMENTS – MATTERS LISTED ON THE AGENDA:

1. Members of the public desiring to comment on a specific agenda item, please submit your comment via email at PCPublicComments@costamesaca.gov or as otherwise described on Pages 1 and 2 of this agenda.
2. In accordance with City Council Policy 000-11, and other requirements, any pictures, PowerPoints, and videos for display at a public meeting must have been previously reviewed by staff to verify appropriateness for general audiences. Refer to Page 2 of this agenda for detailed instructions. Please email PCPublicComments@costamesaca.gov **NO LATER THAN 12:00 NOON.**

AGENDA REPORTS:

Reports may be obtained on the City's website at: <https://www.costamesaca.gov/city-hall/commissions-and-committees/planning-commission/agendas-videos-minutes/2021-agendas-and-minutes>

Note regarding agenda-related documents provided to a majority of the Planning Commission after distribution of the Planning Commission agenda packet (GC §54957.5):

Any related documents provided to a majority of the Planning Commission after distribution of the Planning Commission agenda packets will be made available to the public on the City's website at www.costamesaca.gov.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

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 affected party files an appeal to the City Council, or a member of City Council requests a review of the action. Applications for appeals are available through the City Clerk's office; please call 714.754.5225 for additional information.

CONTACT CITY STAFF:

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planninginfo@costamesaca.gov

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