

From: Roberto Bignes <rbignes@mac.com>
Sent: Tuesday, February 18, 2025 10:13 AM
To: PC Public Comments
Subject: PCUP-24-0011

María Fernanda Masuero
IL DOLCE RESTAURANT
1902 Harbor Blvd., Costa Mesa, CA 92627
Rbignes@mac.com
(949) 200-9107
02/18/2025

Planning Division
City of Costa Mesa
City Hall council chamber
77 Fair Dr., Costa Mesa, CA
Subject: Opposition to Proposed Marijuana Dispensary Near, IL DOLCE RESTAURANT.
Application number : PCUP-24-0011

Dear Planning Division,

I am writing to formally express my opposition to the approval of a marijuana dispensary at 1912 Harbor Blvd., Costa Mesa, CA, as the owner of IL DOLCE RESTAURANT , a family-owned business located at 1902 Harbor Blvd., Costa Mesa, CA.

Our restaurant has been serving the community for 15 years, and we are deeply concerned about the negative impact another dispensary in this area would have on our business and the surrounding neighborhood. There are already multiple dispensaries in Costa Mesa, and adding another one in close proximity to our establishment would create additional challenges, including:

1. **Parking Issues:** The increased traffic and demand for parking will severely affect our customers' ability to access our restaurant. Parking is already limited, and adding another high-traffic business will only worsen the situation.
2. **Business Impact:** As a family-oriented restaurant, we worry that the presence of a marijuana dispensary nearby may deter some of our regular customers and negatively affect our reputation.
3. **Oversaturation of Dispensaries:** The city already has a significant number of dispensaries. Approving another one would not serve the best interest of local businesses or residents.

We urge the Planning Division to reconsider the approval of this dispensary and prioritize the needs of small businesses like ours that contribute to the local economy and serve the community.

Thank you for your time and consideration. I would appreciate the opportunity to discuss this matter further if needed.

Sincerely,

María Fernanda Masuero
IL DOLCE RESTAURANT

From: Andres Bignes <bignesandres@yahoo.com>
Sent: Thursday, February 20, 2025 4:29 PM
To: PC Public Comments
Subject: Re: Pcup-24-0011

Andres R. Bignes
1902 Harbor Blvd.
Costa Mesa, CA 92867
Bignesandres@yahoo.com
February 20, 2025

Planning Division
City of Costa Mesa
City Hall Council Chamber
77 Fair Dr.
Costa Mesa, CA

Subject: Opposition to Proposed Marijuana Dispensary Near IL DOLCE RESTAURANT
Application Number: PCUP-24-0011

Dear Members of the Planning Division,

I hope this message finds you well. I am writing to formally express my strong opposition to the proposed medical marijuana clinic in the shopping center where my restaurant, IL DOLCE RESTAURANT, is located. I believe that this establishment will not only disrupt our operations but will also negatively impact the safety and overall atmosphere of our shopping center.

The previous illegal medical marijuana clinic in the shopping center created significant challenges for my restaurant. Its presence led to increased loitering and disruptive behavior from individuals in the area. It became a common sight to see groups lingering outside, which made our customers uncomfortable and discouraged them from visiting. The behavior associated with the clinic's patrons disrupted the family friendly environment we work hard to maintain, for past 15 years.

Moreover, the influx of visitors to the former clinic resulted in a noticeable increase in litter and debris. This not only detracted from the overall aesthetics of the shopping center but also contributed to an unwelcoming atmosphere. A clean and well-maintained environment is essential for attracting customers, and the presence of litter significantly diminishes the appeal of the area, ultimately affecting all businesses within the center.

I also wish to raise concerns regarding the owner of the proposed clinic. He approached me under the pretense of discussing a different type of business and presented a petition that I later discovered was intended for a medical marijuana clinic. I felt deceived and misled during this interaction, as it was clear he had undisclosed ulterior motives. This lack of transparency is troubling and raises further concerns about the integrity of the business he plans to operate.

As a local business owner, I am deeply committed to fostering a thriving and safe community for all residents and visitors. I urge the City Council to consider the potential negative consequences of this new clinic and to prioritize the interests of existing businesses and the overall well being of our community.

Thank you for your attention to this matter. I hope you will take my concerns seriously as you deliberate on this issue.

Sincerely,

Andres R. Bignes
IL DOLCE RESTAURANT

From: Monika Zsibrita <mzsibrita@gmail.com>
Sent: Monday, February 24, 2025 7:16 AM
To: PC Public Comments
Subject: Opposition to Proposed Cannabis Dispensary Near My Business

Dear Planning Commission,

I am writing to formally express my strong opposition to the proposed cannabis dispensary near my business, Icelab Cryo, located at 440 W 19th St, Costa Mesa, CA 92627. As a longstanding business owner in Costa Mesa, I have serious concerns about the negative impact this type of establishment could have on our property, businesses, and the surrounding community.

My primary concerns include:

1. **Parking & Traffic Congestion** – Our center already experiences limited parking availability. The addition of a dispensary, which could attract high volumes of patrons throughout the day, would exacerbate this issue, making it even more difficult for my clients and other business owners to operate efficiently.
2. **Clientele & Business Atmosphere** – Icelab caters to health-conscious individuals, athletes, and families seeking wellness services. A cannabis dispensary may attract a different type of clientele, potentially discouraging my regular customers from visiting, which could directly impact my business revenue and growth.
3. **Safety & Community Impact** – Unfortunately, dispensaries have been associated with an increase in loitering, theft, and other safety concerns in many areas. As a business owner, I want to ensure a safe, professional, and welcoming environment for my clients, and I fear this new establishment may introduce challenges in maintaining that standard.

I strongly urge the Planning Commission to consider these concerns and the broader implications this dispensary could have on existing businesses in the area. I encourage you to prioritize the needs of established businesses and the local community over the interests of a single new business that may bring unintended negative consequences.

Thank you for your time and consideration. I appreciate your attention to this matter and hope my concerns, along with those of my landlord and other business owners, will be taken into serious account.

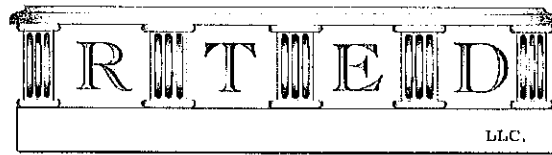
Best,
Monika Zsibrita
Owner, Icelab
949/836-3200

--

From: Erik Johnsen <ejohnsen@rtedgroup.com>
Sent: Monday, February 24, 2025 9:13 AM
To: PC Public Comments
Subject: RE: PCUP-24-0011 Dave Ruffel/Keith Scheinberg
Attachments: Keith Scheinberg .pdf

My comments on PCUP-24-0011 Dave Ruffel/Keith Scheinberg.

Erik R. Johnsen



P.O. Box 18528 Irvine, CA 92623

02/24/2025

RE: PCUP-24-0011 Applicants Dave Ruffel/ Keith Scheinberg

Dear Costa Mesa Planning Commission,

I am writing to provide an overview of the tenancy of Keith Scheinberg at 424 32nd Street, Unit A, Newport Beach, CA 92663. Mr. Scheinberg entered into a residential lease agreement for the period of May 2021 to April 2022, with the understanding that the residence would serve as his temporary home while his house in Costa Mesa underwent remodeling.

Within the first few weeks of his residency, we began receiving noise complaints from neighbors regarding disruptive behavior at the property. When we inquired, Mr. Scheinberg explained that he was simply hosting friends. However, as the complaints persisted, we conducted several property inspections. Our investigation revealed that Mr. Scheinberg had, in fact, transformed the property into a nightclub on weekends and adult film studios during the weekdays.

Further evidence showed that Mr. Scheinberg was not residing at the property himself, but had granted unrestricted access to others. Mr. Scheinberg denied that the property was being used as a nightclub and adult film studio. This evidence was submitted to the City of Newport Beach, which initiated its own investigation. As a result, Mr. Scheinberg was cited for violations related to running an adult business and breaching home occupation regulations. He attempted to appeal these citations, but the appeals were unsuccessful. Even after the citations were upheld, it was discovered that Mr. Scheinberg continued to use the property for the same activities.

Additionally, during this period, Mr. Scheinberg received a violation notice from the Newport Beach Fire Department for the illegal handling and use of pyrotechnic devices indoors. Given the nature of his tenancy and these ongoing violations, we chose not to renew his lease.

When Mr. Scheinberg vacated the property, it was found in a condition that was significantly different from how it was received. The property required extensive repairs and

could not be leased out for several weeks, incurring substantial costs to restore it to a habitable state.

Unfortunately, Mr. Scheinberg's tenancy did not proceed as expected, and we hope this provides clarity to The Costa Mesa Planning Commission.

It is further noted that Mr. Scheinberg appears to continue with these types of activities at his personal residence in Costa Mesa.

Sincerely

RTED Irvine LLC

* Below are copies of the violations.

*Activities in Costa Mesa



**NOTICE OF ADMINISTRATIVE CITATION
CITY OF NEWPORT BEACH**

**Community Development Department Code & Water Quality
Enforcement**

**100 Civic Center Drive
Newport Beach, CA 92660 949-644-3215**

Name of Owner or Business : **KEITH SCHEINBERG**

**424 32ND ST UNIT A
NEWPORT BEACH CA 92663**

**Citation No : I21-3019A
Date : 10/06/2021
Account No : I21-3019**

An inspection of premises located at **424 32ND ST NB** in the City of Newport Beach, on **10/06/2021** revealed a violation(s) of the Newport Beach Municipal code.

THE NEXT LEVEL CITATION IS NOW PENDING AND YOU MAY BE CITED EACH DAY THE VIOLATION CONTINUES. OTHER ENFORCEMENT ACTION AND PENALTIES MAY ALSO RESULT IF COMPLIANCE IS NOT ACHIEVED OR IF YOU CONTINUE TO IGNORE THIS CITATION.

Citation - \$200 **IS NOW DUE AND PAYABLE TO CITY OF NEWPORT BEACH**

THIS VIOLATION(S) WAS ORIGINALLY BROUGHT TO YOUR ATTENTION ON N/A, AND YOU HAVE NOT CORRECTED OR RESOLVED THE VIOLATION(S).

NEWPORT BEACH MUNICIPAL CODE SECTION(S) / DESCRIPTIONS OF VIOLATION(S)

1: **MC 20.48.110 HOME OCCUPATION REGULATIONS**

CORRECTION(S) REQUIRED:

1. A home occupation shall only be operated in a residence occupied by a single housekeeping unit and by a member(s) of that single housekeeping unit.
2. Employees of a home occupation shall be limited to permanent residents of the dwelling unit.
3. Applicable business licenses shall be obtained as required by Title 5 (Business Licenses and Regulations).
4. Commercial filming activities may be allowed subject to approval of a film permit in compliance with Chapter 5.46 (Regulation of Commercial Film Production).

THIS VIOLATION MUST BE CORRECTED ON OR BEFORE 10/06/2021. If the violation is not corrected by the date specified, additional enforcement actions such as administrative citations, administrative penalties, criminal prosecution and/or civil injunction may be utilized to correct this violation(s).

RECEIPT ACKNOWLEDGED BY OR MAILED TO : **KEITH SCHEINBERG**

DATE : **10/06/2021**

PRINT NAME OF OFFICER : **John Murray**

SIGNATURE OF OFFICER

John Murray

OFFICER ID # **8137**

IMPORTANT - READ CAREFULLY
LEGAL REQUIREMENTS

Administrative Citation

Newport Beach Municipal Code Section 1.05.020 provides for the issuance of administrative citations for Municipal Code violations. For violations that are designated infractions, the fines are \$100 for the first citation, #200 for the second citation and \$500

for the third and subsequent citations for violations of the same ordinance within one year. For those violations occurring within a Safety Enhancement Zone, the fines for citations are \$300, \$600, and \$1000 respectively.

For Violations that are not designated infractions, the fines are \$200 for the first citation, \$300 for the second citation and \$600 for the third and subsequent citations for violations of the same ordinance within one year. For those violations occurring within a Safety Enhancement Zone, the fines for citations are \$400, \$700, and \$1000 respectively.

For certain violations specified in 1.05.020(F) NBMC, the fines for citations are \$1000, \$2000, and \$3000 respectively.

Fines are cumulative and citations may be issued each day the violation exists. A warning, if issued, does not incur a fine and, therefore, may not be appealed.

Rights of Appeal

You have the right to appeal this administrative citation within twenty-one (21) days from the date of service of the citation together with an advanced deposit of the fine along with a Request for Hearing form, which can be obtained online at www.newportbeachca.gov. An appeal must be in writing and returned to the City's Revenue Division to the attention of "Administrative Hearing Officer." A properly filed appeal will result in an administrative hearing.

If you wish to appeal an administrative citation and can demonstrate an actual financial inability to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver within fifteen (15) days from the date of service of the citation. Failure of any person to properly file a written appeal within twenty-one (21) CONSECUTIVE days from the date of service of the citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation or any portion thereof and the total amount of the fine.

How to Pay Fine

The amount of the fine is indicated on the front of this administrative citation. Prior to receiving an invoice from the Administrative

Citation Department, you may pay online at www.pticket.com/nbadmin, by mail at City of Newport Beach Admin Citation Processing, PO Box 3926, Tustin CA 92781-3926 or in person at 100 Civic Center Drive, Newport Beach. Payment may be made by credit card, personal check, cashier's check, or money order, payable to the City of Newport Beach. Please write the citation or account number on your check or money order. For questions

regarding paying a citation, you may contact the Administrative Citation Department at: (800) 696-3996.

If the citation is not paid or appealed within the statutory time, you will receive an invoice from the City's Revenue Division. Please follow the instructions on the invoice to ensure proper processing of your payment.

Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the City of Newport Beach.

Consequences of Failure to Pay the Fine

The failure of any person to pay the fine assessed by the administrative citation within the time specified on the citation or on the invoice from the Revenue Division may result in a claim with the Small Claims Court or any legal remedy available to collect such money. The City has the authority to collect all costs associated with the filing of such actions. Failure to pay fine requirements may be found in Newport Beach Municipal Code Section 1.05.100.

Consequences of Failure to Correct Violations

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to: administrative penalties, administrative cost recovery, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect all fines, penalties, and costs incurred; to demolish structures or make necessary repairs at the owner's expense; and to incarcerate violators. Any of these options or others may be used if the administrative citations do not achieve compliance.

If you need further clarification about payment of the citation, please email the Revenue Division at revenuehelp@newportbeachca.gov.

If you need further information about the violations and/or how to comply, please call the inspector designated on the front.

A full description of the hearing process for the City's administrative hearings for Municipal Code violations and your rights in that process are found in Newport Beach Municipal Code Chapter 1.05.



**NOTICE OF ADMINISTRATIVE CITATION
CITY OF NEWPORT BEACH**

**Community Development Department Code & Water Quality
Enforcement**

**100 Civic Center Drive
Newport Beach, CA 92660 949-644-3215**

Name of Owner or Business : **KEITH SCHEINBERG**

**424 32ND ST UNIT A
NEWPORT BEACH CA 92663**

**Citation No : I21-3020A
Date : 10/06/2021
Account No : I21-3020**

An inspection of premises located at **424 32ND ST NB** in the City of Newport Beach, on **10/06/2021** revealed a violation(s) of the Newport Beach Municipal code.

THE NEXT LEVEL CITATION IS NOW PENDING AND YOU MAY BE CITED EACH DAY THE VIOLATION CONTINUES. OTHER ENFORCEMENT ACTION AND PENALTIES MAY ALSO RESULT IF COMPLIANCE IS NOT ACHIEVED OR IF YOU CONTINUE TO IGNORE THIS CITATION.

Citation - \$200 **IS NOW DUE AND PAYABLE TO CITY OF NEWPORT BEACH**

THIS VIOLATION(S) WAS ORIGINALLY BROUGHT TO YOUR ATTENTION ON N/A AND YOU HAVE NOT CORRECTED OR RESOLVED THE VIOLATION(S)

NEWPORT BEACH MUNICIPAL CODE SECTION(S) / DESCRIPTIONS OF VIOLATION(S)

1: MC 20.48.020, ADULT BUSINESS

CORRECTION(S) REQUIRED:

Adult-oriented businesses shall maintain the following separation requirements:

1. Five hundred (500) feet from the boundary of any residential zoning district or residential use, including residential uses in mixed-use zoning districts.
2. One thousand (1,000) feet from any lot upon which there is properly located a religious institution, public beach or park, school or City facility, including but not limited to City Hall, and Newport Beach libraries, police, and fire stations.

THIS VIOLATION MUST BE CORRECTED ON OR BEFORE 10/06/2021. If the violation is not corrected by the date specified, additional enforcement actions such as administrative citations, administrative penalties, criminal prosecution and/or civil injunction may be utilized to correct this violation(s).

RECEIPT ACKNOWLEDGED BY OR MAILED TO : **KEITH SCHEINBERG** DATE : **10/06/2021**

PRINT NAME OF OFFICER : **John Murray**

SIGNATURE OF OFFICER *John Murray* OFFICER ID # **8137**

IMPORTANT - READ CAREFULLY
LEGAL REQUIREMENTS

Administrative Citation

Newport Beach Municipal Code Section 1.05.020 provides for the issuance of administrative citations for Municipal Code violations. For violations that are designated infractions, the fines are \$100 for the first citation, \$200 for the second citation and \$500 for the third and subsequent citations for violations of the same ordinance within one year.

For those violations occurring within a Safety Enhancement Zone, the fines for citations are \$300, \$600, and \$1000 respectively.

For Violations that are not designated infractions, the fines are \$200 for the first citation, \$300 for the second citation and \$600 for the third and subsequent citations for violations of the same ordinance within one year. For those violations occurring within a Safety Enhancement Zone, the fines for citations are \$400, \$700, and \$1000 respectively.

For certain violations specified in 1.05.020(F) NBMC, the fines for citations are \$1000, \$2000, and \$3000 respectively.

Fines are cumulative and citations may be issued each day the violation exists. A warning, if issued, does not incur a fine and, therefore, may not be appealed.

Rights of Appeal

You have the right to appeal this administrative citation within twenty-one (21) days from the date of service of the citation together with an advanced deposit of the fine along with a Request for Hearing form, which can be obtained online at www.newportbeachca.gov. An appeal must be in writing and returned to the City's Revenue Division to the attention of "Administrative Hearing Officer." A properly filed appeal will result in an administrative hearing.

If you wish to appeal an administrative citation and can demonstrate an actual financial inability to make the advance deposit of the fine, you may file a request for an advance deposit hardship waiver within fifteen (15) days from the date of service of the citation. Failure of any person to properly file a written appeal within twenty-one (21) CONSECUTIVE days from the date of service of the citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation or any portion thereof and the total amount of the fine.

How to Pay Fine

The amount of the fine is indicated on the front of this administrative citation. Prior to receiving an invoice from the Administrative

Citation Department, you may pay online at www.pticket.com/nbadmin, by mail at City of Newport Beach Admin Citation Processing, PO Box 3926, Tustin CA 92781-3926 or in person at 100 Civic Center Drive, Newport Beach. Payment may be made by credit card, personal check, cashier's check, or money order, payable to the City of Newport Beach. Please write the citation or account number on your check or money order. For questions

regarding paying a citation, you may contact the Administrative Citation Department at: (800) 696-3996.

If the citation is not paid or appealed within the statutory time, you will receive an invoice from the City's Revenue Division. Please follow the instructions on the invoice to ensure proper processing of your payment.

Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the City of Newport Beach.

Consequences of Failure to Pay the Fine

The failure of any person to pay the fine assessed by the administrative citation within the time specified on the citation or on the invoice from the Revenue Division may result in a claim with the Small Claims Court or any legal remedy available to collect such money. The City has the authority to collect all costs associated with the filing of such actions. Failure to pay fine requirements may be found in Newport Beach Municipal Code Section 1.05.100.

Consequences of Failure to Correct Violations

There are numerous enforcement options that can be used to encourage the correction of violations. These options include, but are not limited to: administrative penalties, administrative cost recovery, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect all fines, penalties, and costs incurred; to demolish structures or make necessary repairs at the owner's expense; and to incarcerate violators. Any of these options or others may be used if the administrative citations do not achieve compliance.

If you need further clarification about payment of the citation, please email the Revenue Division at revenuehelp@newportbeachca.gov.

If you need further information about the violations and/or how to comply, please call the inspector designated on the front.

A full description of the hearing process for the City's administrative hearings for Municipal Code violations and your rights in that process are found in Newport Beach Municipal Code Chapter 1.05.



NEWPORT BEACH FIRE DEPARTMENT

CIVIC CENTER DRIVE, P.O. Box 1768,
NEWPORT BEACH, CA 92660

PHONE: (949) 644-3104 WEB : www.newportbeachca.gov

JEFF BOYLES

Fire

Chief

Date

03/24/

2022

Owner

RTED IRVINE LLC

PO BOX 18528

IRVINE, CA 92623

RE: Notice of Violation and Cease and Desist
Handling and use of Illegal Pyrotechnic devices

Dear Keith Maximillian Scheinberg,

It has come to the attention of the Newport Beach Fire Department that illegal pyrotechnic devices/fireworks have been used indoors at 424 32nd St. Unit A Newport Beach, CA 92663, which presents an imminent danger to lives and property.

NBFD is writing to notify you that the illegal handling and use of pyrotechnic devices "fireworks, low level explosives" is in direct violation of the following:

- ██████████ California Health and Safety Code (HSC) Div. 11, part 2, ch.7
Violations 12670-12692
- ██████████ HSC Div.11, part 2, ch.1 12505K
- ██████████ 2019 of the California Fire Code Ch.5601.1.3
- ██████████ 2019 of the California Fire Code Ch. 5601.2.1
- ██████████ Newport Beach Municipal Code 9.04.420, 9.04.410

All activity related to the use of pyrotechnics and explosive devices shall immediately cease and desist. Any of these devices shall be immediately removed from the premises and properly disposed of at the owner's expense.

If you have any questions in regards to this notice, feel free to contact the Newport Beach

Fire

—Prevention Division

*949-644-3106.

Regards,

Jon Reid, Life Safety Specialist II
Newport Beach Fire Department

16:42

69



gatsbyoc 4h
24kGoldn · CITY OF ANGELS (Futos... >



- Jessica McKee
- miels
- Davekn
- gizuscu
- Stephanie Weiss
- cararayeno

Summer Kick Off Photo Shoot

- HannahJancoW
- box
- Slims
- Emily
- Bhlanpton
- Aly
- p.r.i.s._
- Fresita Madrid
- Amanda Sandoval
- Sarah McDonnell
- Antoinette Hernandez
- itskai
- Paulab2NB
- SarahKap44
- EMILEE.
- zena
- Lola Sago
- Yasmin
- its_jit.a
- Asholena Roca
- Laura DeFusco
- phranchesco
- Beverly Damian
- Andrea Menos
- Susan
- Sophie Yf
- roselle_jopez20
- Dr. Tini
- Anja
- Angela Tarallo
- Jessica Shea
- Melissa Mora
- Rachel Okozavi
- Aiyanna Haring
- Ash
- liz
- Kayla

Saturday RSVP's

Address drop

MEMBERS ONLY

Summertime

Send message



15:49

90%



skye.rigdon 2h

...



Send message



07:46

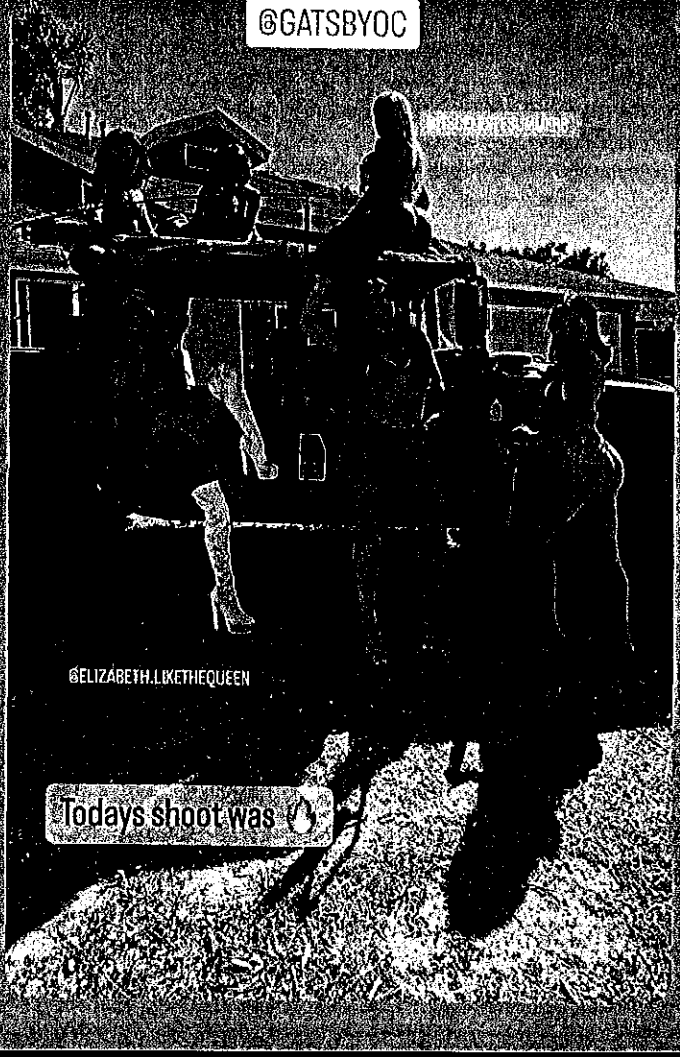
100

gatsbyoc 7m
David Morris · Dutton Ranch Freestyle >

chyannelisee_

GATSBY'S MANSION

@GATSBYOC



@ELIZABETH.LIKETHEQUEEN

Today's shoot was 🔥

Send message



PH-3

PARTIDA, ANNA

From: Kendra Carney Mehr <klcm@carneymehr.com>
Sent: Monday, February 24, 2025 11:45 AM
To: PC Public Comments
Cc: Erin Grubisich
Subject: Comment: Application No.: PCUP-24-0011
Attachments: Letter to Planning Commission 2.24.25.pdf

Attached is a written comment in response to the CUP application to be considered by the Planning Commission as Agenda Item 3 this evening, February 24, 2025.

Thank you,



Kendra L. Carney Mehr

Principal

Carney Mehr, a legal corporation

t: (949) 629-4676

e: klcm@carneymehr.com

w: carneymehr.com

Schedule a meeting with me by clicking this [link](#)

My working hours are 9:30 am - 4:30 pm, Monday - Thursday, and 9:30 am - 1:00 pm on Fridays.

Outside of working hours: klcm@carneymehr.com, and I will respond within 12 business hours

—

CONFIDENTIALITY NOTICE – This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.



CARNEY MEHR LAW

Kendra L. Carney Mehr
23 Corporate Plaza Drive, Suite 150
Newport Beach, CA
(949) 629-4676
klcm@carneymehr.com

February 24, 2025

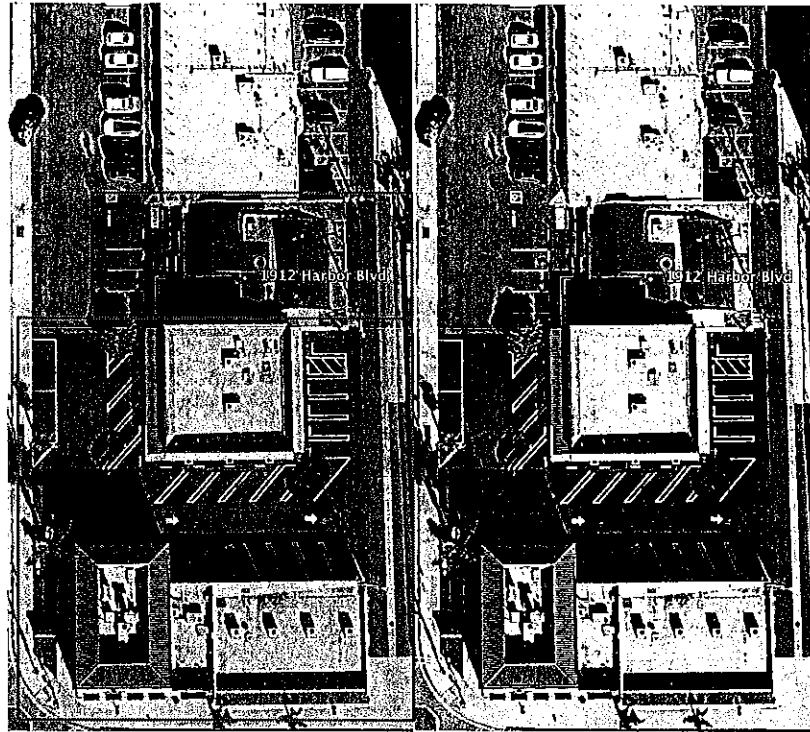
City of San Costa Mesa
Planning Commission
Attn: Jeffrey Harlan, Planning Commission Chair
77 Fair Driver
Costa Mesa, California 92626
Via Costa Mesa Planning Division
PCPublicComments@costamesaca.gov

Sent via email

Re: Address: 1912 Harbor Boulevard
Application No.: PCUP-24-0011

To the Honorable Members of the Planning Commission:

This firm represents VMA Harbor Place Holding Company, the owner of the real property located at 1902-A, 1902-B, 1904, 1906 Harbor Boulevard, and 440-446 West 19th Street in the City of Costa Mesa, commonly called Harbor Place ("Harbor Place"), with regard to the Application for CUP identified above. Harbor Place is immediately adjacent to the proposed "Green Mart" retail cannabis storefront and delivery service use at 1912 Harbor Boulevard (the "Green Mart"). Harbor Place is shown shaded in orange on the first aerial image below and Green Mart, as proposed, is shown shaded in green. The second image is identical to the first but without the shading.



The purpose of this correspondence is to express our client and its tenants' strong opposition to the approval of Conditional Use Permit PCUP-24-0011. Harbor Place incorporates several longstanding, family-friendly restaurants and specialty food shops such as Il Dolce and Cinderella Cakes, as well as the Empanada Maker, BobaPop, and a nutritional center. While we recognize that the City of Costa Mesa allows for dispensaries to locate within commercial zoning, the conditions currently proposed defer mitigation of recognized negative impacts and do not appear sufficient to negate the propensity for this use to create safety issues. While we urge the Planning Commission to deny this application, should City staff continue to recommend approval and the Commission intend to approve it, we request the City continue this hearing to consider and address the following outstanding issues:

Increased Traffic and Parking Concerns:

A retail storefront and delivery cannabis business is likely to attract a significant number of customers, leading to increased vehicular and pedestrian traffic. The parking is already extremely limited on both properties. This surge may exacerbate existing parking shortages and contribute to congestion, adversely affecting both residents and local businesses.

- Shared ingress and egress: As indicated in staff's report, Harbor Place and Green Mart (and the adjoining center) share ingress and egress to their respective parking lots. While the adjacent properties have reciprocal agreements,

Operational Condition No. 7 of draft Resolution 2025-xx, defers mitigation and merely indicates that “If parking shortages or other parking-related problems develop based on the operations approved under this application, the business owner or operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services or designee.”, this should be identified and addressed with more specificity within the conditions to protect access. For example, how is a “problem” defined? If loading/delivery is impeded for 1 minute or 1 hour, does that constitute a problem?

- Loading area: The loading area is not illustrated on the plans, staff only prescribes a maximum distance requirement; however, the parking immediately south and of the ADA ramp is not on the subject property and not permitted. The conditions indicate deliveries are only allowed during operating hours, and with "pre-committed" scheduled deliveries. How will this be enforced/monitored? Does the City intend to monitor this? Does the City utilize an enforcement entity for this purpose? Alternatively, is the Applicant intended to self-monitor?
- Deliveries: Similarly, the delivery area is not illustrated on the plans. The conditions indicate deliveries are only allowed during operating hours, and with "pre-committed" scheduled deliveries. How will this be enforced/monitored? Does the City intend to monitor this? Does the City utilize an enforcement entity for this purpose? Alternatively, is the Applicant intended to self-monitor?
- ADA site access and parking: The conditions require ADA access to the center and an ADA parking space is provided in front of the storefront. Parking in an ADA space without proper permits is illegal, but there should be a provision for the business to monitor it against deliveries or other unpermitted uses to ensure accessibility.
- Rear parking: The proposal prohibits the use of the rear "alley" parking, despite the availability of striped parking in the alley to the immediate north of the proposed use. Eliminating this shared parking area may result in further parking impacts to the surrounding business storefronts.
- Circulation and Parking: The staff report indicates that the shared parking is between 1912 through 1942 Harbor Blvd.; while Harbor Place is not considered for this purpose, it is highly likely that consumers will utilize Harbor Place parking to access Green Mart. What is the recourse for Harbor Place?

Incompatibility with Surrounding Uses and Potential for Nuisance and Safety Issues:

There is currently a dispensary immediately across Harbor Boulevard from the proposed

location. The introduction of another cannabis retail operation in this area is inconsistent with the existing character of Harbor Place: Harbor Place comprises family-oriented businesses which are in turn adjacent to residential properties, and the presence of a cannabis storefront could alter the community's atmosphere and deter patrons from neighboring establishments.

- Modern design: The applicant proposes a modern white stucco covered box with a black fabric awning over the storefront door. However, all surrounding projects, both Harbor Place and the existing shopping center to the north of the proposed use, incorporate a tile eyebrow canopy with a flat parapet. How is the proposed modern design compatible with the existing shopping center(s)? The project should be revised accordingly to incorporate these elements to be aesthetically compatible with the existing, surrounding uses.
- Tenant improvements: The proposed improvements are minimal and basic improvements. According to the floor plan schematic, the Applicant intends to maintain an existing fireplace and chimney. Allowing this to remain suggests a use is anticipated beyond that proposed. A retail and delivery cannabis use should be required to remove this feature. Additionally, if the project is conditioned to eliminate rear access, then the existing rear staircase and rear access points should be addressed. Staff and the Commission should further consider specifying a wrought iron fence that is consistent with the final architectural style required.
- Landscaping: The landscape plan should be reviewed and approved by the Police Department to make certain that it does not encourage encampments and/or create the propensity for other safety concerns.
- Odor Attenuation: The City's staff report requires that all cannabis products will be sealed and that odor control devices and other techniques will also be used to prevent odor attenuation. And, that if odor is detected further measures will be required. How will this be monitored and enforced? The Director is listed as well as quarterly Code Enforcement and Fire inspections, but does the City have a clearly delineated process to immediately respond to complaints?
- Safety: The operation of a cannabis dispensary may lead to increased loitering and other public safety concerns. Such activities will compromise the sense of security for residents and business owners in the area. While we understand a Safety Plan is required, who from the City monitors it, is this a complaint driven process, or is the security guard required to self-report incidents? How many incidents must occur before the issues trigger revocation. Many of these issues are, thankfully, not major crimes but the police will, understandably, not have an immediate response. The incident enforcement is lacking in the conditions presented and is key to ensuring a compatible use.

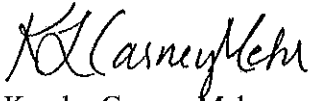
Summary of Concerns

As presented, it appears the application and the conditions do not give full consideration to the impacts of the use or enforcement of violations. Instead, the conditions proposed appear to defer mitigation to a later time when issues are presented, instead of proactively attempting to prevent these concerns. This puts significant onus on the surrounding owners and tenants to monitor the use and report concerns. At minimum, we request the Commission consider an additional condition that will trigger the review and revocation of the CUP if three or more valid/verified complaints are received; and, consider an annual review that incorporates feedback from the surrounding community (from opening date) to review adherence to the CUP.

Again, in light of these concerns, we respectfully urge the Planning Commission to deny the Conditional Use Permit PCUP-24-0011 for "Green Mart" at 1912 Harbor Boulevard. However, in the event the Commission is inclined to approve the CUP, we request additional consideration is given to the issue presented above and further conditions put in place to proactively address these concerns. Preserving the integrity and safety of our community should remain a priority in evaluating such proposals.

Thank you for considering our position on this matter.

Best regards,


Kendra Carney Mehr
Principal Attorney

cc:
Tarquin Preziosi, Assistant City Attorney

PH-3

María Fernanda Masuero
IL DOLCE RESTAURANT
1902 Harbor Blvd., Costa Mesa, CA 92627
[blisano@masuero.com]
(949) 200-9107
02/18/2025

Planning Division
City of Costa Mesa
City Hall council chamber
77 Fair Dr., Costa Mesa, CA
Subject: Opposition to Proposed Marijuana Dispensary Near, IL DOLCE
RESTAURANT.
Application number : PCUP-24-0011

Dear Planning Division,

I am writing to formally express my opposition to the approval of a marijuana dispensary at 1912 Harbor Blvd., Costa Mesa, CA, as the owner of IL DOLCE RESTAURANT, a family-owned business located at 1902 Harbor Blvd., Costa Mesa, CA.

Our restaurant has been serving the community for 15 years, and we are deeply concerned about the negative impact another dispensary in this area would have on our business and the surrounding neighborhood. There are already multiple dispensaries in Costa Mesa, and adding another one in close proximity to our establishment would create additional challenges, including:

1. **Parking Issues:** The increased traffic and demand for parking will severely affect our customers' ability to access our restaurant. Parking is already limited, and adding another high-traffic business will only worsen the situation.

2. **Business Impact:** As a family-oriented restaurant, we worry that the presence of a marijuana dispensary nearby may deter some of our regular customers and negatively affect our reputation.

3. **Oversaturation of Dispensaries:** The city already has a significant number of dispensaries. Approving another one would not serve the best interest of local businesses or residents.

We urge the Planning Division to reconsider the approval of this dispensary

and prioritize the needs of small businesses like ours that contribute to the local economy and serve the community.

Thank you for your time and consideration. I would appreciate the opportunity to discuss this matter further if needed.

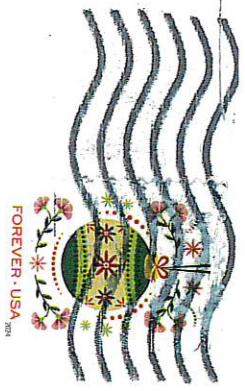
Sincerely,



Maria Fernanda Masuero
IL DOLCE RESTAURANT

170014 TERNUNAGUA MASUERO
IL DOCE RESTAURANT
1902 Harbor Blvd
Costa Mesa, Ca, 92627

SANTA ANA CA 926
18 FEB 2025 PM 7 L



City of Costa Mesa
Economic & Development Services Department
Planning Division
P. O BOX 1200
Costa Mesa, Ca, 92628-1200

92628-120000

92628-120000