



# CITY OF COSTA MESA

## REGULAR CITY COUNCIL AND HOUSING AUTHORITY\*

### Agenda

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Tuesday, April 16, 2024

6:00 PM

City Council Chambers  
77 Fair Drive

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**\*Note: All agency memberships are reflected in the title "Council Member"**

The City Council meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having technical difficulties or experiencing any other critical issues, and unless required by the Brown Act, the meeting will continue in person.

#### TRANSLATION SERVICES AVAILABLE / SERVICIOS DE TRADUCCIÓN DISPONIBLE

Please contact the City Clerk at (714) 754-5225 to request language interpreting services for City meetings. Notification at least 48 hours prior to the meeting will enable the City to make arrangements.

Favor de comunicarse con la Secretaria Municipal al (714) 754-5225 para solicitar servicios de interpretación de idioma para las juntas de la Ciudad. Se pide notificación por lo mínimo 48 horas de anticipación, esto permite que la Ciudad haga los arreglos necesarios.

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As a courtesy, the public may participate via the Zoom option.

Zoom Webinar:

Please click the link below to join the webinar:

[https://us06web.zoom.us/j/81879579049?](https://us06web.zoom.us/j/81879579049?pwd=_XoNBT2uciL7zrDsfj4A9Q9srLgExg.bQEU-le6VvXjPDeL)

[pwd=\\_XoNBT2uciL7zrDsfj4A9Q9srLgExg.bQEU-le6VvXjPDeL](https://us06web.zoom.us/j/81879579049?pwd=_XoNBT2uciL7zrDsfj4A9Q9srLgExg.bQEU-le6VvXjPDeL)

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

Enter Webinar ID: 818 7957 9049/ Password: 608584

- 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” feature 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.

Participate via telephone:

Call: 1 669 900 6833 Enter Webinar ID: 818 7957 9049/ Password: 608584

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.

Note, if you have installed a zoom update, please restart your computer before participating in the meeting.

Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

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](mailto:cityclerk@costamesaca.gov) and staff 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.

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. All 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, for both videos and pictures. Please e-mail to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) NO LATER THAN 12:00 Noon on the date of the meeting. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM\_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing. Agendas and reports can be viewed on the City website at <https://costamesa.legistar.com/Calendar.aspx>.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II].

**REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY**

**APRIL 16, 2024 – 6:00 P.M.**

**JOHN STEPHENS**  
Mayor

**JEFFREY HARLAN**  
Mayor Pro Tem - District 6

**ANDREA MARR**  
Council Member - District 3

**MANUEL CHAVEZ**  
Council Member - District 4

**LOREN GAMEROS**  
Council Member - District 2

**ARLIS REYNOLDS**  
Council Member - District 5

**DON HARPER**  
Council Member - District 1

**KIMBERLY HALL BARLOW**  
City Attorney

**LORI ANN FARRELL HARRISON**  
City Manager

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

**MOMENT OF SOLEMN EXPRESSION**

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]

**ROLL CALL**

**PRESENTATIONS:**

1. Presentation: Street Vending Enforcement Update
2. Presentation: Working Wardrobes

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Comments on Consent Calendar items may also be heard at this time.  
Comments are limited to 3 minutes, or as otherwise directed.

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

Each council member is limited to 3 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Gameros
2. Council Member Harper
3. Council Member Marr
4. Council Member Reynolds
5. Council Member Chavez
6. Mayor Pro Tem Harlan
7. Mayor Stephens

**REPORT – CITY MANAGER**

**REPORT – CITY ATTORNEY**

**CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

1. [PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL 24-129 ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

City Council and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. [READING FOLDER](#) [24-130](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk and authorize staff to reject any and all Claims: Jennifer Maniaci, Johnathan Pate, Loya Casualty Insurance Company (Smith, Brittany).

3. [ADOPTION OF WARRANT RESOLUTION](#) [24-115](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2715.

**Attachments:** [1. Summary Check Registry 4-1-24](#)

4. [MINUTES](#) [24-131](#)

RECOMMENDATION:

City Council approved the minutes of the regular meeting of April 2, 2024.

**Attachments:** [1. 04-02-2024 Draft Minutes](#)

5. [ANIMAL CARE SHELTER SERVICES - PRICELESS PETS RESCUE](#) [24-116](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and authorize the City Manager to execute the Professional Services Agreement with Priceless Pets Rescue (PPR) to provide full-service animal sheltering and animal adoption services. PPR will be responsible for the intake, coordination, and management of animals within the City of Costa Mesa for a five-year term, July 1, 2024 - June 30, 2029, for a not to exceed amount of \$480,000 annually.
2. Approve an annual Consumer Price Index (CPI) escalation and de-escalation not exceeding 5%.
3. Authorize the City Manager and City Clerk to execute the agreement and any future authorized amendments to the agreement.
4. Authorize the City Manager or designee to extend the PPR interim service agreement (Amendment #6) until June 30, 2024, for a not to exceed amount of \$33,000 monthly.

**Attachments:** [1. PSA with Priceless Pets](#)  
[2. Exhibit A - RFP](#)  
[3. Exhibit B - Scope of Services](#)  
[4. Exhibit C - Consultants Proposal](#)

6. [SECOND READING OF ORDINANCES TO AMEND TITLE 13 24-128 \(PLANNING, ZONING AND DEVELOPMENT\) AND TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S RETAIL CANNABIS PROVISIONS AND FIND THIS PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) ("General Rule").
2. Give second reading to and adopt Ordinance No. 2024-03 amending Title 13 (Planning, Zoning and Development) and Ordinance No. 2024-04 amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code to modify the City's retail cannabis provisions.

**Attachments:** [Agenda Report](#)

- [1. Draft Ordinance Title 13](#)
- [2. Draft Ordinance Title 9](#)
- [3. Exhibit A Title 13](#)
- [4. Exhibit A Title 9](#)
- [5. Track changes Title 13](#)
- [6. Track changes Title 9](#)

**AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR**

-----**END OF CONSENT CALENDAR**-----

**PUBLIC HEARINGS:**

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.)

1. [REVIEW OF THE PLANNING COMMISSION'S DECISION TO 24-101 APPROVE MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW \(PDVR-23-0003\) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303 SQUARE FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT YARD/LANDSCAPE SETBACK; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD](#)

RECOMMENDATION:

Staff recommends that the City Council review the Planning Commission's decision to approve ZA-22-11, PDVR-23-0003, and PMND-23-0003.

**Attachments:** [Agenda Report](#)

- [1. Resolution](#)
- [2. Filed Review Application](#)
- [3. Planning Commission minutes](#)
- [4. Planning Commission Resolution](#)
- [5. Planning Commission public comments](#)
- [6. Planning Commission Report 021224](#)
- [7. Site Plan](#)

2. [APPEAL OF PLANNING APPLICATION 22-37 TO ESTABLISH AN 24-117 EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS LOCATED AT 3150 BEAR STREET](#)

RECOMMENDATION:

Staff recommends the City Council:

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.
2. Adopt a Resolution approving Planning Application 22-37, based on findings of fact and subject to conditions of approval.

**Attachments:** [Agenda Report](#)

[1. Resolution](#)

[2. Filed Appeal](#)

[3. Additional Materials](#)

[4. Planning Commission Resolution](#)

[5. Planning Commission Public Comments](#)

[6. Planning Commission minutes](#)

[7. Planning Commission Agenda Report](#)

**OLD BUSINESS: NONE.**

**NEW BUSINESS: (NEXT PAGE)**

1. [FISCAL YEAR 2023-24 MID-YEAR BUDGET UPDATE AND 24-051 ADJUSTMENTS](#)

RECOMMENDATION:

The Finance Department is undergoing the mid-year budget review for Fiscal Year 2023-24 that began on July 1, 2023. Certain staffing changes are recommended to assist in achieving City Council goals and priorities as soon as possible. In addition, Funds in the Capital Improvement Program (CIP) that need to be carried over into Fiscal Year 2023-24 require City Council approval.

1. Amend the Table of Organization to add 3.27 new FTEs in the Economic and Development Services Department (2.0 FTEs); Parks and Community Services (0.75 FTE); and the Police Department (0.52 FTEs) to help achieve City Council goals and priorities related to housing, park and environmental resources management, and public safety.
2. Approve FY 2023-24 Staffing title changes and compensation adjustments to realign positions with current operational needs in multiple departments.
  - a. Approve Resolution No. 2024-XX, approving new classification and salary/pay ranges for an Animal Services Coordinator, new title for Multimedia Specialist and new title and pay ranges for Finance Officer.
  - b. Approve Resolution No. 2024-XX approving compensation adjustments for Finance Officer (Confidential).
  - c. Approve Resolution No. 2024-XX creating new classification and salary/pay ranges for Graduate Intern and compensation adjustments for Intern classification, absorbed within the existing adopted budget, in order to create a more viable pipeline of applicants to recruit City employees.
3. Approve FY 2023-24 Budget Carryovers from the prior year in the General Fund and the various Capital Projects Funds for outstanding capital projects.

**Attachments:** [1. Mid year CIP](#)  
[2. Confidential Resolution](#)  
[3. Part Time Resolution](#)  
[4. CMCEA Resolution](#)  
[5. 4.2.24 Org chart](#)

2. [APPOINTMENT TO THE PLANNING COMMISSION AND VARIOUS 24-111 CITY COMMITTEES](#)

RECOMMENDATION:

Staff recommends the City Council make appointments as follows:

1. Planning Commission - Make one (1) member appointment to fill vacancy with term expiration of January 2027. Appointment by Council Member Reynolds.
2. Animal Services Committee - Make four (4) member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Mayor Stephens, Council Member Harper).
3. Active Transportation Committee - Make six (6) member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan, and two at-large appointments. The two at-large members should ensure broad representation of different mobility options and experiences (e.g., walk, bike, bus, and age ability). A Council Member may defer their nomination to the Council Liaison (Council Member Reynolds).
4. Finance and Pension Advisory Committee - Make four (4) member appointments with a term expiration of April 2028. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Mayor Stephens, Alternate Council Member Marr, and Council Member Harper).
5. Housing and Public Service Grants Committee - Make four (4) regular member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Council Member Chavez, Alternate Council Member Harper).
6. Mobile Home Park Advisory Committee - Make one (1) Park Owner or Representative appointment, two (2) Mobile Home Park Resident appointments, and one (1) Independent Citizen At-large appointment, all with a term expiration of April 2028. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Council Member Reynolds, Alternate Council Member Chavez).

7. Approve the recommendation from the Historical Preservation Committee to formally dissolve, and appropriate an estimated total of \$13,000 from uncommitted Costa Mesa Community Foundation Fund and authorize a transfer from the Costa Mesa Historical Preservation Committee to the Costa Mesa Historical Society.

**Attachments:** [1. Planning Commission Applications](#)  
[2. Animal Services Committee Applications](#)  
[3. Active Transportation Committee Applications](#)  
[4. Finance and Pension Advisory Committee Applications](#)  
[5. Housing and Public Service Grants Committee Applications](#)  
[6. Mobile Home Park Advisory Committee Applications](#)

**ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

**ADJOURNMENT**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 24-129

**Meeting Date:** 4/16/2024

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**TITLE:**

**PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS**

**RECOMMENDATION:**

City Council and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 24-130

**Meeting Date:** 4/16/2024

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**TITLE:**

**READING FOLDER**

**DEPARTMENT:** City Manager's Office/City Clerk's Division

**RECOMMENDATION:**

City Council receive and file Claims received by the City Clerk and authorize staff to reject any and all Claims: Jennifer Maniaci, Johnathan Pate, Loya Casualty Insurance Company (Smith, Brittany).



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 24-115

**Meeting Date:** 4/16/2024

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**TITLE:**

**ADOPTION OF WARRANT RESOLUTION**

**DEPARTMENT:** Finance Department

**PRESENTED BY:** Carol Molina, Finance Director

**CONTACT INFORMATION:** Carol Molina at (714) 754-5243

**RECOMMENDATION:**

City Council approve Warrant Resolution No. 2715.

**BACKGROUND:**

In accordance with Section 37202 of the California Government Code, the Director of Finance or their designated representative hereby certify to the accuracy of the following demands and to the availability of funds for payment thereof.

**FISCAL REVIEW:**

Funding Payroll Register No. 24-06 "A" Off Cycle for \$1,091.54 and No. 24-07 On Cycle for \$3,448,572.99 and City operating expenses for \$1,243,603.58.

Bank: DDP1  
 Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017580	03/29/24	O	US Bank <i>Line Description: Overflow</i>	0000002228	0.00
017581	03/29/24	O	US Bank <i>Line Description: Overflow</i>	0000002228	0.00
017582	03/29/24	O	US Bank <i>Line Description: Overflow</i>	0000002228	0.00
017583	03/29/24	O	US Bank <i>Line Description: Overflow</i>	0000002228	0.00
<b>TOTAL</b>					<b>0.00</b>

367,599.31  
 875,683.15  
 321.12  


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**1,243,603.58**

Bank: DDP1  
 Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017298	03/29/24	P	Alan F Kent	0000006393	2,174.79
			<i>Line Description:</i> 1% Supplemental Pay Apr 24		
017299	03/29/24	P	Albert Spencer	0000004120	1,030.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017300	03/29/24	P	Allan L Roeder	0000003720	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017301	03/29/24	P	Allen D Huggins	0000002589	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017302	03/29/24	P	Andres Sepulveda	0000003988	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017303	03/29/24	P	Andrew Chalkley	0000025404	729.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017304	03/29/24	P	Ann Shultz	0000006607	828.68
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017305	03/29/24	P	Anna Rodriguez	0000026586	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017306	03/29/24	P	Arthur V Beames Jr	0000017738	81.18
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017307	03/29/24	P	Baltazar Mejia	0000023439	1,029.00

Bank: DDP1  
 Cycle: ADDEP1

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017308	03/29/24	P	Beckee Cost	0000016309	946.08
			<i>Line Description:</i> 1% Supplemental Pay Apr 24		
017309	03/29/24	P	Betty Garcia	0000024432	628.95
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017310	03/29/24	P	Bobby Y Masuzumi	0000003081	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017311	03/29/24	P	Brad Edwards	0000022130	769.77
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017312	03/29/24	P	Brent McKinley	0000007051	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017313	03/29/24	P	Brian W Roberts	0000006274	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017314	03/29/24	P	Bruce Hartley	0000011119	537.87
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017315	03/29/24	P	Bruce McGregor	0000011206	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017316	03/29/24	P	Bruce R Ballinger	0000001167	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

Bank: DDP1  
 Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017317	03/29/24	P	Bruce Radomski	0000003742	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017318	03/29/24	P	Bruce W Covey	0000013041	828.68
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017319	03/29/24	P	Bryan Glass	0000002342	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017320	03/29/24	P	CHC: Creating Healthier Communities	0000008015	10.00
			<i>Line Description:</i> Payroll Deduction 24-07		
017321	03/29/24	P	Cameron Phillips	0000005875	879.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017322	03/29/24	P	Carl McConnell	0000013933	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017323	03/29/24	P	Charles A Bassett	0000011742	748.80
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017324	03/29/24	P	Charles F Carr	0000006236	841.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017325	03/29/24	P	Charles J Oliver Jr	0000009684	529.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: DDP1

Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017326	03/29/24	P	Charlotte Bluell	0000008644	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017327	03/29/24	P	Cherie M Pittington	0000003641	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017328	03/29/24	P	Cheryl R Helwig	0000006915	514.89
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017329	03/29/24	P	Chris Goldsworthy	0000029067	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017330	03/29/24	P	Chris Morris	0000007439	2,500.00
			<i>Line Description:</i> Monthly LTD Payment-Apr 24		
017331	03/29/24	P	Christina Powell OBrien	0000016961	539.42
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017332	03/29/24	P	Christopher B Bates	0000001213	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017333	03/29/24	P	Christopher G Walk	0000004450	1,071.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017334	03/29/24	P	Christopher J Boyd	0000001363	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017335	03/29/24	P	Christopher K Brimhall	0000001402	1,029.00

City of Costa Mesa Accounts Payable  
SUMMARY CHECK REGISTER

Bank: DDP1  
Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017336	03/29/24	P	Christopher Kudelka	0000005822	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017337	03/29/24	P	Clay G Epperson	0000002141	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017338	03/29/24	P	Clint Dieball	0000004717	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017339	03/29/24	P	Corrie Viera	0000019128	554.16
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017340	03/29/24	P	Costa Mesa Employees Association	0000006284	4,263.01
			<i>Line Description:</i> Payroll Deduction 24-07		
017341	03/29/24	P	Costa Mesa Executive Club	0000006286	140.00
			<i>Line Description:</i> Payroll Deduction 24-07		
017342	03/29/24	P	Costa Mesa Firefighters Association	0000001812	8,227.39
			<i>Line Description:</i> Payroll Deduction 24-07		
017343	03/29/24	P	Costa Mesa Police Association	0000001819	7,200.00
			<i>Line Description:</i> Payroll Deduction 24-07		
017344	03/29/24	P	Costa Mesa Police Management Assn	0000005082	315.00
			<i>Line Description:</i> Payroll Deduction 24-07		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017345	03/29/24	P	Curt D Yoder	0000004601	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017346	03/29/24	P	D Dennis Johnson	0000011317	694.23
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017347	03/29/24	P	Dale H Ashley	0000010564	739.01
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017348	03/29/24	P	Dale R Birney	0000001277	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017349	03/29/24	P	Dana Potts	0000008186	829.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017350	03/29/24	P	Dane Bora	0000001344	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017351	03/29/24	P	Danny Hogue	0000006802	1,808.81
			<i>Line Description:</i> 1% Supplemental Pay Apr 24 Qtrly Retiree Medical Payments		
017352	03/29/24	P	Darlene Bell	0000005602	781.77
			<i>Line Description:</i> 1% Supplemental Pay Apr 24 Qtrly Retiree Medical Payments		
017353	03/29/24	P	Darrel Raney	0000005800	1,029.00

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017354	03/29/24	P	David A Dye	0000002065	1,134.35
			<i>Line Description:</i> 1% Supplemental Pay Apr 24 Qtrly Retiree Medical Payments		
017355	03/29/24	P	David C Goerke	0000009386	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017356	03/29/24	P	David Hollister	0000021620	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017357	03/29/24	P	David K Makiyama	0000003041	979.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017358	03/29/24	P	David Maurer	0000007564	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017359	03/29/24	P	David S Andersen	0000001040	739.01
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017360	03/29/24	P	David Sorge	0000004068	584.20
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017361	03/29/24	P	David Tait	0000022487	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017362	03/29/24	P	Dawna Myers	0000003273	928.95

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017363	03/29/24	P	Deborah Zimmerman	0000023438	829.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017364	03/29/24	P	Debra Yasui	0000007276	879.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017365	03/29/24	P	Dee Dee H Nelson	0000006575	246.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017366	03/29/24	P	Dennis B Sanders	0000003910	284.14
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017367	03/29/24	P	Denny Bak	0000025879	4,921.75
			<i>Line Description:</i> Adv Disability April 2024		
017368	03/29/24	P	Diane Butler	0000008078	402.89
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017369	03/29/24	P	Diane M Jarrett	0000007645	604.56
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017370	03/29/24	P	Don Holford	0000006025	349.13
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017371	03/29/24	P	Donald B Brown	0000004900	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017372	03/29/24	P	Doneen J Westenhaver	0000009746	383.27
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017373	03/29/24	P	Donna J Theriault	0000005411	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017374	03/29/24	P	Doug Johnson	0000005743	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017375	03/29/24	P	Doug Lovell	0000018477	707.04
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017376	03/29/24	P	Doug Prochnow	0000012127	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017377	03/29/24	P	Douglas Wilson	0000006759	554.16
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017378	03/29/24	P	Edward Dryzmala	0000006686	1,377.28
			<i>Line Description:</i> 1% Supplemental Pay Apr 24		
017379	03/29/24	P	Edward Petros	0000003615	783.78
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017380	03/29/24	P	Edward W Lewis	0000002956	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017381	03/29/24	P	Ellen M Fenwick	0000023268	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017382	03/29/24	P	Enterprise Rent A Car	0000002131	2,308.45
			<i>Line Description:</i> Undercover Car Rental		
			Undercover Car Rental		
			Undercover Car Rental		
017383	03/29/24	P	Eric Johnson	0000002765	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017384	03/29/24	P	Eric McVey	0000007918	879.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017385	03/29/24	P	Erik Nippert	0000026147	16.00
			<i>Line Description:</i> Organized Retail Theft		
017386	03/29/24	P	Ernesto A Munoz	0000003261	550.01
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017387	03/29/24	P	Frank Barraza	0000026939	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017388	03/29/24	P	Frank Fantino	0000005635	839.84
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017389	03/29/24	P	Frederick T Seguin	0000003981	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017390	03/29/24	P	Gabrielle Getz <i>Line Description: EVOC-Lompoc</i>	0000030036	255.94
017391	03/29/24	P	Gaetano Russo <i>Line Description: Qtrly Retiree Medical Payments</i>	0000019793	1,029.00
017392	03/29/24	P	Gale Tuso <i>Line Description: 1% Supplemental Pay Apr 24</i>	0000017460	233.08
017393	03/29/24	P	Gary Mc Erlain <i>Line Description: Qtrly Retiree Medical Payments</i>	0000017407	1,029.00
017394	03/29/24	P	Gary Wong <i>Line Description: Qtrly Retiree Medical Payments</i>	0000012009	451.64
017395	03/29/24	P	Gene Barbee <i>Line Description: Qtrly Retiree Medical Payments</i>	0000001188	716.05
017396	03/29/24	P	George J Yezbick Jr <i>Line Description: 1% Supplemental Pay Apr 24 Qtrly Retiree Medical Payments</i>	0000005045	1,903.01
017397	03/29/24	P	Georgia A Ethier <i>Line Description: Qtrly Retiree Medical Payments</i>	0000002154	873.45
017398	03/29/24	P	Gerald S Vasquez <i>Line Description: Qtrly Retiree Medical Payments</i>	0000006833	873.45

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017399	03/29/24	P	Gerald W Stucky	0000004172	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017400	03/29/24	P	Gerard J Stukkie	0000004174	746.49
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017401	03/29/24	P	Gina Clark	0000021699	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017402	03/29/24	P	Gregg A Steward	0000004159	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017403	03/29/24	P	Gregory Beutz	0000001261	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017404	03/29/24	P	Gregory J Edwards	0000001384	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017405	03/29/24	P	Gregory Knackert	0000017588	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017406	03/29/24	P	Gregory LaFave	0000014549	529.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017407	03/29/24	P	Gregory P Scott	0000003963	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017408	03/29/24	P	H Michael Griffin	0000006936	144.10
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017409	03/29/24	P	Harlan Pauley	0000003569	937.51
			<i>Line Description:</i> 1% Supplemental Pay Apr 24 Qtrly Retiree Medical Payments		
017410	03/29/24	P	Helen Nenadal	0000022319	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017411	03/29/24	P	Helene Rosenbaum	0000003861	201.23
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017412	03/29/24	P	Herbert C Ohde Jr	0000003399	688.65
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017413	03/29/24	P	Holly L Carver	0000001597	688.65
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017414	03/29/24	P	Jack D Schuitt	0000003952	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017415	03/29/24	P	Jack Koch	0000002859	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017416	03/29/24	P	Jack L Archer	0000001062	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017417	03/29/24	P	Jack T Stewart	0000013411	438.38
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017418	03/29/24	P	James C Wysong	0000004594	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017419	03/29/24	P	James D Watson	0000004476	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017420	03/29/24	P	James E Higgins Jr	0000007687	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017421	03/29/24	P	James M Ellis	0000002107	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017422	03/29/24	P	James M Gottenbos	0000002385	428.04
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017423	03/29/24	P	James M Miller	0000007440	2,500.00
			<i>Line Description:</i> Monthly LTD Payment-Apr 24		
017424	03/29/24	P	James Morrison	0000010566	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017425	03/29/24	P	James N Dibble	0000005626	806.23
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017426	03/29/24	P	James R Wilke Jr	0000004555	504.00

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017427	03/29/24	P	James T Warnack	0000004465	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017428	03/29/24	P	Jana L Cacho	0000010556	484.29
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017429	03/29/24	P	Jane Duenweg	0000021556	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017430	03/29/24	P	Jeanette Chervony	0000018986	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017431	03/29/24	P	Jeanette Zangger	0000006655	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017432	03/29/24	P	Jeff B Janzen	0000002735	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017433	03/29/24	P	Jeffery E Skee	0000005410	954.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017434	03/29/24	P	Jeffrey Horn	0000009003	679.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017435	03/29/24	P	Jeffrey J McCann	0000003101	828.68
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017436	03/29/24	P	Jeffrey T Peters	0000003608	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017437	03/29/24	P	Jennifer Ruffalo	0000021381	54.54
			<i>Line Description:</i> Fire Technology Summit		
017438	03/29/24	P	Jerauld D Holloway	0000002556	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017439	03/29/24	P	Jerry A Scheer	0000007789	436.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017440	03/29/24	P	Jerry Souza	0000004109	500.00
			<i>Line Description:</i> Clothing Allowance 2023=24		
017441	03/29/24	P	John Bull	0000003233	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017442	03/29/24	P	John F Downey	0000009004	554.16
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017443	03/29/24	P	John K Susman	0000006349	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017444	03/29/24	P	John L Skinner	0000004038	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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017445	03/29/24	P	John S Michalec	0000019250	746.49
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017446	03/29/24	P	Jon B Whitcomb	0000005651	984.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017447	03/29/24	P	Jon Doezie	0000009385	829.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017448	03/29/24	P	Jose Tovar	0000004283	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017449	03/29/24	P	Judith G Covey	0000009690	570.95
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017450	03/29/24	P	Judy Vickers	0000007219	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017451	03/29/24	P	Karen L Adams	0000000899	335.67
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017452	03/29/24	P	Karen S Goettsch	0000013935	828.68
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017453	03/29/24	P	Kathleen Sapida	0000029556	241.00
			<i>Line Description:</i> School Resource Officer		
017454	03/29/24	P	Kathleen Ulrich	0000025407	470.12

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			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017455	03/29/24	P	Kathleen Zuorski	0000025225	504.52
			<i>Line Description:</i> 1% Supplemental Pay Apr 24		
017456	03/29/24	P	Kayoko Hayman	0000005785	671.78
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017457	03/29/24	P	Keith Davis	0000008187	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017458	03/29/24	P	Kelly Vucinic	0000010967	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017459	03/29/24	P	Kevin Condon	0000007561	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017460	03/29/24	P	Kevin Diamond	0000001989	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017461	03/29/24	P	Kevin T Meng	0000003133	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017462	03/29/24	P	Kurt Lystne	0000008712	748.80
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017463	03/29/24	P	Lance Nakamoto	0000003280	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
017464	03/29/24	P	Larry Bell	0000007802	378.75
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017465	03/29/24	P	Larry Dreiman	0000018972	729.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017466	03/29/24	P	Laura Ginther	0000023134	604.56
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017467	03/29/24	P	Lawrence N Hennen	0000002506	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017468	03/29/24	P	Leonard Goodsir	0000002378	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017469	03/29/24	P	Lily Martinez	0000003071	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017470	03/29/24	P	Linda A Matthews	0000003089	466.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017471	03/29/24	P	Linda Boylan	0000023340	57.98
			<i>Line Description:</i> 1% Supplemental Pay Apr 24		
017472	03/29/24	P	Linda F Divino	0000009007	220.98
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
017473	03/29/24	P	Loren P Wyrick	0000004593	554.16
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017474	03/29/24	P	Madeline A Miller	0000003179	694.23
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017475	03/29/24	P	Madison Evans	0000029894	40.00
			<i>Line Description:</i> Basic Traffic Collision		
017476	03/29/24	P	Maher Nawar	0000004714	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017477	03/29/24	P	Mamo D Arruda	0000001081	335.67
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017478	03/29/24	P	Marc Yuhasz	0000004609	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017479	03/29/24	P	Marguerite De La Torre	0000004997	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017480	03/29/24	P	Marie Thompson	0000000038	144.10
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017481	03/29/24	P	Marilyn Golden	0000017028	425.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017482	03/29/24	P	Marilyn Guimond	0000015161	280.75

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017483	03/29/24	P	Marilyn K Sutton	0000004201	604.56
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017484	03/29/24	P	Martin P Carver	0000001598	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017485	03/29/24	P	Marty Huguenin	0000002591	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017486	03/29/24	P	Mary R Delaney	0000015807	425.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017487	03/29/24	P	Matthew J Collett	0000001720	1,662.81
			<i>Line Description:</i> 1% Supplemental Pay Apr 24 Qtrly Retiree Medical Payments		
017488	03/29/24	P	Mel Lee	0000010320	829.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017489	03/29/24	P	Meloni Smith McMinimy	0000006847	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017490	03/29/24	P	Michael A Cacho	0000001471	484.29
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017491	03/29/24	P	Michael A Cohen	0000006586	1,029.00

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017492	03/29/24	P	Michael A Guevara	0000005099	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017493	03/29/24	P	Michael Luu	0000026362	90.25
			<i>Line Description:</i> ICI Burglary Course		
017494	03/29/24	P	Michael R Balsis	0000009424	529.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017495	03/29/24	P	Michael S Fantozzi	0000004715	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017496	03/29/24	P	Michael S Hastert	0000006107	627.12
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017497	03/29/24	P	Michael T Dyer	0000002067	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017498	03/29/24	P	Mikelle Daily	0000029937	55.18
			<i>Line Description:</i> Refreshments-Fair Housing Mtg		
017499	03/29/24	P	Mitchell B Johnson	0000002770	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017500	03/29/24	P	Morris House	0000002578	739.01
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017501	03/29/24	P	Muriel Ullman <i>Line Description: Qtrly Retiree Medical Payments</i>	0000001244	380.44
017502	03/29/24	P	Nancy M Croft <i>Line Description: Qtrly Retiree Medical Payments</i>	0000016184	748.80
017503	03/29/24	P	Nicholas Siemiawski <i>Line Description: Standard Field Sobriety Testin</i>	0000030613	24.00
017504	03/29/24	P	Norman K Schurb <i>Line Description: Qtrly Retiree Medical Payments</i>	0000003957	873.45
017505	03/29/24	P	Olivia Ramirez <i>Line Description: Qtrly Retiree Medical Payments</i>	0000003750	873.45
017506	03/29/24	P	Patricia J Steele <i>Line Description: Qtrly Retiree Medical Payments</i>	0000014443	514.89
017507	03/29/24	P	Patricia Valdenor <i>Line Description: Standard Field Sobriety Testin</i>	0000030614	24.00
017508	03/29/24	P	Patrick Wessel <i>Line Description: Qtrly Retiree Medical Payments</i>	0000009042	806.23
017509	03/29/24	P	Patty R Brown <i>Line Description: Qtrly Retiree Medical Payments</i>	0000001423	537.34

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017510	03/29/24	P	Paul A Cappuccilli	0000007705	1,214.50
			<i>Line Description:</i> 1% Supplemental Pay Apr 24		
017511	03/29/24	P	Paul Beckman	0000005998	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017512	03/29/24	P	Paul Dondero	0000002023	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017513	03/29/24	P	Paul Moody	0000008766	1,447.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017514	03/29/24	P	Paul V Starn	0000010841	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017515	03/29/24	P	Perry L Valentine	0000004384	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017516	03/29/24	P	Peter Czenze	0000013313	748.80
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017517	03/29/24	P	Peter Naghavi	0000007860	428.04
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017518	03/29/24	P	Phil Dickens	0000005801	1,217.15
			<i>Line Description:</i> 1% Supplemental Pay Apr 24 Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017519	03/29/24	P	Philip Hartman	0000002474	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017520	03/29/24	P	Philip T Worsman	0000004585	772.62
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017521	03/29/24	P	Phillip R Schmuck	0000003947	297.87
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017522	03/29/24	P	Phyllis Schiel	0000023427	383.27
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017523	03/29/24	P	Randall Buck	0000005730	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017524	03/29/24	P	Randall J Croll	0000013426	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017525	03/29/24	P	Raul Perez	0000012128	417.51
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017526	03/29/24	P	Raymond T Pawloski	0000003572	451.64
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017527	03/29/24	P	Rene Carrera	0000029400	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017528	03/29/24	P	Renee K Farden	0000016962	604.56

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017529	03/29/24	P	Richard Allum	0000000987	789.06
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017530	03/29/24	P	Richard Boucher	0000014716	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017531	03/29/24	P	Richard J Johnson	0000005620	2,095.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments 1% Supplemental Pay Apr 24		
017532	03/29/24	P	Richard Simons	0000022287	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017533	03/29/24	P	Robert Bork	0000001350	828.68
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017534	03/29/24	P	Robert Hanson	0000014289	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017535	03/29/24	P	Robert J Durham	0000006151	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017536	03/29/24	P	Robert J Pesce	0000003604	554.16
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017537	03/29/24	P	Robert Pignone	0000003634	1,029.00

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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017538	03/29/24	P	Robert Sharpnack	0000004004	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017539	03/29/24	P	Robert Van Sickle	0000004394	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017540	03/29/24	P	Robert W Reynolds	0000003801	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017541	03/29/24	P	Robert W Stinman	0000018058	746.49
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017542	03/29/24	P	Robindale Shepherd	0000009851	707.04
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017543	03/29/24	P	Ronald Cloe	0000001693	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017544	03/29/24	P	Ronald J Chamberlin	0000014890	529.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017545	03/29/24	P	Ronald P Stone	0000004167	778.95
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017546	03/29/24	P	Ronald Penley	0000024437	478.02
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017547	03/29/24	P	Rosemary Dodson <i>Line Description: Qtrly Retiree Medical Payments</i>	0000012364	559.79
017548	03/29/24	P	Rosemary Vidales <i>Line Description: Qtrly Retiree Medical Payments</i>	0000004418	766.50
017549	03/29/24	P	Ross E McKelvey <i>Line Description: Qtrly Retiree Medical Payments</i>	0000009897	806.23
017550	03/29/24	P	Russell C Parker <i>Line Description: Qtrly Retiree Medical Payments</i>	0000007435	554.16
017551	03/29/24	P	Russell J Yankie <i>Line Description: Qtrly Retiree Medical Payments</i>	0000015036	503.37
017552	03/29/24	P	Sandi Lishka <i>Line Description: Qtrly Retiree Medical Payments</i>	0000015808	649.33
017553	03/29/24	P	Sandra B Benson <i>Line Description: Qtrly Retiree Medical Payments</i>	0000006459	1,029.00
017554	03/29/24	P	Scott A May <i>Line Description: Qtrly Retiree Medical Payments</i>	0000003092	1,029.00
017555	03/29/24	P	Shane Dean <i>Line Description: School Resource Officer</i>	0000029614	241.00

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017556	03/29/24	P	Shawn Brosamer	0000001416	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017557	03/29/24	P	Shawn Leffingwell	0000006331	979.05
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017558	03/29/24	P	Stephanie Moore	0000008356	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017559	03/29/24	P	Stephen G Calles	0000009071	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017560	03/29/24	P	Stephen R Tiedeman	0000004258	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017561	03/29/24	P	Stephen Ridgway	0000003815	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017562	03/29/24	P	Steven Labbitt	0000002887	954.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017563	03/29/24	P	Stewart C Godshall	0000002355	586.20
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017564	03/29/24	P	Sue Hupp	0000001879	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017565	03/29/24	P	Susan Baldwin	0000010199	290.90

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			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017566	03/29/24	P	Susan L Larimore	0000002911	425.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017567	03/29/24	P	Thanh P Bui	0000005710	627.03
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017568	03/29/24	P	Thomas C Wood	0000004757	514.89
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017569	03/29/24	P	Thomas J Lazar	0000002925	2,509.48
			<i>Line Description:</i> Qtrly Retiree Medical Payments 1% Supplemental Pay Apr 24		
017570	03/29/24	P	Thomas K Coute Sr	0000009384	616.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017571	03/29/24	P	Thomas R Caldwell	0000012035	991.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017572	03/29/24	P	Timothy Schennum	0000003943	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017573	03/29/24	P	Timothy Starn	0000005549	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017574	03/29/24	P	Timothy Sweet	0000015387	1,029.00

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			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017575	03/29/24	P	Tom A Curtis	0000001898	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017576	03/29/24	P	Tom G Winter	0000005460	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017577	03/29/24	P	Trevor Toy	0000030615	48.00
			<i>Line Description:</i> Standardized Fld Sobriety Test Drug Alcohol Recognition		
017578	03/29/24	P	Trudy E Nuzum	0000003379	503.73
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017579	03/29/24	P	US Bank	0000002228	106,692.57
			<i>Line Description:</i> Refund-Tuition-DAR Class-Monto Tuition-CALNENA Conf-Comm Sprv Tuition-Crisis Intervention-Le Tuition-Fld Trng OFC Upd-Lippi Tuition-Internal Affairs-3 Sgt Tuition-Intvw&Interrogation-2p Tuition-Mbl Surveillance-3 Det Tuition-PC 832 Laws Arrest-Ca Tuition-Traffic Collision-Evan Tuition-Transnational Gangs-An Car Rental-Bearcat Inspection Adobe Annual Fee iCloud Monthly Fee Yrly Plan Renewal-1/2025 Event Supp-Employee of Year Water/Beverage-OTS Meet Floor Mats-Ford Explorer		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Award-MADD Perpetual Plaque		
			Wireless Headset Microphone		
			Animal Svs Office Supplies		
			Water/Gatorade-FS1		
			CERT Meeting Supplies		
			ReMarkable Monthly Fee		
			Office Supp-Cadet Program		
			Coffee-Command Staff Meeting		
			Flight-Cal Cities Qtr BOD Mtg		
			Natl Weather Svc Subscription		
			Metal Pipe-MT84 (Apparatus)		
			Ice Machine-FS4		
			FS5-Washer Repair		
			Prime Monthly Fee		
			Drop Box Monthly Fee		
			FS1-Dryer Replacement		
			FS4-Supplies/Equipment		
			Photo Image Membership		
			Added Reg Fee-Omar Amaya		
			Furniture Protection Plan-FS5		
			Standup Desk-Kristin's Office		
			Admin Replacement Coffee Machi		
			Peer Support Training		
			Drone Registration Fee		
			Remote Mic Covers		
			CPR Certs-14 ppl		
			Coffee Supp/Snacks-Classroom T		
			Controlled Drug Form Binders-E		
			Lodging-Cal Chief's Op Tech Su		
			Cables & Car Chargers		
			Apple Credit		
			Annual Fee- One Pro		
			Lodging-Tech Summit		
			Refund-Lodging-Tech Summit		
			Transportation-Tech Summit		
			Mini Conf Registration		
			Conference Registration-Exec		
			Mesa Water Utility		

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			<i>Line Description:</i> Arts/Crafts Supp-Day Camp		
			Decor/Food-Dance		
			Eggs-Spring Fest		
			Food-Veteran Social Group Mtg		
			Mileage App		
			icloud Storage		
			Prime Membership		
			Client Ride Share		
			Reconnection Client		
			Case of Water for Outreach Cli		
			Supp-Color Wars		
			Food/Supp-Teen Center		
			Sm Tools/Equip-Teen Centers		
			Hand Sanitizer-DT Rec Center		
			Grammarly Annual Subscription		
			Arts/Crafts-Teen Centers/Decor		
			Rfnd-Tools/Equip-TeWinkle Teen		
			Sm Tools/Equip-TeWinkle Tn Ctr		
			Updated Lifeguard Manuals-DAC		
			Office Supplies		
			Supplies-Facility		
			Supp-Special Events		
			Refreshments-Movie Monday		
			Refreshments-Staff Meeting		
			Supp-Craft Class		
			Supplies-Lunar New Year		
			Photo Printing-Sr Brkfst w/ Sa		
			Special Event Supp-Facilities		
			Health&Safety Supplies Shelter		
			Monthly Subscription		
			Business Meeting Food		
			Professional Development		
			Disputed Charge Refund		
			Events Webinar Registration		
			2-Connect4 Lawn Games		
			Calendar-Live Scan Dept		
			Bungee Cords to Hold Boxes		
			Parking-Newport Elks Donation		

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			<i>Line Description:</i> Water-Conf Room Meeting Supp		
			End of Probation Pens-Recognit		
			Hotel-ESRI Conference		
			FAA 107 License Test		
			Cell Phone Lockers-Evidence		
			Massage Website Subscription		
			Hydraiic Bolt Cutter, Blades		
			Mbrshp Dues-Fingerprint Assoc		
			Grnd Ctrl Pts-Drone Aerial Map		
			Office Supp-DataOcean 8GB Stic		
			Refund-Tuition-Cellebrite Trng		
			Tuition-Internal Affairs-Chart		
			Range Supplies		
			Master Lock-Range		
			Membership-CHIA-2 ppl		
			Credit Card Service Fee		
			Tuition-CHIA Conf-Lopez		
			Tuition-Driving PSP-Fay		
			Job Fair Registration Fee		
			Lodging-EVOC-Wirtzer,Getz		
			Tuition-Sprvry Crs-Wilson		
			CBIA Mbrshp-Training Bureau		
			Lodging Dep-CHIA Conf-2 ppl		
			Airfare-ARV Inspection-2 ppl		
			Computer Monitor Mount-Range		
			Items-Arrest&Control Mat Room		
			Dais Snacks		
			Monthly Charge		
			Annual Membership		
			City Council Meeting Meal		
			ICSC 2024 Booth Insurance		
			Cal Cities Division Meeting		
			Food/Supp-LEAP		
			Health Items-LEAP		
			Art/Craft Supp-LEAP		
			Supplies-Classes		
			Cleaning Supplies		
			Cricut Monthly Fee		

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			<i>Line Description:</i> Refreshments-Movie Monday		
			Supp-Sunroom Water Station		
			Refreshments-Lunar New Year		
			Spotify Premium Monthly Fee		
			Prime Video Sub Rental-Movie M		
			Wrld's Best Graffiti Remover		
			Segerstrom Ctr Arts-Subscripti		
			Tools-Balearic Comm Ctr		
			Office Supp-Balearic Comm Ctr		
			Excursion Dep-Day Camp-6/26/24		
			Excursion Dep-Day Camp-7/23/24		
			Office Equip-Balearic Comm Ctr		
			Refund-Tools-Balearic Comm Ctr		
			Rec Equip-ROCKS		
			Promo Items-Day Camp		
			Rec Equip-Youth Sports		
			Office Supp-Youth Sports		
			Promo Items-Youth Sports		
			Office Equip=Youth Sports		
			Participant Clothing-Yth Sport		
			Parking		
			Laptop Stand		
			Coffee for CM Office		
			Adjustable Standing Desk		
			Hotel Stay for CM Conference		
			City Council Meeting Refreshme		
			Paper Supplies for Central Srv		
			Refreshments for Butterfly Gar		
			Refreshments for Community Eng		
			Refreshments for Tenant Protec		
			reMarkable Monthly Subscriptio		
			Mount & Cable-Van		
			Food-Recruitment		
			Beverage-Recruitment		
			Nameplate-OFC Gaurav P		
			UPS Batteries		
			Replacement Telephone Parts		
			Equip-Breaker Bar/Holster		

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			<i>Line Description:</i> Misc Bike Parts, Equip Repair		
			Cleaning Solution/Solvent-Jail		
			Gucci Handbag Bait-Grant Op		
			Parking-Class		
			Reimbursement-K9 Bodi		
			5-Battery Mounts-NVG-SWAT		
			ReMarkable Monthly Fee		
			Food-Supervisors' Meeting		
			Food/Supp-ROCKS		
			Rec Equip-ROCKS		
			Bottled Water-ROCKS		
			Arts/Crafts Supp-ROCKS		
			Refund-Office Supp-ROCKS		
			Food/Supp-Day Camp		
			24/25 Cal Building Official Me		
			Gov Finance Officers Associati		
			4 Trash Cans		
			Flags and Flag Poles		
			Registration for Stacy T		
			Keyboard & Mouse		
			CBI Malwarebytes Subs		
			Monthly Fee On-Line Queuing		
			SAP Crystal Reports Software		
			Monitor		
			Mouse Pad		
			Subscription		
			Tablet Stand		
			Subs Cancelled		
			Coffee Supplies		
			Screen Protector		
			Tablet Assist CM Gallad		
			Monthly Fee On-Line Meeting		
			Monthly Fee On-Line Meeting		
			Re-Fuel Welding Tank		
			514 Hoses		
			Stock-Roof & Vent Seal		
			Stock- On/Off Toggles Tool Kit		
			Arborist Training Seminar		

Bank: DDP1  
 Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Light Cover		
			150 2X8 Wooden Tree Stakes		
			DSoon Time Lapse Camera		
			Sign Meeting in Progress		
			Monthly CEAOC Luncheon Meeting		
			Business Meeting		
			Office Supplies Admin		
			Sit-Stand Workstation		
			Fuel Unit 342		
			Fuel Unit #342		
			Office Supplies		
			Parking Tags		
			CEAOC Luncheon		
			Business Meeting		
			Tools for Fleet		
			Office Equipment		
			FS #5 Permit Renewal Srvs Fee		
			Rec Equip-Fields		
			Subscription-Mudline		
			Tool Supplies-Fields		
			Name Plate-Fall 23 Champs		
			Uniform Equip-Adult Sports		
			Supp-Community Gardens		
			Equip-Community Gardens		
			Professional Development		
			Commission Meeting Dinner		
			Food-Community Gardens Wrk PRT		
			Ice Scoop-NHCC		
			Office Supp-NHCC		
			Snacks-CPR Training		
			Personal Mischarge-Starbucks		
			WIL Professional Dev Training		
			Amazon Monthly Fee		
			Refreshments-Meeting		
			Home Depot-Park Supplies		
			Monthly Subscription Fees		
			Working Lunch W/Assit. CM		
			Business Meeting		

Bank: DDP1  
Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i>		
			Cal Cities CM Conf Lodging		
			Cal Cities CM Conf Reyes Lodgi		
			Meet and Greet		
			Job Advertisement		
			Credit Meet & Greet		
			Oral Board Refreshments		
			Training		
			Job Fair		
			Training		
			Job Listing		
			Meet & Greet		
			Office Supplies		
			Oral Board Meal		
			Staff Name Plate		
			Conference Registration		
			Professional Org Membership		
			Working Lunch		
			Working Dinner		
			Office Supplies		
			Membership Elsa B		
			Working Lunch-Storm		
			Membership-Jasmine V		
			Membership-Ricardo R		
			Monthly Connection Fee		
			Conference Registration		
			Department Staff Meeting		
			Slender Laptop Desk Arzo		
			11 Automatic Umbrellas		
			Cannabis Software App		
			6 PDAOC 2024 Annual Forum		
			Planning Commision Meeting		
			Cannabis Cloud Base Storage		
			Placeworks Business Meeting		
			South Coast Metro Alliance Bus		
			1 MaxGear Business Card Holder		
			1 Seipasa Spar Double Layer In		

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: DDP1  
 Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
017584	03/29/24	P	Vernon D Hupp	0000002604	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017585	03/29/24	P	Victor Hernandez	0000015946	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017586	03/29/24	P	Walter M Dill	0000007117	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017587	03/29/24	P	Walter S Silver Jr	0000004026	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017588	03/29/24	P	Wanda Ayers	0000011741	378.75
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017589	03/29/24	P	Wayne Martin	0000005885	806.23
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017590	03/29/24	P	Wayne Riedmann	0000006022	705.39
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017591	03/29/24	P	Wendell L Maberry	0000003031	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017592	03/29/24	P	Willa Bouwens Killeen	0000014940	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017593	03/29/24	P	William A Folsom	0000021819	554.16

City of Costa Mesa Accounts Payable  
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Bank: DDP1  
 Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017594	03/29/24	P	William B Ellwood	0000006789	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017595	03/29/24	P	William C Taylor	0000004229	290.90
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017596	03/29/24	P	William F McLean	0000013455	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017597	03/29/24	P	William H Bechtel	0000001224	2,428.81
			<i>Line Description:</i> Qtrly Retiree Medical Payments 1% Supplemental Pay Apr 24		
017598	03/29/24	P	William J Morris	0000003236	314.99
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017599	03/29/24	P	William L Adams	0000009869	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017600	03/29/24	P	William M Moss	0000003241	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017601	03/29/24	P	William P Redmond	0000003775	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017602	03/29/24	P	William Raymer	0000003761	873.45

City of Costa Mesa Accounts Payable  
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Bank: DDP1  
 Cycle: ADDEP1

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017603	03/29/24	P	William Verderber	0000005625	520.02
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
017604	03/29/24	P	Zachary Hoferitza	0000002548	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
<b>TOTAL</b>					<b>\$367,599.31</b>

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247366	03/29/24	P	Bound Tree Medical LLC	0000011695	19,021.28
			<i>Line Description:</i> EMS Supplies		
0247367	03/29/24	P	Community Controls	0000020782	18,887.69
			<i>Line Description:</i> Removing & Replacing Operator		
0247368	03/29/24	P	Elecnor Belco Electric Inc	0000030058	212,031.55
			<i>Line Description:</i> 22-07 Traffic/Hawk Signals Retention Proj 22-07		
0247369	03/29/24	P	Executive Facilities Services Inc	0000029510	48,379.31
			<i>Line Description:</i> Janitorial Svcs - FS#1-6 Janitorial Svcs - Balearic Janitorial Svcs - City Hall Janitorial Svcs - Bridge Shelt Janitorial Svcs - Corp Yard (n Janitorial Svcs - NHCC Janitorial Svcs - DRC Janitorial Svcs - PD Janitorial Svcs - All Park Loc Janitorial Svcs - Corp Yard (o Janitorial Svcs - Senior Cente Janitorial Svcs - Police Sub-S Janitorial Svcs - PD Communica		
0247370	03/29/24	P	FALCK MOBILE HEALTH CORP.	0000019807	198,350.50
			<i>Line Description:</i> Surge Unit-January 2024 Ambulance Svc 2/16-2/29/24 Ambulance Svc 2/1-2/15/24		
0247371	03/29/24	P	LINA	0000015623	33,485.15
			<i>Line Description:</i> NYL Admin Fees Feb 2024		

Bank: CITY  
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Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> LTD Ins Prem Mar 2024 Active Life/AD&D Ins Prem Mar Retiree Life Ins Prem Mar 24 Voluntary Life Ins Prem Mar 24		
0247372	03/29/24	P	AT & T	0000001107	166.15
			<i>Line Description:</i> 911 Cama Trunks 3/14-4/13/24		
0247373	03/29/24	P	AT & T	0000001107	74.90
			<i>Line Description:</i> Internet-Fleet Svs		
0247374	03/29/24	P	AT & T Teleconference Services	0000001107	511.43
			<i>Line Description:</i> Teleconference Svc-Feb 24		
0247375	03/29/24	P	Adlerhorst International	0000000906	1,114.63
			<i>Line Description:</i> NARC Recert-OFCs McMorris/Mari K-9 Supplies		
0247376	03/29/24	P	Ai Ley Tan	0000029642	1,000.00
			<i>Line Description:</i> Health & Wellness-Yoga		
0247377	03/29/24	P	Aikido Federation of California	0000000937	55.25
			<i>Line Description:</i> Winter 24 Instructor Payment		
0247378	03/29/24	P	American Red Cross	0000001024	1,300.00
			<i>Line Description:</i> CPR CERTIFICATION		
0247379	03/29/24	P	Antonio Macias	0000021817	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247380	03/29/24	P	AutoNation Inc	0000021888	2,010.60
			<i>Line Description:</i> Radar Brackets & Radar		
0247381	03/29/24	P	BKF Engineers	0000024944	872.00
			<i>Line Description:</i> PD Parking Lot-Electrical Desi		
0247382	03/29/24	P	BPS Tactical Inc	0000023962	673.89
			<i>Line Description:</i> Tactical Ballistic Vest Cover		
0247383	03/29/24	P	Barbara Tintle	0000016912	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247384	03/29/24	P	Beau Hossler	0000029714	60.00
			<i>Line Description:</i> Basketball Referee		
0247385	03/29/24	P	Beginners Edge Sports Training LLC	0000027270	3,217.50
			<i>Line Description:</i> WInter 24 Instructor Payment		
0247386	03/29/24	P	Blue Cosmo	0000026920	684.92
			<i>Line Description:</i> Satellite Phone Svs Pln Mar 24		
0247387	03/29/24	P	Bonnie Kubota	0000005792	604.56
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247388	03/29/24	P	Bradley Whiteaker	0000000341	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: CITY  
 Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0247389	03/29/24	P	Burton Santee <i>Line Description: Qtrly Retiree Medical Payments</i>	0000003920	873.45
0247390	03/29/24	P	CAPF <i>Line Description: Firefighters LTD Mar 24</i>	0000004755	2,419.00
0247391	03/29/24	P	CBE <i>Line Description: COPIER MAINT 2/5-3/4/24</i>	0000015149	71.66
0247392	03/29/24	P	CLEA <i>Line Description: Police Officers LTD Mar 24</i>	0000004754	3,840.00
0247393	03/29/24	P	CSG Consultants Inc <i>Line Description: Bldg Plan Rvw Svs-Feb 24</i>	0000001887	1,001.21
0247394	03/29/24	P	California Forensic Phlebotomy Inc <i>Line Description: Blood Draw Svs Feb 24</i>	0000001500	4,741.60
0247395	03/29/24	P	Canon Financial Services Inc <i>Line Description: COPIER LEASE Late Fee COPIER LEASE 2/20-3/19/24 COPIER LEASE 1/20-2/19/24 COPIER LEASE 12/20-1/19/24</i>	0000023241	668.02
0247396	03/29/24	P	Carelon Behavioral Health of California <i>Line Description: Employee Assistance Prog Mar24</i>	0000030107	982.80
0247397	03/29/24	P	Chano Camarillo <i>Line Description: Qtrly Retiree Medical Payments</i>	0000001558	630.67

City of Costa Mesa Accounts Payable  
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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247398	03/29/24	P	Chris Holmes <i>Line Description: Qtrly Retiree Medical Payments</i>	000002557	554.16
0247399	03/29/24	P	Chris Reed <i>Line Description: Qtrly Retiree Medical Payments</i>	000003777	528.53
0247400	03/29/24	P	Costa Mesa Auto Glass <i>Line Description: 733-Window Tint (Darker)</i>	0000010001	456.97
0247401	03/29/24	P	County of Orange <i>Line Description: AFIS Fees-March 2024</i>	000003486	4,042.00
0247402	03/29/24	P	Crossroads Software Inc <i>Line Description: MAINTENANCE AND SUPPORT</i>	0000022997	2,900.00
0247403	03/29/24	P	Dan Mudra <i>Line Description: Qtrly Retiree Medical Payments</i>	000006272	924.00
0247404	03/29/24	P	Dave Bang Associates Inc <i>Line Description: Shipping Fee Sales Tax 7.75% BBQ Grills for City Parks</i>	0000001935	6,069.43
0247405	03/29/24	P	David Alkema <i>Line Description: Qtrly Retiree Medical Payments</i>	0000000970	879.00
0247406	03/29/24	P	Deanna Reed	000002777	604.56

SUMMARY CHECK REGISTER

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247407	03/29/24	P	Dennis Barton	0000001209	234.84
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247408	03/29/24	P	Diane J Moore	0000003221	290.90
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247409	03/29/24	P	Dixon Resources Unlimited	0000027441	2,253.75
			<i>Line Description:</i> Res Prmt Prkng Spprt Svs Feb24		
0247410	03/29/24	P	Don Boynton	0000015805	405.93
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247411	03/29/24	P	Donna Fagot	0000013934	428.04
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247412	03/29/24	P	ECKERSALL LLC	0000025412	403.75
			<i>Line Description:</i> Snr GIS Analyt Feb 24		
0247413	03/29/24	P	Elysian Arts & Events, LLC	0000030538	2,045.55
			<i>Line Description:</i> Winter 24 Instructor Payment		
0247414	03/29/24	P	Entenmann Rovin Company	0000002130	336.12
			<i>Line Description:</i> Hat Badge Hat Badge		
0247415	03/29/24	P	Eric Engle	0000002128	503.37

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247416	03/29/24	P	Everett Dorey LLP	0000026882	1,166.00
			<i>Line Description:</i> General Matters Svs		
0247417	03/29/24	P	Fed Ex	0000002190	17.23
			<i>Line Description:</i> Standard Overnight Shipping		
0247418	03/29/24	P	FireStats LLC	0000026188	3,750.00
			<i>Line Description:</i> Maint/OP-Data Analysis Tool		
0247419	03/29/24	P	Flying Lion Inc.	0000030364	3,050.00
			<i>Line Description:</i> FAA COA CONSULTING SERVICES		
0247420	03/29/24	P	Frank Rudisill	0000003871	746.49
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247421	03/29/24	P	Frederick Merrill	0000005365	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247422	03/29/24	P	Fredric Wagner	0000004444	991.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247423	03/29/24	P	GMS Elevator Services	0000028704	716.66
			<i>Line Description:</i> Elevator Maintenance & Repair		
0247424	03/29/24	P	Galls LLC	0000002297	2,481.56
			<i>Line Description:</i> Uniform-Cadet S Rose		

City of Costa Mesa Accounts Payable  
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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> Uniform Uniform-Sgt J Barnes Uniform-OFC E Sanchez Uniform-Sgt N Wilson Staff Uniform Uniform-Lt C Diaz Uniform-OFC J Hernandez		
0247425	03/29/24	P	Gary Golson	0000002370	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247426	03/29/24	P	Glenn Lukos & Associates Inc	0000011626	4,235.22
			<i>Line Description:</i> FVP Vernal Pools Restoration		
0247427	03/29/24	P	Grainger	0000002393	339.45
			<i>Line Description:</i> Stock-Locknut Sockets Hardware Hardware		
0247428	03/29/24	P	HCI Systems Inc	0000023295	7,146.30
			<i>Line Description:</i> Fire Alarm System Upgrade-Sr C Refund Permit F23-00165		
0247429	03/29/24	P	Harold Arnold	0000001076	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247430	03/29/24	P	Harold Newbern	0000013391	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247431	03/29/24	P	Henry Santo	0000003921	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

City of Costa Mesa Accounts Payable  
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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247432	03/29/24	P	Heritage Business Forms Inc <i>Line Description: Notice of Appear Citations</i>	000002508	2,884.98
0247433	03/29/24	P	IDS Group Inc <i>Line Description: CH Basement-Offices/Training</i>	0000022643	2,209.20
0247434	03/29/24	P	International Code Council Inc <i>Line Description: 2024 OEC Mbrshp</i>	0000011842	350.00
0247435	03/29/24	P	Interwest Consulting Group Inc <i>Line Description: Bldg/Safety Pln Rvw Svs Jan 24</i>	0000021505	2,256.92
0247436	03/29/24	P	James Boucher <i>Line Description: Qtrly Retiree Medical Payments</i>	0000021818	1,029.00
0247437	03/29/24	P	James Parnell <i>Line Description: Qtrly Retiree Medical Payments</i>	0000003558	537.34
0247438	03/29/24	P	James Solliday <i>Line Description: Qtrly Retiree Medical Payments</i>	0000015717	1,029.00
0247439	03/29/24	P	Jami Construction <i>Line Description: Mezzanine Demo @ PD</i>	0000029493	5,595.00
0247440	03/29/24	P	John E Fitzpatrick <i>Line Description: Qtrly Retiree Medical Payments</i>	0000002234	873.45

City of Costa Mesa Accounts Payable  
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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247441	03/29/24	P	John Pherrin	0000006031	672.68
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247442	03/29/24	P	Karin Robinson	0000008079	349.13
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247443	03/29/24	P	Karl J Verhoef	0000004410	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247444	03/29/24	P	Keith M Jones	0000002776	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247445	03/29/24	P	Kenneth Soltis	0000007968	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247446	03/29/24	P	Kevin Gleason	0000006350	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247447	03/29/24	P	Keyser Marston Associates Inc	0000002824	6,481.25
			<i>Line Description:</i> Consulting Staff-Affordable Ho Consulting Staff Svs Feb 24		
0247448	03/29/24	P	Klaus Straschil	0000004169	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247449	03/29/24	P	LEFTA Systems	0000023638	4,217.94
			<i>Line Description:</i> LEFTA FTO SOFTWARE SUPPORT		

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<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247450	03/29/24	P	LSA Associates Inc	0000003007	5,812.50
			<i>Line Description:</i> Citywide Residential Prkng Rev Costa Mesa Senior Center Traff		
0247451	03/29/24	P	Larry Arruda	0000001080	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247452	03/29/24	P	Larry M Hicks	0000002525	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247453	03/29/24	P	Lawrence P Torres	0000004278	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247454	03/29/24	P	Lawrence Stice	0000015806	924.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247455	03/29/24	P	Long Beach BMW	0000015745	262.95
			<i>Line Description:</i> 635-CHP Ticket Book Box		
0247456	03/29/24	P	Los Angeles Times	0000003000	851.31
			<i>Line Description:</i> Inviting Bids Advertising		
0247457	03/29/24	P	Lou Steiner	0000005965	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247458	03/29/24	P	Marilyn Ellis-Hollobaugh	0000002108	537.34
			<i>Line Description:</i> Qtrly Retiree Medical Payments		

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247459	03/29/24	P	Merton Switzer	0000004204	259.78
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247460	03/29/24	P	MetLife Legal Plans Inc	0000014707	4,312.50
			<i>Line Description:</i> Metlife Legal March 2024		
0247461	03/29/24	P	Michael Basso	0000021265	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247462	03/29/24	P	Michael Moran	0000018227	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247463	03/29/24	P	Michael Swanson	0000006237	991.50
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247464	03/29/24	P	Michael Treanor	0000006788	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247465	03/29/24	P	Michael V Ginther	0000002339	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247466	03/29/24	P	Michael W Carver	0000001599	789.06
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247467	03/29/24	P	Mid SoCal Area AA	0000030652	500.00
			<i>Line Description:</i> Refund Rec Dep 2008046.002		
0247468	03/29/24	P	Motoport USA	0000029467	8,052.86

Bank: CITY  
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
			<i>Line Description:</i> Sales Tax 7.75% Uniforms for 3 Motor Officers		
0247469	03/29/24	P	Napa Auto & Truck Parts	0000012968	12,886.84
			<i>Line Description:</i> Parts-February 2024 Warehouse Automotive Feb 2024		
0247470	03/29/24	P	National Data & Surveying Services	0000021249	105.00
			<i>Line Description:</i> Traverse Dr N/O Sturgeon Dr		
0247471	03/29/24	P	National Safety Compliance Inc	0000020714	205.00
			<i>Line Description:</i> Controlled Substances & Alcoho		
0247472	03/29/24	P	Nationwide	0000027351	2,952.16
			<i>Line Description:</i> K9 Annual Medical Insurance		
0247473	03/29/24	P	Neil Leveratt	0000002948	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247474	03/29/24	P	Nikkis Flags	0000003354	1,525.74
			<i>Line Description:</i> Flag		
0247475	03/29/24	P	Nyhart	0000021283	3,200.00
			<i>Line Description:</i> ACTUARIAL SERVICES		
0247476	03/29/24	P	OakWest Services Inc	0000029497	2,225.00
			<i>Line Description:</i> Fairview Park Pedestrian Bridg		

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: CITY  
 Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247477	03/29/24	P	Orange Coast Plumbing Inc <i>Line Description: Fix leak @ Senior Center</i>	0000009431	4,413.35
0247478	03/29/24	P	Orange County Dept of Education <i>Line Description: Refund Rec Dep 2008048.002 Refund Rec Dep 2008045.002</i>	0000000442	1,000.00
0247479	03/29/24	P	Pacific Medical Waste <i>Line Description: Biohazard Disposal Jan 24 Biohazard Disposal Feb 2024</i>	0000029793	373.08
0247480	03/29/24	P	Pamela S Greene <i>Line Description: Qtrly Retiree Medical Payments</i>	0000005256	377.41
0247481	03/29/24	P	Pat Hill <i>Line Description: Winter 24 Instructor Payment</i>	0000002532	702.00
0247482	03/29/24	P	Patricia Novack <i>Line Description: Qtrly Retiree Medical Payments</i>	0000012034	1,715.00
0247483	03/29/24	P	Paulette Suiter <i>Line Description: Winter 24 Instructor Payment</i>	0000026820	1,319.50
0247484	03/29/24	P	Permit Management Solutions <i>Line Description: Consulting Srvs</i>	0000024925	877.50
0247485	03/29/24	P	Perry J Grant <i>Line Description: Qtrly Retiree Medical Payments</i>	0000008771	806.23

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247486	03/29/24	P	Peter Merritt	0000005114	746.49
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247487	03/29/24	P	Peter Tenace	0000007198	290.90
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247488	03/29/24	P	Petty Cash Fund PD Settlement	0000030654	1,100.00
			<i>Line Description:</i> Stlmnt Agrmnt #24-002945		
0247489	03/29/24	P	Post Alarm Systems Inc	0000026907	120.08
			<i>Line Description:</i> Fire Alarm System Monitoring		
0247490	03/29/24	P	Priority Landscape Services LLC	0000026592	7,800.00
			<i>Line Description:</i> Tree Care&Plantings Feb 2024 Tree Care&Plantings Jan 2024		
0247491	03/29/24	P	Proactive Engineering Consultants Inc	0000028916	3,956.25
			<i>Line Description:</i> Westside Storm Drain Improv		
0247492	03/29/24	P	Proforce Law Enforcement	0000015742	1,268.69
			<i>Line Description:</i> TASER 7 BASIC UP FRONT		
0247493	03/29/24	P	Quest Technology	0000029857	2,700.00
			<i>Line Description:</i> ANNUAL MAINTENANCE		
0247494	03/29/24	P	RK Engineering Group Inc	0000025933	1,200.00
			<i>Line Description:</i> Jethro Narciso In Office 8hrs		

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247495	03/29/24	P	Red Wing Business Advantage Account <i>Line Description: Safety Boots Kelly Dalton</i>	0000003772	225.00
0247496	03/29/24	P	Robert B Phillips <i>Line Description: Qtrly Retiree Medical Payments</i>	0000005388	873.45
0247497	03/29/24	P	Robert Beauchamp <i>Line Description: Qtrly Retiree Medical Payments</i>	0000001223	537.34
0247498	03/29/24	P	Robert Cizek <i>Line Description: Qtrly Retiree Medical Payments</i>	0000001670	1,029.00
0247499	03/29/24	P	Robert Fate <i>Line Description: Qtrly Retiree Medical Payments</i>	0000002183	873.45
0247500	03/29/24	P	Robert L Taylor <i>Line Description: Qtrly Retiree Medical Payments</i>	0000006299	873.45
0247501	03/29/24	P	Roger Neth <i>Line Description: Qtrly Retiree Medical Payments</i>	0000003312	1,029.00
0247502	03/29/24	P	Ronald A Smith <i>Line Description: Qtrly Retiree Medical Payments</i>	0000004053	554.16
0247503	03/29/24	P	Roy Center <i>Line Description: Winter 24 Instructor Payment</i>	0000002158	2,651.35

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247504	03/29/24	P	Rulon Hatch	0000006012	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247505	03/29/24	P	SVT Fleet Solutions	0000030535	5,219.23
			<i>Line Description:</i> 551-Check Engine Light		
0247506	03/29/24	P	Sam Nguyen	0000021573	470.92
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247507	03/29/24	P	Santa Margarita Ford	0000022708	2,637.64
			<i>Line Description:</i> Shop Equipment		
0247508	03/29/24	P	Scott Broussard	0000001420	928.95
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247509	03/29/24	P	Scott Fazekas & Associates Inc	0000003961	327.32
			<i>Line Description:</i> Consulting Plan Check Svcs		
0247510	03/29/24	P	Shaw HR Consulting Inc	0000021706	120.00
			<i>Line Description:</i> Reasonable Accomodation		
0247511	03/29/24	P	Sheila Maurice	0000003091	290.90
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247512	03/29/24	P	Siemens Industry Inc	0000002904	5,686.77
			<i>Line Description:</i> Equipment Replacement		
0247513	03/29/24	P	South Coast Emergency Vehicle Services	0000003643	145.51

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> 526-Push Botton Rubber Covers		
0247514	03/29/24	P	Southern California Edison Company	0000004088	3,751.67
			<i>Line Description:</i> 3190 Red Hill 2/8-3/10/24 1256 Adams 2/9-3/11/24 2944 Bristol 2/14-3/14/24 1560 Adams 2/12-3/12/24 1071 Arlington Irr 2/8-3/10/24 1050 Arlington A 2/8-3/10/24 980 Arlington A 2/8-3/10/24 980 Arlington C 2/8-3/10/24 2612 Harbor 2/14-3/14/24 152 Baker 2/8-3/10/24 3191 Red Hill 2/8-3/10/24 3175 Airway 2/8-3/10/24 Arlington Ped 2/8-3/10/24 Pinley Park 2/9-3/11/24 350 Bristol 2/8-3/10/24 3190 Airport Lp 2/8-3/10/24 410 Merrimac 2/9-3/11/24 410 Merrimac 2/9-3/11/24 Prez Park 2/12-3/12/24 401 Broadway 2/14-3/14/24 199 Broadway 2/14-3/14/24		
0247516	03/29/24	P	Southern California Gas Company	0000004092	5,379.26
			<i>Line Description:</i> 717 James 2/20-3/20/24 721 James 2/20-3/20/24 790 Fair 2/21-3/21/24 1870 Anaheim 2/20-3/20/24 2310 Placentia 2/21-3/21/24 2300 Placentia 2 2/21-3/21/24 PD 2/21-3/21/24 FS4 2/20-3/20/24 FS3 2/20-3/20/24 NHCC 2/20-3/20/24		

Bank: CITY  
 Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
			<i>Line Description:</i> DRC 2/20-3/20/24 3175 Airway 2/8-3/11/24 Sr Ctr 2/20-3/20/24 FS5 2/21-3/21/24 567 W 18th 2/20-3/20/24 Pool 2/20-3/20/24		
0247517	03/29/24	P	Southern California Karate Federation	0000030653	500.00
			<i>Line Description:</i> Refund Rec Dep 2008047.002		
0247518	03/29/24	P	Stanley Borek	0000001347	380.44
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247519	03/29/24	P	State Controllers Office	0000021803	3,457.74
			<i>Line Description:</i> Annual Audit		
0247520	03/29/24	P	State of California Dept of Justice	0000001534	1,498.00
			<i>Line Description:</i> Livescan/Fingerprinting Servic		
0247521	03/29/24	P	Steven Spielberg	0000004127	604.56
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247522	03/29/24	P	Sunset Detectives	0000026756	7,500.00
			<i>Line Description:</i> Pre-Employment Backgrounds		
0247523	03/29/24	P	Talimar Systems Inc	0000025939	13,262.18
			<i>Line Description:</i> Cubicel partitions & Installat Cubicel partitions & Installat		

City of Costa Mesa Accounts Payable  
SUMMARY CHECK REGISTER

Bank: CITY  
Cycle: AWKLY

Payment Ref	Date	Status	Remit To	Remit ID	Payment Amt
0247524	03/29/24	P	Teresa Peterson Goerke	0000016963	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247525	03/29/24	P	The Code Group Inc	0000025073	2,654.81
			<i>Line Description:</i> Consulting Plan Check Srvs Plan Check Srvs		
0247526	03/29/24	P	The Home Depot Credit Services	0000002560	12,594.67
			<i>Line Description:</i> Tools-Park Maint Office Supp-PD Jail General Supp-Graffiti Abatemen Electrical Supp-Fleet Equip Ma Auto Part/Supp-Fleet Equip Mai Tools- Fire Response/Control Warehouse Inventory Tools-Signs/Markings Agriculture-Park Maint General Supp-Bldg Maint Tools-Fleet Equip Maint Hardware Supp-Bldg Maint Hardware Supp-Park Maint Plumbing Supp-Bldg Maint General Supp-Street Maint Electrical Supp-Bldg Maint Electrical Supp-Park Maint		
0247527	03/29/24	P	The Lincoln National Life Insurance Co	0000030039	13,085.80
			<i>Line Description:</i> Accident Ins March 2024 Critical Illness March 2024		
0247528	03/29/24	P	The Lincoln National Life Insurance Co	0000030039	14,596.20
			<i>Line Description:</i> STD Ins Prem Mar 2024		

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: CITY  
 Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247529	03/29/24	P	The Natelson Dale Group Inc	0000026801	600.00
			<i>Line Description:</i> Review Financial Analysis Dev		
0247530	03/29/24	P	The Saylor Group Corp	0000030033	4,608.00
			<i>Line Description:</i> Trash&Debris Removal Caltrans		
0247531	03/29/24	P	Thomas Banks	0000021751	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247532	03/29/24	P	Thomas MacDuff	0000006064	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247533	03/29/24	P	Thomas Neth	0000007978	1,029.00
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247534	03/29/24	P	Thomas Stewart	0000006560	503.37
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247535	03/29/24	P	Time Warner Cable	0000011202	4,499.97
			<i>Line Description:</i> Internet Services-PD (Data) Internet Services City Hall Internet Svs-City Hall (Data) Cable Services-City Hall NCC Internet (New Bldg) HVAC Alarm-Basement at CH Equipment Fees-PD Areas 1&2		
0247536	03/29/24	P	Townsend Public Affairs Inc	0000021510	6,500.00
			<i>Line Description:</i> Grant Writing Legis Srvs March		

Bank: CITY  
 Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247537	03/29/24	P	Tracy Jones	0000002778	748.80
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247538	03/29/24	P	Tumble-N-Kids Inc	0000030098	10,614.09
			<i>Line Description:</i> Winter 24 Instructor Payment		
0247539	03/29/24	P	US Bank	0000002228	1,150.00
			<i>Line Description:</i> 2017 Bond Trustee Funds		
0247540	03/29/24	P	Ursula Basich	0000022488	649.33
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247541	03/29/24	P	Ve Tran	0000004296	873.45
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247542	03/29/24	P	Victor Cliff	0000008954	402.89
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247543	03/29/24	P	Virginia Anderson	0000008307	234.84
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
0247544	03/29/24	P	WLC Architects Inc	0000023955	3,656.25
			<i>Line Description:</i> FS#2 Reconstruction Arch Eng.		
0247545	03/29/24	P	Waxie Sanitary Supply	0000004480	543.30
			<i>Line Description:</i> Sanitary Supply		

City of Costa Mesa Accounts Payable  
**SUMMARY CHECK REGISTER**

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247546	03/29/24	P	West Coast Dance Arts	0000021602	677.30
			<i>Line Description:</i> Winter 24 Instructor Payment		
0247547	03/29/24	P	West Coast Fence Co	0000021495	450.00
			<i>Line Description:</i> Chain Link Repairs Jack Hammet		
0247548	03/29/24	P	William Todd	0000004269	201.23
			<i>Line Description:</i> Qtrly Retiree Medical Payments		
<b>TOTAL</b>					<b>\$875,683.15</b>

City of Costa Mesa Accounts Payable  
CCM OVERFLOW CHECK LISTING

Bank: CITY  
Cycle: AWKLY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247515	03/29/24	O	Southern California Edison Company <i>Line Description: Overflow</i>	0000004088	0.00
<b><u>TOTAL</u></b>					<b><u>0.00</u></b>

Bank: CITY  
Cycle: APAY

<u>Payment Ref</u>	<u>Date</u>	<u>Status</u>	<u>Remit To</u>	<u>Remit ID</u>	<u>Payment Amt</u>
0247549	03/29/24	P	CalPERS Long-Term Care Program	0000006287	85.42
			<i>Line Description:</i> Payroll Deduction 24-07		
0247550	03/29/24	P	State of California	0000001546	235.70
			<i>Line Description:</i> Payroll Deduction 24-07		
<b>TOTAL</b>					<b>\$321.12</b>



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 24-131

**Meeting Date:** 4/16/2024

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**TITLE:**

MINUTES

DEPARTMENT: CITY MANAGER'S OFFICE/CITY CLERK'S DIVISION

**RECOMMENDATION:**

City Council approved the minutes of the regular meeting of April 2, 2024.



## REGULAR CITY COUNCIL AND HOUSING AUTHORITY APRIL 2, 2024 - MINUTES

**CALL TO ORDER** –The Closed Session meeting was called to order by Mayor Stephens at 5:00 p.m.

### **ROLL CALL**

Present: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: Council Member Gameros and Council Member Harper.

**PUBLIC COMMENTS – NONE.**

### **CLOSED SESSION ITEMS:**

- 1. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - ONE CASE**  
Pursuant to California Government Code Section 54956.9 (d)(4), Potential Litigation.
- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
Pursuant to California Government Code Section 54956.8  
APN: 420-012-16  
Agency Negotiators: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: State of California  
Under Negotiation: Price and Terms of Payment

City Council recessed at 5:02 p.m. for Closed Session.

Closed Session adjourned at 6:00 p.m.

**CALL TO ORDER** –The Regular City Council and Housing Authority meeting was called to order by Mayor Stephens at 6:03 p.m.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE** – Led by Ms. McVeigh's second grade class from Sonora Elementary School.

**MOMENT OF SOLEMN EXPRESSION** – Led by Pastor Christine Nolf, Redemption Church.

## **ROLL CALL**

Present: Council Member Chavez, Council Member Gameros, Council Member Harper, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: None.

**CITY ATTORNEY CLOSED SESSION REPORT** – No reportable action.

## **PRESENTATIONS:**

An update on the Active Transportation Committee was provided by Ralph Taboada, Chair and Bridget Gleason, Vice Chair.

## **PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Speaker, spoke on Irvine Connect a new free shuttle service in Irvine.

Shirley McDaniels spoke against the proposed housing project at the Senior Center due to concerns on the infrastructure and parking.

Janna Moore and Ella Mootz, advocated for the fight against epilepsy, and spoke on the Epilepsy walk at Tewinkle Park.

Speaker, spoke on the problems associated with illegal street vendors.

Daniel Morgan, Costa Mesa, spoke on challenges associated with the planning and building permitting process, and the costs.

Patty Bonilla, Costa Mesa, spoke on the problems associated with illegal street vendors.

Frank Spitzer, spoke on problems associated with the group home on Joann Street and spoke on excessive police calls to the property.

Speaker, spoke on excessive police calls to the group home on Joann Street.

Speaker, spoke on excessive police calls to the group home on Joann Street, problems associated with the group home, and spoke on safety issues.

Alan Mayeda, spoke in opposition to the development at the senior center due to parking concerns and costs.

Becca Walls, spoke on the Priceless Pets contract and requested that the trap and release provision be included in the contract.

Speaker, spoke on a dog park and a variety of issues.

## **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Chavez spoke on addressing the issues associated with the group home on Joann Street, spoke on the upcoming Strategic Planning Session and requested the following items for council consideration: tree canopies, efficiency in government, customer service, and rezoning.

Council Member Gameros spoke on illegal street vendors, spoke on the Women in STEM event at the Norma Hertzog Community Center, spoke on home ownership, and employment for young adults.

Council Member Harper spoke on emailing the Council Members with concerns or questions.

Council Member Marr spoke on issues associated with the Joann Street property, spoke on the senior center housing project and parking, and spoke on expediting the permitting process.

Council Member Reynolds spoke on publicizing the tree planting program, spoke on the Women in STEM event at the Norma Hertzog Community Center, requested an update on the bike safety education program, spoke in support of public information and education on traffic calming measures, and spoke on community events for Bike Month and Pride Month.

Mayor Stephens spoke on the Strategic Planning Retreat on April 19<sup>th</sup> at the Norma Hertzog Community Center, spoke on the State of the City on April 24<sup>th</sup>, spoke on the Radiant Health Center event on April 13<sup>th</sup>, spoke on Supervisor Foley's event at Orange County Museum of Art and that Tina Hanley received the award for Women in Law and Justice, spoke on throwing the first pitch at the Battle of the Bell game, spoke on visiting the Art of Jujitsu business, requested an update on the illegal street vendors, spoke on addressing the 250 Joann Street issues, and spoke on updating the Trap and Release policy.

**REPORT – CITY MANAGER** – Ms. Farrell Harrison spoke on addressing the illegal street vendors issues, and introduced Brian Gruner, Parks and Community Services Director; Delcie Hynes, Emergency Services Manager; and Mark Khao, Budget and Purchasing Manager.

Assistant City Manager Ms. Gallardo-Daly spoke on addressing issues at the 250 Joann Street group home.

Police Chief Lawrence spoke on the calls for service at the 250 Joann Street group home.

**REPORT – CITY ATTORNEY – NONE.**

## CONSENT CALENDAR

**MOVED/SECOND:** Council Member Chavez/Mayor Pro Tem Harlan

**MOTION:** Approve the Consent Calendar.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harper, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

**1. PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS**

ACTION:

City Council and Housing Authority approved the reading by title only and waived full reading of Ordinances and Resolutions.

**2. READING FOLDER**

ACTION:

City Council received and filed Claims received by the City Clerk and authorized staff to reject any and all Claims: Morgan & Morgan (Heidi Kearns), Eli Navarette, Gary Reynolds.

**3. ADOPTION OF WARRANT RESOLUTION**

ACTION:

City Council approved Warrant Resolution No. 2714.

**4. MINUTES**

ACTION:

City Council approved the minutes of the regular meeting of March 19, 2024.

**5. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2024 REGIONAL CONFERENCE AND GENERAL ASSEMBLY**

ACTION:

City Council designated Council Member Arlis Reynolds as the delegate for the upcoming 2024 Annual Southern California Association of Governments (SCAG) Regional Conference and General Assembly.

**6. AMENDMENT TO THE CITYWIDE TRAFFIC SIGNAL MAINTENANCE CONTRACT**

**ACTION:**

- 1. City Council approved the First Amendment to the Maintenance Services Agreement (MSA) with Yunex LLC to provide maintenance of the City’s traffic signals, increasing the annual compensation for current and future years of the MSA by \$100,000, for an annual amount not to exceed \$500,000.
- 2. Authorized the City Manager and the City Clerk to execute the agreement and future amendments to the agreement.

**7. REJECT ALL BIDS - WILSON, WAKEHAM, AND TEWINKLE PARKS BRIDGES REPLACEMENT PROJECT, CITY PROJECT NO. 23-12**

**ACTION:**

City Council rejected all bids for the Wilson, Wakeham, and TeWinkle Parks Bridges Replacement Project, City Project No. 23-12.

**AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR**

-----**END OF CONSENT CALENDAR**-----

City Council recessed into a break at 7:26 p.m.

City Council reconvened at 7:41 p.m.

**PUBLIC HEARINGS:**

- 1. **SECOND READING OF ORDINANCE NO. 2024-02 AMENDING TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH AFFORDABLE HOUSING REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENT PROJECTS AND FEE RESOLUTION TO ESTABLISH THE AFFORDABLE HOUSING IN-LIEU FEE SCHEDULE**

Presentation by Ms. Huynh, Principal Planner.

**Public Comments:**

Christine Nolf, Costa Mesa, spoke in support of an Inclusionary Housing Ordinance, spoke on housing costs, increasing the maximum amount of affordable housing in the city, spoke in support of 15% low or 10% very low on projects over 40 units, and spoke in support of establishing strong in-lieu fees.

Jacob Sanchez, Costa Mesa, spoke in support of 15% low income on projects.

Speaker, Costa Mesa, spoke on the high rental costs and in support of 15% low income on projects.

Cynthia McDonald, Costa Mesa, spoke on market rate units, overall ratio, and in support of 15% low income on projects.

Reina Cuthill, Costa Mesa, spoke in support of 15% low income on projects, supports a strong affordable housing ordinance that will impact generations to come.

Speaker, spoke on the need for extremely low-income housing, and in support of 15% low income on projects.

Speaker, spoke in support of affordable housing.

Jenn Tanaka, Costa Mesa, spoke on the timeline for rezoning requirements, the Housing and Community Development suggestions and the change in wording from “can” to “shall”, and that a 20% builders remedy is too high.

Speaker, spoke on incentives, taxes, and assisting first time homebuyers.

Adam Wood, Building Industry Association, spoke on the Planning Commission recommendations, spoke on moving forward with a program that will actually provide more housing, spoke on the City of Santa Ana as a good comparison, and that affordable housing is linked to supply.

Cesar Covarrubias, Executive Director of Kennedy Commission, spoke on the number of units in production in Santa Ana, supports a 15% low income, and spoke on the City of Santa Ana’s fees.

Speaker, spoke in support of a strong affordable housing requirement.

Tim O'Brien, Legacy Partners, spoke on the percentages needing to be competitive, spoke on industrial building and zoning, and spoke in support of the Planning Commission’s recommendation.

George Sakioka, Sakioka Company, spoke on developers meeting the requirements and market forces, spoke on the Planning Commission’s recommendation, spoke on timing of the ordinance and zoning enhancements, and on guarantees for long term development.

Christian Garcia, Costa Mesa, spoke on the need for affordable housing, spoke on increasing the percentages, spoke on creating better environments for families, and in support of 15% low income on projects.

Priscilla Rocco, spoke in support of an inclusionary housing ordinance, and in support of 15% low income and 10% for very low income.

**MOVED/SECOND:** Council Member Marr/Council Member Reynolds

**MOTION:** Approve staff recommendation with the following changes:

- At 60 or more dwelling units per acre, 15% low income and 10% very low income.
- Strike Section 2 related to ownership residential projects and remove references to ownership from the ordinance.
- Adopt in-lieu fees as proposed.

**SUBSTITUTE MOTION/SECOND:** Mayor Pro Tem Harlan/Council Member Chavez

**SUBSTITUTE MOTION:** Approve staff recommendations with the following changes:

- Allocate \$2.5 million in the 2024/2025 budget for an Affordable Housing Trust Fund.
- Increase threshold to 50 dwelling units.
- At 60 units per dwelling acre, 10% low income and 5% very low income.
- Strike section two (2) related to ownership residential projects and remove references to ownership from the ordinance.
- The ordinance will be effective upon the adoption of rezoning by the City Council.

**SECOND SUBSTITUTE MOTION/SECOND:** Council Member Reynolds/Council Member Marr

**SUBSTITUTE MOTION:** Staff recommendation with the following changes:

- At 60% units per dwelling acre, 10% low income, and 5% very low income.
- Allocate \$2.5 million in the 2024/2025 budget into an Affordable Housing Trust Fund, including a first-time home ownership program.
- Direct staff to bring back strategies & needs to accelerate rezoning.
- Streamline projects subject to the affordable housing ordinance.
- Adopt the in-lieu fee resolution as presented.

Discussion ensued on the threshold and on in-lieu fees.

Council Member Reynolds clarified her motion to include the threshold to be 50 dwelling units, strike section two (2) related to ownership residential projects and remove references to ownership from the ordinance, defer in-lieu fees, and the ordinance to become effective 31 days after adoption.

**SECOND SUBSTITUTE MOTION/SECOND:** Council Member Reynolds/Council Member Marr

**SUBSTITUTE MOTION:** Staff recommendation with the following changes:

- At 60 units per dwelling acre, 10% low income, and 5% very low income.
- Allocate \$2.5 million into an Affordable Housing Trust Fund, including a first-time home ownership program.
- Direct staff to bring back strategies & needs to accelerate rezoning.
- Streamline projects subject to the affordable housing ordinance.
- Increase the threshold to 50 dwelling units.
- The Ordinance shall be effective 31 days after adoption (pursuant to State Law).
- Strike section two (2) related to home ownership projects in the ordinance.
- Defer in-lieu fees to a future meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harper, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

**ACTION:**

1. City Council found that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) (“General Rule”).
2. Gave first reading to Ordinance No. 2024-02 approving the Affordable Housing Ordinance and amending Title 13 to establish the affordable housing requirements for new residential development projects.
3. Deferred Resolution No. 2024-10 establishing the affordable housing in-lieu fee schedule to a later date.

City Council recessed into a break at 10:30 p.m.

City Council reconvened at 10:46 p.m.

**OLD BUSINESS:**

1. **CITY COUNCIL FIRST READING OF ORDINANCES TO AMEND TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) AND TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY’S RETAIL CANNABIS PROVISIONS AND FIND THIS PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA**

Presentation by Ms. Halligan, Senior Planner.

**MOVED/SECOND:** Council Member Marr/Council Member Gameros

**MOTION:** Limit Public Comment time to 2 minutes each.

The motion carried: 5-2.

**Public Comments:**

Joe Zappala, spoke on signage and allowing dispensaries to identify their business.

Speaker, expressed concern that a cap of 35 is too high and requested a buffer zone between stores.

Mike Hannegan, Secret Garden, spoke on allowing signage that identifies it is a dispensary, cannabis store, or has a green cross.

Speaker, spoke on changing the numeric limit from Cannabis Business Permit to Conditional Use Permit, remove the legal non-confirming status from being attached to existing stores, requested to remove the requirement that each financial interest holder obtain a business license.

Speaker, spoke in support of a cap at 35, and in support of changing the signage to allow identification of the business.

Speaker, indicated the cap of 35 is too high and spoke on the separation requirements.

**MOVED/SECOND:** Mayor Stephens/Council Member Gamos

**MOTION:** Approve staff recommendations with the following changes:

- Continue to process the 35 CUP applications, accept no other applications for 3 years, then at that time City Council can decide whether to accept additional applications, and if they decide to, what constraints or buffers.
- Direct staff to process the remaining 12 CUP applications by the end of 2024, based on the readiness of the application, not if Tier 1 or Tier 2 system.
- If subsequently there is a sale or change in ownership of an existing CUP they can apply for a CBP.

Discussion ensued on the financial interest business license requirement.

Mayor Stephens added to the motion to strike that each financial interest holder shall obtain a business license.

**SUBSTITUTE MOTION/SECOND:** Council Member Marr/Council Member Chavez

**SUBSTITUTE MOTION:** Approve staff recommendation.

Mayor Pro Tem Harlan requested to strike that each financial interest holder shall obtain business license requirement.

Council Member Marr did not agree to the change.

**SUBSTITUTE MOTION/SECOND:** Council Member Marr/Council Member Chavez

**SUBSTITUTE MOTION:** Approve staff recommendation.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gamos, Council Member Harper, Council Member Marr, Council Member Reynolds, and Mayor Pro Tem Harlan.

Nays: Mayor Stephens.

Absent: None.

Abstain: None.

Motion carried: 6-1

**ACTION:**

1. City Council found that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) (“General Rule”).
2. Introduced for first reading, by title only, Ordinance No. 2024-03 amending Title 13 (Planning, Zoning and Development) and Ordinance No. 2024-04 amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code to modify the City’s retail cannabis provisions.

**NEW BUSINESS:**

**1. AWARD OF FIRE STATION NO. 4 TRAINING TOWER AND SITE IMPROVEMENTS PROJECT, CITY PROJECT NO. 23-04, AND FINDING OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Presentation by Mr. Yang, City Engineer.

Public Comments:

Speaker, spoke on the Finance and Pension Advisory Committee reviewing the item and inquired if the scope had increased.

**MOVED/SECOND:** Council Member Gameros/Council Member Chavez

**MOTION:** Approve staff recommendation.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harper, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

**ACTION:**

1. City Council found that the Fire Station No. 4 Training Tower and Site Improvements Project, City Project No. 23-04, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15301.
2. Adopted plans, specifications, and working details for the Fire Station No. 4 Training Tower and Site Improvements Project, City Project No. 23-04.
3. Authorized the City Manager and City Clerk to execute a Public Works Agreement (PWA) in a not to exceed amount of \$3.5 million and future contract amendments as approved by the City Attorney within City Council authorized limits to Caliba, Inc., 8031 Main Street, Stanton, California 90680.

4. Authorized the City Manager and City Clerk to execute a Professional Services Agreement (PSA) in the amount of \$347,241 and future contract amendments as approved by the City Attorney and within City Council authorized limits to STV Construction, Inc., 1055 West 7th Street, Suite 2900, Los Angeles, California 90017.
5. Authorized the City Manager to negotiate change orders, as needed, to split the project into phases based on available funding, and explore financing options, including bond financing, with final bond documents to be brought to the City Council for final adoption, to fund the remaining unfunded portion of the project's construction costs currently totaling \$1.5 million for the second phase of the project.

**MOVED/SECOND:** Council Member Chavez/Mayor Stephens

**MOTION:** Continue New Business item No. 2 to the next regularly scheduled meeting.

**SUBSTITUTE MOTION/SECOND:** Council Member Harper/Council Member Marr

**SUBSTITUTE MOTION:** Adjourn the meeting and continue the remaining items to the April 16<sup>th</sup> meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harper, Council Member Marr, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: Council Member Reynolds.

Absent: None.

Abstain: None.

Motion carried: 6-1

## **2. FISCAL YEAR 2023-24 MID-YEAR BUDGET UPDATE AND ADJUSTMENTS**

**ACTION:**

City Council continued the item to the April 16, 2024 City Council meeting.

## **3. APPOINTMENTS TO VARIOUS CITY COMMITTEES**

**ACTION:**

City Council continued the item to the April 16, 2024 City Council meeting.

**ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS – NONE.**

**ADJOURNMENT** – Mayor Stephens adjourned the meeting at 11:46 p.m.

**Minutes adopted on this 16<sup>th</sup> day of April, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Green, City Clerk

DRAFT



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 24-116

**Meeting Date:** 4/16/2024

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**TITLE:**

**ANIMAL CARE SHELTER SERVICES - PRICELESS PETS RESCUE**

**DEPARTMENT:** POLICE DEPARTMENT

**PRESENTED BY:** STEPHANIE SELINSKE, LIEUTENANT

**CONTACT INFORMATION:** STEPHANIE SELINSKE, (714) 754-5293

**RECOMMENDATION:**

Staff recommends the City Council:

1. Approve and authorize the City Manager to execute the Professional Services Agreement with Priceless Pets Rescue (PPR) to provide full-service animal sheltering and animal adoption services. PPR will be responsible for the intake, coordination, and management of animals within the City of Costa Mesa for a five-year term, July 1, 2024 - June 30, 2029, for a not to exceed amount of \$480,000 annually.
2. Approve an annual Consumer Price Index (CPI) escalation and de-escalation not exceeding 5%.
3. Authorize the City Manager and City Clerk to execute the agreement and any future authorized amendments to the agreement.
4. Authorize the City Manager or designee to extend the PPR interim service agreement (Amendment #6) until June 30, 2024, for a not to exceed amount of \$33,000 monthly.

**BACKGROUND:**

In 2018, the City explored opportunities to provide a more personalized approach to animal care. At that time, the City created the Animal Services Unit within the Parks and Community Services Department to directly oversee the Animal Care Services' contracts and to track animals from impound to adoption. With an immediate need to put a new animal shelter and adoption service plan in place, City staff from the Police Department, Parks and Community Services Department, and the City Manager's Office worked together to identify possible solutions located in and around the city to care for the communities' animals. At the conclusion of this process, the responsibility for animal sheltering and animal adoption services was contracted to two separate service providers.

In the years that followed, management and oversight of the two providers were determined to be inefficient. Having two separate service providers created communication challenges, resulting in City staff mediating between the two providers. It was determined that to provide the best and most efficient care for our animals, the City would seek a single provider to administer both shelter and adoption services.

Additionally, effective July 1, 2023, the responsibility for managing Animal Services was transferred to the Police Department.

**ANALYSIS:**

On June 8, 2023, the City of Costa Mesa released a Request for Proposal (RFP) for animal care services. The goals of the RFP were:

1. Identify a single service provider for animal shelter and adoption services as outlined in the scope of work.
2. Ensure the shelter is managed as a minimal/low kill facility and all animals receive the best care possible.
3. Establish and maintain a positive working relationship with City staff and work cooperatively to ensure all city animal care services are met.

Only two proposals were received, both from the previous service providers, Newport Center Animal Hospital (NCAH) and Priceless Pets Rescue (PPR). Proposals were reviewed by an evaluation committee which included staff from Costa Mesa Police Department, City Manager, Finance, and Parks. Proposals were evaluated based on project understanding, depth of experience, technical expertise, and associated evaluation criteria. Due to the similarity of proposal scoring, the service providers were interviewed for further evaluation.

During the evaluation phase, NCAH who was providing animal shelter and veterinarian services at the time, submitted a 60-day notice to terminate the current service agreement and withdrew from the RFP process on November 2, 2023. Due to the unplanned termination of the services agreement with NCAH and based on purchasing guidelines, Section 2-171(2), the agreement with PPR was amended to include interim animal shelter and veterinarian services to ensure there were no lapses in services for the community. PPR agreed to continue to provide the interim services at a monthly cost of \$33,000 until the City secured a new long-term agreement.

On January 29, 2024, the City requested a revised service and cost proposal from PPR based on a revised scope of work that included services for adoption, veterinarian and other services not included in the original scope of work that was a part of the original RFP.

PPR was able to demonstrate the ability to provide all services required in the revised scope of work. They have over 15 years of experience in the animal welfare, care and adoption field. PPR has been providing animal adoption services to the City of Costa Mesa since early 2018. PPR is currently and will continue to provide animal services from their current location at 1536 Newport Blvd. and has established a temporary partnership with Newport Mesa Animal Hospital, 1542 Newport Blvd., to provide veterinary services.

Upon approval of this agreement, PPR will have reasonable time to identify and secure a stand-alone facility in Costa Mesa, establish a lease, and take steps to apply for any required permits. PPR will make the necessary upgrades to the location to provide an intake area, isolation area, quarantine area, and a fully staffed veterinary suite and open to the public to redeem their lost/stray animals. The facility will adhere to guidelines set forth in the *Guidelines for Standards of Care in Animals Shelters - Second Edition*, published by the Association of Shelter Veterinarians and as recommended by The Humane Society of the United States. PPR will provide hours of operation that allow for general intake from Animal Control and provide extended hours for the public to allow for return to owner activity, owner surrender, and be staffed 24/7 with trained personnel with access at any time to the City of Costa Mesa's Animal Services personnel. PPR will provide standard veterinary care for all animals based on their needs, including spay/neuter procedures, microchips, emergency medical care, vaccines, health assessment, daily treatment, monitoring, etc. PPR will provide all adoption services, utilize specialty rescue groups, volunteer and foster programs, and other animal services such as low-cost spay/neuter and microchip clinics for community members.

PPR has a long-standing connection and support in Costa Mesa and is active within the community providing animal care and adoption outreach. The City of Costa Mesa has a long-standing working relationship with PPR, its management, staff, and volunteers. Approving the animal services agreement will allow for an uninterrupted continuation of these vital services.

Based upon this agreement, PPR will continue to provide interim services at a rate of \$33,000 through June 30, 2024. Beginning July 1, 2024, the negotiated compensation under this animal shelter services agreement would not exceed \$40,000 monthly.

**ALTERNATIVES:**

The City Council could choose not to approve the contract with Priceless Pets Rescue; however, this alternative is not recommended as contracting with PPR would be in the City's best interest due to the level of comprehensive services they can provide to all animals within the City of Costa Mesa, their existing working relationship with Costa Mesa Animal Services, and the ability to provide care for animals without a delay or gap in services and their geographic proximity, which ensures expedient care for animals within the city limits.

**FISCAL REVIEW:**

The annual budget in the amount of \$425,000 for the interim service agreement with Priceless Pets Rescue is in the Police Department's budget in the General Fund 101. An additional \$55,000 has been requested in the budget development process to bring the total annual budget to \$480,000 to cover the increase to the service agreement beginning July 1, 2024.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and drafted the Professional Services Agreement and approves them as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the City Council Goal: Strengthen the public's safety and improve the quality of life.

**CONCLUSION:**

Staff recommends the City Council:

1. Approve and authorize the City Manager to execute the Professional Services Agreement with Priceless Pets Rescue (PPR) to provide full-service animal sheltering and animal adoption services. PPR will be responsible for the intake, coordination, and management of animals within the City of Costa Mesa for a five-year term, July 1, 2024 - June 30, 2029, for a not to exceed amount of \$480,000 annually.
2. Approve an annual Consumer Price Index (CPI) escalation and de-escalation not exceeding 5%.
3. Authorize the City Manager and City Clerk to execute the agreement and any future authorized amendments to the agreement.
4. Authorize the City Manager or designee to extend the PPR interim service agreement (Amendment #6) until June 30, 2024, for a not to exceed amount of \$33,000 monthly.

**CITY OF COSTA MESA  
PROFESSIONAL SERVICES AGREEMENT  
WITH  
PRICELESS PETS**

This PROFESSIONAL SERVICES AGREEMENT (“Agreement”) is made and entered into this 1st day of July, 2024 (“Effective Date”), by and between the CITY OF COSTA MESA, a municipal corporation (“City”), and Priceless Puppy Rescue, Corp, a California Nonprofit Public Benefit Corporation (dba PRICELESS PETS) (“Consultant”).

**RECITALS**

A. City proposes to utilize the services of Consultant as an independent contractor to provide animal care shelter services, as more fully described herein; and

B. Consultant represents that it has that degree of specialized expertise contemplated within California Government Code section 37103, and holds all necessary licenses to practice and perform the services herein contemplated; and

C. City and Consultant desire to contract for the specific services described in Exhibits “A,” “B” and “C” and desire to set forth their rights, duties and liabilities in connection with the services to be performed; and

D. No official or employee of City has a financial interest, within the provisions of sections 1090-1092 of the California Government Code, in the subject matter of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

**1.0. SERVICES PROVIDED BY CONSULTANT**

1.1. Scope of Services. Consultant shall provide the professional services described in the following documents, each of which is incorporated by reference:

- City’s Request for Proposals, attached hereto as Exhibit “A”
- Revised Scope of Services, attached hereto as Exhibit “B” and
- Background & Project Summary – Scope of Work Considerations – Revised March 14, 2024 (“Consultant’s Proposal”), attached hereto as Exhibit “C”.

1.2. Professional Practices. All professional services to be provided by Consultant pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields and circumstances in accordance with sound professional practices. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Consultant’s performance of this Agreement.

1.3. Performance to Satisfaction of City. Consultant agrees to perform all the work to the complete satisfaction of the City. Evaluations of the work will be done by the City Manager or

his or her designee. If the quality of work is not satisfactory, City in its discretion has the right to:

- (a) Meet with Consultant to review the quality of the work and resolve the matters of concern;
- (b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or
- (c) Terminate the Agreement as hereinafter set forth.

1.4. Warranty. Consultant warrants that it shall perform the services required by this Agreement in compliance with all applicable Federal and California employment laws, including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation insurance and safety in employment; and all other Federal, State and local laws and ordinances applicable to the services required under this Agreement. Consultant shall indemnify and hold harmless City from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description including attorneys' fees and costs, presented, brought, or recovered against City for, or on account of any liability under any of the above-mentioned laws, which may be incurred by reason of Consultant's performance under this Agreement.

1.5. Non-Discrimination. In performing this Agreement, Consultant shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military or veteran status, except as permitted pursuant to section 12940 of the Government Code.

1.6. Non-Exclusive Agreement. Consultant acknowledges that City may enter into agreements with other consultants for services similar to the services that are subject to this Agreement or may have its own employees perform services similar to those services contemplated by this Agreement.

1.7. Delegation and Assignment. This is a personal service contract, and the duties set forth herein shall not be delegated or assigned to any person or entity without the prior written consent of City. Consultant may engage a subcontractor(s) as permitted by law and may employ other personnel to perform services contemplated by this Agreement at Consultant's sole cost and expense.

1.8. Confidentiality. Employees of Consultant in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of City. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without written authorization by City. City shall grant such authorization if disclosure is required by law. All City data shall be returned to City upon the termination of this Agreement. Consultant's covenant under this Section shall survive the termination of this Agreement.

## **2.0. COMPENSATION AND BILLING**

2.1. Compensation. Initially, Consultant shall be paid forty thousand dollars (\$40,000)

per month. Consultant's total compensation shall not exceed four hundred eighty thousand (\$ 480,000.00) per year. The monthly payment may only be increased pursuant to section 2.2, below.

2.2. Consumer Price Index Adjustment. Upon request, effective on each July 1 following the Effective Date, Consultant is entitled to request and obtain a price increase for the monthly payment based on the lesser of (a) 5% or (b) the changes to the Consumer Price Index, all Urban Consumers (CPI-U), for the Los Angeles–Long Beach–Anaheim statistical area based upon the changes to the CPI-U comparing the immediately preceding April (i.e., 3 months prior) against the April before that date (i.e., 1 year and 3 months prior). For Consultant's request for a price increase to be effective, the request shall reference the above referenced CPI-U index, the calculation establishing the amount of the change to the CPI-U for that period, and Consultant's revised prices based upon such CPI increase.

2.3. Additional Services. Consultant shall not receive compensation for any services provided outside the scope of services specified in the Consultant's Proposal unless the City Manager or designee, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable.

2.4. Method of Billing. Consultant may submit invoices to the City for approval on a progress basis, but no more often than two times a month. Said invoice shall be based on the total of all Consultant's services which have been completed to City's sole satisfaction. City shall pay Consultant's invoice within forty-five (45) days from the date City receives said invoice. Each invoice shall describe in detail, the services performed, the date of performance, and the associated time for completion. Any additional services approved and performed pursuant to this Agreement shall be designated as "Additional Services" and shall identify the number of the authorized change order, where applicable, on all invoices.

2.5. Records and Audits. Records of Consultant's services relating to this Agreement shall be maintained in accordance with generally recognized accounting principles and shall be made available to City or its Project Manager for inspection and/or audit at mutually convenient times from the Effective Date until three (3) years after termination of this Agreement.

### **3.0. TIME OF PERFORMANCE**

3.1. Commencement and Completion of Work. Unless otherwise agreed to in writing by the parties, the professional services to be performed pursuant to this Agreement shall commence within five (5) days from the Effective Date of this Agreement. Said services shall be performed in strict compliance with the time frames set forth in Consultant's Proposal, unless the parties agreed to amend such time frame in writing. Failure to commence work in a timely manner and/or diligently pursue work to completion may be grounds for termination of this Agreement.

Consultant shall continue to provide the contracted services at its current location in the City if necessary but shall expeditiously secure a new location at which all services contemplated herein shall be provided, including intake, veterinary services, sheltering, and adoption services. Consultant shall enter into a lease or contingent lease for such location within sixty (60) days of execution of this Agreement and shall prepare and submit any required conditional use permit or minor conditional use permit or other land use entitlement for such location as may be required within ninety (90) days of the effective date of this Agreement. Within ninety (90) days of securing any such required land use entitlement, or if none is required, from executing a lease for the new

location, Consultant shall complete any tenant improvements necessary to provide the services contemplated herein. The Chief of Police may provide such additional time extensions for securing land use entitlements or completion of construction for full operations at such new location as he shall deem necessary and appropriate; provided, however, that Consultant continues to meet all other requirements of this Agreement during any such extended time period.

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts shall include, but not be limited to, acts of God, fire, strikes, pandemics (excluding COVID-19), material shortages, compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party (each, a “Force Majeure Event”). If a party experiences a Force Majeure Event, the party shall, within five (5) days of the occurrence of the Force Majeure Event, give written notice to the other party stating the nature of the Force Majeure Event, its anticipated duration and any action being taken to avoid or minimize its effect. Any suspension of performance shall be of no greater scope and of no longer duration than is reasonably required and the party experiencing the Force Majeure Event shall use best efforts without being obligated to incur any material expenditure to remedy its inability to perform; provided, however, if the suspension of performance continues for sixty (60) days after the date of the occurrence and such failure to perform would constitute a material breach of this Agreement in the absence of such Force Majeure Event, the parties shall meet and discuss in good faith any amendments to this Agreement to permit the other party to exercise its rights under this Agreement. If the parties are not able to agree on such amendments within thirty (30) days and if suspension of performance continues, such other party may terminate this Agreement immediately by written notice to the party experiencing the Force Majeure Event, in which case neither party shall have any liability to the other except for those rights and liabilities that accrued prior to the date of termination.

#### 4.0. TERM AND TERMINATION

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of five [5] years, ending on June 30, 2029, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

4.2. Notice of Termination. The City reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing written notice to Consultant. The termination of this Agreement shall be deemed effective upon receipt of the notice of termination. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the City.

4.3. Compensation. In the event of termination, City shall pay Consultant for reasonable costs incurred and professional services satisfactorily performed up to and including the date of City’s written notice of termination. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein. In ascertaining the professional services actually rendered hereunder up to the effective date of termination of this Agreement, consideration shall be given to both completed work and work in progress, to complete and incomplete drawings, and to other documents pertaining to the services contemplated herein whether delivered to the City or in the possession of the Consultant.

4.4. Documents. In the event of termination of this Agreement, all documents prepared by Consultant in its performance of this Agreement including, but not limited to, finished or

unfinished design, development and construction documents, data studies, drawings, maps and reports, shall be delivered to the City within ten (10) days of delivery of termination notice to Consultant, at no cost to City. Any use of uncompleted documents without specific written authorization from Consultant shall be at City's sole risk and without liability or legal expense to Consultant.

## 5.0. INSURANCE

5.1. Minimum Scope and Limits of Insurance. Consultant shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent A.M. Best's Rating Guide, and approved by City:

- (a) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) general aggregate.
- (b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00) combined single limit per accident for bodily injury and property damage.
- (c) Workers' compensation insurance as required by the State of California. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers arising from work performed by Consultant for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.
- (d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retro date shall be prior to the start of the contract work. Consultant shall obtain and maintain, said E&O liability insurance during the life of this Agreement and for three years after completion of the work hereunder.

5.2. Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

- (a) Additional insureds: "The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the City; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."

- (b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days after written notice is given to City."
- (c) Other insurance: "The Consultant's insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy."
- (d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.
- (e) The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5.3. Deductible or Self-Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by City. No policy of insurance issued as to which the City is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

5.4. Certificates of Insurance. Consultant shall provide to City certificates of insurance showing the insurance coverages and required endorsements described above, in a form and content approved by City, prior to performing any services under this Agreement.

5.5. Non-Limiting. Nothing in this Section shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

## 6.0. GENERAL PROVISIONS

6.1. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. This Agreement may be modified only in writing, and signed by the parties in interest at the time of such modification. The terms of this Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Agreement.

6.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

Consultant shall designate a representative for purposes of this Agreement who shall be authorized to issue all consents, approvals, directives and agreements on behalf of Consultant called for by this Agreement, except as otherwise expressly provided in this Agreement.

6.3. Project Managers. City shall designate a Project Manager to work directly with Consultant in the performance of this Agreement.

Consultant shall designate a Project Manager who shall represent it and be its agent in all consultations with City during the term of this Agreement. Consultant or its Project Manager shall attend and assist in all coordination meetings called by City.

6.4. Notices. Any notices, documents, correspondence or other communications concerning this Agreement or the work hereunder may be provided by personal delivery or mail and shall be addressed as set forth below. Such communication shall be deemed served or delivered: (a) at the time of delivery if such communication is sent by personal delivery, and (b) 48 hours after deposit in the U.S. Mail as reflected by the official U.S. postmark if such communication is sent through regular United States mail.

IF TO CONSULTANT:

Priceless Pets  
15350 Fairfield Ranch Road, Suite I  
Chino Hills, CA 91709  
Tel: (909) 662-1440  
Attn: Lisa Price

IF TO CITY:

City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
Tel: (714) 754-5672  
Attn: Bryan Wadkins

Courtesy copy to:

City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
Attn: Finance Dept. | Purchasing

6.5. Drug-Free Workplace Policy. Consultant shall provide a drug-free workplace by complying with all provisions set forth in City’s Council Policy 100-5, attached hereto as Exhibit “D” and incorporated herein. Consultant’s failure to conform to the requirements set forth in Council Policy 100-5 shall constitute a material breach of this Agreement and shall be cause for immediate termination of this Agreement by City.

6.6. Attorneys’ Fees. In the event that litigation is brought by any party in connection with this Agreement, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys’ fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof.

6.7. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in Orange County, California.

6.8. Assignment. Consultant shall not voluntarily or by operation of law assign, transfer, sublet or encumber all or any part of Consultant’s interest in this Agreement without

City's prior written consent. Any attempted assignment, transfer, subletting or encumbrance shall be void and shall constitute a breach of this Agreement and cause for termination of this Agreement. Regardless of City's consent, no subletting or assignment shall release Consultant of Consultant's obligation to perform all other obligations to be performed by Consultant hereunder for the term of this Agreement.

6.9. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

6.10. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

6.11 Conflicts with Independent Contractor. Contractor/consultant's duties and services under this Agreement shall not include preparing or assisting the public entity with any portion of the public entity's preparation of a request for proposals, request for qualifications, or any other solicitation regarding a subsequent or additional contract with the public entity. The public entity entering into this Agreement shall at all times retain responsibility for public contracting, including with respect to any subsequent phase of this project. Contractor/consultant's participation in the

planning, discussions, or drawing of project plans or specifications shall be limited to conceptual, preliminary, or initial plans or specifications. Contractor/consultant shall cooperate with the public entity to ensure that all bidders for a subsequent contract on any subsequent phase of this project have access to the same information, including all conceptual, preliminary, or initial plans or specifications prepared by contractor pursuant to this Agreement.

6.12. PERS Eligibility Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

6.13. Cooperation. In the event any claim or action is brought against City relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation which City might require.

6.14. Ownership of Documents. All findings, reports, documents, information and data including, but not limited to, computer tapes or discs, files and tapes furnished or prepared by Consultant or any of its subcontractors in the course of performance of this Agreement, shall be and remain the sole property of City. Consultant agrees that any such documents or information shall not be made available to any individual or organization without the prior consent of City. Any use of such documents for other projects not contemplated by this Agreement, and any use of incomplete documents, shall be at the sole risk of City and without liability or legal exposure to Consultant. City shall indemnify and hold harmless Consultant from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from City's use of such documents for other projects not contemplated by this Agreement or use of incomplete documents furnished by Consultant. Consultant shall deliver to City any findings, reports, documents, information, data, in any form, including but not limited to, computer tapes, discs, files audio tapes or any other Project related items as requested by City or its authorized representative, at no additional cost to the City.

6.15. Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to City may be subject to public disclosure as required by the California Public Records Act (California Government Code section 6250 *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade secrets, as that term is defined in the California Government Code section 6254.7, and of which Consultant informs City of such trade secret. The City will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The City shall not, in any way, be

liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

6.16. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act (Government Code sections 81000, *et seq.*) and Government Code section 1090. During the term of this Agreement, Consultant and its officers, employees, associates and subconsultants shall not, without the prior written approval of the City Representative, perform work for another person or entity for whom Consultant is not currently performing work that would require Consultant or one of its officers, employees, associates or subconsultants to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

6.17. Responsibility for Errors. Consultant shall be responsible for its work and results under this Agreement. Consultant, when requested, shall furnish clarification and/or explanation as may be required by the City's representative, regarding any services rendered under this Agreement at no additional cost to City. In the event that an error or omission attributable to Consultant occurs, then Consultant shall, at no cost to City, provide all necessary design drawings, estimates and other Consultant professional services necessary to rectify and correct the matter to the sole satisfaction of City and to participate in any meeting required with regard to the correction.

6.18. Prohibited Employment. Consultant will not employ any regular employee of City while this Agreement is in effect.

6.19. Order of Precedence. In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of any document, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, this Agreement shall govern over the document referenced. To the extent that Exhibit "A" and "B" conflict, Exhibit "B" controls. To the extent that Exhibit "C" conflicts with Exhibit "B," Exhibit "B" controls.

6.20. Costs. Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

6.21. Binding Effect. This Agreement binds and benefits the parties and their respective permitted successors and assigns.

6.22. No Third Party Beneficiary Rights. This Agreement is entered into for the sole benefit of City and Consultant and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

6.23. Headings. Paragraphs and subparagraph headings contained in this Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Agreement.

6.24. Construction. The parties have participated jointly in the negotiation and drafting of this Agreement and have had an adequate opportunity to review each and every provision of the Agreement and submit the same to counsel or other consultants for review and comment. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

6.25. Amendments. Only a writing executed by the parties hereto or their respective successors and assigns may amend this Agreement.

6.26. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

6.27. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party, is materially impaired, which determination made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

6.28. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

6.29. Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

**[Signatures appear on following page.]**

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

**CONSULTANT**

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
[Name and Title]

**CITY OF COSTA MESA**

\_\_\_\_\_  
Lori Ann Farrell Harrison  
City Manager

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Brenda Green  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kimberly Hall Barlow  
City Attorney

Date: \_\_\_\_\_

**APPROVED AS TO INSURANCE:**

\_\_\_\_\_  
Ruth Wang  
Risk Management

Date: \_\_\_\_\_

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Bryan Wadkins  
Project Manager

Date: \_\_\_\_\_

DEPARTMENTAL APPROVAL:

\_\_\_\_\_  
Ronald Lawrence  
Police Chief

Date: \_\_\_\_\_

APPROVED AS TO PURCHASING:

\_\_\_\_\_  
Carol Molina  
Finance Director

Date: \_\_\_\_\_

**EXHIBIT A**  
**REQUEST FOR PROPOSALS**

**EXHIBIT B**  
**CITY'S REVISED SCOPE OF SERVICES**

**EXHIBIT C**

**CONSULTANT'S PROPOSAL**

**"Background & Project Summary – Scope of Work Considerations – Revised March 14, 2024"**

**EXHIBIT D**  
**CITY COUNCIL POLICY 100-5**

**CITY OF COSTA MESA, CALIFORNIA**  
**COUNCIL POLICY**

<b>SUBJECT</b>	<b>POLICY NUMBER</b>	<b>EFFECTIVE DATE</b>	<b>PAGE</b>
DRUG-FREE WORKPLACE	100-5	8-8-89	1 of 3

**BACKGROUND**

Under the Federal Drug-Free Workplace Act of 1988, passed as part of omnibus drug legislation enacted November 18, 1988, contractors and grantees of Federal funds must certify that they will provide drug-free workplaces. At the present time, the City of Costa Mesa, as a sub-grantee of Federal funds under a variety of programs, is required to abide by this Act. The City Council has expressed its support of the national effort to eradicate drug abuse through the creation of a Substance Abuse Committee, institution of a City-wide D.A.R.E. program in all local schools and other activities in support of a drug-free community. This policy is intended to extend that effort to contractors and grantees of the City of Costa Mesa in the elimination of dangerous drugs in the workplace.

**PURPOSE**

It is the purpose of this Policy to:

1. Clearly state the City of Costa Mesa's commitment to a drug-free society.
2. Set forth guidelines to ensure that public, private, and nonprofit organizations receiving funds from the City of Costa Mesa share the commitment to a drug-free workplace.

**POLICY**

The City Manager, under direction by the City Council, shall take the necessary steps to see that the following provisions are included in all contracts and agreements entered into by the City of Costa Mesa involving the disbursement of funds.

1. Contractor or Sub-grantee hereby certifies that it will provide a drug-free workplace by:
  - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in Contractor's and/or sub-grantee's workplace, specifically the job site or location included in this contract, and specifying the actions that will be taken against the employees for violation of such prohibition;
  - B. Establishing a Drug-Free Awareness Program to inform employees about:

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	2 of 3

1. The dangers of drug abuse in the workplace;
  2. Contractor's and/or sub-grantee's policy of maintaining a drug-free workplace;
  3. Any available drug counseling, rehabilitation and employee assistance programs; and
  4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by subparagraph A;
- D. Notifying the employee in the statement required by subparagraph 1 A that, as a condition of employment under the contract, the employee will:
1. Abide by the terms of the statement; and
  2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- E. Notifying the City of Costa Mesa within ten (10) days after receiving notice under subparagraph 1 D 2 from an employee or otherwise receiving the actual notice of such conviction;
- F. Taking one of the following actions within thirty (30) days of receiving notice under subparagraph 1 D 2 with respect to an employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination; or
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health agency, law enforcement, or other appropriate agency;

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
DRUG-FREE WORKPLACE	100-5	8-8-89	3 of 3

- G. Making a good faith effort to maintain a drug-free workplace through implementation of subparagraphs 1 A through 1 F, inclusive.
2. Contractor and/or sub-grantee shall be deemed to be in violation of this Policy if the City of Costa Mesa determines that:
    - a. Contractor and/or sub-grantee has made a false certification under paragraph 1 above;
    - b. Contractor and/or sub-grantee has violated the certification by failing to carry out the requirements of subparagraphs 1 A through 1 G above;
    - c. Such number of employees of Contractor and/or sub-grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the contractor and/or sub-grantee has failed to make a good faith effort to provide a drug-free workplace.
  3. Should any contractor and/or sub-grantee be deemed to be in violation of this Policy pursuant to the provisions of 2 A, B, and C, a suspension, termination or debarment proceeding subject to applicable Federal, State, and local laws shall be conducted. Upon issuance of any final decision under this section requiring debarment of a contractor and/or sub-grantee, the contractor and/or sub-grantee shall be ineligible for award of any contract, agreement or grant from the City of Costa Mesa for a period specified in the decision, not to exceed five (5) years. Upon issuance of any final decision recommending against debarment of the contractor and/or sub-grantee, the contractor and/or sub-grantee shall be eligible for compensation as provided by law.



**REQUEST FOR PROPOSAL**

**23-22**

**FOR**

Animal Care Shelter Services



**Police/Parks & Community Services Department**

**CITY OF COSTA MESA**

**Released on June 8, 2023**

## REQUEST FOR PROPOSAL

### Fabrication & Outfitting of Fire Department Mobile Command Vehicle

The City of Costa Mesa (hereinafter referred to as the “City”) is requesting Proposals from qualified consultants for **Animal Care Shelter Services** for the Police/Parks and Community Services Department. The awarded Contractor, (hereinafter referred to as “Contractor”) shall be in accordance with the Sample Professional Service Agreement, **Appendix B** terms, conditions, and scope of work. Prior to submitting a Proposal, Proposers are advised to carefully read the instructions below, including the Sample Professional Service Agreement and any solicitation appendix/exhibits. The term is expected to be for 5 years. The City reserves the right to award one or more contracts for this service.

#### I. GENERAL INFORMATION

The City of Costa Mesa is a general law city, which operates under the council/manager form of government with an annual General Fund budget of over \$206 million and a total budget of \$163.5 million for fiscal year 2022-2023.

The City of Costa Mesa, incorporated in 1953, has an estimated population of 115,000 and has a land area of 16.8 square miles. It is located in the northern coastal area of Orange County, California, and is bordered by the cities of Santa Ana, Newport Beach, Huntington Beach, Fountain Valley and Irvine.

The City is a “full service city” providing a wide range of services. These services include: police and fire protection; animal control; emergency medical aid; building safety regulation and inspection; street lighting; land use planning and zoning; housing and community development; maintenance and improvement of streets and related structures; traffic safety maintenance and improvement; and full range of recreational and cultural programs.

The City of Costa Mesa is home of the Segerstrom Center for the Arts, Orange County Fairgrounds, South Coast Repertory Theater and the South Coast Plaza Shopping Center, which is the single largest commercial activity center in the City. The volume of sales generated by South Coast Plaza secures its place as the highest volume regional shopping center in the nation.

The successful Proposer, shall have experience in similar types of services. All Proposers responding to this Request for Proposal (RFP) will be evaluated on the basis of their expertise, prior experience on similar projects, demonstrated competence, ability to meet the requested services, adequate staffing, reference check, understanding of services, cost and responsiveness to the needs and concerns of the City of Costa Mesa.

- 1. Important Notice:** The City has attempted to provide all information available. It is the responsibility of each Proposer to review, evaluate, and, where necessary, request any clarification prior to submission of a Proposal. **Proposers are not to contact other City personnel with any questions or clarifications concerning this Request for Proposal (RFP).** Any City response relevant to this RFP other than through or approved by City’s Purchasing Department is unauthorized and will be considered invalid.

If clarification or interpretation of this solicitation is considered necessary by City, a written addendum shall be issued and the information will be posted on PlanetBids. Any interpretation of, or correction to, this solicitation will be made only by addendum issued by the City’s Purchasing Department. It is the responsibility of each Proposer to periodically check PlanetBids website to ensure that it has

received and reviewed any and all addenda to this solicitation. The City will not be responsible for any other explanations, corrections to, or interpretations of the documents, including any oral information.

**2. Schedule of Events:** This Request For Proposal shall be governed by the following schedule:

<b>Release of RFP</b>	<b>June 8, 2023</b>
<b>Mandatory Pre-proposal Meeting</b>	<b>June 21, 2023 2:00PM</b>
<b>Deadline for Written Questions</b>	<b>June 26, 2023 at 5:00 p.m.</b>
<b>Responses to Questions Posted</b>	<b>June 29, 2023 by 5:00 p.m</b>
<b>Proposals are Due</b>	<b>July 6, 2023 at 10:00 a.m.</b>
<b>Interview (Tentative)</b>	<b>July 18-20</b>
<b>Approval of Contract (Tentative)</b>	<b>July/August TBD</b>

\*\*All dates are subject to change at the discretion of the City.

**Pre-Proposal Conference:** A MANDATORY Pre-Proposal conference will be held on **June 21, 2022 at 2:00 p.m.** in Community Room at City Hall, 77 Fair Drive, Costa Mesa, CA 92626. A Pre-Proposal conference is held to allow for questions and clarification concerning the City’s RFP process, scope of services and subsequent contract award.

**3. Proposer’s Minimum Requirements:** Interested and qualified Proposers that can demonstrate their ability to successfully provide the required services outlined in Appendix A– Scope of Work, of this RFP are invited to submit a proposal, provided they meet the following requirements. All requirements must be met at the time of the proposal due date. **If these requirements are not met, the proposal may not receive further consideration, as determined in the sole discretion of the City.**

1. Must demonstrate an ability to commence shelter operations by September 1, 2023.
2. Proposals shall provide an implementation timeline or schedule that conforms with the requirements of this RFP.
3. A minimum of five years' demonstrated experience in housing and caring for dogs
4. and cats in a setting other than as a pet in the home
5. Must provide financial documents to demonstrate financial stability, and an ability to finance the required Animal Care Services as stated in Scope of Work. Proposers should provide a statement describing the method that will be used to finance the proposed operation.
6. At the time of submittal of a proposal, the proposer must have:
  1. All applicable and current California and Federal employer tax IDs;
  2. Other licenses required by the State of California or City of Costa Mesa for the services proposed.
7. The proposer, its agents and employees shall not have been convicted of any crime involving cruelty to animals.
8. The proposer shall not be “inactive,” or “not in good standing” with the California State Secretary of State’s Office, the Department of Revenue, or the Department of Labor & Industries

## II. GENERAL INSTRUCTIONS AND PROVISIONS

1. **Proposal Format Guidelines:** Interested entities or contractors are to provide the City of Costa Mesa with a thorough Proposal using the following guidelines: Proposal should be typed and should contain no more than 20 typed pages using a 12-point font size, including transmittal letter and resumes of key people, but excluding Index/Table of Contents, tables, charts, graphic exhibits and pricing forms. Each Proposal will adhere to the following order and content of sections. Proposal should be straightforward, concise and provide “layman” explanations of technical terms that are used. Emphasis should be concentrated on conforming to the RFP instructions, responding to the RFP requirements, and on providing a complete and clear description of the offer. Proposals which appear unrealistic in terms of technical commitments, lack of technical competence or are indicative of failure to comprehend the complexity and risk of this contract may be rejected. The following Proposal sections are to be included in the Proposer’s response:

- **Cover Letter:** A cover letter, not to exceed three pages in length, should summarize key elements of the Proposal. An individual authorized to bind the Contractor must sign the letter. Indicate the address and telephone number of the contractor’s office located nearest to Costa Mesa, California, and the office from which the project will be managed. And include proposed working relationship among the offering agency and subcontractors, if applicable.
- **Background and Project Summary Section:** The Background and Project Summary Section should describe your understanding of the City, the work to be done, and the objectives to be accomplished. Refer to **Scope of Work, Appendix A** of this RFP.
- **Method of Approach:** Provide a detailed description of the approach and methodology that will be used to fulfill each requirement listed in the Scope of Work of this RFP. The section should include:
  1. An implementation plan that describes in detail (i) the methods, including controls by which your firm manages projects of the type sought by this RFP; (ii) methodology for soliciting and documenting views of internal and external stakeholders; (iii) and any other project management or implementation strategies or techniques that the respondent intends to employ in carrying out the work.
  2. Detailed description of efforts your firm will undertake to achieve client satisfaction and to satisfy the requirements of the "Scope of Work" section.
  3. Detailed project schedule, identifying all tasks and deliverables to be performed, durations for each task, and overall time of completion.
  4. Detailed description of specific tasks you will require from City staff. Explain what the respective roles of City staff and your staff would be to complete the tasks specified in the Scope of Work.
  5. Proposers are encouraged to provide additional innovative and/or creative approaches for providing the service that will maximize efficient, safe, and cost-effective operations or increased performance capabilities.
- **Qualifications & Experience of the Firm:** Describe the qualifications and experience of the organization or entity performing services/projects within the past eight years that are

similar in size and scope to demonstrate competence to perform these services. Information shall include:

1. If the owner is a corporation please provide: Name of corporation, corporate office street address, city, state, and zip code, state where incorporated, date of incorporation, first and last name of officers, local office address, city, state & zip, and the date local office opened its doors for business.
2. If the owner is a partnership or joint venture, please provide: Name of partnership or joint venture, principal office street address, city, state, and zip code, state of organization, date of organization, first and last name of general partner(s), local office address, city, state, and zip code, and date local office opened its doors for.
3. List all businesses owned or controlled by yourself (applicant) or business manager doing similar business in California under another name. List business name and address and specify who owns or controls the business (e.g., self, business manager, etc.).
4. List all businesses for which you or your business manager is or was an officer, director, or partner doing similar business in California under another name. List business name and address, title, date(s) in position; specify who was in position (e.g., self, business manager, etc.).
5. How many years have you been in business under your present business name?
6. Provide a list of current and previous contracts similar to the requirements for Costa Mesa, including all public agencies served (if any). For each, provide a brief description of the scope of work performed, the length of time you have been providing services, and the name, title, and telephone number of the person who may be contacted regarding your organization's service record. Provide a sample of each background investigation for each contract.
7. Submit a description of the organization's qualifications, experience and abilities that make it uniquely capable to provide the services specified in the Scope of Work.

Any public entity which submits a Proposal should describe in detail how it currently performs services like those identified in the Scope of Work within its or other jurisdictions, including photographs, written policies and/or video of services provided. If you have performed these services under contract for another public entity, please provide references for those entities as set forth above for private Proposers.

- **Financial Capacity:** The City is concerned about bidders' financial capability to perform, therefore, please provide sufficient data to allow an evaluation of firm's financial capabilities.
- **Key Personnel:** It is essential that the Proposer provide adequate experienced personnel, capable of and devoted to the successful accomplishment of work to be performed under this contract. The Proposer must agree to assign specific individuals to the key positions.
  - Identify the members of the staff who would be assigned to act for Proposer's firm in key management and field positions providing the services described in the Proposal, and the functions to be performed by each.

- Include resumes or curriculum vitae of each such staff member, including name, position, telephone number, email address, education, and years and type of experience. Describe for each such person, the relevant transactions on which they have worked.
- **Cost Proposal:** Provide a fee schedule/pricing information for the project as referenced in the attached in Appendix C. Proposals shall be valid for a minimum of 180 days following submission.
- **Disclosure:** Please disclose any and all past or current business and personal relationships with any current Costa Mesa elected official, appointed official, City employee, or family member of any current Costa Mesa elected official, appointed official, or City employee. **Any past or current business relationship may not disqualify the firm from consideration.**
- **Sample Professional Service Agreement:** The firm selected by the City will be required to execute a Professional Service Agreement with the City. A sample of the Agreement is enclosed as **Appendix B**, but may be modified to suit the specific services and needs of the City. **If a Proposer has any exceptions or conditions to the Agreement, these must be submitted for consideration with the Proposal. Otherwise, the Proposer will be deemed to have accepted the form of Agreement.** See No. 12 of this RFP below.
- **Checklist of Forms to Accompany Proposal:** As a convenience to Proposers, following is a list of the forms, **Appendix C** included in this RFP, which should be included with Proposals:
  1. Vendor Application Form
  2. Company Profile & References
  3. Ex Parte Communications Certificate
  4. Disclosure of Government Positions
  5. Disqualifications Questionnaire
  6. Bidder/Applicant/Contractor Campaign Contribution
  7. Cost Proposal

## 2. Process for Submitting Proposals:

- **Content of Proposal:** The Proposal must be submitted using the format as indicated in the Proposal format guidelines.
- **Preparation of Proposal:** Each Proposal shall be prepared simply and economically, avoiding the use of elaborate promotional material beyond those sufficient to provide a complete, accurate and reliable presentation.
- **Cost for Preparing Proposal:** The cost for developing the Proposal is the sole responsibility of the Proposer. All Proposals submitted become the property of the City. Fee proposal shall be submitted in a **separate** file containing the following:
  - ✓ Cover letter stating the total lump sum fee.

- ✓ A spreadsheet with a detailed fee schedule of the proposed costs. Each fee schedule shall depict individual project asks, number of hours assigned for specific personnel and their basic hourly rates.
- **Forms to Accompany Proposal:** Appendix C forms shall be attached at the end of the Proposal with the exception of the Cost Proposal which shall be submitted in a separate file.
- **Number of Proposals:** Submit one (1) PDF file format copy of your proposal in sufficient detail for thorough evaluation and comparative analysis
- **Submission of Proposals:** *Complete written Proposals must be submitted electronically in PDF file format via the planetbids.com website not later than 10:00 a.m. July 6, 2023. Proposals will not be accepted after this deadline. Bids received after the scheduled closing time will not be accepted. It shall be the sole responsibility of the Bidder to see that the bid is received in proper time. Faxed or e-mailed Proposals will not be accepted. NO EXCEPTIONS.*
- **Inquiries:** Questions about this RFP must be posted in the Q & A tab on Planetbids no later than **June 26, 2023 at 5:00 P.M.** The City reserves the right not to answer all questions.

The City reserves the right to amend or supplement this RFP prior to the Proposal due date. All addendum(s), responses to questions received, and additional information will be posted to the Costa Mesa Procurement Registry, Costa Mesa-Official City Web Site, Business-Bids & RFP's. Proposers should check this web page daily for new information.

From the date that this RFP is issued until a firm or entity is selected and the selection is announced, firms or public entities are not allowed to communicate outside the process set forth in this RFP with any City employee other than the contracting officer listed above regarding this RFP. The City reserves the right to reject any Proposal for violation of this provision. No questions other than posted on Planetbids will be accepted, and no response other than written will be binding upon the City.

- **Conditions for Proposal Acceptance:** This RFP does not commit the City to award a contract or to pay any costs incurred for any services. The City, at its sole discretion, reserves the right to accept or reject any or all Proposals received as a result of this RFP, to negotiate with any qualified source(s), or to cancel this RFP in part or in its entirety. The City may waive any irregularity in any Proposal. All Proposals will become the property of the City of Costa Mesa, USA. If any proprietary information is contained in the Proposal, it should be clearly identified.
- **Insurance & W-9 Requirements:** Upon recommendation of contract award, Contractor will be required to submit the following documents with ten (10) days of City notification, unless otherwise specified in the solicitation:
  - **Insurance** - City requires that licensees, lessees, and vendors have an approved Certificate of Insurance (not a declaration or policy) or proof of legal self-insurance on file with the City for the issuance of a permit or contract. Within ten(10) consecutive calendar days of award of contract, successful Bidder must furnish the City with the Certificates of Insurance proving coverage as specified in the sample contract.

- **W-9** – Current signed form W-9 (Taxpayer Identification Number & Certification) which includes Contractor's legal business name(s).

**3. Evaluation Criteria:** The City's evaluation and selection process will be conducted in accordance with Chapter V, Article 2 of the City's Municipal Code (Code). In accordance with the Code, the responsive responsible proposer shall be determined based on evaluation of qualitative factors in addition to cost. At all times during the evaluation process, the following criteria will be used. Sub-criteria are not necessarily listed in order of importance. Additional sub-criteria that logically fit within a particular evaluation criteria may also be considered even if not specified below.

- 1. Qualifications of Key Personnel 20%**
- 2. Qualifications of the Firm Experience 30%**
- 3. Method of Approach 40%**
- 4. Cost Proposal 10%**

**4. Evaluation of Proposals and Selection Process:** In accordance with its Municipal Code, the City will adhere to the following procedures in evaluating Proposals. An Evaluation Committee, which may include members of the City's staff and possibly one or more outside experts, will screen and review all Proposals according to the weighted criteria set forth above. While price is one basic factor for award, it is not the sole consideration.

- Responsiveness Screening:** Proposals will first be screened to ensure responsiveness to the RFP. The City may reject as non-responsive any Proposal that does not include the documents required to be submitted by this RFP. At any time during the evaluation process, the City reserves the right to request clarifications or additional information from any or all Proposers regarding their Proposals.
- Initial Proposal Review:** The Committee will initially review and score all responsive written Proposals based upon the Evaluation Criteria set forth above. The Committee may also contact Proposer's references. Proposals that receive the highest evaluation scores may be invited to the next stage of the evaluation process. The City may reject any Proposal in which a Proposer's approach, qualifications, or price is not considered acceptable by the City. An unacceptable Proposal is one that would have to be substantially rewritten to make it acceptable. The City may conclude the evaluation process at this point and recommend award to the lowest responsible bidder. Alternatively, the City may elect to negotiate directly with one or more Proposers to obtain the best result for the City prior to making a recommendation or selection.
- Interviews, Reference Checks, Revised Proposals, Discussions:** Following the initial screening and review of Proposals, the Proposers included in this stage of the evaluation process may be invited to participate in an oral interview. Interviews, if held, are tentatively scheduled for the week of July 18-20 and will be conducted at City of Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, CA 92628 or via video conference call. This date is subject to change. The individual(s) from Proposer's organization that will be directly responsible for carrying out the contract, if awarded,

should be present at the oral interview. The oral interview may, but is not required to, use a written question/answer format for the purpose of clarifying the intent of any portions of the Proposal.

In addition to conducting an oral interview, the City may during this stage of the evaluation process also contact and evaluate the Proposer's references, contact any Proposer to clarify any response or request revised or additional information, contact any current users of a Proposer's services, solicit information from any available source concerning any aspect of a Proposal, and seek and review any other information deemed pertinent to the evaluation process.

Following conclusion of this stage of the evaluation process, the Committee will again rank all Proposers according to the evaluation criteria set forth above. The Committee may conclude the evaluation process at this point, and make a recommendation for award, or it may request Best and Final Offers from Proposers. The City may accept the Proposal or negotiate the terms and conditions of the agreement with the highest ranked organization. The City may recommend award without Best and Final Offers, so Proposers should include their best Proposal with their initial submission.

Recommendation for award is contingent upon the successful negotiation of final contract terms. Negotiations shall be confidential and not subject to disclosure to competing Proposers unless an agreement is reached. If contract negotiations cannot be concluded successfully within a time period determined by the City, the City may terminate negotiations and commence negotiations with the next highest scoring Proposer or withdraw the RFP.

**5. Protests:** Failure to comply with the rules set forth herein may result in rejection of the protest. Protests based upon restrictive specifications or alleged improprieties in the Proposal procedure, which are apparent or reasonably should have been discovered prior to receipt of Proposals shall be filed in writing with the City's Purchasing Department at least 10 calendar days prior to the deadline for receipt of Proposals. The protest must clearly specify in writing the grounds and evidence on which the protest is based.

Protests based upon alleged improprieties that are not apparent or that could not reasonably have been discovered prior to submission date of the Proposals, such as disputes over the staff recommendation for contract award, shall be submitted in writing to the City's Purchasing Department, within 48 hours from receipt of the notice from the City advising of City's recommendation for award of contract. The protest must clearly specify in writing the grounds and evidence on which the protest is based. The City's Purchasing Department will respond to the protest in writing at least 3 days prior to the meeting at which City's recommendation to the City Council will be considered. Should Proposer decide to appeal the response of the City's Purchasing Department, and pursue its protest at the Council meeting, it will notify the City's Purchasing Department of its intention at least 2 days prior to the scheduled meeting.

**A. Procedure** – All protests shall be typed under the protester's letterhead and submitted in accordance with the provisions stated herein. All protests shall include at a minimum the following information:

- The name, address and telephone number of the protester;
- The signature of the protester or the protester's representative;
- The solicitation or contract number;
- A detailed statement of the legal and/or factual grounds for the protest; and
- The form of relief requested.

**6. Accuracy of Proposals:** Proposers shall take all responsibility for any errors or omissions in their Proposals. Any discrepancies in numbers or calculations shall be interpreted to reflect the cost to the City.

If prior to contract award, a Proposer discovers a mistake in their Proposal which renders the Proposal unwilling to perform under any resulting contract, the Proposer must immediately notify the facilitator and request to withdraw the Proposal. It shall be solely within the City's discretion as to whether withdrawal will be permitted. If the solicitation contemplated evaluation and award of "all or none" of the items, then any withdrawal must be for the entire Proposal. If the solicitation provided for evaluation and award on a line item or combination of items basis, the City may consider permitting withdrawal of specific line item(s) or combination of items.

**7. Responsibility of Proposers:** The City shall not be liable for any expenses incurred by potential Contractors in the preparation or submission of their Proposals. Pre-contractual expenses are not to be included in the Contractor's Pricing Sheet. Pre-contractual expenses are defined as, including but not limited to, expenses incurred by Proposer in:

- Preparing Proposal in response to this RFP;
- Submitting that Proposal to the City;
- Negotiating with the City any matter related to the Proposal; and,
- Any other expenses incurred by the Proposer prior to the date of the award and execution, if any, of the contract.

**8. Confidentiality:** The California Public Records Act (Cal. Govt. Code Sections 6250 et seq.) mandates public access to government records. Therefore, unless information is exempt from disclosure by law, the content of any request for explanation, exception, or substitution, response to this RFP, protest, or any other written communication between the City and Proposer, shall be available to the public. The City intends to release all public portions of the Proposals following the evaluation process at such time as a recommendation is made to the City Council.

If Proposer believes any communication contains trade secrets or other proprietary information that the Proposer believes would cause substantial injury to the Proposer's competitive position if disclosed, the Proposer shall request that the City withhold from disclosure the proprietary information by marking each page containing such proprietary information as confidential. Proposer may not designate its entire Proposal as confidential nor designate its Price Proposal as confidential.

Submission of a Proposal shall indicate that, if Proposer requests that the City withhold from disclosure information identified as confidential, and the City complies with the Proposer's request, Proposer shall assume all responsibility for any challenges resulting from the non-disclosure, indemnify and hold harmless the City from and against all damages (including but not limited to attorney's fees and costs that may be awarded to the party requesting the Proposer information), and pay any and all costs and expenses related to the withholding of Proposer information. Proposer shall not make a claim, sue, or maintain any legal action against the City or its directors, officers, employees, or agents concerning the disclosure, or withholding from disclosure, of any Proposer information. If Proposer does not request that the City withhold from disclosure information identified as confidential, the City shall have no obligation to withhold the information from disclosure and may release the information sought without any liability to the City.

**9. Ex Parte Communications:** Proposers and Proposers' representatives should not communicate with the City Council members about this RFP. In addition, Proposers and Proposers' representatives should not communicate outside the procedures set forth in this RFP with an officer, employee or agent of the City, including any member of the evaluation panel, with the exception of the RFP Facilitator, regarding this RFP until after Contract Award. Proposers and their representatives are not prohibited, however, from making oral statements or presentations in public to one or more representatives of the City during a public meeting.

A "Proposer" or "Proposer's representative" includes all of the Proposer's employees, officers, directors, consultants and agents, any subcontractors or suppliers listed in the Proposer's Proposal, and any individual or entity who has been requested by the Proposer to contact the City on the Proposer's behalf. Proposers shall include the Ex Parte Communications Form, **Appendix C** with their Proposals certifying that they have not had or directed prohibited communications as described in this section.

**10. Conflict of Interest:** The Proposer warrants and represents that it presently has no interest and agrees that it will not acquire any interest which would present a conflict of interest under California Government Code Sections 1090 et seq., or Sections 87100 et seq., during the performance of services under any Agreement awarded. The Proposer further covenants that it will not knowingly employ any person having such an interest in the performance of any Agreement awarded. Violation of this provision may result in any Agreement awarded being deemed void and unenforceable.

**11. Disclosure of Governmental Position:** In order to analyze possible conflicts that might prevent a Proposer from acting on behalf of the City, the City requires that all Proposers disclose in their Proposals any positions that they hold as directors, officers, or employees of any governmental entity. Additional disclosure may be required prior to contract award or during the term of the contract. Each Proposer shall disclose whether any owner or employee of the firm currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months using the attached Disclosure of Government Positions Form, **Appendix C**.

**12. Conditions to Agreement:** The selected Proposer will execute a Professional Service Agreement for Services with the City describing the Scope of Services to be performed, the schedule for completion of the services, compensation, and other pertinent provisions. The contract shall follow the sample form of Agreement provided as **Appendix B** to this RFP, which may be modified by the City.

All Proposers are directed to particularly review the indemnification and insurance requirements set forth in the sample Agreement. **The terms of the agreement, including insurance requirements have been mandated by the City and can be modified only if extraordinary circumstances exist.**

Submittal of a Proposal shall be deemed acceptance of all the terms set forth in this RFP and the sample agreement for services unless the Proposer includes with its Proposal, in writing, any conditions or exceptions requested by the Proposer to the proposed Agreement.

**13. Disqualification Questionnaire:** Proposers shall complete and submit, under penalty of perjury, a standard form of questionnaire inquiring whether a Proposer, any officer of a proposer, or any employee of a Proposer who has a proprietary interest in the Proposer, has ever been disqualified, removed, or otherwise prevented from proposing on, or completing a federal, state, or local government project because of a violation of law or safety regulation and if so, to explain the circumstances. A Proposal may be rejected on the basis of a Proposer, any officer or

employee of such Proposer, having been disqualified, removed, or otherwise prevented from proposing on, or completing a federal, state, or local project because of a violation of law or a safety regulation, **Appendix C**.

- 14. Standard Terms and Conditions:** The City reserves the right to amend or supplement this RFP prior to the Proposal due date. All addendum(s) and additional information will be posted to the via PlanetBids.com. Proposers should check this web page daily for new information.

# APPENDIX A

## SCOPE OF SERVICES

City of Costa Mesa – Police/Parks and Community Services Department

### ANIMAL CARE SHELTER SERVICES

#### SCOPE OF WORK

The City is seeking a partnership to provide and operate an animal shelter facility to handle animal care sheltering and adoption services for the City of Costa Mesa. The provider will be responsible for the intake, coordination and management of animals within the City of Costa Mesa. The offer to provide an animal shelter facility and management along with operation and program services should address each section of the scope of work, specifying how the Bidder intends to meet the matter and the proposed method of services. The bidder should identify the manner to which they would accomplish the following like Animal Care Service Operations and Programs:

- Sheltering
- Medical Care (including specialty treatment)
- Adoption
- Foster Care
- Volunteer (if desired)
- Reporting
- Potential Animal Licensing

#### BACKGROUND

January of 2018, the City explored alternative Animal Care services to provide a more personalized approach to animal care. With an immediate need to put a new animal shelter and adoption service plan into place, City staff from the Police Department, Parks and Community Services Department, and the City Manager's Department worked together to identify possible solutions located in and around the City to care for the City's stray animals. The City developed a refined three-pronged operations process contracting their animal sheltering and animal adoption services. In response to the new system, the City created the Animal Care Services Division to directly oversee the Animal Care services contracts and to track animals from impound to adoption.

The City's specific objectives in selecting an animal care services shelter provider include the following:

1. Have an animal shelter facility to accommodate all necessary requirements as stated in this scope of work
2. Manage the shelter facility in a manner committed to ensuring that the facility is a minimal/low kill facility and all animals are getting the best care possible

3. Establish and maintain a positive working relationship with City staff and work cooperatively to ensure all city animal care services are met.

**SHELTER FACILITY** - The proposal should describe the proposed facility to include capacity, compatible use, staffing, ownership/lease arrangement, location, service area, etc.

1. **Shelter Facility:** The shelter facility(ies) will include all necessary buildings, structures, grounds, spaces and equipment, as well as animal shelter operations services, as may be necessary to properly receive, maintain, care for, exercise, and provide for the appropriate disposition of all domestic and non-domestic animals that come within the City of Costa Mesa limits. The shelter facility(ies) must be appropriate for the species, the number of animals receiving care and the expected length of stay in order to ensure physical and psychological well-being of the animals. The shelter facility(ies) will provide for proper separation of animals by health status, age, gender, species, temperament, and predator-prey status. The shelter facility(ies) shall have an adequate number of dog kennels and cat cages, isolation facilities for sick dogs and cats, and quarantine facilities for biters or injured animals which are not necessarily sick (specifics listed below). The shelter facility(ies) shall be maintained in a clean and sanitary condition and the Provider will not permit any condition to exist which might constitute a nuisance. The shelter facility(ies) shall be in conformance with RFP -Animal Shelter Services local zoning regulations and shall comply with all federal, state and local regulations. The shelter facility(ies) should be of sufficient size to provide for the needs of the community, with effective separation between neighbors and the facility.

The shelter facility(ies) should:

- a. Designate an area for sick and injured animals
- b. Separate cats and dogs
- c. Have noise control to muffle inside noise
- d. Have an outdoor area designated for exercise/play
- e. Not be filled beyond its designed capacity
- f. Be well maintained, to provide for the sanitary and humane care of the animals

**Note: The City reserves the right to inspect any potential shelter facility(ies) before contract award.**

2. **Shelter Location:** The proposed shelter shall be within ten (10) miles of the City of Costa Mesa.

3. **Kennels/Cages:** Provider shall provide an adequate number of dog kennels and cat cages, reptile areas, and separate areas for animals in quarantine and/or isolation designated for City's animals at the shelter facility(ies), which shall include, at a minimum:

- a. 10 kennels for dogs under normal conditions
- b. 5 kennels for dogs under quarantine
- c. 5 kennels for dogs in isolation
- d. 10 cages for cats under normal conditions
- e. 10 cages for cats under quarantine and/or isolation
- f. 2 areas for large reptile

Provider shall adhere to the guidelines relating to kennel sizes, including related amenities, that are set forth in Guidelines for Standards of Care in Animal Shelters - Second Edition December 2022 by the Association of Shelter Veterinarians, as recommended by the Humane Society of the U.S. (HSUS). Provider shall maintain the facility in accordance with the ASV Guidelines, including but not limited to the sanitation guidelines set forth therein.

(<http://jsmcah.org/index.php/jasv/article/view/42/19>)

#### **Report to City when the shelter facility(ies) is at capacity.**

4. **Hours of Operation:** Provide normal business hours at least six (6) days a week for twenty-four(24) hours per week. Veterinary services must be available to impounded City animals during normal business hours. In the event a veterinarian is required to perform routine or emergency medical services for any sick or injured animal delivered to the facility, the charge to the owner of said animal shall be accordance with the fee schedule set forth in provider's Proposal.
5. **After-Hour Operations:** Operate seven (7) days a week, twenty-four (24) hours a day with minimum of one caretaker onsite, providing access to City of Costa Mesa Animal Control Officers for non-emergency drop-offs and continuous care for City animals.

**OPERATIONS** - Administer and operate consistent and uniform procedures and processes that promote the health and safety of all animals, staff, volunteers, the public, and city workers. This includes following all Federal, State, and Local rules and regulations applicable to shelter operations.

1. **Shelter Services:** Provide and operate such animal shelter and care facilities, including all necessary buildings, structures, grounds, spaces and equipment, as well as animal shelter services, as may be necessary to properly receive, maintain, care for and provide for the appropriate disposition of all domestic animals that come within the legal animal control authority and responsibility of the City. Receive and evaluate animals, feed, provide water, emergency

medical attention, health and condition evaluation, administer preventative medicine, clean kennels and cages, clean and disinfect animal spaces, provide shelter for animals, provide necessary grooming, flea and tick control, rodent control, provide euthanasia when deemed necessary, animal body storage and removal, animal exercise.

*Type and brand of food may be mutually agreed upon between the Provider and the City of Costa Mesa Animal Control.*

2. **Pet Management System:** All service area providers are expected to enter information into pet management system within 24 hours of each event, designated by the City, for the following:
  - a. Each change in an animal's status (breed, sex, age, weight)
  - b. Health and behavioral assessment
  - c. Incidents of bites, mishandling of animals or other non-routine activity
  - d. Service delivered

*City staff shall be given access to the system for proper tracking and updates for all animals.*

### **3.Reporting:**

Provide adequate and timely reports as requested by City and as applicable per law which will include statistics on:

- Animal Intakes
  - Animal Outcomes
  - Animal health records
  - Animal days in care
3. **Partnering:** The City is looking for one service provider for all matters of this scope; however, the Provider may choose to propose to partner with another shelter(s) or organization(s) to provide services under this scope of work. If a partnering situation is to be used, that information shall be provided in the proposal.
  4. **Un-Adopted Animals:** Provider will agree to allow unadopted animals to be gifted to a bona fide animal care or rescue organization that accepts otherwise "un-adoptable" animals, if available. The proposal should specify the manner that this would be accomplished.
  5. **Animal Intake:** Includes animals detained by City of Costa Mesa Animal Control, or surrendered by a member of the public when the animal originated, or was found, in the incorporated area of Costa Mesa, California. Perform immediate health and behavior assessments of each animal, and provide medical care and grooming as necessary.
  6. **Standards of Medical Care:** Provide baseline veterinarian care and medical treatment for animals within financial limits that are agreed upon between Provider and City per animal.

Medical care above the agreed upon limit are the financial responsibility of the provider, unless otherwise identified in the scope of the agreement, through mutual agreement of both the provider and the city.

Provide for the administration and operation of a spay and neuter for all cats, dogs, and rabbits prior to being fostered or adopted into the community and follow guidelines provided by Guidelines for Standards of Care in Animal Shelters - Second Edition December 2022 by the Association of Shelter Veterinarians, as recommended by the Humane Society of the U.S. (HSUS).

(<http://jsmcah.org/index.php/jasv/article/view/42/19>)

In addition to the vaccinations listed in the Guidelines for Standards of Care in Animal Shelters, administer preventative medicine to treat heart worm and kennel cough.

7. **Return to Owner:** It shall be the Provider's responsibility to make every available effort to identify and promptly attempt to notify the owner of any animal taken into custody, working in conjunction with the City of Costa Mesa Animal Control when needed. Provider will provide food, water, shelter, exercise and medical care to each animal for a minimum of 6 days (not including day of impound) to give the owner an opportunity to claim the animal before transferring to the Animal Service Programs.
8. **Scanning for Microchips:** Every effort will be made to locate the owner of animals. The Shelter will be equipped with universal scanner/s in order to check for the presence of a microchip, to facilitate return of animals to owners.
9. **Owner Redemption:** Rabies vaccinations administered unless proof of current rabies inoculation is furnished at the time of release. Provider is to recommend microchipping to animal owner prior to the redemption of their pet.
10. **Website Presence:** Provider will work with the City on the City's internet website page/presence, which will be updated daily to assist in reunion of animal owners with their pets,(i.e. "Impound Page"). Provider will provide photos and details of stray animals coming directly into the Shelter facility, within a maximum of 24 hours from the time the stray animal enters the Shelter facility. Internet presence for strays is required in accordance with the requirements of sections 32001 (a) and (b) of the California Food and Agriculture Code. Provider will also include a link to the City's impounded animals page ([www.costamesaca.gov/government/departments-and-divisions/police/animal-control/impounded-animals](http://www.costamesaca.gov/government/departments-and-divisions/police/animal-control/impounded-animals)) on Provider's website.
11. **Quarantine and Isolation:** Provide medical quarantine and behavior isolation for the duration of the holding period for a minimum of 7 days (not including day of impound) or as deemed by City of Costa Mesa Animal Control, and evaluation as appropriate to protect the shelter population and the people working at or visiting the facility. Animals shall be held in accordance with the requirements of sections 31108 and 31752 of the California Food and Agriculture Code.

12. **Police Holds:** Provider shall ensure that animals with police holds, quarantines, or pets held in protective custody are in an isolated area not permitted within view or access of the public. Quarantined animals shall be separated from other animals with proper ventilation. Upon direction from City of Costa Mesa Animal Control, provider shall hold animals longer than the above stated retention period for police purposes, such as police holds, quarantine, vicious animal investigations, nuisance enforcement, or cruelty investigations.
13. **Animal Surrender:** Provide and collect an Animal Surrender Form from surrendering owner, including if the animal has a bite history.
14. **Evaluation and Humane Euthanasia:** Provide the evaluation and humane euthanasia of dangerous or diseased animals as determined and approved by a veterinarian or City of Costa Mesa Animal Control.
15. **Disposal of Animals:** The Provider will be responsible for any costs associated with the disposal of animals. Provider will comply with applicable state and federal law regarding the disposal of animal remains, and will identify the manner that this would be accomplished. Provide adequate storage of deceased animals in an area out of view from the general public.
16. **Unclaimed Deceased Animals:** Provider shall be responsible for the humane disposal of unclaimed deceased animals after holding such animals for the holding period agreed upon by City and Provider, unless the condition of an animal requires immediate disposal. City of Costa Mesa Animal Control will make reasonable efforts to locate the owners of deceased animals during such holding period. Provider shall under no circumstances sell unclaimed deceased animals for purposes of medical research or other activities which may harm them without the prior written consent of City of Costa Mesa Animal Control.
17. **Euthanasia of Animals:** The Bidder should identify the manner that would be utilized to accomplish a minimal/low kill facility. (Euthanasia policy)
18. **Adaptability:** Evaluate, and coordinate to determine each animal's suitability for fostering and/or adoption and facilitate adoptions.
19. **Animal Service Programs:** Provide and partner with City to implement animal service programs which include:
  - a. Spay/ Neuter Program: The City recognizes that long-term solutions to excess animal populations involve the spaying and neutering of animals. The proposal should include a methodology for the implementation of such a program and identify the cost for such, should the City elect to

participate in this option. (aka -TNR Program) In addition, the Provider shall honor spay or neuter vouchers, issued by the City and distributed to low income families in Costa Mesa.

- b. Vaccination Clinics: Participate in at least two (2) low-cost vaccination clinics hosted by City by providing low-cost vaccinations, fees mutually agreed upon by Provider and City. Provider shall receive no additional compensation from City for such participation.

20. **Controlled Substance for Animal Control**: Upon proof of certified controlled substance training by the City of Costa Mesa Animal Control personnel, Provider will provide City of Costa Mesa Animal Control with controlled substances necessary to perform field captures and euthanasia. The controlled substances will be charged to the City at the same cost paid by veterinarians.
- a. Telazol (class III drug, 100mg/ml concentrate, used primarily in dog capture)
  - b. Ketamine (class III drug, 100mg/ml for cats and subhuman primates and some dog captures)
  - c. Sodium Pentobarbital (class II drug, 250 ml bottle, for euthanasia only)  
(Check with Animal Control if controlled substances listed are accurate)

C. **Fees** -Provider and City shall agree upon fees for impoundment, feeding, care, veterinarian services, and boarding of animals. Said fees shall be charged to members of the public whose animals are subject to this Agreement.

- 1. Impound/Surrender Fee: Provider shall collect impound or surrender fee(s), except criminal penalties or civil infraction penalties paid through Municipal Court, which shall be remitted to the City.

When charging subsequent impound fees, the 12-month period used to determine the fee charged for subsequent impounds shall be the 12 months subsequent to the current impoundment. Provider shall charge Costa Mesa residents redeeming animals from impound an impound fee of forty dollars (\$40) for the first impoundment, sixty dollars (\$60) for the second impoundment within a 12-month period, and ninety dollars (\$90) for the third and subsequent impoundments within a 12-month period. Non-spayed or Un-neutered Fee: Provider shall collect a mandatory non-spayed or un-neutered fee in accordance with Food and Agriculture Code sections 30804.7 and 31751.7 and City Ordinance section 8.08.02, which shall be remitted to the City.

- 2. Animal License Registration: Provider shall administer animal license registration for no licensed dogs being redeemed by owner, as required by City Ordinance section 3-106. Animal license registration fees are processed directly into the City's pet licensing portal.

Notes:

Provide vaccinations:

Cats: FVRCP {Feline viral rhinotracheitis (FHV-1), calicivirus (FCV), panleukopenia {FPV}}, rabies, dewormer

Dogs: DHPP (Distemper, hepatitis, parainfluenza, and canine parvovirus) OR DA2PP (distemper, adenovirus 2, parvovirus, and parainfluenza virus) and Bordetella bronchiseptica, rabies, dewormer

Puppies & Kittens: See vaccination schedule below, plus heart worm and kennel cough vaccinations

**APPENDIX B**  
**SAMPLE**  
**PROFESSIONAL SERVICE AGREEMENT**

**CITY OF COSTA MESA  
PROFESSIONAL SERVICES AGREEMENT  
WITH**

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THIS AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_ (“Effective Date”), by and between the CITY OF COSTA MESA, a municipal corporation (“City”), and \_\_\_\_\_, a [state] [type of corporation] (“Consultant”).

**WITNESSETH:**

A. WHEREAS, City proposes to utilize the services of Consultant as an independent contractor to \_\_\_\_\_, as more fully described herein; and

B. WHEREAS, Consultant represents that it has that degree of specialized expertise contemplated within California Government Code Section 37103, and holds all necessary licenses to practice and perform the services herein contemplated; and

C. WHEREAS, City and Consultant desire to contract for the specific services described in Exhibit “A” (the “Project”) and desire to set forth their rights, duties and liabilities in connection with the services to be performed; and

D. WHEREAS, no official or employee of City has a financial interest, within the provisions of Sections 1090-1092 of the California Government Code, in the subject matter of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

**1.0. SERVICES PROVIDED BY CONSULTANT**

1.1. Scope of Services. Consultant shall provide the professional services described in the City’s Request for Proposal (“RFP”), attached hereto as Exhibit “A,” and Consultant’s Response to City’s RFP (the “Response”) attached hereto as Exhibit “B,” both incorporated herein by this reference.

1.2. Professional Practices. All professional services to be provided by Consultant pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields and circumstances in accordance with sound professional practices. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Consultant’s performance of this Agreement.

1.3. Performance to Satisfaction of City. Consultant agrees to perform all the

work to the complete satisfaction of the City and within the hereinafter specified. Evaluations of the work will be done by the City Manager or his or her designee. If the quality of work is not satisfactory, City in its discretion has the right to:

- (a) Meet with Consultant to review the quality of the work and resolve the matters of concern;
- (b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or
- (c) Terminate the Agreement as hereinafter set forth.

1.4. Warranty. Consultant warrants that it shall perform the services required by this Agreement in compliance with all applicable Federal and California employment laws, including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation insurance and safety in employment; and all other Federal, State and local laws and ordinances applicable to the services required under this Agreement. Consultant shall indemnify and hold harmless City from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description including attorneys' fees and costs, presented, brought, or recovered against City for, or on account of any liability under any of the above-mentioned laws, which may be incurred by reason of Consultant's performance under this Agreement.

1.5. Non-discrimination. In performing this Agreement, Consultant shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religion, color, national origin, ancestry, age, physical handicap, medical condition, marital status, sexual gender or sexual orientation, except as permitted pursuant to Section 12940 of the Government Code.

1.6. Non-Exclusive Agreement. Consultant acknowledges that City may enter into agreements with other consultants for services similar to the services that are subject to this Agreement or may have its own employees perform services similar to those services contemplated by this Agreement.

1.7. Delegation and Assignment. This is a personal service contract, and the duties set forth herein shall not be delegated or assigned to any person or entity without the prior written consent of City. Consultant may engage a subcontractor(s) as permitted by law and may employ other personnel to perform services contemplated by this Agreement at Consultant's sole cost and expense.

1.8. Confidentiality. Employees of Consultant in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of City. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without

written authorization by City. City shall grant such authorization if disclosure is required by law. All City data shall be returned to City upon the termination of this Agreement. Consultant's covenant under this Section shall survive the termination of this Agreement.

## **2.0. COMPENSATION AND BILLING**

2.1. Compensation. Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "C," attached hereto and made a part of this Agreement (the "Fee Schedule"). Consultant's total compensation shall not exceed \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ .00).

2.2. Additional Services. Consultant shall not receive compensation for any services provided outside the scope of services specified in the Consultant's Proposal unless the City or the Project Manager for this Project, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable.

2.3. Method of Billing. Consultant may submit invoices to the City for approval on a progress basis, but no more often than two times a month. Said invoice shall be based on the total of all Consultant's services which have been completed to City's sole satisfaction. City shall pay Consultant's invoice within forty-five (45) days from the date City receives said invoice. Each invoice shall describe in detail, the services performed, the date of performance, and the associated time for completion. Any additional services approved and performed pursuant to this Agreement shall be designated as "Additional Services" and shall identify the number of the authorized change order, where applicable, on all invoices.

2.4. Records and Audits. Records of Consultant's services relating to this Agreement shall be maintained in accordance with generally recognized accounting principles and shall be made available to City or its Project Manager for inspection and/or audit at mutually convenient times for a period of three (3) years from the Effective Date.

## **3.0. TIME OF PERFORMANCE**

3.1. Commencement and Completion of Work. The professional services to be performed pursuant to this Agreement shall commence within five (5) days from the Effective Date of this Agreement. Said services shall be performed in strict compliance with the Project Schedule approved by City as set forth in Exhibit "D," attached hereto and incorporated herein by this reference. The Project Schedule may be amended by mutual agreement of the parties. Failure to commence work in a timely manner and/or diligently pursue work to completion may be grounds for termination of this Agreement.

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts shall include, but not be limited to, acts of God, fire, strikes, material shortages,

compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party.

#### **4.0. TERM AND TERMINATION**

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of \_\_\_\_\_ months, ending on \_\_\_\_\_, 20\_\_, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

4.2. Notice of Termination. The City reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing written notice to Consultant. The termination of this Agreement shall be deemed effective upon receipt of the notice of termination. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the City.

4.3. Compensation. In the event of termination, City shall pay Consultant for reasonable costs incurred and professional services satisfactorily performed up to and including the date of City's written notice of termination. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein. In ascertaining the professional services actually rendered hereunder up to the effective date of termination of this Agreement, consideration shall be given to both completed work and work in progress, to complete and incomplete drawings, and to other documents pertaining to the services contemplated herein whether delivered to the City or in the possession of the Consultant.

4.4. Documents. In the event of termination of this Agreement, all documents prepared by Consultant in its performance of this Agreement including, but not limited to, finished or unfinished design, development and construction documents, data studies, drawings, maps and reports, shall be delivered to the City within ten (10) days of delivery of termination notice to Consultant, at no cost to City. Any use of uncompleted documents without specific written authorization from Consultant shall be at City's sole risk and without liability or legal expense to Consultant.

#### **5.0. INSURANCE**

5.1. Minimum Scope and Limits of Insurance. Consultant shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent Best's Key Insurance Rating Guide, and approved by City:

- (a) Commercial general liability, including premises-operations, products/completed operations, broad form property damage,

blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.

- (b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence for bodily injury and property damage.
- (c) Workers' compensation insurance as required by the State of California. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers arising from work performed by Consultant for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.
- (d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retro date shall be prior to the start of the contract work. Consultant shall obtain and maintain, said E&O liability insurance during the life of this Agreement and for three years after completion of the work hereunder.

5.2. Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

- (a) Additional insureds: "The City of Costa Mesa and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the City; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."
- (b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days after written notice is given to City.

- (c) Other insurance: "The Consultant's insurance coverage shall be primary insurance as respects the City of Costa Mesa, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of Costa Mesa shall be excess and not contributing with the insurance provided by this policy."
- (d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of Costa Mesa, its officers, officials, agents, employees, and volunteers.
- (e) The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5.3. Deductible or Self Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by City. No policy of insurance issued as to which the City is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

5.4. Certificates of Insurance. Consultant shall provide to City certificates of insurance showing the insurance coverages and required endorsements described above, in a form and content approved by City, prior to performing any services under this Agreement. The certificates of insurance shall be attached hereto as Exhibit "E" and incorporated herein by this reference.

5.5. Non-limiting. Nothing in this Section shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

## **6.0. GENERAL PROVISIONS**

6.1. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. This Agreement may be modified only in writing, and signed by the parties in interest at the time of such modification. The terms of this Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Agreement.

6.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

Consultant shall designate a representative for purposes of this Agreement who shall be authorized to issue all consents, approvals, directives and agreements on behalf of Consultant called for by this Agreement, except as otherwise expressly provided in this Agreement.

6.3. Project Managers. City shall designate a Project Manager to work directly with Consultant in the performance of this Agreement.

Consultant shall designate a Project Manager who shall represent it and be its agent in all consultations with City during the term of this Agreement. Consultant or its Project Manager shall attend and assist in all coordination meetings called by City.

6.4. Notices. Any notices, documents, correspondence or other communications concerning this Agreement or the work hereunder may be provided by personal delivery, facsimile or mail and shall be addressed as set forth below. Such communication shall be deemed served or delivered: a) at the time of delivery if such communication is sent by personal delivery; b) at the time of transmission if such communication is sent by facsimile; and c) 48 hours after deposit in the U.S. Mail as reflected by the official U.S. postmark if such communication is sent through regular United States mail.

IF TO CONSULTANT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Attn: \_\_\_\_\_

IF TO CITY:

City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
Tel: (714) 754-  
Fax: (714) 754-  
Attn: \_\_\_\_\_

Provide courtesy copy to:  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
Attn: Finance Department

6.5. Drug-free Workplace Policy. Consultant shall provide a drug-free workplace by complying with all provisions set forth in City's Council Policy 100-5, attached hereto as Exhibit "F" and incorporated herein by reference. Consultant's failure to conform to the requirements set forth in Council Policy 100-5 shall constitute a material breach of this Agreement and shall be cause for immediate termination of this Agreement by City.

6.6. Attorneys' Fees. In the event that litigation is brought by any party in connection with this Agreement, the prevailing party shall be entitled to recover from the

opposing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof.

6.7. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in Orange County, California.

6.8. Assignment. Consultant shall not voluntarily or by operation of law assign, transfer, sublet or encumber all or any part of Consultant's interest in this Agreement without City's prior written consent. Any attempted assignment, transfer, subletting or encumbrance shall be void and shall constitute a breach of this Agreement and cause for termination of this Agreement. Regardless of City's consent, no subletting or assignment shall release Consultant of Consultant's obligation to perform all other obligations to be performed by Consultant hereunder for the term of this Agreement.

6.9. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

6.10. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its or employees are in any manner agents or employees of City. Consultant shall secure, at

its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

6.11. PERS Eligibility Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

6.12. Cooperation. In the event any claim or action is brought against City relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation which City might require.

6.13. Ownership of Documents. All findings, reports, documents, information and data including, but not limited to, computer tapes or discs, files and tapes furnished or prepared by Consultant or any of its subcontractors in the course of performance of this Agreement, shall be and remain the sole property of City. Consultant agrees that any such documents or information shall not be made available to any individual or organization without the prior consent of City. Any use of such documents for other projects not contemplated by this Agreement, and any use of incomplete documents, shall be at the sole risk of City and without liability or legal exposure to Consultant. City shall indemnify and hold harmless Consultant from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from City's use of such documents for other projects not contemplated by this Agreement or use of incomplete documents furnished by Consultant. Consultant shall deliver to City any findings, reports, documents,

information, data, in any form, including but not limited to, computer tapes, discs, files audio tapes or any other Project related items as requested by City or its authorized representative, at no additional cost to the City.

6.14. Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to City may be subject to public disclosure as required by the California Public Records Act (California Government Code Section 6250 *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade secrets, as that term is defined in the California Government Code Section 6254.7, and of which Consultant informs City of such trade secret. The City will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The City shall not, in any way, be liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

6.15. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act (Government Code Sections 81000, *et seq.*) and Government Code Section 1090. During the term of this Agreement, Consultant and its officers, employees, associates and sub-consultants shall not, without the prior written approval of the City Representative, perform work for another person or entity for whom Consultant is not currently performing work that would require Consultant or one of its officers, employees, associates or sub-consultants to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

6.16. Responsibility for Errors. Consultant shall be responsible for its work and results under this Agreement. Consultant, when requested, shall furnish clarification and/or explanation as may be required by the City's representative, regarding any services rendered under this Agreement at no additional cost to City. In the event that an error or omission attributable to Consultant occurs, then Consultant shall, at no cost to City, provide all necessary design drawings, estimates and other Consultant professional services necessary to rectify and correct the matter to the sole satisfaction of City and to participate in any meeting required with regard to the correction.

6.17. Prohibited Employment. Consultant will not employ any regular employee of City while this Agreement is in effect.

6.18. Order of Precedence. In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of any document, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, this Agreement shall govern

over the document referenced.

6.19. Costs. Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

6.20. No Third Party Beneficiary Rights. This Agreement is entered into for the sole benefit of City and Consultant and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

6.21. Headings. Paragraphs and subparagraph headings contained in this Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Agreement.

6.22. Construction. The parties have participated jointly in the negotiation and drafting of this

Agreement. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

6.23. Amendments. Only a writing executed by the parties hereto or their respective successors and assigns may amend this Agreement.

6.24. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

6.25. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party, is materially impaired, which determination made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

6.26. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

6.27. Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

CITY OF COSTA MESA,  
A municipal corporation

\_\_\_\_\_ Date: \_\_\_\_\_  
[Mayor or City Manager]

CONSULTANT

\_\_\_\_\_ Date: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Social Security or Taxpayer ID Number

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

\_\_\_\_\_ Date: \_\_\_\_\_  
City Attorney

APPROVED AS TO INSURANCE:

\_\_\_\_\_ Date: \_\_\_\_\_  
Risk Management

APPROVED AS TO CONTENT:

\_\_\_\_\_ Date: \_\_\_\_\_  
Project Manager

DEPARTMENTAL APPROVAL

\_\_\_\_\_ Date: \_\_\_\_\_  
Department Director

APPROVED AS TO PURCHASING:

\_\_\_\_\_ Date: \_\_\_\_\_  
Finance Director

**APPENDIX C**

## **FORMS**

**Vendor Application Form**  
**Ex Parte Communications Certification**  
**Disclosure of Government Positions**  
**Disqualification Questionnaire**  
**Company Profile & References**  
**Bidder/Applicant/Contractor Campaign Contribution**  
**Cost Proposal**



**VENDOR APPLICATION FORM  
FOR  
RFP No. 23-22 Animal Care Shelter Services**

TYPE OF APPLICANT:  NEW  CURRENT VENDOR

Legal Contractual Name of Corporation: \_\_\_\_\_

Contact Person for Agreement: \_\_\_\_\_

Title: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Business Fax: \_\_\_\_\_

Corporate Mailing Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Contact Person for Proposals: \_\_\_\_\_

Title: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Business Fax: \_\_\_\_\_

Is your business: (check one)

NON PROFIT CORPORATION  FOR PROFIT CORPORATION

Is your business: (check one)

CORPORATION  LIMITED LIABILITY PARTNERSHIP

INDIVIDUAL  SOLE PROPRIETORSHIP

PARTNERSHIP  UNINCORPORATED ASSOCIATION

**Names & Titles of Corporate Board Members**

(Also list Names & Titles of persons with written authorization/resolution to sign contracts)

Names	Title	Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Federal Tax Identification Number: \_\_\_\_\_

City of Costa Mesa Business License Number: \_\_\_\_\_

(If none, you must obtain a Costa Mesa Business License upon award of contract.)

City of Costa Mesa Business License Expiration Date: \_\_\_\_\_

**EX PARTE COMMUNICATIONS CERTIFICATION**

Please indicate by signing below one of the following two statements. **Only sign one statement.**

I certify that Proposer and Proposer's representatives have not had any communication with a City Councilmember concerning informal **RFP No. 23-22 Animal Care Shelter Services** at any time after **June 8, 2023**.

\_\_\_\_\_  
**Signature**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Print**

**OR**

I certify that Proposer or Proposer's representatives have communicated after **June 8, 2023** with a City Councilmember concerning informal **RFP No. 23-22 Animal Care Shelter Services** . A copy of all such communications is attached to this form for public distribution.

\_\_\_\_\_  
**Signature**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Print**

## DISQUALIFICATION QUESTIONNAIRE

The Contractor shall complete the following questionnaire:

Has the Contractor, any officer of the Contractor, or any employee of the Contractor who has proprietary interest in the Contractor, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is yes, explain the circumstances in the following space.

## **DISCLOSURE OF GOVERNMENT POSITIONS**

Each Proposer shall disclose below whether any owner or employee of Contractor currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months. List below or state "None."

**COMPANY PROFILE & REFERENCES**

**Company Legal Name:**

Company Legal Status (corporation, partnership, sole proprietor etc.):

Active licenses issued by the California State Contractor's License Board:

Business Address:

Website Address:

Telephone Number:

Facsimile Number:

Email Address:

Length of time the firm has been in business:

Length of time at current location:

Is your firm a sole proprietorship doing business under a different name: \_\_\_Yes  
\_\_\_No

If yes, please indicate sole proprietor's name and the name you are doing business under:

Federal Taxpayer ID Number:

Regular Business Hours:

Regular holidays and hours when business is closed:

**Contact person in reference to this solicitation:**

Telephone Number:

Facsimile Number:

Email Address:

**Contact person for accounts payable:**

Telephone Number:

Facsimile Number:

Email Address:

**Name of Project Manager:**

Telephone Number:

Facsimile Number:

Email Address:

**COMPANY PROFILE & REFERENCES (Continued)**

Submit the company names, addresses, telephone numbers, email, contact names, and brief contract descriptions of at least three clients, preferably other municipalities for whom comparable projects have been completed or submit letters from your references which include the requested information.

**Company Name:**

Contact Name:

Contract Amount:

Email:

Address:

Brief Contract Description:

**Company Name:**

Telephone Number:

Contact Name:

Contract Amount:

Email:

Address:

Brief Contract Description:

**Company Name:**

Telephone Number:

Contact Name:

Contract Amount:

Email:

Address:

Brief Contract Description:

**Company Name:**

Telephone Number:

Contact Name:

Contract Amount:

Email:

Address:

Brief Contract Description:

**Company Name:**

Telephone Number:

Contact Name:

Contract Amount:

Email:

Address:

Brief Contract Description:





Task	Description	Total Estimate
A.	*Fee Description*	
<b>TOTAL</b>		

*All originals of plans, field notes, data and calculations, reports, electronic files, etc., will be turned over to the City upon completion of work. Ten percent (10%) of the total contract fee will be withheld under final project documents are submitted to the City.*

**APPENDIX A**  
**SCOPE OF WORK**  
**FOR**  
**ANIMAL CARE SHELTER SERVICES**

The City is seeking a partnership to provide and operate an animal shelter facility to handle animal care sheltering and adoption services for the City of Costa Mesa. The provider will be responsible for the intake, coordination and management of animals within the City of Costa Mesa. The offer to provide an animal shelter facility and management along with operation and program services should address each section of the scope of work, specifying how the Bidder intends to meet the matter and the proposed method of services. The bidder should identify the manner to which they would accomplish the following like Animal Care Service Operations and Programs:

- Sheltering
- Medical Care (including specialty treatment)
- Adoption (Discount adoption fee for CM residents that find and want to adopt stray pets.)
- Foster Care
- Volunteer (if desired)
- Reporting
- Potential Animal Licensing

**Background:**

January of 2018, the City explored alternative Animal Care services to provide a more personalized approach to animal care. With an immediate need to put a new animal shelter and adoption service plan into place, City staff from the Police Department, Parks and Community Services Department, and the City Manager's Department worked together to identify possible solutions located in and around the City to care for the City's stray animals. The City developed a refined three-pronged operations process contracting their animal sheltering and animal adoption services. In response to the new system, the City created the Animal Care Services Division to directly oversee the Animal Care services contracts and to track animals from impound to adoption.

The City's specific objectives in selecting an animal care services shelter provider include the following:

1. Have an animal shelter facility to accommodate all necessary requirements as stated in this scope of work.
2. Manage the shelter facility in a manner committed to ensuring that the facility is a minimal/low kill facility and all animals are getting the best care possible.
3. Establish and maintain a positive working relationship with City staff and work cooperatively to ensure all city animal care services are met.

**Shelter Facility:** The proposal should describe the proposed facility to include capacity, compatible use, staffing, ownership/lease arrangement, location, service area, etc.

The shelter facility(ies) will include all necessary buildings, structures, grounds, spaces and equipment, as well as animal shelter operations services, as may be necessary to properly

receive, maintain, care for, exercise, and provide for the appropriate disposition of all domestic and non-domestic animals that come within the City of Costa Mesa limits.

The shelter facility(ies) must be appropriate for the species, the number of animals receiving care and the expected length of stay in order to ensure physical and psychological well-being of the animals. The shelter facility(ies) will provide for proper separation of animals by health status, age, gender, species, temperament, and predator-prey status.

The shelter facility(ies) shall have an adequate number of dog kennels and cat cages, isolation facilities for sick dogs and cats, and quarantine facilities for biters or injured animals which are not necessarily sick (specifics listed below).

The shelter facility(ies) shall be maintained in a clean and sanitary condition and the Provider will **not** permit any condition to exist which might constitute a nuisance.

The shelter facility(ies) shall be in conformance with RFP -Animal Shelter Services local zoning regulations and shall comply with all federal, state and local regulations. The shelter facility(ies) should be of sufficient size to provide for the needs of the community, with effective separation between neighbors and the facility.

The shelter facility should include the following:

- Designate an area for sick and injured animals
- Separate cats and dogs
- Have noise control to muffle inside noise
- Have an outdoor area designated for exercise/play
- Not be filled beyond its designed capacity
- Be well maintained, to provide for the sanitary and humane care of the animals
- Addition of cameras, alarm and fire sprinklers, if applicable.

**Location:** The proposed shelter shall be within ten (10) miles of the City of Costa Mesa.

**Kennels/Cages:** Provider shall provide an adequate number of dog kennels and cat cages, reptile areas, and separate areas for animals in quarantine and/or isolation designated for City's animals at the shelter facility(ies), in fixed kennels and cages, which shall include, at a minimum:

- 10 kennels for dogs under normal conditions
- 5 kennels for dogs under quarantine
- 5 kennels for dogs in isolation
- 15 cages for cats under normal conditions
- 5 cages for cats under quarantine and/or isolation
- 2 areas for large reptile (Must be able to hold Boas & pythons. Must have heating lamps for temperature control)

Provider shall adhere to the guidelines relating to kennel sizes, including related amenities, that are set forth in Guidelines for Standards of Care in Animal Shelters - Second Edition December 2022 by the Association of Shelter Veterinarians, as recommended by the Humane Society of the U.S. (HSUS). Provider shall maintain the facility in accordance with the ASV Guidelines,

including but not limited to the sanitation guidelines set forth therein.  
(<http://ismcah.org/index.php/jasv/article/view/42/19>)

Make it a requirement for shelter staff to read, acknowledge, and understand the provided ASV Guidelines. Provider must provide proof that shelter staff have completely reviews the guidelines with signature confirmation.

Provider must own a copy of the most recent **California Animal Law Handbook** to use to reference animal laws. <https://www.calanimals.org/publications>

**Hours of Operation:** Provide normal business hours at least six (6) days a week for twenty-four(24) hours per week. Veterinary services must be available to impounded City animals during normal business hours. In the event a veterinarian is required to perform routine or emergency medical services for any sick or injured animal delivered to the facility, the charge to the owner of said animal shall be accordance with the fee schedule set forth in provider's Proposal.

**After-Hour Operations:** Operate seven (7) days a week, twenty-four (24) hours a day with minimum of one caretaker onsite, providing access to City of Costa Mesa Animal Control Officers for non-emergency drop-offs and continuous care for City animals.

**Acceptance of Animals:** Provider shall accept dogs, cats, and small animals, including reptiles (small and large), birds, goats, pigs, or other small animals brought to the facility by the City's Animal Control Officers, including live stray domestic animals, deceased animals for disposal, and owner-released for adoption or euthanasia. Provider shall accept such animals brought to the facility by City Residents.

**Open Shelter Policy:** Provider shall maintain an "open shelter policy" and accept all dogs and cats brought in by City residents and/or found within City limits. Such policy prevents City residents and/or animals from being denied and alternately placed in the care of the orange County Animal Care (OCAC). The open shelter policy does not apply to non-City residents or animals found outside City limits.

**Report to City when the shelter facility(ies) is at capacity.**

**Operations:** Administer and operate consistent and uniform procedures and processes that promote the health and safety of all animals, staff, volunteers, the public, and city workers. This includes following all Federal, State, and Local rules and regulations applicable to shelter operations.

**Shelter Services:** Provide and operate such animal shelter and care facilities, including all necessary buildings, structures, grounds, spaces and equipment, as well as animal shelter services, as may be necessary to properly receive, maintain, care for and provide for the appropriate disposition of all domestic animals that come within the legal animal control authority and responsibility of the City.

Receive and evaluate animals, feed, provide water, emergency medical attention, health and condition evaluation, administer preventative medicine, clean kennels and cages, clean and disinfect animal spaces, provide shelter for animals, provide necessary grooming, flea and tick control, rodent control, provide euthanasia when deemed necessary, animal body storage and removal, animal exercise.

Type and brand of food may be mutually agreed upon between the Provider and the City of Costa Mesa Animal Control.

**Pet Management System:** All service area providers are expected to enter information into pet management system within 24 hours of each event, designated by the City, for the following:

- Each change in an animal's status (breed, sex, age, weight)
- Health and behavioral assessment
- Incidents of bites, mishandling of animals or other non-routine activity
- Service delivered
- Date of impound must be listed as well as date available for stray animals.

City staff shall be given access to the system for proper tracking and updates for all animals.

**Reporting:** Provide adequate and timely reports as requested by City and as applicable per law which will include statistics on:

- Animal Intakes
- Animal Outcomes (Provider will provide updates for all animals with a bite history until they reach their final disposition. i.e. adoption, foster care, euthanasia)
- Animal health records
- Animal days in care

**Partnering:** The City is looking for one service provider for all matters of this scope; however, the Provider may choose to propose to partner with another shelter(s) or organization(s) to provide services under this scope of work. If a partnering situation is to be used, that information shall be provided in the proposal.

**Un-Adopted Animals:** Provider will agree to allow unadopted animals to be gifted to a bona fide animal care or rescue organization that accepts otherwise "un-adoptable" animals, if available. The proposal should specify the manner that this would be accomplished. City staff must be notified if this action is taken prior to the animals transfer from its shelter hold.

**Animal Care:** Provider shall provide the proper care and protection of all animals in the providers custody. Adequate food and housing shall be provided and the facility shall not be overpopulated. Provider shall maintain sanitary conditions for all animals at all times and provide adequate storage or deceased animals out of view from the public.

- **Food and Water:** Provider shall provide adequate food and water, at the provider's expense, to all City animals in the provider's custody. Type and brand of food may be mutually agreed upon between the provider and the City's Animal Control Officers.
- **Litters and beddings:** Provider will provide litter and bedding pertaining to animal species (i.e., Cats; Litter, Rodents; bedding (wood or paper).
- **Veterinary Services:** Veterinary services must be available to impounded City animals during normal business hours. In the event a veterinarian is required to perform routine or emergency medical services for any sick or injured animal.
- **Vaccinations:** Cats: FVRCP {Feline viral rhinotracheitis (FHV-1), calicivirus (FCV), panleukopenia {FPV}}, rabies, dewormer. Dogs: DHPP (Distemper, hepatitis, parainfluenza, and canine parvovirus) OR DA2PP (distemper, adenovirus 2, parvovirus,

and parainfluenza virus) and Bordetella bronchiseptica, rabies, dewormer. Puppies & Kittens: See vaccination schedule below, plus heart worm and kennel cough vaccination.

**Animal Intake:** Includes animals detained by City of Costa Mesa Animal Control, or surrendered by a member of the public when the animal originated, or was found, in the incorporated area of Costa Mesa, California. Perform immediate health and behavior assessments of each animal, and provide medical care and grooming as necessary.

Upon intake, the provider shall provide a general physical exam, immediate general care, if needed, and a behavior assessment of each animal within 24-hours of impound. All information shall be recorded and tracked on the provider's pet management system. This shall include rabies certification, medical & vaccine history. General care shall include medical grooming, as necessary, and vaccinations for dogs and cats with no owner information or prior vaccination history available that are deemed by the provider healthy to receive the vaccinations. Upon request from the City, the Provider shall also vaccinate animals that are over the age of 1-year old that the City anticipates being held at the facility for an extended period. Vaccinations of such animals shall include rabies vaccinations upon owner redemption or adoption.

**Holding Requirements:** Animal shall be held in accordance with the requirements of section 31108 and 31752 of the California Food and Agriculture Code, unless otherwise requested by the City's Animal Control Officers. Notwithstanding Sections 31108 and 31752, the holding period for all animals, whether impounded or relinquished by their owners, shall be seven (7) days. At the completion of the seven-day hold period, provider shall perform sterilization procedures on unaltered animals that require sterilization (i.e. dogs, cats, and rabbits), unless an animal is unable to withstand anesthesia due to medical reasons, advanced age, or is deemed too young by the provider.

The provider shall hold animals that require sterilization procedures for an additional three (3) days from the date the animal received sterilization procedure, or until such time as the animal recovers from the sterilization procedure, at no cost to the City. Provider shall provide a certificate of sterility for all animals that are altered by the provider and for all animals the provider's veterinarian determines to have been previously altered. Proof of sterility shall be uploaded and saved on the provider's pet management system. Upon completion of the holding period and prior to an animal being transferred for adoption, the provider shall implant each impounded animal that does not have a microchip with a microchip and registered, or register, each animal to the City of Costa Mesa.

Notwithstanding the foregoing, animals that require twenty-four (24) hour care such as foster care or medical foster care, may be transferred immediately to the custody of the City's adoption provider. Provider shall provide to the City within twenty-four (24) hours of any such transfer a record of the transfer, which shall include the transfer date, impound number, and a description of the animal. "Days" as used in this section means days that the shelter is open to the public. This information shall be submitted on the pet management system the provider has implemented.

The provider shall ensure that animals with police holds, quarantines, or pets held in protective custody are in an isolated area not permitted within view or access of the public. Quarantined animals shall be separated from other animals with proper ventilation. Quarantined animals shall have a designated caretaker if not a shelter employee. Quarantined/police hold animals

shall not be removed from the City of Costa Mesa without approval from the City's Animal Control Officers.

Upon direction from the City's Animal Control officers, the provider shall hold animals longer than the above stated retention period for police purposes, such as police holds, quarantines, vicious animal investigations, nuisance enforcement, or cruelty investigations.

**Euthanasia:** At the request of the City's Animal Control Personnel with concurrence from the treating veterinarian, or at the sole discretion of the shelter veterinarian, the provider shall arrange or provide for the humane euthanasia and disposal of animals that have been declared vicious, terminally ill, or contagious. This shall be accomplished in a manner approved by the Federal and State regulations, which shall not subject animals to any unnecessary pain.

No impounded animal shall be euthanized or otherwise disposed of without notice to the owner, if such person is known. Provider shall make all reasonable attempts to reunite animals with their owner before euthanasia or adoption, to include accessing current licensing records, using tag contact information (provided tags worn by the animal), and scanning all animals to detect implanted microchips. Euthanasia should include wildlife.

**Sterilization Procedures:** The provider shall perform sterilization procedures on cats once they are eight (8) weeks old and weigh at least two (2) pounds, and on dogs once they are at least four (4) months old. If an animal is transferred out to the City's adoption service provider prior to receiving sterilization procedures due to the animal's age, and/or weight, the provider shall perform the sterilization procedures on such animals at no additional cost to the City, unless the animal can not withstand receiving a sterilization procedure, documentation must be provided stating the reason the animal cannot be sterilized. Documents are to be saved on the providers pet management system for record keeping.

Provider shall use dissolvable sutures to close incisions, unless provider determines that staples or standard sutures are necessary. If the provider determines that staples or standard sutures are necessary, and utilizes such staples or sutures, Contractor shall permit adopters to return the animal to the providers clinic for removal of the staples or sutures at no cost to the City or adoptee.

**Standards of Medical Care:** Provide baseline veterinarian care and necessary medical treatment for animals within financial limits that are agreed upon between Provider and City per animal. Medical care above the agreed upon limit are the financial responsibility of the provider, unless otherwise identified in the scope of the agreement, through mutual agreement of both the provider and the city.

Provide for the administration and operation of a spay and neuter for all cats, dogs, and rabbits prior to being fostered or adopted into the community and follow guidelines provided by Guidelines for Standards of Care in Animal Shelters - Second Edition December 2022 by the Association of Shelter Veterinarians, as recommended by the Humane Society of the U.S. (HSUS). (<http://ismcah.org/index.php/jasv/article/view/42/19>)

In addition to the vaccinations listed in the Guidelines for Standards of Care in Animal Shelters, administer preventative medicine to treat heart worm and kennel cough.

**Return to Owner:** It shall be the Provider's responsibility to make every available effort to identify and promptly attempt to notify the owner of any animal taken into custody, working in

conjunction with the City of Costa Mesa Animal Control when needed. Provider will provide food, water, shelter, exercise and medical care to each animal for a minimum of 6 days (not including day of impound) to give the owner an opportunity to claim the animal before transferring to the Animal Service Programs for adoption.

**Scanning for Microchips:** Every effort will be made to locate the owner of animals. The Shelter will be equipped with universal scanner/s in order to check for the presence of a microchip, to facilitate return of animals to owners.

**Owner Redemption:** Rabies vaccinations administered unless proof of current rabies inoculation is furnished at the time of release. Provider is to recommend microchipping to animal owner prior to the redemption of their pet. One time hardship waiver can be used.

**Website Presence:** The provider will work with the City on the City's internet website page/presence, which will be updated daily to assist in reunion of animal owners with their pets, (i.e. "Impound Page"). Provider will provide photos and details of stray animals coming directly into the Shelter facility, within a maximum of 24 hours from the time the stray animal enters the Shelter facility. Internet presence for strays is required in accordance with the requirements of sections 32001 (a) and (b) of the California Food and Agriculture Code. Provider will also include a link to the City's impounded animals page ([www.costamesaca.gov/government/departments-and-divisions/police/animal-control/impounded-animals](http://www.costamesaca.gov/government/departments-and-divisions/police/animal-control/impounded-animals)) on Provider's website. Provider must show date of impound on site, per animal.

**Quarantine and Isolation:** Provide medical quarantine and behavior isolation for the duration of the holding period for a minimum of 7 days (not including day of impound) or as deemed by City of Costa Mesa Animal Control, and evaluation as appropriate to protect the-shelter population-and the people working at or visiting the facility. Animals shall be held in accordance with the requirements of sections 31108 and 31752 of the California Food and Agriculture Code. Shelter staff is not authorized to release a quarantine/isolated animal from the animals shelter hold. The hold release must be completed by the City's Animal Control Officers or the providers shelter doctor with communication with the City's Animal Control Officers prior to its release.

**Police Holds:** The provider shall ensure that animals with police holds, quarantines, or pets held in protective custody are in an isolated area not permitted within view or access of the public. Quarantined animals shall be separated from other animals with proper ventilation. Upon direction from City of Costa Mesa Animal Control, provider shall hold animals longer than the above stated retention period for police purposes, such as police holds, quarantine, vicious animal investigations, nuisance enforcement, or cruelty investigations.

**Animal Surrender:** Provide and collect an Animal Surrender Form from surrendering owner, including if the animal has a bite history.

**Evaluation and Humane Euthanasia:** Provide the evaluation and humane euthanasia of dangerous or diseased animals as determined and approved by a veterinarian or City of Costa Mesa Animal Control.

**Disposal of Animals:** The Provider will be responsible for any costs associated with the disposal of animals. Provider will comply with applicable state and federal law regarding the

disposal of animal remains, and will identify the manner that this would be accomplished. Provide adequate storage of deceased animals in an area out of view from the general public.

**Unclaimed Deceased Animals:** Provider shall be responsible for the humane disposal of unclaimed deceased animals after holding such animals for the holding period agreed upon by City and Provider, unless the condition of an animal requires immediate disposal. City of Costa Mesa Animal Control will make reasonable efforts to locate the owners of deceased animals during such holding period. Provider shall under no circumstances sell unclaimed deceased animals for purposes of medical research or other activities which may harm them without the prior written consent of City of Costa Mesa Animal Control.

**Euthanasia of Animals:** The provider should identify the manner that would be utilized to accomplish a minimal/low kill facility. (Euthanasia policy)

**Animal Cruelty Investigations:** Provider shall provide support in animal cruelty investigations by performing examinations, necropsies, report, or other procedures necessary to the case. The provider will provide requested invoices upon request in a timely manner.

**Adoptability:** Evaluate, and coordinate to determine each animal's suitability for fostering and/or adoption and facilitate adoptions.

**Adaptability:** Evaluate, and coordinate to determine each animal's suitability for fostering and/or adoption and facilitate adoptions.

**Animal Service Programs:** Provide and partner with City to implement animal service programs which include:

- **Spay/ Neuter Program:** The City recognizes that long-term solutions to excess animal populations involve the spaying and neutering of animals. The proposal should include a methodology for the implementation of such a program and identify the cost for such, should the City elect to participate in this option. (aka -TNR Program) In addition, the Provider shall honor spay or neuter vouchers, issued by the City and distributed to low income families in Costa Mesa.
- **Vaccination Clinics:** Participate in at least two (2) low-cost vaccination clinics hosted by City by providing low-cost vaccinations, fees mutually agreed upon by Provider and City. Provider shall receive no additional compensation from City for such participation.

**Controlled Substance for Animal Control:** Upon proof of certified controlled substance training by the City of Costa Mesa Animal Control personnel, Provider will provide City of Costa Mesa Animal Control with controlled substances necessary to perform field captures and euthanasia. The controlled substances will be charged to the City at the same cost paid by veterinarians.

- Telazol (class III drug, 100mg/ml concentrate, used primarily in dog capture)
- Ketamine (class III drug, 100mg/ml for cats and subhuman primates and some dog captures)
- Sodium Pentobarbital (class II drug, 250 ml bottle, for euthanasia only)
- Other drugs as necessary.

**Fees:** Provider and City shall agree upon fees for impoundment, feeding, care, veterinarian services, and disposition of animals. Said fees shall be charged to members of the public whose animals are subject to this Agreement.

- Impound/Surrender Fee: Provider shall collect impound or surrender fee(s), except criminal penalties or civil infraction penalties paid through Municipal Court, which shall be remitted to the City.
- Contractor shall be responsible for collecting all fees due to the City.
- State mandated spay/neuter fines
- Contractor shall collect a mandatory non-spayed or un-neutered fee in accordance with Food and Agriculture Code sections 30804.7 and 31751.7, which shall be remitted to the City. The Contractor shall honor spay or neuter vouchers, issued by the City and distributed to low income families.
- Subsequent impound fees
- Boarding and feeding fees for owner claimed animals issuing receipts for payment, and remitting monies due to the City directly to the City's Animal Control staff prior to releasing the animals. Collected fees shall be remitted to the City within 10 working days following the end of the prior month.

When charging subsequent impound fees, the 12-month period used to determine the fee charged for subsequent impounds shall be the 12 months subsequent to the current impoundment. Provider shall charge Costa Mesa residents redeeming animals from impound an impound fee of forty dollars (\$40) for the first impoundment, sixty dollars (\$60) for the second impoundment within a 12-month period, and ninety dollars (\$90) for the third and subsequent impoundments within a 12-month period. Non- spayed or Un-neutered Fee: Provider shall collect a mandatory non-spayed or un- neutered fee in accordance with Food and Agriculture Code sections 30804.7 and 31751.7 and City Ordinance section 8.08.02, which shall be remitted to the City. Animal Control Officers shall have discretion to waive any/all impound/boarding fees.

**Animal License Registration:** Provider shall administer animal license registration for no licensed dogs being redeemed by owner, as required by City Ordinance section 3-106. Animal license registration fees are processed directly into the City's pet licensing portal.

**Monthly Reports:** The provider shall keep comprehensive records and submit regular monthly reports to the City's Animal Control Unit. Reports shall, at a minimum, include the number of impounds, disposition of each animal, and any fees collected that are payable to the City of Costa Mesa. They City may also require additional information, which includes, but is not limited to the following, as applicable:

- Description of the animals, including breed, color, gender, size, behavioral description.
- Who brought the animal in, the date the animal was brought in, and where and how the animal was obtained.
- Animals owner information (if known).
- duration of stay.
- If transfer was delayed due to illness or change in behavior.
- When the animal was redeemed or who adopted the animal. Provide name and address of new owner.

- When an animal was euthanized and the reason for euthanasia.
- Disposition of all complaints regarding animal(s).
- All dangerous and potentially dangerous animals and dog bite incidents.
- Fees collected.
- Records of licenses sold with name and address.

**Access and Community Involvement by the Provider:**

- Post shelter hours, phone number, and shelter impound/owner surrender fees on the exterior of the shelter facility and on the contractor's website.
- Provider will participate in at least two (2) low-cost vaccination clinics by providing low-cost vaccinations. Provider shall receive no additional compensation from the City for such participation.
- Provider shall provide spay/neuter voucher application forms to Costa Mesa residents in need of financial assistance with spaying and neutering their dog and/or cat. Or provide two (2) spay/neuter clinics per year with a minimum of 20-30 pets. Provider will accept low-income Costa Mesa residents first and will promote the clinic at least two (2) weeks prior to the clinic to allow sufficient promotion time.
- If provider facilitates the adoption of a dog by a City resident, provider shall administer the dog license for the dog via the City's online licensing system.
- Provider will recommend microchipping to animal owners that are redeeming their pets from the City shelter.

**CONSULTANT'S PROPOSAL**  
**BACKGROUND & PROJECT SUMMARY MARCH 20, 2024**



*Saving one by one until*



*there are none™*

February 5, 2024

City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Re: Response to revised RFP No. 23-22 for Animal Care Shelter Services

Please accept this packet as our formal response to the RFP for Animal Care Shelter Services. We are pleased to have the opportunity to submit our response for your consideration. All material contained in this proposal shall be valid for a period of 180 days.

The key elements and assumptions of this proposal incorporate the objectives and services that are outlined in the RFP. Priceless Puppy Rescue Corp, herein referred to as Provider, is a qualified 501(c)3 non-profit wishing to assume the responsibilities of Animal Care, Sheltering and Adoption Services for the City of Costa Mesa. We feel we are uniquely qualified to provide the City of Costa Mesa with the high standards of care they are requesting, while at the same time achieving the City's goal of placing 100% of adoptable animals into homes.

Some key highlights to demonstrate proposer's experience around Animal Adoption Services are:

- Founded in 2007 as a home-based rescue, we have grown significantly to now operate four adoption centers based in three different Southern California counties – Orange County, Los Angeles County and San Bernardino County.
- In late 2015, partnered with the City of Chino Hills to provide Adoption Services for the city's adoptable dogs once the shelter hold was over.
- In early 2018, we contracted with the City of Costa Mesa to be their exclusive animal Adoption Service partner whereby 100% of their adoptable animals taken in by their contracted shelter are transferred to our organization for adoption.
- In 2018, partnered with the City of Whittier to provide emergency evacuation facilities for the residents of Whittier.
- In March 2019, we opened a full-service Veterinary Clinic to in-source the veterinary care of the animals in our care while also providing low-cost veterinary services to our adopters and the community at large.
- In 2022, partnered with the City of Industry to operate and manage an adoption center for Animal Care, Sheltering & Adoption Services.

15350 Fairfield Ranch Road, Suite I | Chino Hills, CA | 91709 | 909-662-1440  
[www.pricelesspetrescue.org](http://www.pricelesspetrescue.org)

- Our 2022 adoption numbers are 3,638 adoptions - dogs, cats, rabbits, reptiles, birds, and other small animals.

The proposer has extensive knowledge in the field of Animal Care, Sheltering and Adoption Services and has developed this proposal to exceed the expectations outlined by the City of Costa Mesa including but not limited to,

- Provide adequate staffing levels to cover current hours of operation.
- Provide proper care and handling of the animals while in the custody of the Proposer.
- Provide all required reports and record keeping as outlined by the city in the RFP.
- Ensure all laws, whether State, County or City, are being followed and enforced.
- Provide excellent customer service not only to the residents of Costa Mesa but to all visitors to the shelter.
- Manage and grow the volunteer workforce. Our emphasis on community involvement is one of the cornerstones of our organization.
- Manage and grow the foster care program. We are experts in this area! A strong foster program is critical to save the most fragile lives in the shelter system – the young, the sick but treatable, and those animals that need a chance to decompress. We strongly believe that fostering saves lives!
- Provide additional community services above and beyond those outlined in the RFP, including but not limited to:
  - to animal welfare training in the classrooms,
  - design of community educational programs at the shelter to include animal therapy and responsible pet ownership,
  - participate in appropriate community events,
  - work with the school district to provide adult transition programs, etc.
- Maintain the facility in superior condition to provide an optimal shelter experience for both the public and for the animals under care.
- Provide ongoing education and development of Proposer's employees.
- Achieve the city's goal of 100% adoption rate for Costa Mesa's adoptable stray animals.
- Emphasis on offering low cost spay / neuter and vaccine clinics to Costa Mesa residents and surrounding areas.
- Implementation of a cat TNR (Trap-Neuter-Release) program to reduce and control the Feral cat population.

In this response packet, we plan to provide you with all the elements requested in the RFP document. We feel that we have approached this RFP using a progressive approach to Animal Care, Sheltering and Adoption Services that provides the highest quality of service and care to the Costa Mesa residents and animals.

We have identified a location in the heart of the city limits of Costa Mesa that will provide stand-alone services for the Animal Sheltering portion of this contract. At this location, we will partner with Costa Mesa Animal Control and Costa Mesa residents to handle all intake of stray animals and owner surrender requests. A veterinary suite will be set up at this location to service the health needs of all animals that are processed through the shelter. In addition, a

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**[www.pricelesspetrescue.org](http://www.pricelesspetrescue.org)**

dedicated veterinary staff will be available to offer low-cost spay/neuter for the residents of Costa Mesa as well as general low-cost veterinary care. All healthy, adoptable animals that enter this shelter location will be fully vetted including spay/neuter before transferring over to our adoption center located at 1536 Newport Blvd, Costa Mesa once their hold period is over to fulfill the Adoption Services portion of the contract.

Our technology platform is state of the art in the Animal Sheltering and Adoption Services space. We utilize cloud-based software called Shelter-Luv which is updated in real-time with all information related to each animal in our care. Documents are also uploaded and stored within this software to allow for easy retrieval. This software provides many canned reports in addition to customizable reporting. The Costa Mesa Animal Control staff will be granted access to this software to allow them to query data for each animal currently or previously in our care. Costa Mesa Animal Control can run microchip lookups to offer "Field Return to Owner" services should they so choose.

This response to the City of Costa Mesa Animal Care Shelter Services RFP is submitted as a total solution for the City's Animal Sheltering, Animal Welfare, and Adoption Services needs. The Proposer is not open to a bifurcation of the services nor a bifurcation of the contract.

In conclusion, we feel uniquely qualified to offer the high-quality of service for all the Animal Sheltering, Animal Welfare, and Adoption Services needs of the City of Costa Mesa. Our organization has been passionate about this area for over 15 years and has the experience required to run a successful operation and meet the goals of the City of Costa Mesa. Thank you for your consideration and if you should have any additional questions about this packet, please feel free to contact Lisa Price at 909-631-8230.

Sincerely,

Lisa Price  
Co-founder and Executive Director



## BACKGROUND & PROJECT SUMMARY

### Scope of Work Considerations

Revised March 20, 2024

The Provider has over 15 years of experience in the Animal Welfare, Care & Adoption field. In addition, Provider has been providing Animal Adoption Services to the City of Costa Mesa since early 2018. We believe consolidating to one provider for both Animal Sheltering and Animal Adoption Services will improve the overall efficiency of the goals of the City of Costa Mesa.

This response to the RFP includes the following conditions:

- **The RFP response has been prepared as a total solution to the City of Costa Mesa Animal Care Shelter Services and is not subject to bifurcation.**
- **This RFP response is contingent upon a 5-year contract term that includes an annual rate escalator as published by the Bureau of Labor Statistics Consumer Price Index (CPI) data for Los Angeles-Riverside-Orange County, CA CPI Index.**

Based on the Provider's experience level in this field, we anticipate a smooth implementation of the items outlined in the RFP including but not limited to:

- **Shelter Facility & Location** – Provider has identified a stand-alone facility in the heart of Costa Mesa and 3 miles from City Hall. This property is located at 1520 Ponderosa Street, Costa Mesa, California. This location will be built out to include intake area, isolation area, quarantine area, fully staffed veterinary suite and will be open to the public to redeem their lost/stray animals. These key points will be addressed in the design of the space to meet the RFP requirements.
  - Facilities for healthy animals on stray hold, separated by species i.e., dogs & cats, for the public to come view and search for their lost/stray animal.
  - The facility will have noise control to muffle inside noise.
  - The facility will have an outdoor area designated for exercise/play.
  - Separate facilities, with separate ventilation systems, will be provided for sick dogs and cats needing isolation for a minimum of 7 days (not including the day of impound).
  - Separate facilities for behavioral dogs and cats needing quarantine for a minimum of 7 days (not including the day of impound).
  - Animals in police hold shall be placed in an isolated area not permitted within view or access or the public. Animals on police hold may have longer retention periods as determined by Animal Control.
  - Facilities shall not be filled beyond capacity; city staff will be notified immediately should the capacity limits be reached. If needed, the Provider may be able to assist in providing temporary overflow at one of its other locations if mutually agreed upon. Provider operates an intake center in Chino Hills that is capable of handling up to 50 animals at any time. These animals are out of public view and separate from the adoptable animals.

- The facility will be maintained in a clean and sanitary condition.
  - Facility shall comply with all local zoning regulations as well as comply with federal, state and regulations.
- **Kennels/Cages** - Facility kennels and cages will adhere to guidelines set forth in the Guidelines for Standards of Care in Animals Shelters – Second Edition December 2022 published by the Association of Shelter Veterinarians and as recommended by The Humane Society of the United States. The Provider will also own a copy of the most recent California Animal Law Handbook.
    - Facilities will provide the minimum number of kennels and cages as listed in the RFP for dogs, cats, other small animals, and reptiles.
    - Small animals such as goat and pigs may be transferred to an offsite farm setting if needed for proper care of the animals.
  - **Hours of Operations** – The goal of the Provider would be to provide hours of operation that exceed the minimum requirement outlined in the RFP and be open to the public for extended hours to allow for return to owner activity, owner surrender activity, and general intake from Animal Control. In addition, the facility would include a full-service veterinary practice open to the public as well as providing services to shelter animals as needed. After-hours operations would also be available to maintain a 24/7 operation.
    - Staffed 24/7 with trained personnel with access at any time to City of Costa Mesa Animal Control Officers.
    - Extend the hours open to the public beyond 6 days a week, for more than 24 hours per week.
    - Full-time veterinary services will be available not only to the shelter animals but also to the public as availability permits.
  - **Operations of Shelter Services** – Provider shall maintain an “open shelter policy” and accept all dogs and cats brought in by City residents and/or found within City limits. Such policy prevents City residents and/or animals from being denied and alternately placed in the care of the Orange County Animal Care (OCAC). The open shelter does not apply to non-City residents or animals found outside of the City limits.

The Provider would adopt standard operating procedures to ensure seamless operations across all shelter personnel and to promote standards for the health and safety of all animals, staff, volunteers, the public and city workers. The Provider would ensure that all domestic animals that fall into the legal control of the City be cared for in a manner consistent with the high standards of modern sheltering practices and promote good relations with the public.

- Other key elements of the operations as outlined in the RFP are listed below.
- Available for inspection by city staff at any time.

- Provide initial health evaluation of each animal upon intake, provide emergency medical attention as required, and administer all intake vaccines protocols.
  - Provide clean, sanitary space as well as food and water. Type and brand of food may be mutually agreed upon between the Provider and the City of Costa Mesa Animals Control.
  - Provide animal exercise.
  - Provide initial behavioral assessment to identify any safety concerns for staff, volunteers, the public and city workers and protect them from injury.
  - Provide proper disinfection of each animal space between use.
  - Provide grooming, flea, and tick control as per intake protocols.
  - Provide euthanasia when deemed necessary as well as animal body removal and storage. In addition, assist in maintaining a DOA log for public review to identify their lost/stray pets that may be deceased.
  - Collect all fees mandated by the city for registration, surrender, impoundment, feeding, care, veterinary services, and boarding as agreed upon by the City and Provider. As per the RFP, it is understood that fees collected for impoundment, surrender, and registration will be remitted to the City.
- **Shelter Management System and Reporting** – The provider uses a shelter/rescue software database called Shelter Luv. All animals received by the Provider will be entered into this database immediately but no later than 24 hours after initial intake. Shelter Luv can track all required information that is outlined in the RFP. City staff will be granted access to the system for tracking and view updates on all the animals. Shelter Luv has robust reporting capabilities, including the ability to create custom reports. All reports listed in the RFP are available to the City upon request, in addition the City staff will be able to run their own reports as needed.
  - **Behavioral Quarantine** – Provider will work in conjunction with city staff to document and report any behavioral issues that puts the public at risk. All precautions will be used to protect the public. The Proposal uses a Red/Yellow/Green sticker system to determine which animals can be handled by which level of staff/volunteer. A red sticker animal is handled by “management only”. A yellow sticker animal is handled by experienced staff / volunteers. Green sticker animals can interact with all levels. If an animal becomes a risk to the public, the Euthanasia policy will be referenced.
  - **Standards of Medical Care** – Provider has extensive experience with shelter medicine and has an existing staff of 7 licensed veterinarians and 7 veterinarian technicians. The Provider understands that City’s expectation for standard medical care meets the baseline requirements and stays within the financial limits agreed upon between the Provider and City per animal. Any medical care above this baseline limit will need to be mutually agreed upon. The following table summarizes the standard medical care for dogs and cats entering the shelter.

Standard Medical Care	Starting Age	Juvenile Dog (< 20 weeks)	Adult Dog (> 20 weeks)	Juvenile Cat (< 20 weeks)	Adult Cat (> 20 weeks)
Intake	n/a	Initial Health Assessment	Initial Health Assessment	Initial Health Assessment	Initial Health Assessment
Initial Vaccine – MLV DAPPV	4 weeks	Intake, every 2 weeks	Intake, booster in 2-4 weeks	n/a	n/a
Initial Vaccine – MLV Bord/PI	3 weeks	Once at intake	Once at intake	n/a	n/a
Initial Vaccine – MLV FVRCP	4 weeks	n/a	n/a	Intake, every 2 weeks	Intake, booster in 2-4 weeks
Rabies	12 weeks	Once	Once	n/a	n/a
Parasite Prevention – Roundworm/Hookworm	2 weeks	Intake	Intake	Intake	Intake
4DX Test (Heartworm, Lyme, Ehrlichia, Anaplasma)	n/a	Intake	Intake	n/a	n/a
FELV/FIV testing	n/a	n/a	n/a	If symptoms present	If symptoms present
Coccidia treatment	n/a	As needed	As needed	As needed	As needed
Heartworm treatment	n/a	As needed	As needed	n/a	n/a
Kennel Cough treatment	n/a	As needed	As needed	n/a	n/a
Microchip	n/a	Prior to transfer to Adoption Center			
Spay/Neuter	See note	Prior to transfer to Adoption Center			
Anti-biotics for infectious diseases	n/a	As needed	As needed	As needed	As needed
Emergency Medical Care	n/a	As needed	As needed	As needed	As needed
Pain Management	n/a	As needed	As needed	As needed	As needed
Euthanasia	n/a	As needed	As needed	As needed	As needed
Daily Health Monitoring	n/a	Every 24 hours	Every 24 hours	Every 24 hours	Every 24 hours

*As outlined in the Guidelines for Standards of Care in Animal Shelters – Second Edition December 2022 by the Association of Shelter Veterinarians*

- Pregnant, nursing, neonate puppies & kittens will be immediately referred out to foster after the initial intake exam to limit their time in the shelter environment. All medical services will be performed prior to them returning to the shelter or being transferred to adoption centers.
  - The Provider will provide humane euthanasia for dangerous or diseased animals as determined and approved by a veterinarian or City of Costa Mesa Animal Control.
  - The Provider will ensure that all adopted animals are spayed and neutered prior to leaving the facility based on age, weight, and health condition. For example, if a veterinary doctor has deemed that the surgery would be too risky for the animal (i.e., serious heart murmur).
  - Provide the City's Animal Control personnel with the necessary controlled substances to perform field captures and euthanasia at our cost on a monthly invoice prepared by Provider.
  - See attached Emergency Vet Service Fee Schedule in Appendix A for the charges to the owner should any medical services be needed for sick or injured animals received at the Shelter.
- **Euthanasia Policy** - Any animal who is deemed to be suffering and unable to be treated shall be humanely euthanized. Any animal who is deemed too aggressive and unsafe to the public based on a full evaluation by behaviorist or those which have multiple aggression bite history shall be humanely euthanized. Euthanasia shall be performed in the following manner: 1 ml of pentobarbital per 10lbs administered intravenously, intrathoracic, intraperitoneal. Asystole confirmed via auscultation.
  - **Animal Disposal** - Provider will be responsible for any costs associated with disposal of animals and comply with applicable state and federal laws.
    - Adequate storage of deceased animals will be provided in an area outside of view to the public.
    - The Provider will hold deceased animals for the required holding period while Animal Control makes efforts to look for the owner unless the animal's remains require immediate disposal.
    - The Provider will not sell unclaimed deceased animals for any reason.
  - **Return to Owner** – Provider will make all possible efforts to locate the owner of any impounded animal. During the animal's stay at the shelter, it will receive a high quality of care and medical attention if needed. The Provider understands that the stray hold period is 6 days (not including the day of impound). If an animal in the Provider's care is redeemed by its previous owner, the Provider will handle all the necessary paperwork and collect any impound/boarding fees from the owner.
    - Universal microchip scanners will be available at the shelter.
    - Impounded animals' information and photos will be forwarded to the City to be added to the Stray Animal Impound web-page daily and ensure that all animal status are updated no later than the following business day after impound date.

- Provider will work with the City on the City's internet website page/presence, which will be updated on a daily basis to assist in reunion of animal owners with their pets, (i.e. "Impound Page"). The Provider will provide photos and details of stray animals coming into the Shelter facility within 24 hours from the time the stray animal enters the facility. The Provider will add a link to the City's impounded animal page on their website.
  - All redeemed animals will receive rabies vaccine unless owner can provide proof of current rabies vaccine.
  - All redeemed animals that do not have a microchip will be advised on the benefits of microchipping their pet and if consent is given a microchip will be inserted by trained staff.
  - The owner of the redeemed animal will receive a medical record of all vaccines and procedures given while the animal was in the care of the shelter.
- **Adoptions & Transfers** – Once the stray hold or police hold period has expired, the animal will be transferred from the shelter facility to one of the Provider's adoption centers or to a foster should one be needed for continued medical care or continued behavioral assessment should the animal's behavior benefit from being in a foster environment. The animal will not stay in the shelter facility after the stray hold or police hold has expired to make room for new intake. All animals will be vetted, spayed/neutered, and microchipped before transferring to the adoption center.
    - **Adoption process** - Provider has over 15 years of animal adoption experience. An adoption application and interview are completed on every adoption. The Provider reserves the right to refuse adoption based on our established criteria. All animals' medical issues and behavioral issues are disclosed to the adopter and the adopter assumes all liability for their new pet once adopted. The animal will stay in the Provider's adoption network until adoption.
    - **Transfer out** - Provider has a large network of Rescue Partners and if an animal would benefit from being transferred out to a specialty rescue group that can better deal with the animal's condition Provider would facilitate the transfer and record the status change of the animal in the Shelter Luv software for tracking purposes. No animal will be transferred out during its hold period without prior approval from City staff. Once the hold period is over, each adoptable animal will be transferred out to one of the Provider's adoption centers and become the sole property of the Provider.
  - **Owner Surrender** – Provider will collect all information from the surrendering owner, including any bite history for all pets surrendered by Costa Mesa residents. Proof of residency may be requested. A surrender fee will be collected by the Provider and the animal will be transferred to an Adoption Center once fully vetted.
  - **Volunteer/Foster Programs** – It is a critical component of Provider's core values to engage the community and promote animal welfare in any way possible. The Provider has a very robust volunteer / foster network. The Provider provides training and

additional support to help the volunteer / foster experience be as rewarding as possible.

- **Youth Programs** – While volunteers of all ages are welcome, the Provider’s focus on youth is one of the cornerstone principles of our organization. Today, we offer the youth a safe place to log volunteer hours for school assignments, Scout projects, community service hours, school club participation and Health Science Academy (HSA) internships. The Provider will reach out to all area High Schools to provide a partnership with any HSA programs currently running. Provider will also focus on developing youth summer camp education programs for the local area youth that would mirror what we are already doing in the City of Chino Hills. In addition, Provider would work closely with the Orange County Workability Program to expand our partnership to provide adult transition programs to students with special needs.
  
- **Other Animal Service Programs** – Should the contract be awarded to Provider; we would be excited to work with the city on other areas of animal welfare. Once the new shelter facility is operational, the city can begin to offer to Costa Mesa residents low-cost services like - spay/neuters, TNR, and microchip clinics. Should the City be interested in subsidizing any of these services for the residents of Costa Mesa, Provider would suggest using a voucher system, fees for each of these programs are listed below. All vouchers would be honored at the new shelter facility once the procedure was performed. The Provider would then submit for reimbursement a monthly invoice for all vouchers redeemed.
  - City sponsored Spay/Neuter vouchers for low-income residents at \$150 per dog & \$75 per cat.
  - City sponsored TNR vouchers at \$75 per cat.
  - City sponsored Microchip vouchers at \$5 per chip.

However, even without city sponsorship, the Provider will immediately begin to engage the local community in the following areas:

- Low-cost spay / neuter program – with fully staffed vet office in the city limits, we will begin to offer low cost spay / neuter appointments to the residents.
- Low-cost microchip clinics – realizing that microchips improve the return to owner rates, offering low-cost microchip clinics will help increase the number of pets that successfully get returned to owner.
- Low-cost vaccine clinics – provide residents with access to low-cost preventative medicine to keep their pets healthy in addition to partnering with the City to host at least 2 low-cost vaccine clinics each year.
- Low-cost TNR procedures – provide community TNR groups with the vet services needed to help reduce the overpopulation of homeless cats in the area.

### **Implementation Plan**

Upon award of this contract, the Provider would begin all necessary steps to lease the space identified for the Shelter and Veterinary operation and would immediately get started on all phases of buildout needed to become operational. In the meantime, Provider would create a

tentative plan to do all intake at our existing Costa Mesa Adoption Center and reserve all kennels/cages at that location for processing the animals. All animals needing medical attention will be seen by our sub-contracted Vet.

An Implementation Coordinator will be appointed to assist the Executive Director, Lisa Price, as follows:

- ensure that all shelter operating policies, practices and procedures as identified in the RFP are documented;
- identify and train staff as outlined in their job descriptions;
- ensure that there is no disruption in the quality of service being provided to the public; and
- ensure that there is no disruption in the quality of care being given to the animals.

The Provider recognizes that the community is very active with their support of Animal Welfare and desires to keep the community very engaged at all levels. It is the Provider's core belief and value system to nurture and engage the community as often as possible. This pride the community feels towards its animal services and shelter is key to the success of the Provider taking over the responsibility of the shelter.

The Provider also plans to invite input from all stakeholders to look for opportunities to improve customer satisfaction. Any stakeholder input will be evaluated and prioritized to ensure the environment is pleasant for visitors, healthy for the animals and fulfilling to the staff/volunteers at the facility.

Cost Proposal Revised 2/5/2024

Task	Description	Total Estimate
A.	*Fee Description* Monthly Fee	\$40,000.00
<b>TOTAL</b>		\$40,000.00

*All originals of plans, field notes, data and calculations, reports, electronic files, etc., will be turned over to the City upon completion of work. Ten percent (10%) of the total contract fee will be withheld under final project documents are submitted to the City.*





# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 24-128

**Meeting Date:** 4/16/2024

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**TITLE:**

**SECOND READING OF ORDINANCES TO AMEND TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) AND TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S RETAIL CANNABIS PROVISIONS AND FIND THIS PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES  
DEPARTMENT/PLANNING DIVISION**

**PRESENTED BY: MICHELLE HALLIGAN, SENIOR PLANNER**

**CONTACT INFORMATION: MICHELLE HALLIGAN, SENIOR PLANNER, 714-754-5608**

**RECOMMENDATION:**

Staff recommends the City Council:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) ("General Rule").
2. Give second reading to and adopt Ordinance No. 2024-03 amending Title 13 (Planning, Zoning and Development) and Ordinance No. 2024-04 amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code to modify the City's retail cannabis provisions.



## Agenda Report

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Item #: 24-128

Meeting Date: 04/16/2024

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**TITLE: SECOND READING AND ADOPTION OF ORDINANCES TO AMEND TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) AND TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S RETAIL CANNABIS PROVISIONS AND FIND THIS PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA**

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Staff recommends the City Council:

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### **BACKGROUND:**

At the March 19, 2024, City Council meeting, the City Council considered the Planning Commission's recommendations, as well as other issues raised by members of the cannabis industry and the public. The City Council passed nine motions for staff to modify and return with revised Ordinances for "first reading". The March 19, 2024, City Council report and video are linked below:

March 19, 2024 City Council Agenda Report:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=6576096&GUID=EF1D8EE8-A9A0-4153-82A6-19FFB634CE53>

Video: [https://costamesa.granicus.com/player/clip/4107?view\\_id=14&redirect=true](https://costamesa.granicus.com/player/clip/4107?view_id=14&redirect=true)

At the April 2, 2024 City Council meeting, the Council considered the follow-up draft ordinance modifications, heard public comment, and voted 6-1 to give first reading of Ordinance 2024-03 and Ordinance 2024-04 without modifications, and conduct the second reading at the next regularly scheduled City Council meeting.

April 2, 2024 City Council Agenda Report:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=6606557&GUID=9BC36605-449D-4FC2-B4C0-2D06126BE2B6>

Video: [https://costamesa.granicus.com/player/clip/4112?view\\_id=14&redirect=true](https://costamesa.granicus.com/player/clip/4112?view_id=14&redirect=true)

### **ANALYSIS:**

On April 2, 2024, the City Council voted to give first reading to the proposed Ordinances without amending the draft Ordinances. A brief summary of the first reading amendments to the Ordinances is provided below:

- Allow processing of only pending applications which have moved past the pre-application phase, up to a cap of 35 cannabis storefronts, and, thereafter, suspend processing applications for new storefronts until such time when the number of operating licensed cannabis storefronts falls below 10;
- Increase the minimum separation between cannabis storefronts and youth centers, as defined in the CMMC, from 600 feet to 1,000 feet;
- Establish a 250-foot minimum separation between cannabis storefronts and properties zoned for residential use;
- Allow the word cannabis to be used up to two times with a maximum letter height of two inches on a notice posted at cannabis storefront entrances;
- Incorporate California Code of Regulations Title 4 Section 15040 (cannabis advertising and marketing) into the CMMC by reference;
- Require property owners to notify existing tenants when a cannabis storefront is proposed to occupy an existing occupied tenant space;
- Modify the existing cannabis storefront security guard provisions to indicate that “at a minimum, all cannabis storefront operations must have one licensed security guard onsite during hours of operation, including when any cash, cannabis or cannabis products are shipped from or received at the facility. Select cannabis storefront operations, as determined by the Chief of Police or designee based on their professional opinion, must have a licensed security guard onsite for 24 hours per day”; and
- Define “financial interest holders” in cannabis businesses to reflect recent changes in State law and require all financial interest holders to obtain a City business license.

### **ENVIRONMENTAL DETERMINATION:**

The proposed Ordinances are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (“General Rule”) in that the updates to the City’s Municipal Code provisions for retail cannabis storefronts will not have a significant impact on the environment.

**ALTERNATIVES:**

The City Council may give second reading and adopt the Ordinance as proposed, modify the Ordinance, or not adopt the Ordinance. If the City Council chooses to make substantive modifications to the Ordinance after introduction, the modified Ordinance would need to be brought back at a future meeting for second reading and adoption.

**FISCAL REVIEW:**

The adoption of the proposed Ordinances is not anticipated to have any fiscal impact on the City's budget.

**LEGAL REVIEW:**

The draft Ordinances and staff report have been prepared in conjunction with and reviewed by the City Attorney's Office.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the following City Council Goal:

- Achieve long-term fiscal sustainability.

**CONCLUSION:**

The proposed retail cannabis ordinance amendments are intended to address issues of potential over concentration, land use compatibility, as well as improving economic and business conditions. The City Council's proposed amendments to the retail cannabis provisions are reflected in the attached exhibits.

**ORDINANCE NO. 2024-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT), CHAPTER IX (SPECIAL LAND USE REGULATIONS), ARTICLE 21 (LOCATION OF CANNABIS DISTRIBUTING, MANUFACTURING, RESEARCH AND DEVELOPMENT, TESTING LABORATOIES, RETAIL STOREFRONT AND RETAIL NONSTOREFRONT USES) OF THE COSTA MESA MUNICIPAL CODE OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO CANNABIS STOREFRONTS**

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

WHEREAS, in November 2020, the Costa Mesa voters approved Measure Q; which allows for storefront and non-storefront retail cannabis uses on commercially zoned properties meeting specific location requirements, and non-storefront retail cannabis uses on Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties;

WHEREAS, Measure Q authorizes the City Council to adopt ordinances to regulate cannabis retail uses;

WHEREAS, on June 15, 2021, the City Council adopted Ordinance No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the Costa Mesa Municipal Code (CMMC) to establish regulations for cannabis retail uses;

WHEREAS, at the July 18, 2023 City Council meeting, a Councilmember requested that an item be agendaized to discuss the potential for exploring amendments to the City's cannabis ordinances in response to public input;

WHEREAS, on September 5, 2023, the City Council directed the Planning Commission to explore potential amendments to the City's cannabis retail storefront provisions specific to eight topics;

WHEREAS, the Planning Commission discussed potential amendments to the City's cannabis retail storefront provisions at the November 27, 2023, December 11, 2023, and January 22, 2024, Planning Commission meetings;

Now, therefore, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13, of the Costa Mesa Municipal Code is hereby amended to read as specified in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. Compliance with CEQA. Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (“General Rule”), as this action will not have any significant effect on the environment.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

Section 6. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2024-03 was duly introduced for first reading at a regular meeting of the City Council held on the \_\_\_ day of \_\_\_\_\_ 2024, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the \_\_\_ day of \_\_\_\_\_, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brenda Green, City Clerk

**ORDINANCE NO. 2024-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO CANNABIS BUSINESSES**

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

WHEREAS, in November 2020, the Costa Mesa voters approved Measure Q; which allows for storefront and non-storefront retail cannabis uses on commercially zoned properties meeting specific location requirements, and non-storefront retail cannabis uses on Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties;

WHEREAS, Measure Q authorizes the City Council to adopt ordinances to regulate cannabis retail uses;

WHEREAS, on June 15, 2021, the City Council adopted Ordinance No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the Costa Mesa Municipal Code (CMMC) to establish regulations for cannabis retail uses;

WHEREAS, at the July 18, 2023 City Council meeting, a Councilmember requested that an item be agendaized to discuss the potential for exploring amendments to the City's cannabis ordinances in response to public input;

WHEREAS, on September 5, 2023, the City Council directed the Planning Commission to explore potential amendments to the City's cannabis retail storefront provisions specific to eight topics;

WHEREAS, the Planning Commission discussed potential amendments to the City's cannabis retail storefront provisions at the November 27, 2023, December 11, 2023, and January 22, 2024, Planning Commission meetings;

Now, therefore, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13, of the Costa Mesa Municipal Code is hereby amended to read as specified in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. Compliance with CEQA. Pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) ("General Rule"), as this action will not have any

significant effect on the environment.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after its final passage.

Section 6. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

**PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2024-04 was duly introduced for first reading at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_ 2024, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Brenda Green, City Clerk

**EXHIBIT A****CHAPTER IX. SPECIAL LAND USE REGULATIONS. ARTICLE 21. LOCATION OF CANNABIS DISTRIBUTING, MANUFACTURING, RESEARCH AND DEVELOPMENT, TESTING LABORATORIES, RETAIL STOREFRONT AND RETAIL NON-STOREFRONT USES****13-200.90. Purpose.**

The purpose of this article is to regulate the location of and standards for cannabis distributing facilities, manufacturing sites, research and development laboratories, testing laboratories, retail storefront and retail non-storefront uses in order to promote the health, safety, morals and general welfare of the residents and the businesses within the city by maintaining local control over the ability to authorize and regulate the location of cannabis businesses.

**13-200.91. Applicability.**

- (a) Nothing in this article is intended, nor shall it be construed, to burden any defense to criminal prosecution under the Compassionate Use Act of 1996.
- (b) All the provisions of this article shall apply to all property, public and private, within the city.
- (c) All the provisions of this article shall apply indoors and outdoors.
- (d) Unless otherwise provided herein or in this title, the terms used in this article shall have the meaning ascribed to them in Title 9, Chapter VI of this Code.

**13-200.92. Cannabis distributing facilities, manufacturing sites, research and development laboratories, and testing laboratories.**

- (a) Cannabis distribution, manufacturing, research and development and testing is prohibited in all zone districts within the city, except for those portions of the manufacturing park (MP) and planned development industrial (PDI) zones that are located both north of South Coast Drive and west of Harbor Boulevard, excluding any portion of the South Coast Collection (the "Green Zone").
- (b) A conditional use permit shall be required and may be issued to allow the location of any business engaged in the distribution, manufacturing, researching and developing, or testing of cannabis in the MP or PDI zones pursuant to subsection (a) of this section, subject to the following conditions:
  - (1) The requirements of Chapter III of this title have been met;
  - (2) The findings for granting a conditional use permit in accordance with section 13-29(g) are met;
  - (3) The applicant obtains a cannabis business license pursuant to Chapter VI of Title 9 of this Code; and
  - (4) The use is conducted in compliance with all applicable state and local laws.
- (c) No person shall engage in any use set forth in this article unless that use is specifically authorized by Chapter VI of Title 9 of this Code.

**13-200.93. Cannabis retail storefront and non-storefront uses.**

- (a) Cannabis retail storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts.
- (b) Cannabis retail non-storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts and within the Green Zone.
- (c) The following planning application shall be required for cannabis retail uses:
  - (1) A conditional use permit shall be required for retail storefronts and non-storefronts; and
  - (2) An amendment to the approved conditional use permit shall be required for existing licensed cannabis distribution or manufacturing businesses to operate a retail non-storefront under the existing business and within the same licensed premise. The amendment shall be processed as a minor conditional use permit.
- (d) A conditional use permit may be issued to allow the location of a retail cannabis use pursuant to subsections (a) and (b) of this section, subject to the following conditions:
  - (1) The requirements of Chapter III of this title have been met;
  - (2) The findings for granting conditional use permit pursuant to section 13-29(g) are met;
  - (3) The applicant obtains a cannabis business licensed for the location pursuant to Chapter VI of Title 9 of this Code; and
  - (4) The use is conducted in compliance with all applicable state and local laws, regulations, and all applicable conditional use permit conditions of approval.
- (e) Cannabis retail storefront location.
  - (1) No cannabis retail storefront use shall be located within one-thousand (1,000) feet from a K-12 school, playground, child daycare, homeless shelter, or youth center, that is in operation at the time of submission of a completed Cannabis Business Permit application, or within two hundred fifty (250) feet from a property zoned for residential use;
    - i. For the purpose of identifying separations from cannabis storefronts and properties zoned for residential use, properties zoned for residential use are within the following zoning districts: R1 Single-Family Residential District, R2-MD Multiple-Family Residential District, Medium Density, R2-HD Multiple-Family Residential District, High Density, R3 Multiple-Family Residential District, TC Town Center District, PDR-LD Planned Density Residential—Low Density, PDR-MD Planned Development Residential—Medium Density, PDR-HD Planned Development Residential—High Density, and PDR-NCM Planned Development Residential—North Costa Mesa.
    - ii. Where a non-residential property was developed for residential or mixed residential use in accordance with an overlay, urban plan, or specific plan, and the residential development and use remains, the property would be considered residential when establishing a separation from cannabis storefronts.
    - iii. Where an overlay, urban plan, or specific plan allows residential development on a property zoned for residential use, but residential

- development has not been constructed, such property would not be considered a property zoned for residential use pursuant to this provision.
- iv. Where a legal nonconforming residential unit or units have been developed on a property zoned for non-residential use, the property would not be considered residential when establishing a separation from cannabis storefronts.
- (2) All distances referenced in (e)(1) shall be measured in a straight line from the premises where the cannabis retail use is to be located to the closest property line of a K-12 school, playground, child daycare, homeless shelter, youth center or property zoned for residential use, or from the premises of a lawfully existing cannabis retail storefront use.
    - i. For purposes of this sub-sub-section, the property line of a playground shall be a thirty (30) foot radius from the exterior physical boundaries of the playground equipment area;
  - (3) All distances shall be measured without regard to the boundaries of the city and and/or intervening structures or other barriers;
  - (4) At a property as for which the zoning administrator, director or planning commission determines, based on a preponderance of the evidence, that unpermitted and/or illegal cannabis activity involving sales, delivery and/or dispensing has taken place at any time in the 365 days preceding an application under this Article. If an unpermitted and/or illegal cannabis activity has existed on a property no cannabis business may be permitted on that property unless 365 days has elapsed since that unpermitted and/or illegal cannabis activity has vacated the property, and the owner of that property has compensated the City for any and all expenditure of public funds and resources, including all costs, expenses (including but not limited to the salaries of peace and/or code enforcement officers) and/or attorney's fees, incurred in investigating, abating or attempting to abate the unpermitted use or uses, whether or not any type of civil, criminal or administrative proceedings have been commenced against the property, provided however if the owner of the property is required to evict that use, the 365 days shall begin to run from the date of the filing of an unlawful detainer complaint, in which case a permit may be issued after the 365 days had elapsed and that use is no longer occupying the property.
  - (5) A determination and/or finding under sub-section (e)(4) is subject to the appeal provisions of Chapter IX of Title 2 of this Code.
  - (6) The nonconforming provisions contained in Chapter X of this Code pertain to cannabis uses except as follows:
    - i. When an approved retail cannabis storefront conditional use permit location which lawfully met separation requirements at the time of the submission of a cannabis business permit application for the subject property does not conform to the separation and the permitted cannabis retail operation is discontinued or abandoned for more than one hundred eighty (180) days, or when a permitted cannabis use is replaced in whole or part for any period of time by any other use, the conditional use permit shall be null and void after the permittee has had an opportunity for a hearing before the issuing officer as provided in Chapter II of Title 9.

- (f) Retail storefront uses shall be subject to the following development standards in addition to those contained in Chapter VI of Title 9:
  - (1) Opaque window coverings unless required by the City for security purposes are prohibited;
  - (2) Permanent security or safety bars shall not be placed on any interior or exterior windows or door, unless required by the City for security purposes;
  - (3) Directional signage to the use including but not limited to A-frame signs, sandwich board signs, banners, or flags are prohibited;
  - (4) No use shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way;
  - (5) Uses shall comply with the landscaping requirements set forth in Chapter VII of this title including bringing the site landscaping into conformance when feasible as determined by the director;
  - (6) Parking requirements shall be subject to Section 13-89;
  - (7) The hours of operation may be established as part of the planning application subject to the final review authority and may be more restrictive than those set forth in Chapter VI of Title 9. Modification of operation hours when established as part of the planning application shall be subject to an amendment of the planning application;
  - (8) Drive-through services or walk-up window services are prohibited;
  - (9) Outdoor seating or patio areas are prohibited;
  - (10) Special events that include live entertainment, dancing, and/or amplified music, or that are otherwise visible and/or audible from the public right-of-way, are prohibited;
  - (11) All cannabis products shall be secured after business hours in a locked container under 24-hour video surveillance; and
  - (12) For uses within two hundred (200) feet of a residential zone, all exterior lighting shall be shielded and/or directed away from residential areas. In addition, trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.
- (g) Non-storefront uses shall be subject to the following development standards in addition to those contained in Chapter VI of Title 9:
  - (1) Uses may operate independently from a retail storefront or as a part of, and in conjunction with, a permitted storefront, distribution, or manufacturing facility;
  - (2) Parking requirements shall be subject to Section 13-89 and shall also include sufficient parking spaces for delivery vehicles;
  - (3) All deliveries to customers shall be completed by 10:00 p.m.; and
  - (4) The general public shall not be permitted to enter the premises of a non-storefront retail use.
- (h) Except as specifically authorized in this article, all other cannabis retail uses such as but not limited to lounges and cafes are expressly prohibited in the city.
- (i) No person shall engage in any use set forth in this article unless that use is specifically authorized by Chapter VI of Title 9 of this Code.

- (j) Any cannabis use, including but not limited to those involving sale, delivery and/or dispensing, that is not permitted, licensed and otherwise in full compliance with all applicable provisions of this Code and state and local law, shall not be considered a legally non-conforming use pursuant to, and notwithstanding any contrary provisions of, Chapter IX of this title.

**13-200.94. Declaration of public nuisance.**

Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this article, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

**13-200.95. Violations.**

Violations of this article shall be punishable pursuant to the provisions of section 13-16 in addition to any other remedy available at law or in equity.

**EXHIBIT A****CHAPTER VI. CANNABIS BUSINESS PERMITS****9-481. Purpose and intent.**

It is the purpose and intent of this chapter to regulate the distributing, manufacturing, processing, research and development, retail sale, testing and transporting of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of Costa Mesa, and to enforce rules and regulations consistent with state law. In part to meet these objectives, a permit shall be required in order to own and/or to operate a cannabis business within the city. Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this chapter are in addition to any other permits, licenses, and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approvals required under state law.

**9-482. Legal authority.**

Pursuant to Sections 5 and 7 of Article XI of the California Constitution and the provisions of Division 10 of the Business and Professions Code, the city is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity.

**9-482.5 Authority of the City Manager**

The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of this Chapter as may be necessary to administer and enforce the provisions of this Chapter and any other ordinances, regulations or laws relating to and affecting the permitting and operations of commercial cannabis businesses.

The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of this Chapter concerning the applications, the application process, the information required of applicants, the application procedures, and the administration and procedures to be used and followed in the application process for permit applications and requests for permit changes or modifications pursuant to this Chapter, and the implementation and administration of social equity programs.

**9-483. Cannabis business activities prohibited unless specifically authorized by this chapter.**

Except as specifically authorized in this chapter, the manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, furnishing, distribution, delivery, or sale of cannabis or a cannabis product is expressly prohibited in the city.

**9-484. Compliance with laws.**

It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder.

### **9-485. Definitions.**

Unless otherwise defined in this chapter or in chapter I of Title 13, the words used in this chapter shall have the same definitions ascribed to them in Division 10 of the Business and Professions Code or the definitions of the Health and Safety Code applicable to school and child daycare. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

*Cannabis* means all parts of the *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana. “Cannabis” also means marijuana as defined by section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean industrial hemp as that term is defined by section 81000 of the California Food and Agricultural Code or section 11018.5 of the California Health and Safety Code.

*Cannabis business permit* means a regulatory permit issued by the city pursuant to this chapter to a cannabis business, and is required before any cannabis activity may be conducted in the city.

*Cannabis goods* means cannabis and/or cannabis products.

*Cannabis product* or *manufactured cannabis product* or *product* means cannabis that has undergone a process whereby the plant material is transformed into a concentrate for internal consumption or topical application, including, but not limited to, concentrated cannabis, an edible cannabis product, or a topical cannabis product containing cannabis or concentrated cannabis in combination with other ingredients.

*Caregiver* or *primary caregiver* has the same meaning as that term is defined in section 11362.7 of the California Health and Safety Code.

*City manager* shall mean the city manager of the city or designee.

*Director* shall mean the city’s Director of the Economic and Development Services department or designee, unless otherwise specified.

*Dispensing* means any activity involving the retail sale of cannabis or cannabis products.

*Distributor* means a person or entity that engages in distribution. The direct and/or retail sale, distribution, or furnishing of any cannabis or cannabis product to any consumer or end user by a distributor is expressly prohibited, unless otherwise authorized pursuant to this chapter.

*Edible cannabis product* means manufactured cannabis that is intended to be used, in whole or in part, for oral human consumption including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code. An edible cannabis product is not considered food as defined by California Health and Safety Code Section 109935 or a drug as defined by California Health and Safety Code Section 109925.

*Financial interest holder* shall have the same meaning as set forth in Title 4, Division 19, section 15004 of the California Code of Regulations.

*Free sample* means any amount of cannabis goods provided to a patron of a business or member of the public without cost or payment or exchange for any other thing of value.

*Green Zone* means those portions of the manufacturing park (MP) and planned development industrial (PDI) zones that are located both north of South Coast Drive and west of Harbor Boulevard, excluding any portion of the South Coast Collection.

*Homeless shelter* has the same meaning as *emergency shelter*.

*Labor Peace Agreement* has the same meaning set forth in Business and Professions Code section 26001.

*Manufacturing site* means a location where cannabis products are manufactured.

*Marijuana* means “cannabis,” as that term is defined in this chapter.

*Marijuana activity* and/or *cannabis activity* includes manufacture, processing, laboratory testing, research and development, transporting, delivery, dispensing, distribution, furnishing, giving away or sale, or arranging and/or directing any of the foregoing, or any other activity involving cannabis or a cannabis product.

*Marijuana business* and/or *cannabis business* means any business or operation which engages in any marijuana or cannabis activity.

*Marijuana business permit* has the same meaning as *cannabis business permit*.

*Patient* or *qualified patient* shall have the same definition as California Health and Safety Code section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health and Safety Code section 11362.5. For purposes of this chapter, a qualified patient shall include a person with an identification card as that term is defined by California Health and Safety Code section 11362.7 et seq.

*Person with an identification card* shall have the meaning given that term by California Health and Safety Code section 11362.7.

*Playground* shall mean and include both a public playground located in a city park and a private playground. A private playground shall mean a privately-owned outdoor recreation area, including a tot lot, containing playground equipment or amenities such as swings, slides, sandboxes, or similar installations designed for use by minors and serving either the general public or residents of a development where the playground equipment is located, including residential subdivisions and/or developments such as apartments, townhomes and/or condominium complexes, mobile home parks or other similar residential uses, as well as playground equipment serving registered guests at hotels and motels. A private playground does not include a playground or playground equipment installed at a single-family residence, or play equipment that is part of a privately-owned commercial business or place of worship, or a playground that is access-controlled during operating hours or does not have direct access from the public right-of-way. A private playground does not include areas designated for use as a playing field or court, pool, or skate facility.

*Premises* shall have the same meaning as set forth in Business and Professions Code section 26001 sub-section (ap) for purposes of measuring the required distance from retail storefront uses to those uses set forth in section 13-200.93(e)(1).

*Processing and processor* shall have the same meaning as manufacturing and manufacturer, respectively.

*Property* shall mean any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map unless the context clearly indicates a different meaning.

*Research and development laboratory* means a facility, entity, or site in the city that performs research into and/or the development of cannabis or cannabis products, where cannabis in any amount is located on-site, and that is both of the following:

1. Accredited by an accrediting body that is independent of all other persons involved in the cannabis industry in the state.
2. Registered with the State Department of Public Health, and is owned and operated by a person issued a valid cannabis business permit for laboratory testing from the city and is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and cannabis activities.

*South Coast Collection* or *SoCo* means all properties located at 3303 through 3323, inclusive, Hyland Avenue, in the City of Costa Mesa, commonly known as "SoCo" or "SOCO."

*State* means the State of California, including any of its departments, divisions, and/or bureaus.

*State license* means a permit or license issued by the state to engage in cannabis activity.

*Youth center* means any public or private facility that is primarily used to host recreation or social activities for minors, specifically private youth membership organizations or clubs, social services teenage club facilities, video arcades where ten (10) or more games or game machines or devices

are operated or similar amusement park facilities, but does not include dance studios, tutoring, martial arts studios or similar type of uses.

**9-486. Type of authorized cannabis businesses permitted.**

- (a) One (1) or more of the following types of adult (A-license) and/or medical (M-license) cannabis business may be permitted to operate within the city:
  - 1. Cannabis distributor (includes license classification type 11);
  - 2. Cannabis manufacturer (includes license classification type 6 and 7);
  - 3. Cannabis testing laboratory (includes license classification type 8);
  - 4. Cannabis retail - storefront (includes license classification type 10);
  - 5. Cannabis retail - non-storefront (includes license classification type 9); and
  - 6. Cannabis research and development laboratory.
- (b) Businesses permitted pursuant to this chapter shall not engage in the retail sale, delivery or dispensing of cannabis, cannabis product, hemp or hemp products unless expressly permitted to do so pursuant to the terms of their cannabis business permit.
- (c) No person may engage in any type of cannabis business that is not specifically authorized pursuant to this section and this code, including, but not limited to, cultivating cannabis.
- (d) The City Council may by resolution limit and/or restrict the number of cannabis retail permits available for issuance and/or renewal.

**9-487. Cannabis business permit required to engage in a cannabis business.**

No person may engage in any cannabis business or in any cannabis activity within the city including manufacturing, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person: 1) has a valid cannabis business permit from the city that authorizes the specific business and activity at specific location; 2) has a valid business license issued to the entity that is listed on the cannabis business permit; and 3) is currently in compliance with all other applicable state and local laws and regulations pertaining to the cannabis business and cannabis activity. All cannabis business permits shall include a copy of a written notice to any existing tenant of the proposed business premises from the owner of the property of the intent to file a cannabis business permit application for those premises.

**9-487.3. Disclosure of Financial Interest Holders Required.**

Any and all financial interest holders must be disclosed to the City as part of any application for issuance and/or renewal of a cannabis business permit.

**9-487.5. Change in business name.**

No operator shall operate, conduct, manage, engage in, or carry on a cannabis business under any name other than the business name specified in the permit and/or any “doing business as” or “DBA”, or “fictitious business name” or “FBN”, provided in the permit application and/or business license. Proof of the “DBA” or “FBN” filing with the County Clerk Recorder shall be required. Any approved changes and/or updates to the permit may require payment of fees as set by resolution of the City Council.

**9-488. Term of permit-Fees.**

- (a) A cannabis business permit shall be valid for two (2) years from the date of issue, unless otherwise suspended or revoked, and may be renewed bi-annually thereafter, provided the permittee and application for renewal are in compliance with all of the provisions of this chapter as well as all administrative regulations adopted pursuant to section 9-497.
- (b) Cannabis business permit application fees and renewal fees shall be established by resolution of the city council as may be amended from time to time. Failure to timely submit fees and/or comply with the administrative regulations governing applications and/or renewals shall be grounds for denial of application and/or renewal.

**9-489. Effect of state license suspension, revocation, or termination.**

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the city, until the State of California, or its respective departments or divisions, reinstates or reissues the State license within 90 days. Should the state license remain suspended for 90 days or longer, any permit issued pursuant to this chapter shall expire and be of no further force and effect. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a business permitted pursuant to this chapter including the persons and entities set forth in section 9-490(c) to operate any cannabis business within the city for a period of five years from the date of such revocation or termination.

**9-490. Denial and revocation.**

- (a) Revocation. A cannabis business permit may be revoked and/or suspended pursuant to the procedures of section 9-120, and/or deemed abandoned or forfeited pursuant to the procedures of section 9-495, for failing to comply with the terms of the permit, the applicable provisions of this chapter, this Code, city regulations, state law or regulations and/or any conditions of any other permit issued pursuant to this Code.
- (b) Denial. An application for a cannabis business permit may be denied where it fails to provide all required information, documentation and/or fees and/or where it does not or would not be able to comply with the applicable provisions of this chapter, this Code, city regulations and/or state law or regulations and/or where the applicant is otherwise ineligible for such permit.
- (c) Effect of revocation and denial. Whenever an application for a permit is denied, no other similar application by such applicant or permittee will be considered for a period of one (1) year from the date of the denial of an application. Whenever a permit has been revoked, no other similar application by such permittee shall be considered for a period of five (5) years from either the date the notice of the permit revocation was mailed or the date of the final decision of the city to revoke the permit, whichever is later. The prohibitions of this subsection shall also apply to the following:
  - 1. Any individual whose permit was revoked or whose application was denied who later becomes a director or officer of a corporation, profit or nonprofit, or a member

of a partnership or a person owning or possessing any portion of the shares of a corporation seeking to obtain a new permit.

2. A corporation, profit or nonprofit, whose permit was revoked, or application was denied, to any of its directors or officers or to any person who owned any portion of its shares, who attempts by way of a new corporation or using their individual names or becoming a member of a partnership or a director or officer or a person owning or possessing any portion of the shares in another corporation seeking to obtain a new permit.
- (d) **Ineligibility.** In addition to any other law, no person or entity shall be eligible for and/or receive a cannabis business permit if that person or entity, or any director or officer of that entity or a person who owned any portion of that entity's shares, or any financial interest holder of that entity, engaged or engages in unpermitted and/or illegal cannabis activity involving sales, delivery and/or dispensing in the city, or had an ownership interest in any property set forth in section 13-200.93(e)(5), in the five (5) years preceding an application under this chapter or during the application process. A determination of ineligibility under this sub-section (d) may be made by the City Manager and shall be based on the preponderance of the evidence. This prohibition shall not apply to a natural person who would otherwise be ineligible based on a criminal conviction that has been dismissed, withdrawn, expunged or set aside or is otherwise exempted pursuant to sections 9-495(g)(10) and/or 9-496(b).

**9-491. Appeals.**

Notwithstanding any other provision of this code, only a decision by the city manager to suspend, revoke or deny a cannabis business permit under this chapter shall be subject to appeal, which shall be governed by the procedures set forth in Chapter IX of Title 2 of this code.

**9-492. Prohibition on transfer of cannabis business permits.**

In the event a permit holding cannabis business sells or transfers the business to a new owner and/or operates the business under a new entity and/or name not listed on the permit, the new owner must obtain a new cannabis business permit and business license prior to commencing or continuing operations. A cannabis business shall be deemed to have transferred to a new owner within the meaning of this section if person(s) or entities with controlling interest at the time the permit was first issued cease(s) at any time to possess controlling ownership interest and/or hold an ownership interest of less than fifty-one (51) percent.

**9-493. City business license required.**

Prior to commencing operations, a cannabis business and any financial interest holder therein shall each separately obtain and thereafter maintain a valid city business license pursuant to Chapter I of this title. Failure to hold a valid business license at all times shall render the cannabis business permit invalid.

**9-494. Conditional use permit required.**

No cannabis business permit shall be issued, and no person shall conduct a cannabis business unless a conditional use permit has been issued therefore pursuant to the provisions of Title 13, Chapter IX, Article 21 of this Code. Approval of a conditional use permit shall not waive any other

requirements of State or local law or regulation, including, but not limited, to the requirement to obtain a building permit, certificate of occupancy, cannabis business permit and/or city business license.

**9.494.5 Maximum cannabis retail storefront cannabis business permits.**

A maximum of thirty-five (35) storefront retail cannabis business permits may be issued by the City; provided, however, that City will only process applications which have passed the pre-application phase as of the effective date of this ordinance. Thereafter, no further storefront retail cannabis business permits for new locations may be issued by the City until the total number of operating licensed storefront retail establishments fall below ten (10), after which time the City may issue further cannabis business permits not to exceed ten (10) total active storefront retail cannabis business permits operating at one time.

**9-495. Operating requirements for all cannabis businesses permitted under this chapter.**

(a) *Records and recordkeeping.*

1. Each owner and operator of a cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than a quarterly basis or at any time upon reasonable request of the city, each cannabis business shall file a sworn statement detailing the number of sales by the cannabis business during the previous three (3) month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.  
Each owner and operator shall keep and preserve for a period of no less than seven (7) years, all records as may be necessary to determine the amount of such tax the operator may have been liable to collect and remit to the city.
2. Each owner and operator of a cannabis business shall maintain a current register of the names and the contact information (including the name, address, telephone number, a copy of that person's government issued identification, and email address) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the city manager upon a reasonable request.
3. All cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the production or manufacturing, laboratory testing and distribution processes.
4. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPAA), each cannabis business shall allow city officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents

will be produced no later than twenty-four (24) hours after receipt of the city's request, unless otherwise stipulated by the city.

5. Each owner and operator of a cannabis business shall disclose to the City the names and addresses of each and every financial interest holder of that business within ten (10) calendar days of that person becoming a financial interest holder of the cannabis business, and thereafter shall notify the City within ten (10) business days if that person or entity ceases to be a financial interest holder. Each financial interest holder shall obtain a business license pursuant to section 9-493 within thirty (30) days of becoming a financial interest holder of that business.

(b) *Security measures.*

1. A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. These security measures shall include:
  - a. Establishing limited access areas accessible only to authorized cannabis business personnel;
  - b. All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault, and shall be kept in a manner as to prevent diversion, theft, and loss;
  - c. Sensors shall be installed to detect entry and exit from all secure areas;
  - d. Having a professionally installed, maintained, and monitored alarm system;
  - e. Any bars to be installed on the windows or the doors of the cannabis business for security purposes, if permitted by the city, shall be installed only on the interior of the building;
  - f. Security personnel if utilized must be licensed by the State of California Bureau of Security and Investigative Services Personnel, shall comply with the requirements of California Business and Professions Code Chapters 11.4 and 11.5 of Division 3, and have a valid business license from the city; and
  - g. Each cannabis business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
2. Each cannabis business shall identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the city manager regarding any security related measures or and operational issues.
3. A cannabis business shall notify the city manager within twenty-four (24) hours after discovering any of the following:
  - a. Significant discrepancies identified during inventory, as set forth in the city's administrative regulations;
  - b. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business; or
  - c. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business and/or cannabis sales.

- (c) *Restriction on alcohol sales.* No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the cannabis business.
- (d) *Compliance with laws.* It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this chapter shall be construed as authorizing any actions which violate state law or local law with respect to the operation of a cannabis business or any site-specific, additional operating procedures or requirements which may be imposed as conditions of approval of the location of the cannabis business.
- (e) *Taxes.* All cannabis businesses authorized to operate under this chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each cannabis business shall cooperate with the city with respect to any reasonable request to audit the cannabis business's books and records for the purpose of verifying compliance with this section, including, but not limited to, a verification of the amount of taxes required to be paid during any period.
- (f) *Insurance.* Permittee shall obtain and maintain at all times during the term of the permit comprehensive general liability insurance and comprehensive automotive liability insurance protecting the permittee in an amount of not less than one million dollars (\$1,000,000.00) per occurrence, combined single limit, including bodily injury and property damage and not less than one million dollars (\$1,000,000.00) aggregate for each personal injury liability, products-completed operations and each accident, issued by an insurance provider rated at least A-VIII in A.M. Best and Company's Insurance Guide and either admitted and authorized to do business in California or is listed on the California Department of Insurance's List of Approved Surplus Line Insurers.
- (g) *Miscellaneous operating requirements.*
  1. *Restriction on consumption.* Cannabis shall not be consumed on the premises of any cannabis businesses or elsewhere in the city other than within private residences.
  2. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a cannabis business permit, or on any of the vehicles owned or used as part of the cannabis business except as otherwise expressly allowed by this chapter. No outdoor storage of cannabis or cannabis products is permitted at any time.
  3. *Reporting and tracking of product and of gross sales.* Each cannabis business shall have in place a point-of-sale tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale). The cannabis business shall ensure that such information is compatible with the city's record-keeping systems. The system must have the capability to produce historical transactional data for review by the city manager.
  4. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with all state and local regulations.
  5. There shall not be a physician located in or around any cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis prescription or card.

6. *Signage, notices, and advertising.*
  - a. In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of this Code, including, but not limited to, seeking the issuance of a city sign permit.
  - b. Each entrance to a cannabis retail business shall be visibly posted with one clear and legible notice up to twelve (12) inches by eighteen (18) inches in size, indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited. The word “cannabis” is allowed to be used up to two times on each of these specific notices. Letter height in the notice shall be limited to up to two (2) inches in size. All notice lettering shall be the same font and color.
  - c. Business identification signage shall be limited to that needed for identification only.
  - d. The business shall at all times comply with the advertising and marketing restrictions of Business and Professions Code sections 26150-26156, in addition to the requirements of this code.
  - e. Cannabis business advertising and/or marketing materials in the city shall comply with advertising, marketing and merchandising restrictions provided in California Code of Regulations sections 15040-15041.1 and California Business and Professions Code sections 26150-26156.
7. *Minors.*
  - a. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis business, except as otherwise specifically provided for by state law. It is unlawful and a violation of this chapter for any person to employ any person at or for a cannabis business who is not at least twenty-one (21) years of age.
  - b. The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis business except as specifically provided for herein.
8. *Odor control.* Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site.
9. *Display of permit and city business license.* The original copy of the cannabis business permit issued by the city pursuant to this chapter and the city-issued business license shall be posted inside the cannabis business in a conspicuous location.
10. *Background check.* Every owner, manager, supervisor or employee of the cannabis business must submit fingerprints and other information deemed necessary by the city manager for a background check by the Costa Mesa police department to verify that person’s criminal history. No person shall be issued a permit to operate a cannabis business who has been convicted of a felony within the past seven (7) years, unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code section 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance.

Exempted from this prohibition is a conviction for a felony involving cannabis and/or marijuana for which the underlying cannabis or marijuana offense has subsequently been designated a misdemeanor or infraction or decriminalized pursuant to the provisions of the Control, Regulate and Tax Adult Use of Marijuana Act or federal law.

11. *Loitering.* The owner and/or operator of a cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
12. *Permits and other approvals.* Prior to the establishment of any cannabis business or the operation of any such business, the person intending to establish a cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to operate.
13. *Free samples.* No cannabis business shall provide or cause to be provided any free sample of cannabis goods to any person within the city.
14. A licensed retailer may only sell cannabis goods, cannabis accessories, and licensees' branded merchandise or promotional materials.

(h) *Additional operating requirements for retail sale (storefront) businesses.* In addition to every other requirement of this section, other than those set forth in subsection (i) (*retail sale, non-storefront*) that are expressly inapplicable, every business that sells cannabis as a storefront retailer shall comply with the following requirements:

1. All cannabis retail storefront operators are encouraged to have a licensed private security guard present at the premises twenty-four (24) hours per day. The security plan shall include at least one (1) licensed private security guard or guards who shall be present at the premises at all times during operations, deliveries of any cannabis product to or from the premises, and transportation of cash to or from the premises, exterior lighting, and continuous video monitoring and recording of the interior and exterior of the premises. Video surveillance recordings must also include video of all entryways and exits of the premises. All video recordings shall be maintained for a minimum of ninety (90) days. At the request of the Chief of Police or designee, based upon site-specific concerns or safety incidents, at least one (1) licensed private security guard or guards may be required to be present at the premises twenty-four (24) hours per day.
2. Both the private security guard and the business personnel shall monitor the premises and the immediate vicinity of the premises to ensure that patrons immediately leave the premises and do not consume cannabis in the vicinity of the retail business or on the property or in the parking lot, and shall ensure that persons do not loiter, linger, or otherwise congregate within fifty (50) feet of the premises.
3. There shall be no on-site sales of alcohol or tobacco products, (excluding rolling papers and lighters) and no on-site consumption of food, alcohol, cannabis or tobacco by patrons.
4. Hours of operation shall be limited to: 7:00 a.m. to 10:00 p.m. daily, unless further restricted by conditions of approval. No licensed retail business shall be open to the public between the hours of 10:01 p.m. and 6:59 a.m. of any day.

5. The cannabis retail business shall notify patrons of the following both verbally and through posting of a sign in a conspicuous location:
  - a. Unlawful sale, barter or distribution of cannabis is a crime and subject to a fine or arrest.
  - b. Loitering on and around the retail premises is prohibited by California Penal Code section 647 and that patrons must immediately leave the premises and not consume cannabis in the vicinity and/or on the property or in the parking lot.
  - c. A warning that patrons and/or employees may be subject to prosecution under federal cannabis laws, if applicable.
  - d. That the use of cannabis may impair a person's ability to drive a motor vehicle or operate machinery and that doing so is illegal.
6. No one under the age of twenty-one (21) shall be allowed to enter the premises of a cannabis business unless the business holds a retail medical cannabis license (M-license) issued by the State.
7. No person shall be permitted to enter the premises without government-issued identification, and cannabis goods may not be provided to any person, whether by purchase, trade, gift, or otherwise, who does not possess a valid government-issued identification and who does not meet the age requirements of this Chapter.
8. Electronic age verification device required. Proof of age of every person other than employees entering the business shall be verified with an electronic age verification device, prior to entry of the retail area or delivery to that person. The electronic age verification device may be mobile or fixed, and shall be able to retain a log of all scans that includes the following information: date, time, and age. Said log shall be kept for a minimum of one hundred eighty (180) business days and all records shall be made available to the City Manager upon request.
9. Point-of-sale tracking required. The business shall facilitate the sale, making available, furnishing and/or delivery of cannabis goods with a technology platform that uses point-of-sale technology to track, and database technology to record and store, the following information for each transaction involving the exchange of cannabis goods between the business and consumer:
  - a. The date and time of transaction.
  - b. The first name and employee number of the employee who processed the sale of cannabis goods on behalf of the business.
  - c. A list of all the cannabis goods purchased, including the quantity purchased.
  - d. The total amount paid for the sale, including the individual prices paid for cannabis or cannabis products purchased, and any amounts paid for taxes.
10. Cannabis retail businesses shall also record on the video surveillance system point-of-sale areas and areas where cannabis goods are displayed for sale.
11. Adequate signage shall clearly state who has inspected any cannabis product for pesticides, or other regulated contaminants, distributed at this location.
12. Shipments of cannabis goods may only be accepted during regular business hours.
13. Inventory shall be secured using a lockable storage system during non-business hours.
14. No cannabis product shall be visible from the exterior of the business.

15. All required labelling shall be maintained on all product, as required by State law, at all times.
  16. A permitted commercial cannabis retail business shall have one hundred eighty (180) days after permit issuance by the city to commence operations, after which the permit shall be void and of no further force and effect. A cannabis retail business shall be considered nonoperational and abandoned after failing to report income and/or reporting no income to the city in any one quarter, ceasing to operate, losing the right to occupy the permitted premises or otherwise failing to maintain an ongoing permitted business at the premises for a total of ninety (90) days in any twelve (12) month period. A notice of determination of abandonment shall be delivered to the premises of the retail business and is subject to appeal pursuant to Chapter IX of Title 2. The forgoing notwithstanding, a permitted commercial cannabis business may temporarily suspend operations for a period of time not to exceed ninety (90) days as may be reasonably required to affect upgrades, modifications, repairs, and/or to remedy other real property related problems, as approved in writing by the director or city manager.
  17. Obtain and maintain at all times during the term of the permit the insurance required pursuant to subsection (f) of this section in the minimum amounts of two million dollars (\$2,000,000.00), and enter into an agreement approved by the city attorney to defend, with attorneys of city's choosing, indemnify, release and hold harmless the city, its city council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including, without limitation, attorneys' fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permittee or the permittee's activities. This indemnification shall include, but not be limited to, damages awarded against the city, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, city, and/or the parties initiating or bringing such proceeding, and shall not be limited by the types and/or amounts of insurance required herein;
  18. For an applicant with two or more employees, provide a notarized statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement as otherwise required by Business and Professions Code section 26105.5.
- (i) *Additional operating requirements for retail sale (non-storefront) delivery businesses.* In addition to every other requirement of this section, except only for subsection (h)(1) through (5) and (10) (*retail sale, store-front*), every business that sells and/or delivers cannabis as a non-store front retailer shall comply with the following requirements:
1. Commercial cannabis retail deliveries may be made only from a commercial cannabis retail business permitted by the City in compliance with this chapter, and in compliance with all State regulations.
  2. All employees who deliver cannabis shall have valid identification and a copy of the retail business' cannabis business permit and State license at all times while making deliveries.

3. All commercial cannabis retail businesses shall maintain proof of vehicle insurance for any and all vehicles being used to transport cannabis goods as required by State law.
4. Deliveries may only take place during normal business hours of the commercial cannabis retail business.
5. During delivery, the delivery employee shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers. The delivery request documentation shall comply with State law.
6. A licensed delivery employee shall not leave the State of California while possessing cannabis products while performing his or her duties for the cannabis retailer.
7. A commercial cannabis retail business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the State.
8. A manifest with all information required in this section shall accompany any delivery person at all times during the delivery process and delivery hours.
9. Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated GPS device for identifying the location of the vehicle (cell phones and tablets are not sufficient).
10. Each delivery request shall have a receipt prepared by the commercial cannabis retail business with the following information:
  - a. Name and address of the commercial cannabis retail business.
  - b. The name of the employee who delivered the order.
  - c. The date and time the delivery request was made.
  - d. The complete delivery addresses.
  - e. A detailed description of the cannabis goods requested for delivery including the weight or volume, or any accurate measure of the amount of cannabis goods requested.
  - f. The total amount paid for the delivery including any fees or taxes.
  - g. At the time of the delivery, the date and time delivery was made, and the signature of the person who received the delivery.
  - h. No cannabis delivery vehicle shall display signs, decals or any other form of advertisement.
  - i. Inspections by an authorized City representative may be conducted anytime during regular business hours.
11. Delivery must be made to a physical address that is not on publicly owned land, a school, a day care, or a youth center.
12. The delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.
13. Delivery must be made in person by a direct employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered directly employed by the licensed retailer.

**9-496. Cannabis employees.**

- (a) Any person who is an employee or who otherwise works within a cannabis business must be legally authorized to do so under applicable state law.
- (b) No cannabis business or owner thereof may employ any person who has been convicted of a felony within the past seven (7) years, unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code section 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance. Exempted from this prohibition is a conviction for a felony involving cannabis and/or marijuana for which the underlying cannabis or marijuana offense has subsequently been designated a misdemeanor or infraction or decriminalized pursuant to the provisions of the Control, Regulate and Tax Adult Use of Marijuana Act or federal law.
- (c) All employees must wear an identification badge while on the premises of the business, in a format authorized by the city manager.

**9-497. Promulgation of administrative regulations.**

- (a) The city manager is also authorized to establish any additional administrative rules, regulations, policies, procedures and/or standards governing the issuance, denial or renewal of cannabis business permits, or concerning any other subject necessary to carry out the purposes of this chapter.
- (b) Regulations promulgated by the city manager shall become effective upon the date of publication. Cannabis businesses shall be required to comply with all state and local laws and regulations, including, but not limited to, any rules, regulations policies, procedures and/or standards adopted by the city manager.
- (c) Such administrative rules, regulations and/or standards may include establishing standards and timing for application processing, including but not limited to providing priority for existing licensees in good standing.

**9-498. Inspection and enforcement.**

- (a) The city manager is charged with enforcing the provisions of the Costa Mesa Municipal Code, or any provision thereof, and may enter the location of a cannabis business at any time during the hours of operation without notice, and inspect the location of any cannabis business as well as any recordings and records required to be maintained pursuant to this title or under applicable provisions of state law.
- (b) It is unlawful for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under state or local law.

**9-499. Violations.**

- (a) *Violations declared a public nuisance.* Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance.
- (b) *Each violation a separate offense.* Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Costa Mesa Municipal Code. Additionally, as a nuisance per se, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the city of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis business or persons related to, or associated with, the cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or the chief of police, may take immediate action to temporarily suspend a cannabis business permit issued by the city, pending a hearing before the city council.
- (c) *Criminal penalties.* Each and every violation of the provisions of this chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the County Jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- (d) *Remedies cumulative and not exclusive.* The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.

**CHAPTER IX. SPECIAL LAND USE REGULATIONS. ARTICLE 21. LOCATION OF CANNABIS DISTRIBUTING, MANUFACTURING, RESEARCH AND DEVELOPMENT, TESTING LABORATORIES, RETAIL STOREFRONT AND RETAIL NON-STOREFRONT USES**

**13-200.90. Purpose.**

The purpose of this article is to regulate the location of and standards for cannabis distributing facilities, manufacturing sites, research and development laboratories, testing laboratories, retail storefront and retail non-storefront uses in order to promote the health, safety, morals and general welfare of the residents and the businesses within the city by maintaining local control over the ability to authorize and regulate the location of cannabis businesses.

**13-200.91. Applicability.**

- (a) Nothing in this article is intended, nor shall it be construed, to burden any defense to criminal prosecution under the Compassionate Use Act of 1996.
- (b) All the provisions of this article shall apply to all property, public and private, within the city.
- (c) All the provisions of this article shall apply indoors and outdoors.
- (d) Unless otherwise provided herein or in this title, the terms used in this article shall have the meaning ascribed to them in Title 9, Chapter VI of this Code.

**13-200.92. Cannabis distributing facilities, manufacturing sites, research and development laboratories, and testing laboratories.**

- (a) Cannabis distribution, manufacturing, research and development and testing is prohibited in all zone districts within the city, except for those portions of the manufacturing park (MP) and planned development industrial (PDI) zones that are located both north of South Coast Drive and west of Harbor Boulevard, excluding any portion of the South Coast Collection (the “Green Zone”).
- (b) A conditional use permit shall be required and may be issued to allow the location of any business engaged in the distribution, manufacturing, researching and developing, or testing of cannabis in the MP or PDI zones pursuant to subsection (a) of this section, subject to the following conditions:
  - (1) The requirements of Chapter III of this title have been met;
  - (2) The findings for granting a conditional use permit in accordance with section 13-29(g) are met;
  - (3) The applicant obtains a cannabis business license pursuant to Chapter VI of Title 9 of this Code; and
  - (4) The use is conducted in compliance with all applicable state and local laws.
- (c) No person shall engage in any use set forth in this article unless that use is specifically authorized by Chapter VI of Title 9 of this Code.

**13-200.93. Cannabis retail storefront and non-storefront uses.**

- (a) Cannabis retail storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts.
- (b) Cannabis retail non-storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts and within the Green Zone.
- (c) The following planning application shall be required for cannabis retail uses:
  - (1) A conditional use permit shall be required for retail storefronts and non-storefronts; and
  - (2) An amendment to the approved conditional use permit shall be required for existing licensed cannabis distribution or manufacturing businesses to operate a retail non-storefront under the existing business and within the same licensed premise. The amendment shall be processed as a minor conditional use permit.
- (d) A conditional use permit may be issued to allow the location of a retail cannabis use pursuant to subsections (a) and (b) of this section, subject to the following conditions:
  - (1) The requirements of Chapter III of this title have been met;
  - (2) The findings for granting conditional use permit pursuant to section 13-29(g) are met;
  - (3) The applicant obtains a cannabis business licensed for the location pursuant to Chapter VI of Title 9 of this Code; and
  - (4) The use is conducted in compliance with all applicable state and local laws, regulations, and all applicable conditional use permit conditions of approval.
- (e) Cannabis retail storefront location.
  - (1) No cannabis retail storefront use shall be located within one-thousand (1,000) feet from a K-12 school, playground, child daycare, homeless shelter, or youth center, that is in operation at the time of submission of a completed Cannabis Business Permit application, or within two hundred fifty (250) feet from a property zoned for residential use;
    - i. For the purpose of identifying separations from cannabis storefronts and properties zoned for residential use, properties zoned for residential use are within the following zoning districts: R1 Single-Family Residential District, R2-MD Multiple-Family Residential District, Medium Density, R2-HD Multiple-Family Residential District, High Density, R3 Multiple-Family Residential District, TC Town Center District, PDR-LD Planned Density Residential—Low Density, PDR-MD Planned Development Residential—Medium Density, PDR-HD Planned Development Residential—High Density, and PDR-NCM Planned Development Residential—North Costa Mesa.
    - ii. Where a non-residential property was developed for residential or mixed residential use in accordance with an overlay, urban plan, or specific plan, and the residential development and use remains, the property would be considered residential when establishing a separation from cannabis storefronts.
    - iii. Where an overlay, urban plan, or specific plan allows residential development on a property zoned for residential use, but residential development has not been constructed, such property would not be considered a property zoned for residential use pursuant to this provision.

- iv. Where a legal nonconforming residential unit or units have been developed on a property zoned for non-residential use, the property would not be considered residential when establishing a separation from cannabis storefronts.
- (2) All distances referenced in (e)(1) shall be measured in a straight line from the premises where the cannabis retail use is to be located to the closest property line of a K-12 school, playground, child daycare, homeless shelter, ~~or~~ youth center or property zoned for residential use, or from the premises of a lawfully existing cannabis retail storefront use.
    - i. For purposes of this sub-sub-section, the property line of a playground shall be a thirty (30) foot radius from the exterior physical boundaries of the playground equipment area;
  - (3) All distances shall be measured without regard to the boundaries of the city and and/or intervening structures or other barriers;
  - (4) At a property as for which the zoning administrator, director or planning commission determines, based on a preponderance of the evidence, that unpermitted and/or illegal cannabis activity involving sales, delivery and/or dispensing has taken place at any time in the 365 days preceding an application under this Article. If an unpermitted and/or illegal cannabis activity has existed on a property no cannabis business may be permitted on that property unless 365 days has elapsed since that unpermitted and/or illegal cannabis activity has vacated the property, and the owner of that property has compensated the City for any and all expenditure of public funds and resources, including all costs, expenses (including but not limited to the salaries of peace and/or code enforcement officers) and/or attorney's fees, incurred in investigating, abating or attempting to abate the unpermitted use or uses, whether or not any type of civil, criminal or administrative proceedings have been commenced against the property, provided however if the owner of the property is required to evict that use, the 365 days shall begin to run from the date of the filing of an unlawful detainer complaint, in which case a permit may be issued after the 365 days had elapsed and that use is no longer occupying the property.
  - (5) A determination and/or finding under sub-section (e)(4) is subject to the appeal provisions of Chapter IX of Title 2 of this Code.
  - (6) The nonconforming provisions contained in Chapter X of this Code pertain to cannabis uses except as follows:
    - i. When an approved retail cannabis storefront conditional use permit location which lawfully met separation requirements at the time of the submission of a cannabis business permit application for the subject property does not conform to the separation and the permitted cannabis retail operation is discontinued or abandoned for more than one hundred eighty (180) days, or when a permitted cannabis use is replaced in whole or part for any period of time by any other use, the conditional use permit shall be null and void after the permittee has had an opportunity for a hearing before the issuing officer as provided in Chapter II of Title 9.
- (f) Retail storefront uses shall be subject to the following development standards in addition to those contained in Chapter VI of Title 9:

- (1) Opaque window coverings unless required by the City for security purposes are prohibited;
  - (2) Permanent security or safety bars shall not be placed on any interior or exterior windows or door, unless required by the City for security purposes;
  - (3) Directional signage to the use including but not limited to A-frame signs, sandwich board signs, banners, or flags are prohibited;
  - (4) No use shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way;
  - (5) Uses shall comply with the landscaping requirements set forth in Chapter VII of this title including bringing the site landscaping into conformance when feasible as determined by the director;
  - (6) Parking requirements shall be subject to Section 13-89;
  - (7) The hours of operation may be established as part of the planning application subject to the final review authority and may be more restrictive than those set forth in Chapter VI of Title 9. Modification of operation hours when established as part of the planning application shall be subject to an amendment of the planning application;
  - (8) Drive-through services or walk-up window services are prohibited;
  - (9) Outdoor seating or patio areas are prohibited;
  - (10) Special events that include live entertainment, dancing, and/or amplified music, or that are otherwise visible and/or audible from the public right-of-way, are prohibited;
  - (11) All cannabis products shall be secured after business hours in a locked container under 24-hour video surveillance; and
  - (12) For uses within two hundred (200) feet of a residential zone, all exterior lighting shall be shielded and/or directed away from residential areas. In addition, trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas.
- (g) Non-storefront uses shall be subject to the following development standards in addition to those contained in Chapter VI of Title 9:
- (1) Uses may operate independently from a retail storefront or as a part of, and in conjunction with, a permitted storefront, distribution, or manufacturing facility;
  - (2) Parking requirements shall be subject to Section 13-89 and shall also include sufficient parking spaces for delivery vehicles;
  - (3) All deliveries to customers shall be completed by 10:00 p.m.; and
  - (4) The general public shall not be permitted to enter the premises of a non-storefront retail use.
- (h) Except as specifically authorized in this article, all other cannabis retail uses such as but not limited to lounges and cafes are expressly prohibited in the city.
- (i) No person shall engage in any use set forth in this article unless that use is specifically authorized by Chapter VI of Title 9 of this Code.
- (j) Any cannabis use, including but not limited to those involving sale, delivery and/or dispensing, that is not permitted, licensed and otherwise in full compliance with all applicable provisions of this Code and state and local law, shall not be considered a

legally non-conforming use pursuant to, and notwithstanding any contrary provisions of, Chapter IX of this title.

**13-200.94. Declaration of public nuisance.**

Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this article, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

**13-200.95. Violations.**

Violations of this article shall be punishable pursuant to the provisions of section 13-16 in addition to any other remedy available at law or in equity.

**EXHIBIT A****CHAPTER VI. CANNABIS BUSINESS PERMITS****9-481. Purpose and intent.**

It is the purpose and intent of this chapter to regulate the distributing, manufacturing, processing, research and development, retail sale, testing and transporting of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of Costa Mesa, and to enforce rules and regulations consistent with state law. In part to meet these objectives, a permit shall be required in order to own and/or to operate a cannabis business within the city. Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this chapter are in addition to any other permits, licenses, and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approvals required under state law.

**9-482. Legal authority.**

Pursuant to Sections 5 and 7 of Article XI of the California Constitution and the provisions of Division 10 of the Business and Professions Code, the city is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity.

**9-482.5 Authority of the City Manager**

The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of this Chapter as may be necessary to administer and enforce the provisions of this Chapter and any other ordinances, regulations or laws relating to and affecting the permitting and operations of commercial cannabis businesses.

The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of this Chapter concerning the applications, the application process, the information required of applicants, the application procedures, and the administration and procedures to be used and followed in the application process for permit applications and requests for permit changes or modifications pursuant to this Chapter, and the implementation and administration of social equity programs.

**9-483. Cannabis business activities prohibited unless specifically authorized by this chapter.**

Except as specifically authorized in this chapter, the manufacture, processing, storing, laboratory testing, labeling, transporting, dispensing, furnishing, distribution, delivery, or sale of cannabis or a cannabis product is expressly prohibited in the city.

**9-484. Compliance with laws.**

It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder.

#### **9-485. Definitions.**

Unless otherwise defined in this chapter or in chapter I of Title 13, the words used in this chapter shall have the same definitions ascribed to them in Division 10 of the Business and Professions Code or the definitions of the Health and Safety Code applicable to school and child daycare. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

*Cannabis* means all parts of the *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from marijuana. “Cannabis” also means marijuana as defined by section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, “cannabis” does not mean industrial hemp as that term is defined by section 81000 of the California Food and Agricultural Code or section 11018.5 of the California Health and Safety Code.

*Cannabis business permit* means a regulatory permit issued by the city pursuant to this chapter to a cannabis business, and is required before any cannabis activity may be conducted in the city.

*Cannabis goods* means cannabis and/or cannabis products.

*Cannabis product* or *manufactured cannabis product* or *product* means cannabis that has undergone a process whereby the plant material is transformed into a concentrate for internal consumption or topical application, including, but not limited to, concentrated cannabis, an edible cannabis product, or a topical cannabis product containing cannabis or concentrated cannabis in combination with other ingredients.

*Caregiver* or *primary caregiver* has the same meaning as that term is defined in section 11362.7 of the California Health and Safety Code.

*City manager* shall mean the city manager of the city or designee.

*Director* shall mean the city’s Director of the Economic and Development Services department or designee, unless otherwise specified.

*Dispensing* means any activity involving the retail sale of cannabis or cannabis products.

*Distributor* means a person or entity that engages in distribution. The direct and/or retail sale, distribution, or furnishing of any cannabis or cannabis product to any consumer or end user by a distributor is expressly prohibited, unless otherwise authorized pursuant to this chapter.

*Edible cannabis product* means manufactured cannabis that is intended to be used, in whole or in part, for oral human consumption including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code. An edible cannabis product is not considered food as defined by California Health and Safety Code Section 109935 or a drug as defined by California Health and Safety Code Section 109925.

*Financial interest holder* shall have the same meaning as set forth in Title 4, Division 19, section 15004 of the California Code of Regulations.

*Free sample* means any amount of cannabis goods provided to a patron of a business or member of the public without cost or payment or exchange for any other thing of value.

*Green Zone* means those portions of the manufacturing park (MP) and planned development industrial (PDI) zones that are located both north of South Coast Drive and west of Harbor Boulevard, excluding any portion of the South Coast Collection.

*Homeless shelter* has the same meaning as *emergency shelter*.

*Labor Peace Agreement* has the same meaning set forth in Business and Professions Code section 26001.

*Manufacturing site* means a location where cannabis products are manufactured.

*Marijuana* means “cannabis,” as that term is defined in this chapter.

*Marijuana activity* and/or *cannabis activity* includes manufacture, processing, laboratory testing, research and development, transporting, delivery, dispensing, distribution, furnishing, giving away or sale, or arranging and/or directing any of the foregoing, or any other activity involving cannabis or a cannabis product.

*Marijuana business* and/or *cannabis business* means any business or operation which engages in any marijuana or cannabis activity.

*Marijuana business permit* has the same meaning as *cannabis business permit*.

*Patient* or *qualified patient* shall have the same definition as California Health and Safety Code section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health and Safety Code section 11362.5. For purposes of this chapter, a qualified patient shall include a person with an identification card as that term is defined by California Health and Safety Code section 11362.7 et seq.

*Person with an identification card* shall have the meaning given that term by California Health and Safety Code section 11362.7.

*Playground* shall mean and include both a public playground located in a city park and a private playground. A private playground shall mean a privately-owned outdoor recreation area, including a tot lot, containing playground equipment or amenities such as swings, slides, sandboxes, or similar installations designed for use by minors and serving either the general public or residents of a development where the playground equipment is located, including residential subdivisions and/or developments such as apartments, townhomes and/or condominium complexes, mobile home parks or other similar residential uses, as well as playground equipment serving registered guests at hotels and motels. A private playground does not include a playground or playground equipment installed at a single-family residence, or play equipment that is part of a privately-owned commercial business or place of worship, or a playground that is access-controlled during operating hours or does not have direct access from the public right-of-way. A private playground does not include areas designated for use as a playing field or court, pool, or skate facility.

*Premises* shall have the same meaning as set forth in Business and Professions Code section 26001 sub-section (ap) for purposes of measuring the required distance from retail storefront uses to those uses set forth in section 13-200.93(e)(1).

*Processing and processor* shall have the same meaning as manufacturing and manufacturer, respectively.

*Property* shall mean any single development lot that has been subdivided bearing its own assessor's parcel number or with an approved subdivision map or condominium map unless the context clearly indicates a different meaning.

*Research and development laboratory* means a facility, entity, or site in the city that performs research into and/or the development of cannabis or cannabis products, where cannabis in any amount is located on-site, and that is both of the following:

1. Accredited by an accrediting body that is independent of all other persons involved in the cannabis industry in the state.
2. Registered with the State Department of Public Health, and is owned and operated by a person issued a valid cannabis business permit for laboratory testing from the city and is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and cannabis activities.

*South Coast Collection* or *SoCo* means all properties located at 3303 through 3323, inclusive, Hyland Avenue, in the City of Costa Mesa, commonly known as "SoCo" or "SOCO."

*State* means the State of California, including any of its departments, divisions, and/or bureaus.

*State license* means a permit or license issued by the state to engage in cannabis activity.

*Youth center* means any public or private facility that is primarily used to host recreation or social activities for minors, specifically private youth membership organizations or clubs, social services teenage club facilities, video arcades where ten (10) or more games or game machines or devices

are operated or similar amusement park facilities, but does not include dance studios, tutoring, martial arts studios or similar type of uses.

**9-486. Type of authorized cannabis businesses permitted.**

- (a) One (1) or more of the following types of adult (A-license) and/or medical (M-license) cannabis business may be permitted to operate within the city:
  - 1. Cannabis distributor (includes license classification type 11);
  - 2. Cannabis manufacturer (includes license classification type 6 and 7);
  - 3. Cannabis testing laboratory (includes license classification type 8);
  - 4. Cannabis retail - storefront (includes license classification type 10);
  - 5. Cannabis retail - non-storefront (includes license classification type 9); and
  - 6. Cannabis research and development laboratory.
- (b) Businesses permitted pursuant to this chapter shall not engage in the retail sale, delivery or dispensing of cannabis, cannabis product, hemp or hemp products unless expressly permitted to do so pursuant to the terms of their cannabis business permit.
- (c) No person may engage in any type of cannabis business that is not specifically authorized pursuant to this section and this code, including, but not limited to, cultivating cannabis.
- (d) The City Council may by resolution limit and/or restrict the number of cannabis retail permits available for issuance and/or renewal.

**9-487. Cannabis business permit required to engage in a cannabis business.**

No person may engage in any cannabis business or in any cannabis activity within the city including manufacturing, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product unless the person: 1) has a valid cannabis business permit from the city that authorizes the specific business and activity at specific location; 2) has a valid business license issued to the entity that is listed on the cannabis business permit; and 3) is currently in compliance with all other applicable state and local laws and regulations pertaining to the cannabis business and cannabis activity. All cannabis business permits shall include a copy of a written notice to any existing tenant of the proposed business premises from the owner of the property of the intent to file a cannabis business permit application for those premises.

**9-487.3. Disclosure of Financial Interest Holders Required.**

Any and all financial interest holders must be disclosed to the City as part of any application for issuance and/or renewal of a cannabis business permit.

**9-487.5. Change in business name.**

No operator shall operate, conduct, manage, engage in, or carry on a cannabis business under any name other than the business name specified in the permit and/or any “doing business as” or “DBA”, or “fictitious business name” or “FBN”, provided in the permit application and/or business license. Proof of the “DBA” or “FBN” filing with the County Clerk Recorder shall be required. Any approved changes and/or updates to the permit may require payment of fees as set by resolution of the City Council.

**9-488. Term of permit-Fees.**

- (a) A cannabis business permit shall be valid for two (2) years from the date of issue, unless otherwise suspended or revoked, and may be renewed bi-annually thereafter, provided the permittee and application for renewal are in compliance with all of the provisions of this chapter as well as all administrative regulations adopted pursuant to section 9-497.
- (b) Cannabis business permit application fees and renewal fees shall be established by resolution of the city council as may be amended from time to time. Failure to timely submit fees and/or comply with the administrative regulations governing applications and/or renewals shall be grounds for denial of application and/or renewal.

**9-489. Effect of state license suspension, revocation, or termination.**

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the city, until the State of California, or its respective departments or divisions, reinstates or reissues the State license within 90 days. Should the state license remain suspended for 90 days or longer, any permit issued pursuant to this chapter shall expire and be of no further force and effect. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a business permitted pursuant to this chapter including the persons and entities set forth in section 9-490(c) to operate any cannabis business within the city for a period of five years from the date of such revocation or termination.

**9-490. Denial and revocation.**

- (a) Revocation. A cannabis business permit may be revoked and/or suspended pursuant to the procedures of section 9-120, and/or deemed abandoned or forfeited pursuant to the procedures of section 9-495, for failing to comply with the terms of the permit, the applicable provisions of this chapter, this Code, city regulations, state law or regulations and/or any conditions of any other permit issued pursuant to this Code.
- (b) Denial. An application for a cannabis business permit may be denied where it fails to provide all required information, documentation and/or fees and/or where it does not or would not be able to comply with the applicable provisions of this chapter, this Code, city regulations and/or state law or regulations and/or where the applicant is otherwise ineligible for such permit.
- (c) Effect of revocation and denial. Whenever an application for a permit is denied, no other similar application by such applicant or permittee will be considered for a period of one (1) year from the date of the denial of an application. Whenever a permit has been revoked, no other similar application by such permittee shall be considered for a period of five (5) years from either the date the notice of the permit revocation was mailed or the date of the final decision of the city to revoke the permit, whichever is later. The prohibitions of this subsection shall also apply to the following:
  - 1. Any individual whose permit was revoked or whose application was denied who later becomes a director or officer of a corporation, profit or nonprofit, or a member

of a partnership or a person owning or possessing any portion of the shares of a corporation seeking to obtain a new permit.

2. A corporation, profit or nonprofit, whose permit was revoked, or application was denied, to any of its directors or officers or to any person who owned any portion of its shares, who attempts by way of a new corporation or using their individual names or becoming a member of a partnership or a director or officer or a person owning or possessing any portion of the shares in another corporation seeking to obtain a new permit.
- (d) **Ineligibility.** In addition to any other law, no person or entity shall be eligible for and/or receive a cannabis business permit if that person or entity, or any director or officer of that entity or a person who owned any portion of that entity's shares, or any financial interest holder of that entity, engaged or engages in unpermitted and/or illegal cannabis activity involving sales, delivery and/or dispensing in the city, or had an ownership interest in any property set forth in section 13-200.93(e)(5), in the five (5) years preceding an application under this chapter or during the application process. A determination of ineligibility under this sub-section (d) may be made by the City Manager and shall be based on the preponderance of the evidence. This prohibition shall not apply to a natural person who would otherwise be ineligible based on a criminal conviction that has been dismissed, withdrawn, expunged or set aside or is otherwise exempted pursuant to sections 9-495(g)(10) and/or 9-496(b).

**9-491. Appeals.**

Notwithstanding any other provision of this code, only a decision by the city manager to suspend, revoke or deny a cannabis business permit under this chapter shall be subject to appeal, which shall be governed by the procedures set forth in Chapter IX of Title 2 of this code.

**9-492. Prohibition on transfer of cannabis business permits.**

In the event a permit holding cannabis business sells or transfers the business to a new owner and/or operates the business under a new entity and/or name not listed on the permit, the new owner must obtain a new cannabis business permit and business license prior to commencing or continuing operations. A cannabis business shall be deemed to have transferred to a new owner within the meaning of this section if person(s) or entities with controlling interest at the time the permit was first issued cease(s) at any time to possess controlling ownership interest and/or hold an ownership interest of less than fifty-one (51) percent.

**9-493. City business license required.**

Prior to commencing operations, a cannabis business and any financial interest holder therein shall each separately obtain and thereafter maintain a valid city business license pursuant to Chapter I of this title. Failure to hold a valid business license at all times shall render the cannabis business permit invalid.

**9-494. Conditional use permit required.**

No cannabis business permit shall be issued, and no person shall conduct a cannabis business unless a conditional use permit has been issued therefore pursuant to the provisions of Title 13, Chapter IX, Article 21 of this Code. Approval of a conditional use permit shall not waive any other

requirements of State or local law or regulation, including, but not limited, to the requirement to obtain a building permit, certificate of occupancy, cannabis business permit and/or city business license.

**9.494.5 Maximum cannabis retail storefront cannabis business permits.**

A maximum of thirty ~~five~~ (35) storefront retail cannabis business permits may be issued by the City; provided, however, that City will only process applications which have passed the pre-application phase as of the effective date of this ordinance. Thereafter, no further storefront retail cannabis business permits for new locations may be issued by the City until the total number of operating licensed storefront retail establishments fall below ~~ten~~ (10), after which time the City may issue further cannabis business permits not to exceed ~~ten~~ (10) total active storefront retail cannabis business permits operating at one time.

**9-495. Operating requirements for all cannabis businesses permitted under this chapter.**

(a) *Records and recordkeeping.*

1. Each owner and operator of a cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than a quarterly basis or at any time upon reasonable request of the city, each cannabis business shall file a sworn statement detailing the number of sales by the cannabis business during the previous three (3) month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.  
Each owner and operator shall keep and preserve for a period of no less than seven (7) years, all records as may be necessary to determine the amount of such tax the operator may have been liable to collect and remit to the city.
2. Each owner and operator of a cannabis business shall maintain a current register of the names and the contact information (including the name, address, telephone number, a copy of that person's government issued identification, and email address) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the city manager upon a reasonable request.
3. All cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the production or manufacturing, laboratory testing and distribution processes.
4. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPAA), each cannabis business shall allow city officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents

will be produced no later than twenty-four (24) hours after receipt of the city's request, unless otherwise stipulated by the city.

5. Each owner and operator of a cannabis business shall disclose to the City the names and addresses of each and every financial interest holder of that business within ten (10) calendar days of that person becoming a financial interest holder of the cannabis business, and thereafter shall notify the City within ten (10) business days if that person or entity ceases to be a financial interest holder. Each financial interest holder shall obtain a business license pursuant to section 9-493 within thirty (30) days of becoming a financial interest holder of that business.

(b) *Security measures.*

1. A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. These security measures shall include:
  - a. Establishing limited access areas accessible only to authorized cannabis business personnel;
  - b. All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault, and shall be kept in a manner as to prevent diversion, theft, and loss;
  - c. Sensors shall be installed to detect entry and exit from all secure areas;
  - d. Having a professionally installed, maintained, and monitored alarm system;
  - e. Any bars to be installed on the windows or the doors of the cannabis business for security purposes, if permitted by the city, shall be installed only on the interior of the building;
  - f. Security personnel if utilized must be licensed by the State of California Bureau of Security and Investigative Services Personnel, shall comply with the requirements of California Business and Professions Code Chapters 11.4 and 11.5 of Division 3, and have a valid business license from the city; and
  - g. Each cannabis business shall have the capability to remain secure and operational during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
2. Each cannabis business shall identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the city manager regarding any security related measures or and operational issues.
3. A cannabis business shall notify the city manager within twenty-four (24) hours after discovering any of the following:
  - a. Significant discrepancies identified during inventory, as set forth in the city's administrative regulations;
  - b. Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business; or
  - c. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business and/or cannabis sales.

- (c) *Restriction on alcohol sales.* No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the cannabis business.
- (d) *Compliance with laws.* It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this chapter shall be construed as authorizing any actions which violate state law or local law with respect to the operation of a cannabis business or any site-specific, additional operating procedures or requirements which may be imposed as conditions of approval of the location of the cannabis business.
- (e) *Taxes.* All cannabis businesses authorized to operate under this chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each cannabis business shall cooperate with the city with respect to any reasonable request to audit the cannabis business's books and records for the purpose of verifying compliance with this section, including, but not limited to, a verification of the amount of taxes required to be paid during any period.
- (f) *Insurance.* Permittee shall obtain and maintain at all times during the term of the permit comprehensive general liability insurance and comprehensive automotive liability insurance protecting the permittee in an amount of not less than one million dollars (\$1,000,000.00) per occurrence, combined single limit, including bodily injury and property damage and not less than one million dollars (\$1,000,000.00) aggregate for each personal injury liability, products-completed operations and each accident, issued by an insurance provider rated at least A-VIII in A.M. Best and Company's Insurance Guide and either admitted and authorized to do business in California or is listed on the California Department of Insurance's List of Approved Surplus Line Insurers.
- (g) *Miscellaneous operating requirements.*
  1. *Restriction on consumption.* Cannabis shall not be consumed on the premises of any cannabis businesses or elsewhere in the city other than within private residences.
  2. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a cannabis business permit, or on any of the vehicles owned or used as part of the cannabis business except as otherwise expressly allowed by this chapter. No outdoor storage of cannabis or cannabis products is permitted at any time.
  3. *Reporting and tracking of product and of gross sales.* Each cannabis business shall have in place a point-of-sale tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale). The cannabis business shall ensure that such information is compatible with the city's record-keeping systems. The system must have the capability to produce historical transactional data for review by the city manager.
  4. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with all state and local regulations.
  5. There shall not be a physician located in or around any cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis prescription or card.

6. *Signage, notices, and advertising.*
  - a. In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of this Code, including, but not limited to, seeking the issuance of a city sign permit.
  - b. Each entrance to a cannabis retail business shall be visibly posted with one clear and legible notice up to twelve (12) inches by eighteen (18) inches in size, indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited. The word “cannabis” is allowed to be used up to two times on each of these specific notices. Letter height in the notice shall be limited to up to ~~one (1)~~ two (2) inches in size. All notice lettering shall be the same font and color.
  - c. Business identification signage shall be limited to that needed for identification only.
  - d. The business shall at all times comply with the advertising and marketing restrictions of Business and Professions Code sections 26150-26156, in addition to the requirements of this code.
  - e. Cannabis business advertising and/or marketing materials in the city shall ~~not encourage persons under 21 years of age to consume cannabis or cannabis products and shall not depict and/or suggest in any way the consumption of cannabis or cannabis products~~ comply with advertising, marketing and merchandising restrictions provided in California Code of Regulations sections 15040-15041.1 and California Business and Professions Code sections 26150-26156.
7. *Minors.*
  - a. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis business, except as otherwise specifically provided for by state law. It is unlawful and a violation of this chapter for any person to employ any person at or for a cannabis business who is not at least twenty-one (21) years of age.
  - b. The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis business except as specifically provided for herein.
8. *Odor control.* Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site.
9. *Display of permit and city business license.* The original copy of the cannabis business permit issued by the city pursuant to this chapter and the city-issued business license shall be posted inside the cannabis business in a conspicuous location.
10. *Background check.* Every owner, manager, supervisor or employee of the cannabis business must submit fingerprints and other information deemed necessary by the city manager for a background check by the Costa Mesa police department to verify that person’s criminal history. No person shall be issued a permit to operate a cannabis business who has been convicted of a felony within the past seven (7) years,

unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code section 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance. Exempted from this prohibition is a conviction for a felony involving cannabis and/or marijuana for which the underlying cannabis or marijuana offense has subsequently been designated a misdemeanor or infraction or decriminalized pursuant to the provisions of the Control, Regulate and Tax Adult Use of Marijuana Act or federal law.

11. *Loitering.* The owner and/or operator of a cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
12. *Permits and other approvals.* Prior to the establishment of any cannabis business or the operation of any such business, the person intending to establish a cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to operate.
13. *Free samples.* No cannabis business shall provide or cause to be provided any free sample of cannabis goods to any person within the city.
14. A licensed retailer may only sell cannabis goods, cannabis accessories, and licensees' branded merchandise or promotional materials.

(h) *Additional operating requirements for retail sale (storefront) businesses.* In addition to every other requirement of this section, other than those set forth in subsection (i) (*retail sale, non-storefront*) that are expressly inapplicable, every business that sells cannabis as a storefront retailer shall comply with the following requirements:

1. All cannabis retail storefront operators are encouraged to have a licensed private security guard present at the premises twenty-four (24) hours per day. The security plan shall include at least one (1) licensed private security guard or guards who shall be present at the premises at all times during operations, deliveries of any cannabis product to or from the premises, and transportation of cash to or from the premises, exterior lighting, and continuous video monitoring and recording of the interior and exterior of the premises. Video surveillance recordings must also include video of all entryways and exits of the premises. All video recordings shall be maintained for a minimum of ninety (90) days. At the request of the Chief of Police or designee, based upon site-specific concerns or safety incidents, at least one (1) licensed private security guard or guards may be required to be present at the premises twenty-four (24) hours per day.
2. Both the private security guard and the business personnel shall monitor the premises and the immediate vicinity of the premises to ensure that patrons immediately leave the premises and do not consume cannabis in the vicinity of the retail business or on the property or in the parking lot, and shall ensure that persons do not loiter, linger, or otherwise congregate within fifty (50) feet of the premises.
3. There shall be no on-site sales of alcohol or tobacco products, (excluding rolling papers and lighters) and no on-site consumption of food, alcohol, cannabis or tobacco by patrons.

4. Hours of operation shall be limited to: 7:00 a.m. to 10:00 p.m. daily, unless further restricted by conditions of approval. No licensed retail business shall be open to the public between the hours of 10:01 p.m. and 6:59 a.m. of any day.
5. The cannabis retail business shall notify patrons of the following both verbally and through posting of a sign in a conspicuous location:
  - a. Unlawful sale, barter or distribution of cannabis is a crime and subject to a fine or arrest.
  - b. Loitering on and around the retail premises is prohibited by California Penal Code section 647 and that patrons must immediately leave the premises and not consume cannabis in the vicinity and/or on the property or in the parking lot.
  - c. A warning that patrons and/or employees may be subject to prosecution under federal cannabis laws, if applicable.
  - d. That the use of cannabis may impair a person's ability to drive a motor vehicle or operate machinery and that doing so is illegal.
6. No one under the age of twenty-one (21) shall be allowed to enter the premises of a cannabis business unless the business holds a retail medical cannabis license (M-license) issued by the State.
7. No person shall be permitted to enter the premises without government-issued identification, and cannabis goods may not be provided to any person, whether by purchase, trade, gift, or otherwise, who does not possess a valid government-issued identification and who does not meet the age requirements of this Chapter.
8. Electronic age verification device required. Proof of age of every person other than employees entering the business shall be verified with an electronic age verification device, prior to entry of the retail area or delivery to that person. The electronic age verification device may be mobile or fixed, and shall be able to retain a log of all scans that includes the following information: date, time, and age. Said log shall be kept for a minimum of one hundred eighty (180) business days and all records shall be made available to the City Manager upon request.
9. Point-of-sale tracking required. The business shall facilitate the sale, making available, furnishing and/or delivery of cannabis goods with a technology platform that uses point-of-sale technology to track, and database technology to record and store, the following information for each transaction involving the exchange of cannabis goods between the business and consumer:
  - a. The date and time of transaction.
  - b. The first name and employee number of the employee who processed the sale of cannabis goods on behalf of the business.
  - c. A list of all the cannabis goods purchased, including the quantity purchased.
  - d. The total amount paid for the sale, including the individual prices paid for cannabis or cannabis products purchased, and any amounts paid for taxes.
10. Cannabis retail businesses shall also record on the video surveillance system point-of-sale areas and areas where cannabis goods are displayed for sale.
11. Adequate signage shall clearly state who has inspected any cannabis product for pesticides, or other regulated contaminants, distributed at this location.
12. Shipments of cannabis goods may only be accepted during regular business hours.

13. Inventory shall be secured using a lockable storage system during non-business hours.
  14. No cannabis product shall be visible from the exterior of the business.
  15. All required labelling shall be maintained on all product, as required by State law, at all times.
  16. A permitted commercial cannabis retail business shall have one hundred eighty (180) days after permit issuance by the city to commence operations, after which the permit shall be void and of no further force and effect. A cannabis retail business shall be considered nonoperational and abandoned after failing to report income and/or reporting no income to the city in any one quarter, ceasing to operate, losing the right to occupy the permitted premises or otherwise failing to maintain an ongoing permitted business at the premises for a total of ninety (90) days in any twelve (12) month period. A notice of determination of abandonment shall be delivered to the premises of the retail business and is subject to appeal pursuant to Chapter IX of Title 2. The forgoing notwithstanding, a permitted commercial cannabis business may temporarily suspend operations for a period of time not to exceed ninety (90) days as may be reasonably required to affect upgrades, modifications, repairs, and/or to remedy other real property related problems, as approved in writing by the director or city manager.
  17. Obtain and maintain at all times during the term of the permit the insurance required pursuant to subsection (f) of this section in the minimum amounts of two million dollars (\$2,000,000.00), and enter into an agreement approved by the city attorney to defend, with attorneys of city's choosing, indemnify, release and hold harmless the city, its city council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including, without limitation, attorneys' fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permittee or the permittee's activities. This indemnification shall include, but not be limited to, damages awarded against the city, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, city, and/or the parties initiating or bringing such proceeding, and shall not be limited by the types and/or amounts of insurance required herein;
  18. For an applicant with two or more employees, provide a notarized statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement as otherwise required by Business and Professions Code section 26105.5.
- (i) *Additional operating requirements for retail sale (non-storefront) delivery businesses.* In addition to every other requirement of this section, except only for subsection (h)(1) through (5) and (10) (*retail sale, store-front*), every business that sells and/or delivers cannabis as a non-store front retailer shall comply with the following requirements:
1. Commercial cannabis retail deliveries may be made only from a commercial cannabis retail business permitted by the City in compliance with this chapter, and in compliance with all State regulations.

2. All employees who deliver cannabis shall have valid identification and a copy of the retail business' cannabis business permit and State license at all times while making deliveries.
3. All commercial cannabis retail businesses shall maintain proof of vehicle insurance for any and all vehicles being used to transport cannabis goods as required by State law.
4. Deliveries may only take place during normal business hours of the commercial cannabis retail business.
5. During delivery, the delivery employee shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers. The delivery request documentation shall comply with State law.
6. A licensed delivery employee shall not leave the State of California while possessing cannabis products while performing his or her duties for the cannabis retailer.
7. A commercial cannabis retail business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the State.
8. A manifest with all information required in this section shall accompany any delivery person at all times during the delivery process and delivery hours.
9. Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated GPS device for identifying the location of the vehicle (cell phones and tablets are not sufficient).
10. Each delivery request shall have a receipt prepared by the commercial cannabis retail business with the following information:
  - a. Name and address of the commercial cannabis retail business.
  - b. The name of the employee who delivered the order.
  - c. The date and time the delivery request was made.
  - d. The complete delivery addresses.
  - e. A detailed description of the cannabis goods requested for delivery including the weight or volume, or any accurate measure of the amount of cannabis goods requested.
  - f. The total amount paid for the delivery including any fees or taxes.
  - g. At the time of the delivery, the date and time delivery was made, and the signature of the person who received the delivery.
  - h. No cannabis delivery vehicle shall display signs, decals or any other form of advertisement.
  - i. Inspections by an authorized City representative may be conducted anytime during regular business hours.
11. Delivery must be made to a physical address that is not on publicly owned land, a school, a day care, or a youth center.
12. The delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.
13. Delivery must be made in person by a direct employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed

through a staffing agency would not be considered directly employed by the licensed retailer.

**9-496. Cannabis employees.**

- (a) Any person who is an employee or who otherwise works within a cannabis business must be legally authorized to do so under applicable state law.
- (b) No cannabis business or owner thereof may employ any person who has been convicted of a felony within the past seven (7) years, unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code section 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance. Exempted from this prohibition is a conviction for a felony involving cannabis and/or marijuana for which the underlying cannabis or marijuana offense has subsequently been designated a misdemeanor or infraction or decriminalized pursuant to the provisions of the Control, Regulate and Tax Adult Use of Marijuana Act or federal law.
- (c) All employees must wear an identification badge while on the premises of the business, in a format authorized by the city manager. Any person employed by a single employer at multiple locations in the City may be required to obtain only one identification badge.

**9-497. Promulgation of administrative regulations.**

- (a) The city manager is also authorized to establish any additional administrative rules, regulations, policies, procedures and/or standards governing the issuance, denial or renewal of cannabis business permits, or concerning any other subject necessary to carry out the purposes of this chapter.
- (b) Regulations promulgated by the city manager shall become effective upon the date of publication. Cannabis businesses shall be required to comply with all state and local laws and regulations, including, but not limited to, any rules, regulations policies, procedures and/or standards adopted by the city manager.
- (c) Such administrative rules, regulations and/or standards may include establishing standards and timing for application processing, including but not limited to providing priority for existing licensees in good standing.

**9-498. Inspection and enforcement.**

- (a) The city manager is charged with enforcing the provisions of the Costa Mesa Municipal Code, or any provision thereof, and may enter the location of a cannabis business at any time during the hours of operation without notice, and inspect the location of any cannabis business as well as any recordings and records required to be maintained pursuant to this title or under applicable provisions of state law.
- (b) It is unlawful for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any

records, recordings or other documents required to be maintained by a cannabis business under this chapter or under state or local law.

**9-499. Violations.**

- (a) *Violations declared a public nuisance.* Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance.
- (b) *Each violation a separate offense.* Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Costa Mesa Municipal Code. Additionally, as a nuisance per se, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the city of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis business or persons related to, or associated with, the cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or the chief of police, may take immediate action to temporarily suspend a cannabis business permit issued by the city, pending a hearing before the city council.
- (c) *Criminal penalties.* Each and every violation of the provisions of this chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the County Jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- (d) *Remedies cumulative and not exclusive.* The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 24-101

**Meeting Date:** 4/16/2024

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**TITLE:**

**REVIEW OF THE PLANNING COMMISSION'S DECISION TO APPROVE MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303 SQUARE FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT YARD/LANDSCAPE SETBACK; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/  
PLANNING DIVISION**

**PRESENTED BY: CHRISTOPHER ALDANA, ASSISTANT PLANNER**

**CONTACT INFORMATION: CHRISTOPHER ALDANA, ASSISTANT PLANNER, (714) 754-4868**

**RECOMMENDATION:**

Staff recommends that the City Council review the Planning Commission's decision to approve ZA-22-11, PDVR-23-0003, and PMND-23-0003.



Agenda Report

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Item #: 24-101

Meeting Date: 04/16/2024

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**TITLE: REVIEW OF THE PLANNING COMMISSION'S DECISION TO APPROVE MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303 SQUARE FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT YARD/LANDSCAPE SETBACK; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

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**CONTACT INFORMATION: CHRISTOPHER ALDANA, ASSISTANT PLANNER, (714) 754-4868**

**RECOMMENDATION:**

Staff recommends the City Council review the Planning Commission's decision to approve ZA-22-11, PDVR-23-0003, and PMND-23-0003.

**APPLICANT OR AUTHORIZED AGENT:**

The authorized agent is Jay Higgins, on behalf of the property owner, Barry Von Hemert.

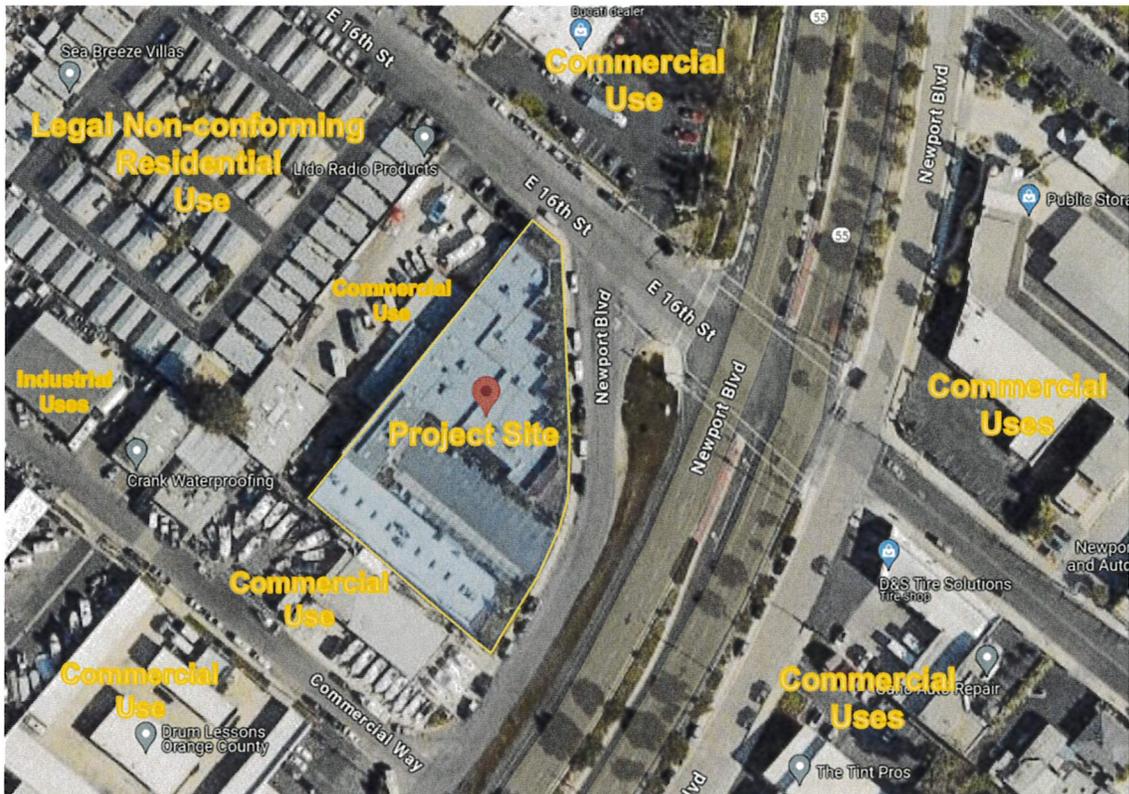
**BACKGROUND:**

Raising Cane's submitted applications for a new fast-food drive-through restaurant with outdoor dining patio at the southwest corner of Old Newport Boulevard and East 16th Street, which is the former Von Hemert Interiors Furniture Store site. Old Newport Boulevard is a frontage street located adjacent and parallel to Newport Boulevard. The proposal would be Raising Cane's second location in Costa Mesa. Their first was established in 2015 at 3150 Harbor Boulevard.

The property is designated "General Commercial" in the Land Use Element of the General Plan and is zoned "C2 – Commercial Business." The property abuts commercial properties used for boat storage and repair purposes in the C2 zone to the west and south. Property to the north is zoned "C1 – Local Business District" and operates as a Ducati motorcycle sales and service center. Newport Boulevard is located east of the subject property. Other properties in the area include a variety of automotive dealers and repair shops and retail uses. Located one parcel away and approximately 100 feet west of the project site is Sea Breeze Villas. The Sea Breeze Villas is a rental community of 62 single-story one- and two-bedroom mobile homes located on a split-zoned

lot. The Sea Breeze Villas is split zoned “MG – General Industrial” and “C2 – Commercial Business.” (See Figure 1, Location Map, below.)

**Figure 1 - Location Map**



### **ANALYSIS:**

The proposed Raising Cane’s restaurant requires City approval of the following applications:

- **Minor Conditional Use Permit (MCUP)** to reduce required parking by seven spaces;
- **Minor Conditional Use Permit** for a drive-through and modification to lane width;
- **Development Review** for the demolition of an existing 25,159-square-foot furniture store and the construction of a new 2,913-square-foot Raising Cane’s restaurant with 1,303-square-foot outdoor dining area; and
- **Minor Modification** to allow a 20 percent (i.e., four foot) decrease in the required twenty 20-foot front yard/landscape setback.

The restaurant is proposed approximately 20 feet from the front property line abutting Old Newport Boulevard. A single, two-way driveway from Old Newport Boulevard would provide ingress and egress for the site and leads to 34 on-site parking spaces and drive-through lanes. The drive-through lane is located behind the proposed building to reduce its street visibility. The restaurant includes an interior dining room and an outdoor dining patio area. The project also provides one bicycle locker and ten bicycle racks. The proposed landscape plan includes a variety of drought-tolerant trees, shrubs, groundcover and 50 new trees. Within the landscaped area, the project proposes a walkway that connects to the public sidewalk to promote pedestrian access to and from the site. See Figure 2, Site Plan, below.

The restaurant was approved to operate from 9 a.m. to 2 a.m. Sunday through Wednesday, and 9 a.m. to 3:30 a.m. Thursday through Saturday. Based on the site's proximity to the Sea Breeze Villas, a noise analysis was conducted. The noise study determined that the use would not exceed the City's exterior or interior noise standards and would not result in a perceptible noise increase at the nearest residential uses.

Figure 2 - Site Plan



A detailed description of the proposed use, operations, and improvements to the property are described in the February 12, 2024 Planning Commission staff report (also provided as Attachment 6) and attachments, linked below:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=6512375&GUID=C51F739D-D1C9-435A-928D-7B24BE114EE3>

The Planning Commission meeting minutes are provided as an attachment to this report and the meeting video is linked below:

[https://costamesa.granicus.com/player/clip/4086?view\\_id=14&redirect=true](https://costamesa.granicus.com/player/clip/4086?view_id=14&redirect=true)

### ***Public Comments***

Twenty-two public comment letters were submitted to the Planning Commission (11 letters indicated support for the the project and 11 letters indicated project opposition). Reasons for support included the projects' potential to promote walkability and bike-ability, the creation of jobs, and the renovation and reactivation of the site that would provide an alternative use for the property that differs from the current vacant building. Reasons for opposing the project included concerns about traffic due to the project's proximity to the intersection of East 16<sup>th</sup> Street and Old Newport Boulevard and Newport Boulevard, and inadequate on-site parking.

Eighteen public speakers also attended the Planning Commission meeting and provided public comments (10 speakers were in support of the project and eight speakers spoke in opposition). Testimonies in support of the project stated that the project would be an overall improvement from the current condition of the site which consists of a vacant building with various parked vehicles along Old Newport Boulevard. Some expressed support for the late-night hours, stating that working professionals on swing-shifts (such as those working at Hoag Hospital) benefit from having access to a near-by restaurant. A community member also expressed support for having a new restaurant within walking and biking distance. Reasons for opposing the project consisted of concerns pertaining to long vehicle queues, similar to what had occurred at the first Raising Cane's on Harbor Blvd when it first opened, traffic congestion at the intersection of Old Newport Boulevard and East 16<sup>th</sup> Street, potential parking spillage onto neighboring businesses, and potential noise impacts to Sea Breeze Villas residents. Copies of the submitted public comment letters are provided in Attachment 5.

### ***Planning Commission Review***

In its review of the project, the Planning Commission raised questions regarding drive-through queuing, traffic impacts to adjacent streets, hours of operation, noise, and the deviations from the development standards requested by the applicant. Specifically, the Planning Commission discussed:

- The reduction in drive-through lane width from the code required 11 feet to 10 feet - Per Costa Mesa Municipal (CMMC) 13-50 each drive-through lane shall be striped, marked or otherwise distinctly delineated, and shall be a minimum of 11 feet wide unless modified by minor conditional use permit. The Raising Cane's drive-through is proposed with a 11-foot-wide single lane that converts into two, 10-foot-wide lanes. The dual lane system is delineated by a 6" curb on the outsides of each drive-through lane and a 4-foot striped island in the center. The City's Transportation Division reviewed the proposed design and confirmed that the lane width reduction would function appropriately and not result in any vehicle maneuverability concerns.
- Hours of operation for fast-food restaurants when in proximity to residentially zoned properties - Per CMMC 13-49 (g), the hours of operation for establishments where food or beverage are served that are within 200 feet of residentially zoned property shall not occur any time between 11:00 p.m. and 6:00 a.m. unless modified through the issuance of a minor conditional use

permit or conditional use permit. While there is a legal non-conforming mobile home park located within 200 feet of the project site, it is not residentially zoned, and therefore, these hours of operation do not apply. Additionally, the Planning Commission asked the applicant if they would have applied to extend their hours of operation had the mobile home park been zoned residential. The applicant confirmed they would have applied for extended hours of operation. Other than hours of operation, the project complies with all required criteria listed in CMMC 13-49. Because of the project's location and site design, the Planning Commission concluded that it was likely that approval for the additional hours would be granted.

- The Minor Modification to allow for a decrease of 20% in required front/landscape setback - Pursuant to CMMC Section 13-28 (j), a deviation from the required front setback can be approved to a maximum of 20% of the required setback. Since the encroachment was only for a small portion of the building, the Planning Commission found this request approvable.
- Reduction in parking - CMMC Section 13-89.5 permits, with the approval of an MCUP, a reduction in required parking when it can be demonstrated that the City's nonresidential parking standard will exceed the use's actual demand. The applicant submitted a traffic and parking study prepared by Stantec Consulting that evaluated the actual parking utilization based on empirical data at other operating Raising Cane's restaurants. This study concluded that the project as designed would result in a surplus of one parking space. Staff determined the reduced parking request was supportable.
- Crosswalk improvements with ADA ramp upgrades along East 16<sup>th</sup> and Old Newport - Staff confirmed that this work is part of the project's scope.
- Drive-through queuing – A queuing analysis was also conducted that demonstrated that there is enough dedicated drive-through space to accommodate the projected maximum demand of vehicles on site without disturbing circulation on Old Newport Boulevard.

By a vote of four to two, with one Commissioner absent, the Planning Commission determined it was able to make the Findings for the permits and conditionally approved the project. The Planning Commission added project conditions to narrow the driveway width from 36 feet to 26 feet and included a condition that the Planning Commission conduct a review of the restaurant operations (including consideration of operating hours, adverse nuisance and safety) after a year of restaurant operations. (Resolution No. PC-2024-04 approving the Raising Cane's project is provided as Attachment 4.)

### ***Call for Review***

On February 20, 2024, City Council Member Arlis Reynolds submitted an application to call the Planning Commission's decision up for review by the City Council, which is provided as Attachment 2 to this report.

### **City Council “De Novo” Hearing**

Pursuant to CMMC Chapter 9, Appeal and Review Procedures, the City Council shall conduct a new or “de novo” review of the matter. The City Council may exercise its independent judgment and discretion in making a decision, and the call for review hearing is not limited to the grounds stated for the review or the evidence that was previously presented to the Planning Commission. The City Council’s decision on the matter is the final decision.

### **Findings and Review Criteria**

Pursuant to the Costa Mesa Municipal Code (CMMC), approval of each of the project’s applications must be based on evidence in the administrative record that substantially supports the following review criteria and findings:

#### **Costa Mesa Municipal Code Section 13-29 (e) Review Criteria:**

- *Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood;*
- *Safety and compatibility of the design of buildings, parking area, landscaping, luminaries, and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation;*
- *Compliance with any performance standards as prescribed elsewhere in the Zoning Code;*
- *Consistency with the general plan and any applicable specific plan; and*
- *The planning application is for a project-specific case and is not to be constructed to be setting a precedent for future development.*

#### **Minor Conditional Use Permit Findings:**

- *The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area;*
- *Granting the conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood; and*
- *Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.*

**Minor Modification Findings:**

- *The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood; and*
- *The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space, and any other applicable features relative to a compatible and attractive development.*

Staff has attached a draft City Council resolution for approval based on the February 12, 2024 Planning Commission's decision. Should the City Council determine to overturn the Planning Commission's decision, staff requests that the City Council articulate its reasons for denial based on required the aforementioned criteria and findings in order for staff to incorporate into a resolution.

**ENVIRONMENTAL DETERMINATION:**

The project is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303, Class 3, for new construction or conversions of small structures, and Section 15332, Class 32, for infill development projects. The project proposes to demolish an existing 25,159-square-foot furniture store and construct a new 2,913-square-foot drive-through restaurant with 1,303 square feet of outdoor dining area. The existing site is currently developed and without environmental resources. In addition, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.

**ALTERNATIVES:**

The City Council has the following alternatives:

- Uphold the Planning Commission's decision and adopt a resolution to approve Planning Application ZA-22-11, PDVR-23-0003 and PMND-23-0003; or
- Overturn the Planning Commission's decision and adopt a Resolution to deny Planning Application ZA-22-11, PDVR-23-0003 and PMND-23-0003; or
- Remand Planning Application ZA-22-11, PDVR-23-0003 and PMND-23-0003 back to the Planning Commission to reconsider the matter based on specific City Council direction.

**FISCAL REVIEW:**

There are no fiscal impacts associated with this agenda item.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved this report as to form.

**PUBLIC NOTICE:**

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the City Council public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

Public comments received prior to the April 16, 2024 City Council meeting, may be viewed at this link: [CITY OF COSTA MESA - Calendar \(legistar.com\)](https://legistar.com/CITY_OF_COSTA_MESA_Calendar)

**CITY COUNCIL GOALS AND PRIORITIES:**

This item is administrative in nature.

**CONCLUSION:**

The subject review is intended to provide the City Council with an opportunity to review the Planning Commission's decision to approve a new restaurant development and operation at 1595 Old Newport Boulevard.

**RESOLUTION NO. 2024-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO UPHOLD THE PLANNING COMMISSION'S DECISION AND APPROVE MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303-SQUARE-FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT/LANDSCAPE DEPTH; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Zoning Application 22-11, Development Review DRVR-23-0003, and Minor Modification PMND-23-0003 was filed by Jay Higgins, authorized agent for the property owner, requesting approval of the demolition of an existing 25,159-square-foot furniture store and the construction of a new 2,913-square-foot drive-through restaurant (Raising Cane's) with a drive-thru, and 1,303 square feet of outdoor patio area.:

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 12, 2024 with all persons having the opportunity to speak for and against the proposal, and the project was approved by the Planning Commission on a 4-2 vote;

WHEREAS, on February 20, 2024 Council Member Arlis Reynolds filed a request for the City Council review of the Planning Commission's decision;

WHEREAS, a duly noticed public hearing was held by the City Council on April 16, 2024 with all persons having the opportunity to speak for and against the appeal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of CEQA per Section 15303 (Class 3) for New Construction and Conversion of Small Structures, and Section 15332 (Class 32) in-fill development projects;

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

WHEREAS, the City Council has considered all public comments which have been received either in writing or at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

BE IT RESOLVED that based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby approves ZA-22-11, PDVR-23-003, PMND-23-003 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Application-22-11 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance with all applicable federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 16th day of April, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16<sup>th</sup> day of April 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17<sup>th</sup> day of April 2024.

---

Brenda Green, City Clerk

## EXHIBIT A

### FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) – Review Criteria in that:

***Costa Mesa Municipal Code section 13-29 (e) Review Criteria –***

***“Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood”.***

The proposed use is compatible and harmonious with developments in the same general area in that the restaurant would replace an existing commercial use that is generally surrounded by other commercial and industrial uses. The use as conditioned is not expected to generate excessive noise, traffic, odors or other detrimental effects on the surrounding uses. Per Condition of Approval No. 34, the use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. In addition, the applicant and/or business owner shall institute appropriate security and operational measures necessary to comply with this requirement.

***“Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation”.***

The project includes the development of a new building, parking areas and landscaping. Pedestrian access to the site is provided at the intersection of East 16th Street and Old Newport Boulevard with a walkway leading to the restaurant patio area and the restaurant entrance. A traffic study was submitted with the project that determined the proposed drive-through lanes would accommodate the maximum anticipated vehicle queue and the restaurant operations would not result in a significant change in intersection LOS. Pursuant to Condition of Approval No. 6, if parking shortages or other parking-related problems occur, the operator must institute appropriate operational measures necessary to minimize or eliminate the problem. The Police Department has reviewed the proposed project and suggested requiring on-site security guards from 9 P.M. to closure for the first year of operation (the applicant has agreed to provide this security).

***“Compliance with any performance standards as prescribed elsewhere in the Zoning Code”.***

The proposed project is in compliance with the Zoning Code and the project proposed deviations, as described in the staff report, are allowed subject to standards and findings.

**“Consistency with the general plan and any applicable specific plan”.**

The proposed commercial restaurant use is located on an existing commercial property that has a General Plan land use classification of “General Commercial”. The project site is located within the “19 West Plan Urban Plan”; however, the applicant is not applying for a Master Plan Mixed-Use development, so the design guidelines within the Urban Plan do not apply.

**“The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development”.**

The application is for a project-specific case to construct a fast-food restaurant on an existing commercial lot. The project meets all applicable development standards and design guidelines for commercial structures in the C2 zoning district and is consistent with the general plan land use designation of “General Commercial”. The proposed development would not be precedent-setting as each application is reviewed on a case-by-case basis.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) – Minor Conditional Use Permit in that:

**“The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area”.**

The proposed use is compatible and harmonious with developments in the same general area in that the restaurant would replace an existing commercial use that is surrounded by other commercially zoned properties. The use as conditioned will not generate excessive noise, odor, traffic or other detrimental effects on the surrounding uses. Per Condition of Approval No. 34, the use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

**“Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood”.**

The project proposes a new commercial use on an existing developed commercial property. The project has been reviewed for potential effects to public health, safety, traffic, parking, noise and odor. Specific analysis was also completed for potential effects to a nearby residential development and concluded that no significant impacts would result.

**“Granting the minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property”.**

Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation and the applicable Urban Plan for the property. The project is a permitted use and, as conditioned, the drive-through restaurant will not generate noise, odor, traffic or parking effects unusual for a commercially zoned property. Lastly, the proposed project is consistent with applicable policies and objectives of the 2015-2035 General Plan as described in the staff report.

- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(6) – Minor Modification in that:

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(6) – Minor Modification:

**“The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood”.**

The project proposes a minor modification for the new building to encroach into the 20-foot required front/landscape setback. The encroachment is limited to only a small portion of the building, and the encroachment does not result in a perceived shortage in landscaping or significant building mass along the street frontage. Therefore, the proposed encroachment would not result in detrimental effects to public health, safety, and general welfare.

**“The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development”.**

The project design includes a new building and associated site improvements that enhances the existing and anticipated development in the vicinity. The project site planning, land coverage, landscaping, appearance, scale of structures and open space is not inhibited by the proposed minor modification encroachment.

## EXHIBIT B

### CONDITIONS OF APPROVAL

1. The use shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment subject to approval by the Zoning Administrator. The approved hours of operation are Sunday through Wednesday - 9 AM to 2 AM, and Thursday through Saturday - 9 AM to 3:30 AM.
2. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
3. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate security and operational measures are necessary to comply with this requirement.
4. The conditions of approval for ZA-22-11 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. Odor control devices and techniques shall be incorporated to ensure that odors from the restaurant use are not detected outside the property.
6. If parking shortages or other parking-related problems arise, the operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, reducing the operating hours of the restaurant and/or providing additional parking through a valet service or off-site parking (subject to review and approval as outlined in the Municipal Code).
7. Live entertainment and amplified music or sound shall be prohibited.
8. All physical elements (e.g., awnings, covers, furniture, umbrellas, etc.) related to the outdoor dining area that are visible from the public right-of-way shall be compatible with one another and with the overall character and design of the principal structure; as well as, kept in good condition.
9. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately.
10. No modification of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish materials(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to reprocess the modification through a discretionary review.

process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.

11. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.
12. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
13. The property owner or applicant shall install bike racks for patrons and employees on the site. The bicycle racks shall be decorative in design. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
14. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
15. Outdoor electronic communication systems shall not be audible in adjacent residential areas.
16. The drive-through menu board shall have adjustable volume levels which would allow for lowering the volume during early morning and late evening hours when background traffic noise is also reduced.
17. During all hours of operation of the site, it shall comply with the City's Noise Ordinance.
18. During all hours of operation after 11:00 PM, the patio area will be closed to be sensitive to neighboring residential properties. The owner or business operator will be responsible for maintaining a quiet atmosphere outside of the building.
19. The trash enclosure shall not be moved without the approval of the Development Services Director.
20. The applicant shall implement measures to reduce vehicle queue and idling in the drive-thru lanes at peak times as needed. These measures could include manual order entry by a restaurant staff person outside, or requirements for certain customers to park their vehicles for curbside service.
21. This approval does not include the allowance for live entertainment. Live entertainment may only be permitted subject to the approval of a Conditional Use Permit by the City and issuance of a "public entertainment permit". Contact the Planning and Code Enforcement Divisions for application information.
22. The project shall comply with all applicable Federal, State, and local laws and guidelines including the South Coast Air Quality Management District. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
23. While the facility is in operation, all doors and windows, including the drive-through window, shall be closed except when in use. .

24. During peak customer times an employee with a handheld tablet will direct customers into the drive-through lane and facilitate orders.
25. Outdoor activities are limited to drive-through operations and the outdoor patio area as shown on the approved plans.
26. All required parking areas and driveways shall be illuminated under the direction of the Planning Division. Lights used to illuminate parking areas shall be directed away from any adjoining premises located in any residential zone under the direction of the Planning Division.
27. Truck deliveries shall not occur anytime between the hours of 8:00 pm and 7:00 am.
28. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
29. Comply with all waste diversion requirements including food waste and green waste disposal as determined by the State of California
30. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
31. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
32. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces, or where applicable, landscape planters shall be increased 2' in depth to allow curbing to serve as a wheel stop.
33. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
34. A copy of the conditions of approval for this project must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
35. Prior to the release of occupancy/utilities, the applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection

is to confirm that the conditions of approval and code requirements have been satisfied.

- 36. An outdoor closed-circuit security camera system shall be installed to record views of the parking and outdoor dining area.
- 37. The three (3) parking stalls located at the drive-through exit shall be used as employee parking to avoid impacts on customer circulation.
- 38. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
- 39. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the indemnitors' joint and several obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
- PC 40. Subject to the satisfaction of the Public Works Director or designee, the driveway providing access to the project site from Old Newport Boulevard shall be reduced in width from 36 feet to 26 feet consistent with Costa Mesa Standard Plan Drawing Number 514 .
- PC 41. As soon as reasonably possible after the restaurant approved by this resolution has been operational for one year, the City of Costa Mesa Planning Commission shall conduct a review to determine if the permitted business hours are correlated to any adverse nuisances and/or public safety conditions occurring within a 300-foot radius as measured from the project site's perimeter property lines.

## **CODE REQUIREMENTS**

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- PInG. 1. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless

applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.

2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. Permits shall be obtained for landscaping and will require plan check and review from the Planning department and must comply with all applicable CMMC landscaping requirements including but not limited to tree count, shrub count, front setback landscaping and any applicable water conservation measures.
3. Parking stalls shall be double-striped in accordance with City standards.
4. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Water 5. Plan check and permit are required from Mesa Water District. Additionally, plumbing plans supporting the 1.5-inch meter need to be provided. A new service and meter will be required to supply the landscaping independent of the domestic supply to the building. Fire protection plans will be required to support the existing 6-inch fire protection point of connection if not they will need to abandon and cap the service in the street. The existing entrance driveway is impacting the existing fire hydrant so that will be addressed during the plan check. Any work in the street will require a permit from Caltrans.
- Bldg. 6. Comply with the requirements of the following adopted codes: 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code. Provide a plan to the County of Orange Health Dept. for review and approval.
7. Prior to the Building Division issuing any demolition permit, the applicant shall contact South Coast Air Quality Management District located at:

21865 Copley Dr.  
Diamond Bar, CA 91765-4178  
Tel: 909-396-2000 or Visit their web site  
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>

The Building Division will not issue a demolition permit until an Identification number is provided by AQMD.

- Bus. Lic. 8. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Fire 9. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
- 10. All seating in the assembly area shall be fixed according to the approved building plans.
- 11. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows existing parkway improvements and the limits of work on the site. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
- Eng. 12. Reconstruct existing driveway approaches per City of Costa Mesa standards to comply with A.D.A requirements.
- PD. 14. For the first year in operation an on-site security guard is required to patrol from 9PM to closing. This requirement may be extended beyond the first year should there be an increase in service calls in the area related to the business.
- PW 15. Fulfill mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting to the Transportation Division the required Traffic Impact Fee according to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based on the net trip generation of 847 trip ends for the proposed project and includes a credit for any previously existing use. At the current rate, the Traffic Impact Fee is estimated at \$199,139.00. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- 16. Provide operational mitigation during peak demand periods to avoid impacts to the adjacent row of parking and to ensure that no queuing occurs on the adjacent City street. This mitigation includes a parking lot monitor for assisting drive through customers and vehicles entering/exiting parking spaces as well as additional staff taking drive through customer orders.

17. Install red curb for a distance of 100 feet north of the proposed driveway and approximately eight (8) feet on the southside, between the proposed driveway and the closest existing driveway at the adjacent parcel.
18. Design and construct a crosswalk on the south leg of the intersection of the Old Newport Boulevard and East 16th St. The Crosswalk design shall include the creation of a bulb out / curb extension on the east end and ADA-compliant ramps for both ends of the crosswalk. The applicant must submit the plan for review and approval from the Transportation Services Division.
19. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
20. Obtain an encroachment permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches, sidewalks, curbs & gutters, curb ramps, etc., per City of Costa Mesa Standards as shown on the Offsite Plans. For driveways, locations and dimensions are subject to the approval of the Transportation Services Division.
21. In order to comply with the 2003 Drainage Area Management Plan (DAMP), the proposed project shall prepare a Water Quality Management Plan conforming to the Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, prepared by a Licensed Civil Engineer which shall be submitted to the Department of Public Works for review and approval.
  - a. A WQMP (Priority or Non-Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
  - b. Location of BMP's shall not be within the public right-of-way.
22. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
23. Dedicate easements (as needed) for public utilities. Final determination of any easement dedication will be per the City Engineer.
24. Survey monuments shall be preserved and referenced before construction, pursuant to Section 8771 of the Business and Profession Code



# City of Costa Mesa

ATTACHMENT 2

RESERVE FOR FILING STAMP  
RECEIVED  
CITY CLERK

24 FEB 20 PM 3:50

CITY OF COSTA MESA

BY  
File with: City Clerk  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
714-754-5225

- Appeal of Planning Commission Decision:  
\$1,220.00 (Tier 1)<sup>1</sup>  
\$3,825.00 (Tier 2)<sup>2</sup>
- Appeal of Non-Planning Commission Decision:  
\$690.00 (Tier 1)<sup>1</sup>  
\$3,825.00 (Tier 2)<sup>2</sup>

## APPLICATION FOR APPEAL OR REVIEW

Applicant Name\* Councilmember Art's Reynolds  
 Address 77 Fair Drive, Costa Mesa  
 Phone 714-853-2374

REQUEST FOR:  APPEAL  REVIEW\*\*

Decision of which appeal or review is requested: (give application number, if applicable, and the date of the decision, if known.)

2A-22-11, 10VR-23-003, PMND-23-0003  
PC meeting on 2/12/2024

Decision by: PC

Reasons for requesting appeal or review:

higher level of review of traffic, circulation, noise and neighborhood impacts  
were adequate opportunity for awareness and input by adjacent businesses and residents

Date: 2/20/2024 Signature: [Signature]

<sup>1</sup>If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.  
<sup>2</sup>Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:  
If appeal or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal or review

Updated September 2023

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

**February 12, 2024**

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Chair Ereth led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Adam Ereth, Vice Chair Russell Toler, Commissioner Karen Klepack, Commissioner Johnny Rojas, Commissioner Jimmy Vivar, Commissioner Jon Zich

Absent: Commissioner Angely Andrade

Officials Present: Assistant City Manager and Interim Economic and Development Services Director Cecilia Gallardo-Daly, Assistant Director of Development Services Scott Drapkin, Planning and Sustainable Development Manager Bill Rodrigues, Public Works Director Raja Sethuraman, City Engineer Seung Yang, Assistant City Attorney Tarquin Preziosi, Assistant Planner Chris Aldana, and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS**

None.

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:**

Wendy Simo spoke on the noise coming from Gym 12, bicycle safety and road maintenance.

Shirley McDaniel's spoke on the proposed Jamboree Housing project at the Senior Center on 19<sup>th</sup> Street. She expressed concerns about short-term and long-term parking impacts, public safety, and against the possibility that the Senior Center may be temporarily closed.

Ida Wolf expressed concerns about potential impacts from the proposed senior housing project and suggested an alternative location for the project.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Vivar thanked the public for their attendance and encouraged the public to continue to attend future meetings.

Commissioner Zich spoke on the comment by Wendy Simo. He informed Ms. Simao that the sound study for Gym 12 will be heard at a City Council meeting and encouraged her to sign up for informative alerts for future meetings. He also commented on Ms. McDaniel’s and Ms. Wolf’s comments and informed them that the City Council will have a screening review for the senior center project at the next City Council meeting.

Chair Ereth informed the public that he attended the Chamber of Commerce’s coffee with the Police Chief, Mesa Water District Citizens Water Issues Group, and Trellis meeting for city leaders. He informed the public that he has been appointed as Chair for the Newport-Mesa School District Surplus Land Committee and encouraged the public to attend the next meeting on March 4, 2024 at 5:30 p.m.

**CONSENT CALENDAR:**

**No member of the public or Commissioners requested to pull a Consent Calendar item.**

**1. APPROVAL OF MEETING MINUTES: JANUARY 22, 2024**

**MOVED/SECOND:** Vivar/Klepack

**MOTION:** Approve recommended action for Consent Calendar Item No. 1.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Klepack, Vivar, Zich

Nays: None

Absent: Andrade

Abstained: None

Motion carried: 6-0

**ACTION:** Planning Commission approved the minutes of the regular meeting of the January 22, 2024.

**PUBLIC HEARINGS:**

- 1. MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303 SQUARE FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT YARD/LANDSCAPE SETBACK; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

**Project Description:** Zoning Application (MCUP) 22-11, Development Review PDVR-23-0003, and Minor Modification PMND-23-0003 is a request to demolish an existing 25,159-square-foot furniture store and to construct a new 2,913-square-foot drive-through restaurant (Raising Cane's) and a 1,303-square-foot outdoor patio. The proposed hours of operation are 9 a.m. to 2 a.m. Sunday through Wednesday, 9 a.m. to 3:30 a.m., Thursday through Saturday. The proposed request also involves a reduction of the drive-through lane width from the standard 11-foot width to 10-feet, a deviation from required parking by seven spaces, and a 20% reduction in the required front building setback.

**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303 (Class 3), for new construction and conversion of small structures, and section 15332 (Class 32) in-fill development projects.

Five ex-parte communications reported:

- Commissioner Rojas met with the adjacent property owner.
- Commissioner Zich visited the site and the location on Harbor Boulevard. He also received an email from the applicant.
- Chair Erath communicated with the applicant team by phone and also discussed the project with the Chamber of Commerce.
- Commissioner Vivar received an email from the applicant and spoke with City staff.
- Commissioner Klepack met with the applicant's consultant and visited the Harbor Boulevard site.

Chris Aldana, Assistant Planner, presented the staff report.

The Commission asked questions of staff including discussion of upgrades to ADA ramp, queuing analysis, reduction in width of the driveway, location to nearby Seabreeze Villa Mobile Home Park, hours of operation, employee parking, applicants request for a reduction of required parking, data from the traffic study, funding for bus stop, and about land uses in the surrounding area.

### **The Chair opened the Public Hearing.**

Kristin Roberts, representative for the applicant, stated that she had read the staff report and agrees to the conditions of approval, then presented an overview of the proposed project, and introduced other members of her team to address questions.

The Commission asked questions of the applicant including discussion of parking requirements, setbacks, proposed drive-thru, landscaping, queuing overflow, pedestrian access and safety, drive-aisle width, bike racks, bike storage, hours of operation, community outreach, ambient noise, and the traffic safety.

**The Chair opened public comments.**

Patrick Powers spoke in favor of the item.

Greg Kelly spoke in opposition to the item.

Kelly Barmutler spoke in favor of the item.

Nick Kelly spoke in opposition to the item.

Speaker five spoke in favor of the item.

Speaker six spoke in favor of the item.

Speaker seven spoke in favor of the item.

Antonia Course spoke in favor of the item.

Even Griffen spoke in favor of the item.

Speaker ten spoke in favor of the item.

Speaker eleven spoke in favor of the item.

Mark Richer spoke in favor of the item.

Ty Handson spoke in opposition to the item.

David Swerdlin spoke in opposition to the item.

Speaker fifteen spoke in opposition to the item.

Dan King spoke in opposition to the item.

Steve Shriner spoke in opposition to the item.

Andy Ta spoke in opposition of the item.

**The Chair closed public comments.**

The Commission, Applicant and Staff continued their discussion on driveway-aisle reconstruction, curb work and community input from occupants at Sea Breeze Villas.

**The Chair closed the Public Hearing.**

The Commission discussed the motion including adding a condition to narrow the driveway, queuing issues, noise concerns, neighborhood compatibility, concerns related to traffic and ingress and egress concerns, hours of operation, redesign, and seasonal traffic issues.

Commissioner Vivar modified his motion to include limiting the hours to 11:00 p.m. seven days a week.

Commissioner Klepack expressed concern for the modified motion. Chair Erath and Commissioner Zich expressed support.

Commissioner Klepack and Vice Chair Toler asked to re-open the public hearing to hear the applicant's thoughts about the proposed modification to the hours of operation.

**The Chair re-opened the public hearing.**

Ms. Micha, a representative for the applicant, expressed her concerns about the modification to hours. She stated the change would not allow their business to provide their customers with quality service. Another member of the applicant team, Kristin Roberts, commented that they would not accept that modification because it would not be operationally sound for their business.

The Commission, Applicant and Staff had a discussion on the impact that the hours of operation change would have on their business, noise concerns for surrounding neighborhoods and a suggestion for a one-year review.

**The Chair closed the Public Hearing.**

The Commission discussed the modified motion including possibly adding a requirement for the Planning Commission to conduct a one-year post-opening review.

Commissioner Vivar then amended his modified motion by reverting back to his original motion with the added condition to require Planning Commission review of operations one-year after business commences. Seconded by Commissioner Klepack.

**MOVED/SECOND:** Vivar/Klepack

**MOTION:** Approve application with added conditions to narrow the driveway width and require Planning Commission review of operations one-year after the business begins

operating.

The motion carried by the following roll call vote:

Ayes: Toler, Klepack, Vivar, Zich

Nays: Ereth, Rojas

Absent: Andrade

Abstain: None

Motion carried: 4-2-1-0

**ACTION:** The Planning Commission adopted 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 15303 (Class 3), New Construction and Conversion of Small Structures and Section 15332 (Class 32 In-fill Development Projects); and
2. Approve ZA-22-011, PDVR-23-0003, and PMND-23-0003 with the addition of conditions to narrow the Old Newport Boulevard driveway width from 36-feet to 26-feet and to return to the Planning Commission one year after business operations commence to review drive-through operations.

**RESOLUTION PC-2024-04 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303-SQUARE-FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT/LANDSCAPE DEPTH; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

The Chair explained the appeal process.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**DEPARTMENTAL REPORTS:**

1. Public Works Report – Mr. Yang announced that the new traffic signal at West 19<sup>th</sup> Street and Wallace Avenue is operational.

2. Development Services Report – None.

**CITY ATTORNEY’S OFFICE REPORT:**

1. City Attorney – None.

**ADJOURNMENT AT 9:06 PM**

Submitted by:



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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION

**RESOLUTION NO. PC-2024-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303-SQUARE-FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT/LANDSCAPE DEPTH; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Zoning Application ZA-22-11, Development Review PDVR-23-0003, and Minor Modification PMND-23-0003 was filed by Jay Higgins, authorized agent for the property owner, requesting approval of the demolition of an existing 25,159-square-foot furniture store and the construction of a new 2,913-square-foot drive-through restaurant (Raising Cane's) with a reduction of parking, and the construction of a new 1,303 square feet outdoor patio area, and to allow for a decrease of 20% in required front/landscape depth; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 12, 2024, with all persons having the opportunity to speak in favor of or opposition to the proposal; and

WHEREAS, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15303 (Class 3) for New Construction and Conversion of Small Structures, and Section 15332 (Class 32) for in-fill development projects; and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit

Review PDVR-23-0003, and Minor Modification PMND-23-0003 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Application 22-11 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 12<sup>th</sup> day of February, 2024.**



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Adam Ereth, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )ss  
CITY OF COSTA MESA )

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2024-04 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 12, 2024 by the following votes:

AYES: Toler, Klepack, Vivar, Zich

NOES: Ereth, Rojas

ABSENT: Andrade

ABSTAIN: None



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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2024-04

## EXHIBIT A

### FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) – Review Criteria in that:

***Costa Mesa Municipal Code section 13-29 (e) Review Criteria –***

**“Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood”.**

The proposed use is compatible and harmonious with developments in the same general area in that the restaurant would replace an existing commercial use that is generally surrounded by other commercial and industrial uses. The use as conditioned is not expected to generate excessive noise, traffic, odors or other detrimental effects on the surrounding uses. Per Condition of Approval No. 34, the use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. In addition, the applicant and/or business owner shall institute appropriate security and operational measures necessary to comply with this requirement.

**“Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation”.**

The project includes the development of a new building, parking areas and landscaping. Pedestrian access to the site is provided at the intersection of East 16th Street and Old Newport Boulevard with a walkway leading to the restaurant patio area and the restaurant entrance. A traffic study was submitted with the project that determined the proposed drive-through lanes would accommodate the maximum anticipated vehicle queue and the restaurant operations would not result in a significant change in intersection LOS. Pursuant to Condition of Approval No. 6, if parking shortages or other parking-related problems occur, the operator must institute appropriate operational measures necessary to minimize or eliminate the problem. The Police Department has reviewed the proposed project and suggested requiring on-site security guards from 9 P.M. to closure for the first year of operation (the applicant has agreed to provide this security).

**“Compliance with any performance standards as prescribed elsewhere in the Zoning Code”.**

The proposed project is in compliance with the Zoning Code and the project proposed deviations, as described in the staff report, are allowed subject to standards and findings.

**“Consistency with the general plan and any applicable specific plan”.**

The proposed commercial restaurant use is located on an existing commercial property that has a General Plan land use classification of “General Commercial”. The project site is located within the “19 West Plan Urban Plan”; however, the applicant is not applying for a Master Plan Mixed-Use development, so the design guidelines within the Urban Plan do not apply.

**“The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development”.**

The application is for a project-specific case to construct a fast-food restaurant on an existing commercial lot. The project meets all applicable development standards and design guidelines for commercial structures in the C2 zoning district and is consistent with the general plan land use designation of “General Commercial”. The proposed development would not be precedent-setting as each application is reviewed on a case-by-case basis.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) – Minor Conditional Use Permit in that:

**“The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area”.**

The proposed use is compatible and harmonious with developments in the same general area in that the restaurant would replace an existing commercial use that is surrounded by other commercially zoned properties. The use as conditioned will not generate excessive noise, odor, traffic or other detrimental effects on the surrounding uses. Per Condition of Approval No. 34, the use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

**“Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood”.**

The project proposes a new commercial use on an existing developed commercial property. The project has been reviewed for potential effects to public health, safety, traffic, parking, noise and odor. Specific analysis was also completed for potential effects to a nearby residential development and concluded that no significant impacts would result.

**“Granting the minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property”.**

Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation and the applicable Urban Plan for the property. The project is a permitted use and, as conditioned, the drive-through restaurant will not generate noise, odor, traffic or parking effects unusual for a commercially zoned property. Lastly, the proposed project is consistent with applicable policies and objectives of the 2015-2035 General Plan as described in the staff report.

- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(6) – Minor Modification in that:

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(6) – Minor Modification:

**“The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood”.**

The project proposes a minor modification for the new building to encroach into the 20-foot required front/landscape setback. The encroachment is limited to only a small portion of the building, and the encroachment does not result in a perceived shortage in landscaping or significant building mass along the street frontage. Therefore, the proposed encroachment would not result in detrimental effects to public health, safety, and general welfare.

**“The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development”.**

The project design includes a new building and associated site improvements that enhances the existing and anticipated development in the vicinity. The project site planning, land coverage, landscaping, appearance, scale of structures and open space is not inhibited by the proposed minor modification encroachment.

## **EXHIBIT B**

### **CONDITIONS OF APPROVAL**

1. The use shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment subject to approval by the Zoning Administrator. The approved hours of operation are Sunday through Wednesday - 9 AM to 2 AM, and Thursday through Saturday - 9 AM to 3:30 AM.
2. The licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
3. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute appropriate security and operational measures are necessary to comply with this requirement.
4. The conditions of approval for ZA-22-11 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
5. Odor control devices and techniques shall be incorporated to ensure that odors from the restaurant use are not detected outside the property.
6. If parking shortages or other parking-related problems arise, the operator shall institute appropriate operational measures necessary to minimize or eliminate the problem, including, but not limited to, reducing the operating hours of the restaurant and/or providing additional parking through a valet service or off-site parking (subject to review and approval as outlined in the Municipal Code).
7. Live entertainment and amplified music or sound shall be prohibited.
8. All physical elements (e.g., awnings, covers, furniture, umbrellas, etc.) related to the outdoor dining area that are visible from the public right-of-way shall be compatible with one another and with the overall character and design of the principal structure; as well as, kept in good condition.
9. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately
10. No modification of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish materials(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to reprocess the modification through a discretionary review

- process such as a minor design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
11. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts are permitted.
  12. It is recommended that the project incorporate green building design and construction techniques where feasible. The applicant may contact the Building Safety Division at (714) 754-5273 for additional information.
  13. The property owner or applicant shall install bike racks for patrons and employees on the site. The bicycle racks shall be decorative in design. This condition shall be completed prior to final occupancy/start of business, under the direction of the Planning and Building Divisions.
  14. Transformers, backflow preventers, and any other approved above-ground utility improvement shall be located outside of the required street setback area and shall be screened from view, under direction of Planning staff. Any deviation from this requirement shall be subject to review and approval of the Development Services Director.
  15. Outdoor electronic communication systems shall not be audible in adjacent residential areas.
  16. The drive-through menu board shall have adjustable volume levels which would allow for lowering the volume during early morning and late evening hours when background traffic noise is also reduced.
  17. During all hours of operation of the site, it shall comply with the City's Noise Ordinance.
  18. During all hours of operation after 11:00 PM, the patio area will be closed to be sensitive to neighboring residential properties. The owner or business operator will be responsible for maintaining a quiet atmosphere outside of the building.
  19. The trash enclosure shall not be moved without the approval of the Development Services Director.
  20. The applicant shall implement measures to reduce vehicle queue and idling in the drive-thru lanes at peak times as needed. These measures could include manual order entry by a restaurant staff person outside, or requirements for certain customers to park their vehicles for curbside service.
  21. This approval does not include the allowance for live entertainment. Live entertainment may only be permitted subject to the approval of a Conditional Use Permit by the City and issuance of a "public entertainment permit". Contact the Planning and Code Enforcement Divisions for application information.
  22. The project shall comply with all applicable Federal, State, and local laws and guidelines including the South Coast Air Quality Management District. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
  23. While the facility is in operation, all doors and windows, including the drive-through window, shall be closed except when in use. .

24. During peak customer times an employee with a handheld tablet will direct customers into the drive-through lane and facilitate orders.
25. Outdoor activities are limited to drive-through operations and the outdoor patio area as shown on the approved plans.
26. All required parking areas and driveways shall be illuminated under the direction of the Planning Division. Lights used to illuminate parking areas shall be directed away from any adjoining premises located in any residential zone under the direction of the Planning Division.
27. Truck deliveries shall not occur anytime between the hours of 8:00 pm and 7:00 am.
28. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
29. Comply with all waste diversion requirements including food waste and green waste disposal as determined by the State of California
30. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
31. Demolition permits for existing structure(s) shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
32. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces, or where applicable, landscape planters shall be increased 2' in depth to allow curbing to serve as a wheel stop.
33. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
34. A copy of the conditions of approval for this project must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
35. Prior to the release of occupancy/utilities, the applicant shall contact the Planning Division to arrange a Planning inspection of the site. This inspection

is to confirm that the conditions of approval and code requirements have been satisfied.

36. An outdoor closed-circuit security camera system shall be installed to record views of the parking and outdoor dining area.
37. The three (3) parking stalls located at the drive-through exit shall be used as employee parking to avoid impacts on customer circulation.
38. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
39. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the indemnitors' joint and several obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
- PC 40. Subject to the satisfaction of the Public Works Director or designee, the driveway providing access to the project site from Old Newport Boulevard shall be reduced in width from 36 feet to 26 feet consistent with Costa Mesa Standard Plan Drawing Number 514 .
- PC 41. As soon as reasonably possible after the restaurant approved by this resolution has been operational for one year, the City of Costa Mesa Planning Commission shall conduct a review to determine if the permitted business hours are correlated to any adverse nuisances and/or public safety conditions occurring within a 300-foot radius as measured from the project site's perimeter property lines.

### **CODE REQUIREMENTS**

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless

applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.

2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. Permits shall be obtained for landscaping and will require plan check and review from the Planning department and must comply with all applicable CMMC landscaping requirements including but not limited to tree count, shrub count, front setback landscaping and any applicable water conservation measures.
3. Parking stalls shall be double-striped in accordance with City standards.
4. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Water 5. Plan check and permit are required from Mesa Water District. Additionally, plumbing plans supporting the 1.5-inch meter need to be provided. A new service and meter will be required to supply the landscaping independent of the domestic supply to the building. Fire protection plans will be required to support the existing 6-inch fire protection point of connection if not they will need to abandon and cap the service in the street. The existing entrance driveway is impacting the existing fire hydrant so that will be addressed during the plan check. Any work in the street will require a permit from Caltrans.
- Bldg. 6. Comply with the requirements of the following adopted codes: 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code. Provide a plan to the County of Orange Health Dept. for review and approval.
7. Prior to the Building Division issuing any demolition permit, the applicant shall contact South Coast Air Quality Management District located at:

21865 Copley Dr.  
 Diamond Bar, CA 91765-4178  
 Tel: 909-396-2000 or Visit their web site  
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>

The Building Division will not issue a demolition permit until an Identification number is provided by AQMD.

- Bus. Lic. 8. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Fire 9. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
- 10. All seating in the assembly area shall be fixed according to the approved building plans.
- Eng. 11. At the time of development submit for approval an Offsite Plan to the Engineering Division and Grading Plan to the Building Division that shows existing parkway improvements and the limits of work on the site. Construction Access approval must be obtained prior to Building or Engineering Permits being issued by the City of Costa Mesa. Pay Offsite Plan Check fee per Section 13-231 of the C.C.M.M.C. and an approved Offsite Plan shall be required prior to Engineering Permits being issued by the City of Costa Mesa.
- 12. Reconstruct existing driveway approaches per City of Costa Mesa standards to comply with A.D.A requirements.
- PD. 14. For the first year in operation an on-site security guard is required to patrol between the hours of 9PM – 3AM. This requirement may be extended beyond the first year should there be an increase in service calls in the area related to the business.
- PW 15. Fulfill mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting to the Transportation Division the required Traffic Impact Fee according to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based on the net trip generation of 847 trip ends for the proposed project and includes a credit for any previously existing use. At the current rate, the Traffic Impact Fee is estimated at \$199,139.00. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of the Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.
- 16. Provide operational mitigation during peak demand periods to avoid impacts to the adjacent row of parking and to ensure that no queuing occurs on the adjacent City street. This mitigation includes a parking lot monitor for assisting drive through customers and vehicles entering/exiting parking spaces as well as additional staff taking drive through customer orders.

17. Install red curb for a distance of 100 feet north of the proposed driveway and approximately eight (8) feet on the southside, between the proposed driveway and the closest existing driveway at the adjacent parcel.
18. Design and construct a crosswalk on the south leg of the intersection of the Old Newport Boulevard and East 16th St. The Crosswalk design shall include the creation of a bulb out / curb extension on the east end and ADA-compliant ramps for both ends of the crosswalk. The applicant must submit the plan for review and approval from the Transportation Services Division.
19. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
20. Obtain an encroachment permit from the City of Costa Mesa, Engineering Division, at the time of development and then construct P.C.C. driveway approaches, sidewalks, curbs & gutters, curb ramps, etc., per City of Costa Mesa Standards as shown on the Offsite Plans. For driveways, locations and dimensions are subject to the approval of the Transportation Services Division.
21. In order to comply with the 2003 Drainage Area Management Plan (DAMP), the proposed project shall prepare a Water Quality Management Plan conforming to the Current National Pollution Discharge Elimination System (NPDES) and the Model WQMP, prepared by a Licensed Civil Engineer which shall be submitted to the Department of Public Works for review and approval.
  - a. A WQMP (Priority or Non-Priority) shall be maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall ensure that the existing water quality measures for all improved phases of the project are adhered to.
  - b. Location of BMP's shall be within the public right-of-way.
22. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
23. Dedicate easements (as needed) for public utilities. Final determination of any easement dedication will be per the City Engineer.
24. Survey monuments shall be preserved and referenced before construction, pursuant to Section 8771 of the Business and Profession Code

**ALDANA, CHRISTOPHER**

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**From:** PARTIDA, ANNA  
**Sent:** Monday, December 4, 2023 1:05 PM  
**To:** ALDANA, CHRISTOPHER  
**Subject:** FW: Zoning Application 22-11 (Raising Cane's) at Von Hemert location

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Public comment to be added to report

**From:** Ty Hansen <tystick000@gmail.com>  
**Sent:** Sunday, December 3, 2023 4:18 PM  
**To:** PC Public Comments <PCPublicComments@costamesaca.gov>  
**Subject:** Zoning Application 22-11 (Raising Cane's) at Von Hemert location

I am opposed to Application ZA-22-11 regarding demolishing the VonHemert furniture store into a Raising Cane's fast food location a number of reasons

1. The two lane side road to Newport Boulevard will be overwhelmed by traffic, specifically on the weekends, when visitors leaving the beaches need to feed the kids. I believe the traffic jams will be nightmarish.
2. As a person who visits the intersection at E 16th Street and Newport Blvd. daily, I have seen my share of collisions and near collisions. These accidents will only increase, not decrease.
3. The businesses and mobile home park located on E 16th will experience a very negative effect regarding parking and access. In addition, as is well established, fast food litter will only exacerbate the homeless persons garbage that already exists in the area.
4. West Coast Marine, located just down the block on Commercial Way (a private road) already has difficulty getting large boats in and out of its location. That access can only get worse.
5. The City of Costa Mesa leadership is only interested in advancing it's own agenda... increasing tax and fee revenue regardless of who gets killed in that intersection. Only a small percentage of people win, and the rest of us locals lose.

Why not just build more homes like they did down the street? Why not build a state of the art sober living home? This is only about making the VonHemerts richer than they already are.

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## ALDANA, CHRISTOPHER

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**From:** Antonia Cohrs <antonia.cohrs61@gmail.com>  
**Sent:** Monday, December 4, 2023 1:48 PM  
**To:** PC Public Comments; ALDANA, CHRISTOPHER  
**Subject:** Raising Cane's, 1595 West Newport Boulevard, MCUP Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Chairman Ereth and Planning Commission:

I am a resident of Costa Mesa and am thrilled to hear that Raising Cane's is seeking approval to open a second location. As someone who lives and works in Costa Mesa this is the type of business that I support coming to our town.

This use is a perfect addition to the Westside area, and given that it is along Newport Blvd., the location could not be better. This type of use shows the reinvestment potential in the area and will only continue the revitalization of the area. This part of Newport Blvd. is in a transition with new uses, residents, and businesses coming to the area. As the area evolves it is an opportunity for the street and general area to improve. This is exactly the kind of use and business this area calls for.

I urge you to vote in favor of the proposed MCUP. Thank you for your time!

Best,

Antonia Cohrs

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**ALDANA, CHRISTOPHER**

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**From:** Isabella Mourani <isabellamourani@gmail.com>  
**Sent:** Tuesday, December 5, 2023 11:23 AM  
**To:** ALDANA, CHRISTOPHER; PC Public Comments  
**Subject:** Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Dear Chairman Ereth and Planning Commission

As a longtime Costa Mesa resident, please let this letter serve as my support for the proposed Raising Cane's. The proposed site (former Von Hemert Furniture) redevelopment will bring a much-needed upgrade to the area, being both aesthetically pleasing and revitalizing a now vacant complex. As a young professional, restaurants like this are great, they serve a tasty meal and it is affordable, convenient, and fast! I encourage you to support Raising Cane's and their new proposed location!

Thank you for your consideration.

Sincerely,

Isabella Mourani  
2833 Club House Rd  
Costa Mesa, CA 92626

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## ALDANA, CHRISTOPHER

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**From:** Mike Brazil <mbrazil140@gmail.com>  
**Sent:** Tuesday, December 5, 2023 10:20 AM  
**To:** ALDANA, CHRISTOPHER; PC Public Comments  
**Subject:** Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Chairman Ereth and Planning Commission:

As a young professional, now almost exclusively remote, running out to grab lunch has become the part of my day when I interact with other people face-to-face. Having an option like Raising Cane's on Newport Blvd. would be great – and save me the extra miles of heading to the one on Harbor. Their food is delicious, fast, and affordable. And I don't want to leave out their great crew – always friendly and smiling. Currently this site is vacant and has been for some time – I hope you support the proposed use and approve the project before you.

Thank you for your time.

Sincerely,

Mike Brazil

432 Enclave Cir, Costa Mesa, CA 92626

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## KILLYBROOKE ELEMENTARY

714-424-7945

3155 Killybrooke Ln. Costa Mesa, CA 92626

killybrooke.nmusd.us

Laura Taylor, Principal

Dear Raising Cane's Costa Mesa Team,

I wanted to take a moment to express our heartfelt gratitude for the incredible support and presence you brought to Killybrooke Elementary during Red Ribbon Week. Your commitment to connecting with our school, understanding our needs, and uplifting our students and staff has left a lasting impact.

Karina Gil, your team member who served as our Principal for the Day, was truly amazing in every way. Her genuine connection to the Costa Mesa community and her passion for supporting our students shone brightly. Her visit was a source of excitement and motivation for our students, and they were absolutely thrilled to receive generous donations and hear her encouraging words. Additionally, our staff was so excited to have lunch from their principal for the day. That was so thoughtful and a much needed pick me up.

Your involvement during Red Ribbon Week not only brightened our days but also reinforced the importance of meaningful connections within the Costa Mesa community. We are deeply grateful for your partnership and the positive influence you have on our school. We look forward to future collaboration and meaningful connection with Cane's as it evolves in our Costa Mesa community.

Once again, thank you, Raising Cane's Costa Mesa, for your support and partnership, and for making a difference in the lives of our students. We look forward to continuing our partnership in the future and creating more memorable moments together. Our schools are so lucky to have community partners that are invested in building up our youth. Your presence in our community is impactful and for that we are grateful.

With warm regards and appreciation,

Laura Taylor

Principal

Killybrooke Elementary School

PH-3

**PARTIDA, ANNA**

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**From:** Kelly Normandin <kmn021@gmail.com>  
**Sent:** Thursday, December 7, 2023 8:03 PM  
**To:** PC Public Comments; ALDANA, CHRISTOPHER  
**Subject:** Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Chairman Ereth and Planning Commission:

I have worked on the Westside of Costa Mesa for more than two decades. In that time a lot has changed, a lot has improved, and some areas still need work. With the proposed Raising Cane's along Newport Blvd., you have an opportunity to spruce up a corner that "still needs work." This would be a great addition to the area and a great community partner for the city. Please consider this application and I hope you will support their request.

Thank you for your time.

Sincerely,

Kelly Normandin  
741 Schenley Bay  
costa mesa ca  
92626

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PH-3

**PARTIDA, ANNA**

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**From:** Stacy Mason <stacycmason@gmail.com>  
**Sent:** Friday, December 8, 2023 11:25 AM  
**To:** PC Public Comments  
**Subject:** Re: 1595 Newport Blvd

Dear Costa Mesa Planning Division:

I am writing in response to an Official Public Notice I received in the mail regarding application number ZA-22-11, PDVR-23-003 & PMND-23-003. The affected address is 1595 Newport Boulevard. I am a neighbor and homeowner in the Level1 community (cross streets Newport Frontage Road/Industrial), and I strongly ask that this proposal not be approved.

Currently, the 1500 block of Newport Boulevard is quiet. It is located on Frontage Road, which is narrow and winding, and 16th Street, which is also not very large. Right now (even without such a busy business like Raising Cane's), the traffic backs up on 16th street during evening rush hour, and there are times it is impossible for me to turn right onto 16th from south-bound Newport Boulevard and then make the left onto Newport Frontage Road because cars are already there. Adding a Raising Cane's will guarantee that I will never be able to use that intersection to go home again.

The proposed hours of Raising Cain's are 9am until the wee hours of the morning (2am or 3am). This would guarantee additional traffic to what can already be a congested intersection. It would also bring unwanted noise and trash.

In addition, the application is asking for exceptions. It deviates from required parking by seven stalls, the drive-through will be 10 feet wide instead of the normal 11 feet, and it will be 20% closer to the street than what is normally required. If a vehicle is too large for the drive-through, they would need to park and walk in. If there are fewer parking spaces, where will they park to do so? There are already parking issues with people illegally parking on the east side of Newport Frontage Road, making a narrow road even narrower. Where will the drive through lane go? If the building is closer to the road and has a smaller parking lot, the drive-through will likely spill onto 16th street and/or wind onto the Newport Frontage Road or even Newport Boulevard.

For the above reasons, please do not approve this business proposal. We have plenty of fast-food restaurants on 17th Street and Harbor Boulevard. We do not need a Raising Cane's outside of those areas, especially when it cannot abide by current building requirements, disrupting our neighborhood.

Thank you for your consideration. Please contact me via email with any questions.

Stacy Mason

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**From:** Jonathan Mason <jonathandavidmason@gmail.com>  
**Sent:** Sunday, December 10, 2023 4:52 PM  
**To:** PC Public Comments  
**Subject:** Public Comments against Raising Cane's at 1595 Newport Boulevard

To whom it may concern,

I am an owner and resident at the Level 1 community, less than an 1/8th of a mile from the proposed location for a new Raising Cane's at 1595 Newport Boulevard. The growth of new restaurants is usually a positive development in our community, but there are too large a number of issues with this proposition.

The small roads between Newport Boulevard and Superior (with the exception of 17th St.), as well as the Newport Boulevard frontage roads are very narrow and already tight passing spaces against oncoming traffic. Adding a busy restaurant (known to have exceptionally long drive through lines, similar to In N Out and Chick-fil-A) will only cause more congestion. As it stands, northbound on the West Newport Boulevard Frontage Road gets backed up at 16th St., trying to turn onto or cross Newport Boulevard.

The traffic and customer noise, with the operation hours ending at 2 or 3:30 in the morning, is inappropriate with the housing just feet to the West on 16th Street. And the multiple building exceptions speak to the inadequate site conditions for this project. These include building deviation requests of an overly narrow drive-through lane, truncated parking space counts, and erecting the structure closer to the street than normal commission requirements.

For all the above reasons listed above, I strongly urge this project to not be approved.

Thank you,  
Jonathan Mason

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**From:** Lester Tucker <lestertucker@gmail.com>  
**Sent:** Monday, December 11, 2023 8:29 AM  
**To:** PC Public Comments  
**Subject:** PLEASE APPROVE Raising Canes!

I am writing to let you know I strongly urge you to approve a Raising Canes on Newport Blvd. This company is OUTSTANDING. They are very proactive in managing their properties which are always very well kept (e.g. no homeless vagrants, graffiti, dead plants, etc.) I know people are going to say no because of traffic but if people in Costa Mesa/Newport are worried about traffic then they should move. It's a fact of life here, it's the beach and it's crowded. A new drive thru restaurant isn't going to make a lick of difference in the traffic. What should we cancel the Newport Boat Parade because too many people drive on Newport Blvd? Of course not. This company really promotes the right things about business entrepreneurship, trains their employees well and gives back to the community. They are also very proactive in managing the drive thru cars so PLEASE SAY YES! Food is sooo good.

Jon Tucker  
west side

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**From:** Laura Witcher <laura.whitcher@ukg.com>  
**Sent:** Monday, December 11, 2023 8:52 AM  
**To:** PC Public Comments  
**Subject:** Raising Cane's

Hello,

I wanted to send a note in support of putting in Raising Cane's where the old Grant's for Guns is located. Their food is great, and I think a lot of us locals would love having a Cane's closer than we have now. I know for sure that my two teenage sons would be thrilled.

This should also bring some great revenue to the city of Costa Mesa.

From a local in NB:)

Laura Witcher  
UKG Strategic Account Manager  
(310) 779-7766

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**From:** Ethen Thacher <ethen.thacher@gmail.com>  
**Sent:** Monday, December 11, 2023 9:12 AM  
**To:** PC Public Comments  
**Subject:** Raising Cane's

Hello Costa Meas Planning Commission -

I work in the City of Costa Mesa and I'm emailing the Planning Commission to request approval of Zoning Application 22-11, Development Review PDVR-23-0003, and Minor Modification PMND-23-0003 for the demolition of an existing 25,159-square-foot furniture store and the construction of a new 2,913-square-foot drive-through restaurant (Raising Cane's) with a drive-thru, and 1,303 square feet of outdoor patio area.

Thank you, Ethen

--  
Ethen Thacher  
(714) 914-5616  
[ethen.thacher@gmail.com](mailto:ethen.thacher@gmail.com)  
[www.linkedin.com/in/ethenthacher](https://www.linkedin.com/in/ethenthacher)

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**PARTIDA, ANNA**

PH-3

**From:** Brad Kelly <brad@makenaprop.com>  
**Sent:** Monday, December 11, 2023 9:39 AM  
**To:** PC Public Comments  
**Cc:** ALDANA, CHRISTOPHER; gkelly57@pacbell.net  
**Subject:** Raisin Canes Application ZA-22-11  
**Attachments:** Canes Planning Commission.pdf

Please see attached comments related to the above project to be included in the package for the planning commission tonight December 11, 2023.

Cc: Christopher Aldana

**Brad Kelly**  
**President**

***M a k e n a P r o p e r t i e s***

**Office** (949) 348-3333  
**Cell** (949) 533-5722

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December 11, 2024

Planning Commission  
77 Fair Drive  
Costa Mesa, CA 92626

Re: Application No. ZA-22-11, Site Address 1595 Newport Blvd

Dear Chairman Ereth and Planning Commission:

As a resident of Costa Mesa, I am concerned with the plan referenced above for the following reasons:

- **These high-volume drive through food service business really stretch the standard of traffic** and often miss the mark resulting in:
  - Back up to traffic on adjacent streets
    - In N Out on 19<sup>th</sup>
    - Canes on Harbor Boulevard
    - Chick Fillet on Harbor Boulevard
    - Goop Kitchen Costa Mesa
  - On site traffic flow impacting neighboring properties
    - Denny's on harbor Blvd (Canes)
    - Seiwa Market (Chic Fillet)
    - Home Depot (Northgate Mercado)
- **The project didn't address any impacts or offer any accommodations to the neighbors.**
  - How can a project that increases traffic and intensity of use **NOT** have an impact?
- **The project seemed to avoid any improvements of the adjacent street** as no consideration was evident of:
  - Widening the street
  - Improving the existing sidewalk
  - Providing more on street parking for the neighborhood
  - Getting rid of the overnight RV/Homeless parking

Sincerely,

  
Brad Kelly

**From:** Cyndie Williams <cyndie@infinetgrouppllc.com>  
**Sent:** Monday, December 11, 2023 10:44 AM  
**To:** PC Public Comments  
**Cc:** ALDANA, CHRISTOPHER  
**Subject:** Raising Canes ZA-22-11

Hello Planning Commission Members,

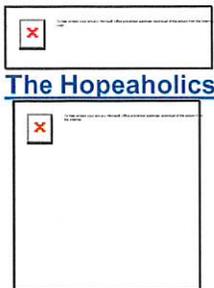
Thank you for considering my comments. I work out of 1545 Old Newport Blvd in Costa Mesa and am writing in opposition to the proposed site with the current plans for traffic and parking. I reviewed the traffic study and it is apparent that the traffic engineers agree there will be a deficit in drive through queuing space during peak times resulting in either parking spaces, sidewalks, or streets being blocked with cars. What is the solution here? The main driveway proposed with block cars passing on Old Newport Blvd during business hours and this must be considered. This will cause issues with the surrounding businesses including, but not limited to 1545 Old Newport.

Additionally, if I understood this correctly, these numbers of potential cars passing through Raising Canes proposed by the traffic study are increased by 1% each year. What happens with the potential growth of the city of Costa Mesa with the current residential development project? Has that been calculated into the planning and development of Raising Canes? Surely, this will be more than a 1% increase in traffic and I would like to hear solutions and outcomes based on the culmination of both projects as they affect this part of Costa Mesa greatly.

Finally, the homeless issue on Old Newport Blvd is vast and we continuously need to employ the local law enforcement to aid in removing homeless people from the property at 1545. I share a concern about this problem growing with the census created by Raising Canes and the residential development project.

I believe there needs to be further thought and study before deciding or approving the CUP as written. I would only ask that the thoughts and comments from the surrounding businesses should have a louder voice in the planning commission's consideration in this matter

Again, thank you for your time today.



**Cyndie Dunkerson Williams, CATCIII**  
VP of Legal

w: www.infinetgrouppllc.com  
e: [cyndie@infinetgrouppllc.com](mailto:cyndie@infinetgrouppllc.com)  
m: (949) 254-2727 | p: (949) 715-7773 | f: (949) 606-9220  
[Hope by the Sea](#) | [Hope Lodge](#) |  
[Ken Seeley Communities](#) | [Mental Wellness](#) |  
[N.E.M. Recovery Centers](#) | [Serene Behavioral Health](#) |

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PH-3

**PARTIDA, ANNA**

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**From:** Gregg Kelly <gkelly57@pacbell.net>  
**Sent:** Monday, December 11, 2023 11:01 AM  
**To:** PC Public Comments  
**Subject:** Public Comments to ZA-22-11  
**Attachments:** RaisingCanes.pdf

December 11, 2023

Planning Commission  
77 Fair Drive  
Costa Mesa, CA 92626

Chairman Ereth and Planning Commission:

Re: Application No. ZA-22-11, Site Address 1595 Newport Blvd

My name is Gregg Kelly and I own the property at 1555 Newport Blvd, which is adjacent to the proposed Raising Cane's development. As the property owner along with my tenant West Coast Marine Service, we may be the most impacted by this project. I ask for your serious consideration to my concerns.

1. I would like more time to review the project. I just received the details of the plan 3 days ago, and it seems unfair to only allow a weekend during the holidays to review and comment on the potential impact to our business. Contrary to Raising Cane's claim of outreach to the adjacent neighbors in their letter to the City dated November 6, 2023, no such outreach was ever made to me as the property owner or my tenant. I suspect this lack of outreach and communication is true for many in the neighborhood.
2. Parking is a significant issue in this area of Costa Mesa. The street parking spaces are full and every business has restricted parking signs. Raising Cane's in this neighborhood will only make parking worse. Allowing them a variance for a reduced number of spots is irresponsible.
3. Traffic caused by cars in the drive-through queue could be a serious issue. I visited the Cane's on Harbor Blvd twice this last week, and both times the queue of cars fully consumed the parking lot and extended onto and blocked the right lane of Harbor Blvd. I took a picture, which I have included as Exhibit A. The Cane's on Harbor Blvd has a longer drive-through queue than what is proposed, and it leads me to believe the flow of traffic in front of my property will be greatly impacted. It only takes one car waiting to make a left hand turn into a full queue of cars to completely stop traffic on Newport Blvd.
4. Commercial Way between Newport Blvd and Superior Ave. is a private street. Repaving and cleaning this street is the financial responsibility of the property owners along this road. The additional traffic and litter from Raising Cane's will make it more expensive for me and the other property owners.

I respectfully ask the Planning Commission to not approve this Application No. ZA-22-11 as presented, and at the very least give us more time to research possible solutions to my concerns and the concerns of the community.

Sincerely,

Gregg Kelly

EXHIBIT A

Raising Cane's Harbor Blvd, Costa Mesa

Picture taken December 8, 2024 approx 6:10 PM



**From:** Dan <dkang68@gmail.com>  
**Sent:** Monday, December 11, 2023 11:24 AM  
**To:** PC Public Comments  
**Subject:** ZA-22-11 Raising Cane's

I am the property owner next door to the proposed Raising Cane's.

A few general concerns of the planning of Costa Mesa City and specific to my property:

As it is more a function of what the Community and City of Costa Mesa wish to envision as how the future of the balance in live and work opportunities, I'm concerned that we are developing around a commercial fast food corridor that does not serve the community at this time.

Some of the key points in particular of this development:

- 1) A drive through use that intends to be open till 3:30 am which we have seen the effects on Harbor Blvd.
- 2) GOOP has already created a traffic back up on Newport Blvd, with no alternative corrections.

Some comments and notes from surrounding interested parties and myself:

1-The current buildings at 1595 Newport Blvd are below grade without a permit, and proper drainage at grade needs to be addressed by the city on the next use.

2 - The current buildings and improvements at 1595 Newport Blvd have buried the adjacent neighbor's front building up to the window and built into the utility easement - the city needs to consider the impacts to the adjacent property as they approve drawings for the project.

3 - The proposed project should not be allowed a variance on parking requirements as Westside Costa Mesa already has a parking shortage since the city has approved multiple conversions of mfg zoning to C2 type uses without addressing the increased demand on street parking.

4- The city is aware that members of the community do not want more high traffic impact to Newport Blvd - Starbucks and Chick Fillet's planning applications were denied for this reason and Raising Cane on Harbor has regularly created a dangerous traffic backup and it will be worse at this location

5-The 19 West Mixed Use and Mesa West Plans encourage architectural appeal, small business and entrepreneurialism...national fast food chains, such as this project, are not consistent with the type of local Main Street businesses that are cultivating Westside Costa Mesa.

6-The city approved high density housing in 2021-22 for the adjacent properties between 16th and Placentia, how shortsighted is this project's traffic impact to future development of housing that will also impact traffic.

**PARTIDA, ANNA**

PH-3

---

**From:** nick@wcmservice.com  
**Sent:** Monday, December 11, 2023 11:26 AM  
**To:** PC Public Comments  
**Subject:** No. ZA-22-11  
**Attachments:** Dec 11, Doc 1.pdf

Please review attached document in regards to Application number: ZA-22-11  
Site Address 1595 Newport BLVD.

Thank you,  
Nick Kelly  
949-698-0550  
Nick@wcmservice.com  
West Coast Marine Service  
1555 Newport BLVD.  
Costa Mesa, CA. 92627

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Sent from my iPhone



[www.westcoastmarine.com](http://www.westcoastmarine.com)

December 11, 2023

Planning Commission  
77 Fair Drive  
Costa Mesa, CA 92626

Chairman Ereth and Planning Commission:

RE: Application No. ZA-22-11, Site Address 1595 Newport Blvd.

My Name is Nick Kelly and I own West Coast Marine Service, adjacent to the proposed Raising Cane's development. I have operated this business in this location for 13 years.

1. I have not had sufficient time to review this potential development. I only received the plans Friday the 8<sup>th</sup>. I feel this has not given me enough time to consider all potential impacts. I am on my property every day and available, however, neither Raising Cane's nor the property owner at Von Hemert have contacted me to discuss the impact of this decision. In the short amount of time I have had over the weekend these are a few of my initial concerns.
2. Parking: Parking in this area is severely restricted. I currently sublet a private curb side on Commercial way across from my property for my employees. The curbside parking in front Von Hemert is currently almost 100% occupied by vagrants who live in their cars or are taken up by other businesses in our area. Having a Raising Cane's with added traffic and a need for parking will certainly cause more Parking issues.
3. Traffic: The intersection of 16<sup>th</sup> and Newport Blvd is already dangerous enough. I witness multiple car accidents in this intersection every year. I have personally almost been hit by a driver running a red light in this intersection. 16<sup>th</sup> and Newport Blvd is a thorough fair for students heading to and from school from West side Costa Mesa to Newport Mesa Unified school districts. We currently have great examples of

1555 Newport Blvd • Costa Mesa • CA • 92627 • (949) 515-2822 • Fax: (949) 515-2830

traffic congestion in Costa Mesa. The Raising Cane's on Harbor Blvd., Chick fil A on Harbor and In' N out on 19<sup>th</sup> street. In my business we cater to the local boating community. Again, having extra traffic congestion with a Raising Canes will make access to my facility much more difficult and hurt the profitability of the business.

4. See attached Exhibit A aerial photo for the following:

Intersection A with a Raising Cane's in my attached aerial photo is going to negatively affect my business. This intersection is our primary intersection we use to conduct business. We serve the local boating community and customers trailer their boats through this East 16<sup>th</sup> street intersection to us for service. This intersection is the safest and easiest point to access our business. We have not been able to utilize intersection B because the city constructed a curbed island. Visiting truck and trailers cannot maneuver around this curbed island. I must educate our customers bringing boats to not use intersection B. If intersection A, and B become problematic we will be forced to use intersection C at Commercial Way and Superior. Intersection C does not have a signal and is more dangerous to use with large truck and trailers. Commercial way is a private street, and I would be at the mercy of the other business owners to make sure we can get through with our truck and trailers. We also have deliveries of new engines and new boats continuously coming throughout the year. Large semi-trucks will have major problems accessing our property to deliver our merchandise that we sell. This will negatively impact sales and service of my business.

I sincerely ask the Planning Commission to issue a continuance at the very least because we have not had enough time to consider all the potential impacts of this decision.

Thank you,

Nick Kelly





February 7, 2024

Planning Commission Chair Adam Ereth  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

CC: Planning Commission Members:  
Russell Toler, Karen Klepack, Jon Zich,  
Johnny Rojas, Angely Andrade Vallarta,  
Jimmy Vivar  
Scot Drapkin, Assistant Director of EDS

**Subject:** Detailed Objections to and a request for Denial of Project ZA-22-11, PDVR-23-0003, PMND-23-0003 (Raising Cane's at 1595 Old Newport Boulevard)

Planning Commission Chair Ereth and Commissioners:

On behalf of the Consortium of property owners: Steve Schwimer, Paul Schwartz, Gregg and Nick Kelly, Dan Kang, Michael Guerin and John Morehart, we hereby express our unequivocal **opposition** to project ZA-22-11, PDVR-23-0003, and PMND-23-0003, re: Raising Cane's Restaurant at 1595 Old Newport Boulevard.

Our comprehensive objections, detailed below, highlight our numerous concerns:

Raising Cane's is playing the system by using February, the **slowest month** of the year for fast food restaurants, as a basis for the Stantec traffic study to entitle a too-small irregularly shaped property bordering a narrow, congestion side street for its fast food restaurant. The low numbers of the traffic study allowed for a number of conditional uses needed to squeeze and manipulate the site plan to fulfill parking and queuing requirements.

**May** is more typical of normal traffic for fast food restaurants while still accounting for school and traffic impacts on surrounding areas.

Page two

Planning further picks over zoning codes to justify unwarranted environmental impacts on 100+ residents in the adjacent Sea Breeze Villa mobile home park by dismissing **CMMC 13-49** of the General Plan, and Measure K, that exist to protect mobile home parks from such impacts.

Raising Cane's proposed use doesn't align with the goals of Measure K and the General Plan to meet State housing mandates. It's piecemeal planning at best.

Planning did not include Measure K overlay and goals relating to land use and mobile home park residents in general;

Planning failed to include General Plan goals and elements regarding 100+ residents at the adjacent Sea Breeze Villas.

Individually and separately, the **denial** of the Raising Cane's project is warranted.

### **Traffic Study Flaws**

Planning should have requested a traffic study based on the busier months of May instead of one of the two slowest months of the year for the fast food industry. Note that School is in session in May as well.

The study does not take into account extrapolated traffic data for the increased sales each year of the sales goals shown by Raising Cane's for its Seven Year Plan. That is from \$5.4mm in 2023 to \$8.0mm by 2030.

**Note:** the Stantec traffic study was conducted in February 2023, a month of **heavy rain**, and according to QSR50 (a Journal for fast food restaurants) among the **two slowest months** for fast food restaurants during the year.

**Note:** in 7 years, according to Raising Cane's Co-CEO A J Kumeran, sales are projected to increase from \$5.4 mm per store (2023) to \$6.1mm (2024),

Page three

to \$8 mm per store in 2030. (per QSR 50 report of April 2023, regarding the top 50 fast food restaurants.). (that's 8% sales increase per year.)

**Note:** a significant amount of traffic going to Raising Cane's is **destination oriented**, versus by-pass trips, which adds to the trips per thousand per square feet normally associated with drive in restaurants. (See Fehr & Peers Technical Memorandum for the City of Citrus Heights - Raising Cane's September 3, 2020).

**Note:** Stantec also failed to include the traffic impact on Newport Boulevard and Industrial Way, and 16th Street, intersections known for daily gridlock between 4 and 6 PM, nor its impacts on private streets of the adjacent properties. Making a left or right turn onto 16th, and then a left onto Old Newport during rush hour has only a 2 - 3 car stack on 16th and no left turn lane on 16th and Old Newport Boulevard.

The slowest month for fast food restaurants, February, can't provide data required for a realistic site plan that meets May through August traffic, parking and queuing impacts.

Minimally, a new traffic study must be done during May for a realistic traffic flow, parking and queuing impact at this site, taking into account Raising Cane's dependence on destination oriented traffic and yearly increases in sales.

**Note:** Staff suggests that a reduction in operating hours would result in lessening the need for additional parking and queuing, per Condition of Approval 6.

It appears disingenuous since Peak Operating Hours are at the lunch and dinner hours, when parking and queuing are at the highest need, and a reduction in total operating hours would not lessen the need for additional spaces or queuing requirements.

**Note:** Raising Cane's has suggested off-site parking for staff, but never identified the site in the year since.

Page four

**Note:** Operating hours, including truck deliveries, will be from 7 AM to either 4 AM or 5:30AM (included are 2 hours for cleaning the site and restaurant), depending on the day of the week. Total operating hours of 21 to 22.5 hours per day impacts on 100+ residents must be addressed.

## **MEASURE K OVERLAY AND GOALS**

**Measure K**, approved by Costa Mesa voters in November, 2022, identifies specific properties for which there is opportunity for the city to meet their Regional Housing Needs Assessment numbers mandated by the State Department of Housing and Community Development.

Measure K is further designed to protect and expand residential uses for low and middle income residents currently in commercial zoning. (Up to 70% in the overlay are Middle and South American ancestry.) Measure K goals include expanding affordable housing and protecting Mobile Home parks.

As a Consortium of adjacent property owners, we are interested in determining a scope of work for a **specific plan** for the area, including a plan for assemblage of those adjacent properties to help meet the 11,721 unmet housing needs (years 2021 - 2029) for the City of Costa Mesa. We believe Raising Cane's severely **restricts** such a specific plan for mixed use and affordable housing closely aligned with the goals of Measure K and the General Plan.

**Note:** The proposed Raising Cane's is adjacent to the **Sea Breeze Villas**, a 62 unit mobile home park built in 1992; and, within 90 feet of the project. (The homes are 30 years old, thin wall construction with single pane windows.) More than one hundred residents occupy the units.

Sea Breeze Villas *is* a legal non-conforming residential use grandfathered in a commercial zone. **It is a mistake to dismiss CMMC Section 13-49 development standards in lieu of Measure K's passage.** It is counter to

Page five

the General Plan goals and Measure K meant to protect residence and Mobile Home Parks from the developmental impacts of this intensity. It's a slap in the face of over one hundred low income residents who have little to no resource to mitigate these impacts.

**GENERAL PLAN ELEMENTS INCONSISTENT WITH CUP:**

**CD-8.1** Development Compatibility - access, circulation, parking, should be as far away from residences (and mobile home parks) as possible.

**LU-3.1** states "Protect existing stabilized neighborhoods, **including mobile hone parks**, from encroachments of incompatible or potentially disruptive land uses or activities."

Raising Cane's is asking to operate between the hours of 9 AM and 3:30 AM Thursday through Saturday, and 9 AM and 2 AM Sunday through Wednesday (deliveries as early as 7 AM occurring any day of the week).

Raising Cane's estimates it will take an additional two hours to clean and close the operation. This will entail cleaning the parking lot as well. All in all, hours of operation will range from 7AM to either 4 AM or 5:30 AM the following day. That is 21 hours to 22.5 hours of operation every day, regardless of the impacts on adjacent residents.

Noise, traffic, loitering, trash, lights, smells, etc. are all disruptive to the residents of the Sea Breeze Villas.

**N-2.1** Limit the hours of operation adjacent to residential in order to minimize excessive noise.

It is important to emphasize that Sea Breeze Villas were built in the 1992, having thin walls and single pane windows; staffs' sound study at 3150 Harbor adjacent condos have double pane windows and stucco and concrete walls.

Parking lot cleaning, vehicle noise including load music, tire squealing and braking, loud mufflers, motorcycles, diesel engines, yelling, door

slamming, all are noise impacts affecting adjacent residents at all hours of the days and nights.

Page six

**LU-2.11** Parking lots and other noise sources (such as speakers for ordering) should **face away from residential homes**.

The proposed Raising Cane plan parking lot **faces** the Sea Breeze Villas and not Old Newport Boulevard, and therefore does not meet the requirements of LU-2.11.

### **IN SUMMARY**

In light of these comprehensive concerns, we strongly urge the Planning Commission to **deny** ZA-22-11, PDZVR-23-0003, and PMND-23-0003.

There are significant deficiencies in the Stantec traffic study utilizing February 2023 data, The month of **May** better reflects truer peak hour traffic, parking, and queuing impacts for the proposed site. 2024 to 2030 sales projections stated by Raising Cane Corporate should be incorporated into a year by year traffic simulation to stress test the site plan.

The **site plan** should be **flipped** per CD-8.1, N-2.1, LU-2.1 and LU-2.11 with parking, queuing and ordering facing Old Newport Boulevard to comply with the General Plan and Measure K.

The summary dismissal of CMMC Section 13-49 is a slap in the face of the low income residents of Sea Breeze Villas. To not protect adjacent residential uses is counter to the elements and goals of the General Plan and Measure K that call for the respect of all its residents, and is an error on the part of Planning.

Finally, we believe Raising Cane's is piecemeal planning for an area now covered by Measure K, and this area is better served by a comprehensive specific plan that better achieves the goals of Measure K.

**Deny** ZA-22-11, PDZVR-23-0003, and PMND-23-0003.

Page seven

Respectfully submitted for the above listed consortium,

S/S **DAVID SWERDLIN**

David Swerdlin  
Swerdlin & Associates, A Governmental Relations Group  
31125 Via Cristal  
San Juan Capistrano, CA 92675  
**swerdlin@me.com.**  
949-636-4407

## COLGAN, JULIE

---

**From:** Bradd Barmettler <bradd.barmettler@gmail.com>  
**Sent:** February 6, 2024 2:46 PM  
**To:** PC Public Comments  
**Subject:** Fwd: I am glad to hear Caines Chicken is coming to 16th and Newport Blvd.

Dear Planning Office,

I recently heard the property on the corner of 16th and Newport Blvd is going to become a Cane's Chicken.

As someone who lives on 16th street I am excited to have yet more choices when it comes to eating out. I am also glad I do not have to spend 40 minutes driving to the one on Harbor Blvd anymore and I now can drive 5 minutes over to this new one.

I am also glad to hear the property will now be rented after being vacant for almost 4 years.

The homeless have abused the property by parking out front and living in their cars, parking shopping carts out front, leaving trash on the sidewalk and in the street, and sleeping on and around the building.

Many construction workers have left their vehicles in the street in front of the vacant building for months on end, cluttering up the area with dilapidated vehicles.

It will be great to see the chain link fence once construction is over be removed for years to come.

With all those new condos the city had permitted over the last decade, it will also take some pressure off other restaurants and give folks in this area more choices.

Lastly, it's a great corner for a fast food joint, that corner has been hardly used since VonHemert Interiors last rented it out. And there are no adjacent homes on any side of the building.

I vote yes on Cane's Chicken!

I live at 2421 E. 16th #5 Street, Newport Beach. Just 5 blocks down from where Cane's Chicken will be going in on the Costa Mesa/Newport Beach city boarder.

Thank you,

--

Bradd Barmettler  
949-533-6405

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## ALDANA, CHRISTOPHER

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**From:** PARTIDA, ANNA  
**Sent:** Thursday, February 8, 2024 8:17 AM  
**To:** ALDANA, CHRISTOPHER  
**Subject:** FW: Raising Caines Chicken coming to Newport Blvd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** GRIFFEN Kathy <Kathy.GRIFFEN@biomerieux.com>  
**Sent:** Wednesday, February 7, 2024 7:42 PM  
**To:** PC Public Comments <PCPublicComments@costamesaca.gov>  
**Subject:** Raising Caines Chicken coming to Newport Blvd

Hello,

I am a Costa Mesa Resident and I just wanted to voice my approval for the Raising Caines Chicken to come to Newport Blvd. I think it would be an excellent spot to open this restaurant. It will save me a 40 minute run to the nearest one today. I think it is a perfect spot and I am glad the existing building will no longer be vacant. This area will be is easy to get in and out of and Costa Mesa area needs more reasonably priced restaurant choices. I live on 474 Cabrillo Street in Costa Mesa and I look forward to Canes Chicken coming to our area.

Kind Regards,  
Kathy Griffen



**Kathy Griffen MT (ASCP)**  
bioMérieux | Account Manager Microbiology II  
[Kathy.griffen@biomerieux.com](mailto:Kathy.griffen@biomerieux.com)  
949.226.2198  
[www.biomerieux.com](http://www.biomerieux.com)

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**From:** joshkguard-plum@yahoo.com  
**Sent:** Friday, February 9, 2024 12:43 PM  
**To:** PC Public Comments  
**Subject:** Writing in SUPPORT of Raising Canes at the VonHemert site

Hi, I am writing in SUPPORT of Raising Canes going in to the VonHemert site for the following reasons.

1. **Walkability** - Raising Canes will support the Costa Mesa concept of walkability\bikeability used in part to justify the work\live lofts in the immediate surrounding area. This should reduce resident car trips providing another walk\bike option.
2. **Jobs** – Rasing canes will provide an avenue for high schoolers to work and get work experience benefiting both the east and west side students.
3. **Options** - better location for some residents as opposed the Harbor Blvd. location. This location provides additional options off heavily trafficked 17<sup>th</sup> street as well as beach goers coming off the 55 freeway.
4. **Diminished Risk** - Rasing Canes has proven sales volume analytics which cuts the risk of a failed business in this location.
5. **Harmony** – The Raising Canes installation is very similar to the successful Carl’s Jr. site just down the road. In addition, Raising Canes includes a robust Community Partnership program to help raise funds for our local causes directly giving back to the community.
6. **Truth** - Empty buildings attract homeless and or drug addicts dumping their discarded possessions at these sites. A well-maintained and manicured location will eliminate trash, camping etc.

I am in SUPPORT of the Raising Canes installation at VonHemert site. Let’s seize this opportunity and get this approved and open for business.

Josh K. Costa Mesa resident.

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**From:** Stacy Mason <stacycmason@gmail.com>  
**Sent:** Monday, February 12, 2024 9:51 AM  
**To:** PC Public Comments  
**Cc:** Jonathan Mason  
**Subject:** Fwd: Comments Against Raising Cane's At 1595 Newport Blvd

To Whom It May Concern:

I am a neighbor and homeowner in the Level1 community (cross streets Newport Frontage Road/Industrial Way). I have reviewed the detailed proposal, including the traffic study. While it looks like Raising Cane's' proposal will create good traffic flow within the property, I am deeply concerned about how having a Raising Cane's at this location will affect traffic on local streets. My concerns are as follows:

1. Newport Frontage Road is windy and narrow and runs very close to Newport Blvd. It is so close, if someone wants to turn right onto 16th to then turn left onto Newport Blvd. (a common choice), there is only room for the lengths of two cars to fit before traffic will back up onto the frontage road.
2. If someone chooses to turn left onto 16th street from the frontage road, but 3 or more cars are waiting at the light, they will also have to wait. I have also seen cars turn left anyway and drive on the wrong side of the road in order to avoid the line of cars waiting to turn onto Newport in order to head towards Superior.
3. If cars decide to head towards Industrial way, they will have a similar problem. There is room for about 3-4 cars if someone wants to turn left onto Industrial and then left again onto Newport. This road often backs up, causing cars to first turn right, then make illegal U-turns elsewhere on Industrial before they get to the light at Superior.
4. If someone wants to turn left onto Industrial from Newport Frontage Road, but there is no room, they will have to wait. There is no room for someone behind them to squeeze by and turn right. Those cars will then likely decide to avoid the backed up traffic by cutting through my community in order to make that right hand turn towards Industrial.

Having a Raising Cane's at this location will be a traffic nightmare. The Newport Frontage Road is located too close to Newport Blvd. in order to accommodate the kind of expected traffic Raising Cane's draws. Despite all of these reasons, if this proposal does go through, I ask that at the very least there be specific lanes painted for cars turning left, going straight, and turning right from 16th towards Newport Blvd. and also a "Keep Clear" section to keep space for cars wanting to turn left onto 16th. Also, the stop sign at Newport Frontage Road facing 16th will need a left turn lane and a right turn lane.

The plans for the property may look good, but geographically with the way the surrounding roads are situated, this is not the right location for a busy fast food restaurant like Raising Cane's.

Thank you for your consideration. Please contact me via email with any questions.

Stacy Mason

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PH-1

PARTIDA, ANNA

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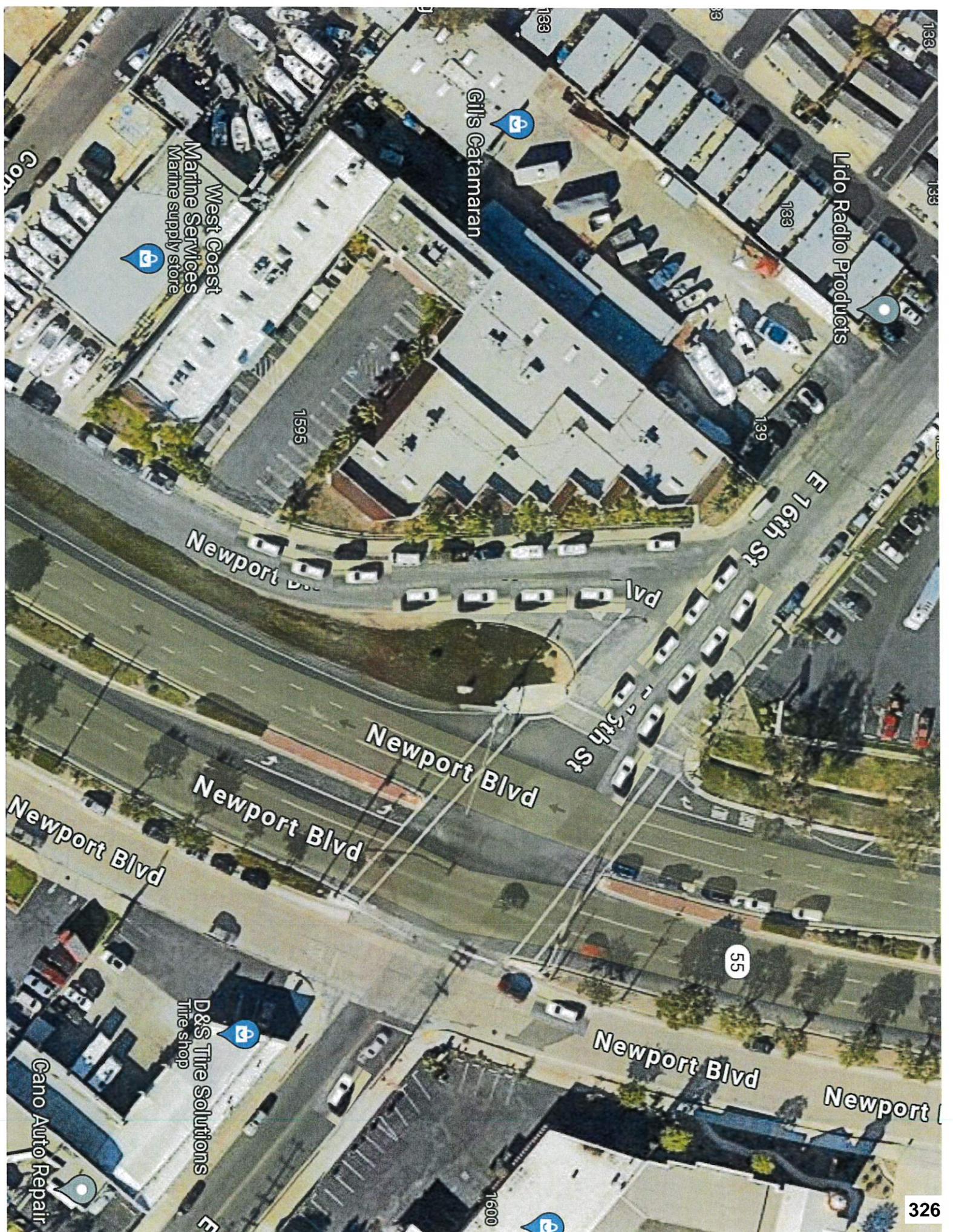
**From:** Andy Ta <andyta@andytare.com>  
**Sent:** Monday, February 12, 2024 12:03 PM  
**To:** PC Public Comments  
**Subject:** Aerial Mockup for 16th St Raising Cane's traffic flow impedement  
**Attachments:** Untitled design.jpg

Hi,

Attaching a mockup of the aerial map of the proposed Raising Cane's proposed development which shows 3-4 cars on 16th street and it's possible impact of overflow traffic being backed up into Newport Blvd.



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West Coast  
Marine Services  
Marine supply store

Gil's Catamaran

Lido Radio Products

Newport Blvd

E 16th St

E 7th St

Newport Blvd

Newport Blvd

Newport Blvd

Newport Blvd

Newport

D&S Tire Solutions  
Tire shop

Cano Auto Repair



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: FEBRUARY 12, 2024

ITEM NUMBER: PH-1

**SUBJECT: MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303 SQUARE FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT YARD/LANDSCAPE SETBACK; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/  
PLANNING DIVISION**

**PRESENTATION BY: CHRISTOPHER ALDANA, ASSISTANT PLANNER**

**FOR FURTHER INFORMATION CONTACT: CHRISTOPHER ALDANA  
714-754-4868  
Christopher.Aldana@costamesaca.gov**

---

## **RECOMMENDATION:**

Staff recommends the 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 15303 (Class 3), New Construction and Conversion of Small Structures and Section 15332 (Class 32 In-fill Development Projects); and
2. Approve ZA-22-011, PDVR-23-0003, and PMND-23-0003 subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT:**

The Authorized Agent is Jay Higgins, on behalf of the Owner, Barry Von Hemert.

## PLANNING APPLICATION SUMMARY

Location:	1595 Old Newport Boulevard	Application Numbers:	ZA-22-11, PDVR-23-0003 and PMND-23-0003
Request:	A Minor Conditional Use Permit, Development Review, and Minor Modification, to allow the following: <ol style="list-style-type: none"> <li>(1) Minor Conditional Use Permit request for the reduction of seven code-required parking spaces and drive-through operations with minor design modifications;</li> <li>(2) Development review to allow the demolition of an existing 25,159-square-foot furniture store and to construct a new 2,913-square-foot Raising Cane's restaurant with 1,303-square-foot outdoor dining area; and</li> <li>(3) Minor Modification request to allow for a decrease of 20% in required front yard/landscape setback.</li> </ol>		

### SUBJECT PROPERTY:

### SURROUNDING PROPERTY:

Zone:	General Business District (C2)	North:	Local Business District (C1)
General Plan:	General Commercial (GC)	South:	C2
Lot Dimensions:	Irregular-shaped lot with approximate dimensions of 35 feet (along E 16 <sup>th</sup> to the north), 295.03 feet (east), 207.09 feet (south), and 295.20 feet (west)	East:	C2
Lot Area:	1.02 Acres	West:	C2
Existing Development:	Existing and currently vacant 25,159-square-foot furniture store		

## DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed MP Dev. Standard	Proposed/Provided
Building Height	30 ft.	19 ft. 11 in.
Setbacks:		
Front	20 ft.	16 ft.*
Side (left)	15 ft. on one side / 0 ft. on the other side	21ft. 7in.
Rear	0 ft.	115 ft.11 in.
Landscape Setback – front	20 ft.	16 ft. *
Parking	41 spaces	34 spaces**
Floor area ratio (FAR)	0.20	0.07
Drive-through Length	160 ft.	287 ft.
Drive-through Width	11 ft.	11ft/10ft***
*Minor Modification Request to allow for a decrease of 20% in required front yard depth and to project a maximum of 4' into the required landscape setback. **Proposed parking deviation of seven (7) Code-required spaces. ***Proposed 11' wide lane that converts into a two (2), 10' wide dual lane system		
CEQA Status	Exempt per CEQA Guidelines Section 15303 (Class 3 - New Construction and Conversion of Small Structures) and 15332 (Class 32 – Infill Development Projects)	

## **BACKGROUND**

The subject property is located at the southwest corner of Old Newport Boulevard and East 16th Street. Old Newport Boulevard is a frontage street that is located parallel to Newport Boulevard. The site is located within the “C2 - Commercial Business Zoning District” and has a “General Commercial” land use designation. The property directly abuts commercial properties in the C2 zone to the south and west, and C1 properties to the east and north which are located across East 16<sup>th</sup> Street and Old Newport Boulevard and Newport Boulevard, respectively. Raising Cane’s proposes to demolish the existing approximate 25,000 square-foot furniture building and construct a new 2,913-square-foot restaurant with drive-through services, outdoor seating, landscaping and a surface parking lot. Uses in the vicinity include light industrial operations such as automotive and motorcycle dealers and repair shops, boat repair/storage, and several retail uses. A 62-unit mobile home park (“The Sea Breeze Villas”) is located approximately one hundred feet to the east.

Raising Cane's is fast-food restaurant chain with locations throughout the United States. The restaurant exclusively serves chicken products and sandwiches. The restaurant chain began operations in 1996, and in 2015, the restaurant chain opened its first California location at 3150 Harbor Blvd (PA-15-02). The subject project would be their second location in Costa Mesa. The proposed restaurant is located approximately 4.5 miles from the Raising Canes at 3150 Harbor Boulevard.

On December 11, 2023, the Planning Commission continued this item to a later date. Public Comments were received and are available online at the following link: <https://costamesa.legistar.com/Calendar.aspx> under Attachment 10 of the agenda report and under the public comments section for the meeting date.

## **ANALYSIS:**

The restaurant includes 828 square feet of interior dining and an additional 1,303 square feet of covered outdoor patio areas. Architectural finishes for the building are similar to the restaurant chain’s other locations and include earth-tone painted cement stucco, brick, and metal accents (see the below Exhibit 1 - Photo Simulation). No alcohol service is proposed.

**Exhibit 1 – Photo Simulation**



The proposed hours of operation are 9 AM to 2 AM Sunday through Wednesday, and 9 AM to 3:30 AM Thursday through Saturday. Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-47 (Permitted and Conditionally Permitted Uses), restaurants located within 200 feet of a residential zone are subject to closure from 11:00 PM to 6:00 AM, unless modified through the issuance of a Minor Conditional Use Permit (MCUP). Although Sea Breeze Villa mobile home park is located within 200 feet of the proposed use, the mobile home park property is not zoned residential and therefore operation hour limitations are not applicable pursuant to this Code provision.

The maximum number of Raising Canes' staff on-site at any given time is expected to be 12 employees. According to the applicant, employee shifts are typically staffed with two managers with the remaining staff being cashiers and food prep members. During peak times, an employee with a handheld tablet will direct customers into the drive-through to expedite service and assist vehicle queues/parking lot circulation.

The applicant proposes a surface parking lot with 34 parking spaces and a new 312-square-foot trash/recycling enclosure. Two parking spaces will be provided in compliance with accessibility requirements (one standard and one van-accessible spot). The project will provide both employee and customer bicycle parking. Pedestrian access to the site would be provided at the intersection of East 16th Street and Old Newport Blvd with a walkway leading to the restaurant patio area and restaurant entrance.

The applicant has provided a conceptual landscape plan as part of their CUP application that includes a variety of trees, shrubs and groundcover. The conceptual landscaping plan proposes 14,396 square feet of landscape area and includes 50 new trees. If approved, a detailed landscaping plan would be reviewed during the building plan check process for determining consistency with the City's minimum landscaping and irrigation requirements.

### ***Minor Conditional Use Permit Required***

Pursuant to the CMMC, eating and drinking establishments with more than 300 square feet of public area are permitted by right in the C2 Zoning District. However, the CMMC requires an MCUP for an eating and drinking establishment with a drive-through. In addition, the applicant is requesting a deviation from the City's drive-through standards relating to obstructing parking and minimum drive-through width. Pursuant to CMMC Section 13-50, the City's drive-through standards can be modified through the issuance of an MCUP. Lastly, the applicant is requesting approval for a reduction in parking requirements. Pursuant to CMMC Section 13-89.5, where it can be shown that the required parking for a nonresidential land use will exceed the demand of the actual use, the Zoning Administrator may, by MCUP, allow a reduction in the amount of required parking.

Although the proposed new restaurant and operations are subject to approval of an MCUP at the discretion of the City's Zoning Administrator, pursuant to CMMC Section 13-11, the

Zoning Administrator can “forward any action to the Planning Commission for review”. Based on the proposed project size and scope, the City’s Zoning Administrator has decided to forward this project for Planning Commission consideration.

To obtain approval of an MCUP, an applicant must show that the proposed use is compatible with the City’s applicable zoning and General Plan provisions/policies, and will not be detrimental to public health, safety, and welfare. The subject site is located within a commercial zone (C2 – General Business District) where commercial development is specifically allowed to include restaurants with drive throughs subject to a minor MCUP and specific standards and conditions of approval. As defined in the CMMC, “this district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the City.” Pursuant to the CMMC, the approval of an MCUP requires that specific findings be made related to neighborhood compatibility, health and safety, and land use compatibility. The analysis regarding MCUP findings is provided below in this report.

MCUP to Deviate from Drive-through Standards

The project proposes a single-lane drive-through entrance which then diverges into two lanes after the customer vehicle ordering point (see Exhibit 2 – Site Circulation Plan).

**Exhibit 2 – Site Circulation Plan**



The below Table 1, provides a development standard summary of the proposed drive-through operations with the City’s Drive-Through Standards:

**Table 1 – Project Compliance with CMMC Section 13-50  
(Development Standards for Drive-Through Operations)**

Performance Standard	Code Requirement	Project Complies?
<b>Unobstructed Drive-Through Access</b>	Drive-through lanes shall not obstruct the circulation routes necessary for ingress or egress from the property, parking areas (including back-out of parking spaces), and pedestrian walkways.	<b>No, Deviation requested.</b> Proposed drive-through lanes do not obstruct the circulation routes necessary to enter and exit the property, except for 3 parking stalls located at the drive-through exit. However, staff has conditioned the use of these stalls as employee parking spaces to avoid impacts on customer circulation and to alleviate parking demand in more desired parking lot areas for customers.
<b>Drive-Through Lane Width</b>	Each drive-through lane shall be striped, marked or otherwise distinctly delineated, and shall be a minimum of eleven (11) feet wide.	<b>No, Deviation requested.</b> The single drive-through lane at the entrance measures 11 feet wide. However, when it splits into two lanes the lane width decreases to 10 feet. The decreased width is justified, as Public Works does not see functional or operational issues with the request.
<b>Required Drive-Through Length</b>	On-site entrances to drive-through lanes shall be set back a minimum of twenty-five (25) feet from drive approaches from public or private streets or alleys.	<b>Yes.</b> The entrance to the drive-through lanes from the public driveway is 145 feet, as illustrated on the site plan.
<b>Setback for Drive-Through Entrance</b>	Each drive-through lane shall be a minimum of one hundred sixty (160) feet in length, unless modified by the zoning administrator. The length of the drive-through lane shall be measured from its entrance point to the pick-up window.	<b>Yes.</b> The drive-through lane from the entrance to the drive-through window is shown on the site plan at 287 feet, exceeding the minimum requirement.
<b>Stacking Area Distance from Outdoor Seating and Play Areas</b>	Vehicle stacking areas of drive-through lanes shall be a minimum distance of ten (10) feet from outdoor seating and play areas.	<b>Yes.</b> The site plan indicates the drive-through is located 10.7 feet from the patio and therefore exceeds the minimum requirement.
<b>Emission Control Plan</b>	Application for a minor conditional use permit shall include an operation statement indicating the physical improvements and operational measures proposed to minimize idling vehicle emissions.	<b>Yes.</b> Raising Cane's relies on a number of strategies to move customers through the drive-through quickly as well as minimize idling vehicle emissions. This includes, but is not limited to, a focused menu, tablet and mobile ordering, and pick-up and pay windows.
<b>Development Standards for Nearby Residential Zones</b>	Establishments within two hundred (200) feet of residentially-zoned property shall also be subject to the development standards contained in section <a href="#">13-49</a> . Development standards for establishments within two hundred feet of residentially-zoned property.	See discussion "Development Standards for Nearby Residential Zones" on the next page.

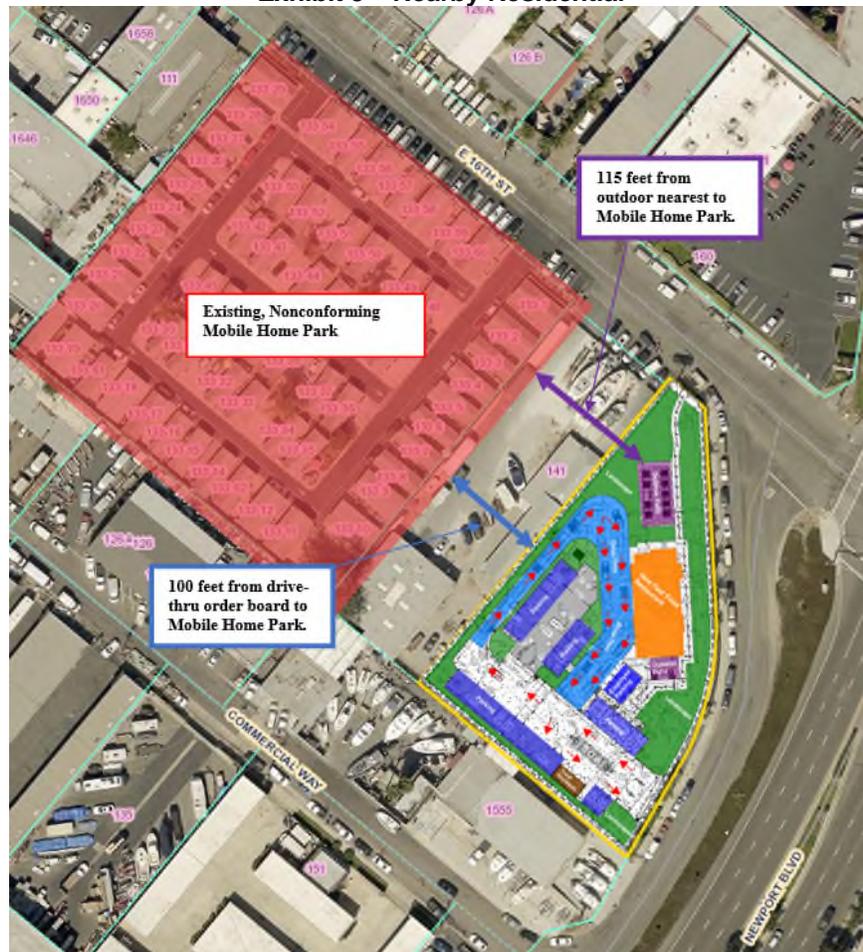
The single-lane drive-through width measures 11 feet and narrows to two 10-foot-wide lanes. Pursuant to CMMC Section 13-50(b), the minimum drive-through lane width is 11

feet and therefore the MCUP is specifically required for the proposed width reduction of one-foot for each drive-through lane. In addition, three parking spaces are proposed adjacent to the drive-through lane which would be used by employees who arrive early and thereby alleviate any potential for customer drive-through/parking back-up interference. Pursuant to CMMC Section 13-50(a), drive-through lanes shall not interfere with parking areas (including back-out of parking spaces), unless approved by an MCUP. The City's Transportation Division has reviewed the proposed drive-through operations and parking lot circulation, including proposed deviations in standards, and believes that the project will operate adequately as designed.

### Development Standards for Nearby Residential Zones

A 62-unit mobile home park (Sea Breeze Villas) is located approximately 90 feet west of the project site. The mobile home park is located on a commercially zoned property and is considered legal nonconforming due to use. CMMC Section 13-49 contains specific development standards for restaurants located within 200 feet of a residential-zoned parcel; however, and as previously indicated, these standards do not apply because the mobile home site is located in a commercial zone.

**Exhibit 3 – Nearby Residential**



As further indicated below, despite the mobile home park's commercial zoning, the project will generally comply with CMMC Section 13-49 to ensure compatibility with the nearby residential use with the exception of operating hours:

- All exterior lighting will be shielded away from residential areas;
- No outdoor communication systems other than the drive-thru menu board or amplified music will be used;
- Trash facilities are screened from view, located approximately 200 feet from residences, and designed to City standards;
- Outdoor seating is oriented away from residences. The nearest outdoor, covered patio area is proposed 115 feet from residences;
- Landscape between the residential site and the subject site will not be altered;
- Truck Deliveries will not occur between 8 PM and 7 AM; and
- The City's Police Department have recommended Condition of Approval No. 15, which requires on-site security from 9 P.M. to 3:30 A.M. daily for the first year of operation.

#### Noise Study

To attenuate noise (specifically in consideration of the mobile home residents located near the project site), the City requested the applicant to conduct a noise analysis (included with this report as Attachment No. 7). As demonstrated in the acoustic analysis prepared by Kimley Horn on September 22, 2023, the proposed project, including consideration of the drive-through operations, is expected to operate in compliance with the CMMC noise standards, would not exceed the City's exterior or interior noise standards, and would not result in a perceptible noise increase at the nearest residential uses.

In addition, staff visited the Raising Canes operations on Harbor Boulevard during the weekday, lunch-hour operations to survey empirical noise conditions. During this site visit, staff specifically surveyed the noise impacts from the restaurant/drive-through operations onto the adjacent residential apartments ("The French Quarter Apartments"). The Harbor Boulevard Raising Canes restaurant is generally located within 100 feet of the nearest French Quarter residential unit. During the staff visit, staff did not witness any perceptible noise from the Raising Canes operations. Condition of Approval Number 16, has been included to assure that the drive-through menu board includes adjustable volume control which would allow for a reduction in volume if necessary.

#### MCUP to Deviate from Required Parking

The City's off-street parking requirements are specified in CMMC Table 13-89 and requires a parking ratio of 10 spaces for every 1,000 square feet of restaurant gross floor area for the first 3,000 square feet, and 12 spaces for every 1,000 square feet of additional floor area, inclusive of outdoor dining areas. The application includes 2,913 square feet of interior floor area and 1,303 square feet of covered outdoor patio areas, and therefore pursuant to the CMMC Table 13-89 requires 45 parking spaces. The applicant is proposing to provide 34 vehicle parking spaces and one-bike rack for a total

of 35 parking spaces (the CMMC allows for one bike rack to count towards one required vehicle parking space).

CMMC Section 13-89.5 permits with the approval of an MCUP a reduction in required parking when it can be demonstrated that the City's nonresidential parking standard will exceed the demand of the actual use. The applicant has provided a traffic and parking study prepared by Stantec Consulting Services Incorporate (Stantec) that evaluated the actual parking utilization and concluded that the project as designed is anticipated to have a surplus of one parking space. To determine peak parking requirements, the Study evaluated empirical parking demand data from local comparable Raising Canes restaurants located in the cities of Costa Mesa and Laguna Hills. Data collection was taken at roughly five-minute intervals over an eight-hour window (11 AM to 7 PM) on a typical weekday (Thursday) and a weekend day (Saturday) in February 2023. The surveyed restaurants contained 31 and 33 parking spaces, respectively.

During mid-day peak hours, the average parked vehicle count was 19 on weekdays and 17 on Saturdays. During PM peak hours, the parking demand reduced to 15 and 17 respectively. The maximum counts for vehicles parked during mid-day peak hours were 29 on weekdays and 30 on Saturdays, while PM peak hours saw a maximum of 27 and 31 vehicles respectively. By correlating this data with the square footage of the case study sites, the average and maximum parking rates (per thousand square feet) were calculated. This maximum rate was subsequently utilized to determine the expected parking demand for the proposed project. Pursuant to the Study, the proposed project is expected to necessitate a maximum of 33 parking spaces to satisfy anticipated demand, and therefore the project would provide a surplus of one parking space.

As conditioned, any change in operational characteristics, including but not limited to hours of operation or type of services provided, will require an amendment to the minor conditional use permit. If parking shortages or other parking-related problems occur, Condition of Approval No. 6 requires the business operator to institute appropriate operational measures necessary to minimize or eliminate the problem.

#### Traffic, Circulation and Drive-through Queuing

Pursuant to CMMC Section 13-275 (Development Project Review Procedures), the project required a traffic study to be prepared because it is estimated to generate one-hundred (100) or more vehicle trips during a peak hour period. A Traffic and Parking Study, prepared by Stantec has been completed that evaluates the project's effect on local traffic conditions and circulation. The Study also evaluated on-site and off-site circulation in relationship to potential impacts on the adjacent rights-of-way, and intersection level-of-service (see Attachment No. 8). The Study concludes that the project would not exceed the City's acceptable traffic levels, provides adequate parking, and the restaurant and drive-through operations will not interfere with nearby traffic/circulation. The Public Works Department has reviewed the Study and agrees with its findings and conclusions.

Empirical data was collected from other Raising Cane’s locations for the Traffic Study, including the existing Costa Mesa location at 3150 Harbor Boulevard. A trip generation analysis was completed and concluded that the proposed restaurant would generate 1,051 total daily trips and a maximum of 161 peak hour trips. Additionally, the Study evaluated seven key intersections located nearby the project and concluded that with the additional traffic created by the project, all of the intersection would continue to operate with minimal delays at a level-of-service (LOS) “C” or better (see the Below Table 2).

**Table 2 - Intersection LOS Summary – Opening Year (2024) Cumulative Conditions**

Int #	Intersection Name	Opening Year (2024) Cumulative Conditions without Project						Opening Year (2024) Cumulative Conditions with Project					
		Weekday				Saturday		Weekday				Saturday	
		Mid-Day		PM		Mid-Day		Mid-Day		PM		Mid-day	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1	Superior & 17th	23.0	C	23.5	C	19.5	B	23.0	C	23.7	C	19.5	B
2	Superior & E 16th	15.6	C	16.2	C	13.9	B	15.8	C	16.4	C	14.0	B
3	Old Newport W & E 16th	10.1	B	9.4	A	9.6	A	11.1	B	10.1	B	10.5	B
4	Newport & E 16th	17.9	B	18.0	B	18.9	B	19.5	B	20.4	C	22.0	C
5	Superior & W 16th/Industrial	26.1	C	28.9	C	25.8	C	26.2	C	29.2	C	26.1	C
6	Old Newport W & Industrial	11.3	B	10.4	B	10.0	B	12.9	B	12.3	B	11.1	B
7	Newport & Industrial	16.2	B	15.0	B	11.1	B	17.9	B	17.8	B	13.3	B

Note:  
 Cumulative background conditions based on traffic counts collected in February 2023 and OCTAM growth projections  
 LOS - Level of Service  
 Delay - Average vehicle delay (seconds/vehicle) for movements subject to stopping

A queuing analysis for the proposed drive-through was also conducted to establish the project’s maximum amount of vehicle demand. According to the Study, there is sufficient amount of dedicated drive-through space to accommodate the projected maximum demand of vehicles on-site, and without disturbing circulation on Old Newport Boulevard.

Air Quality and Odors

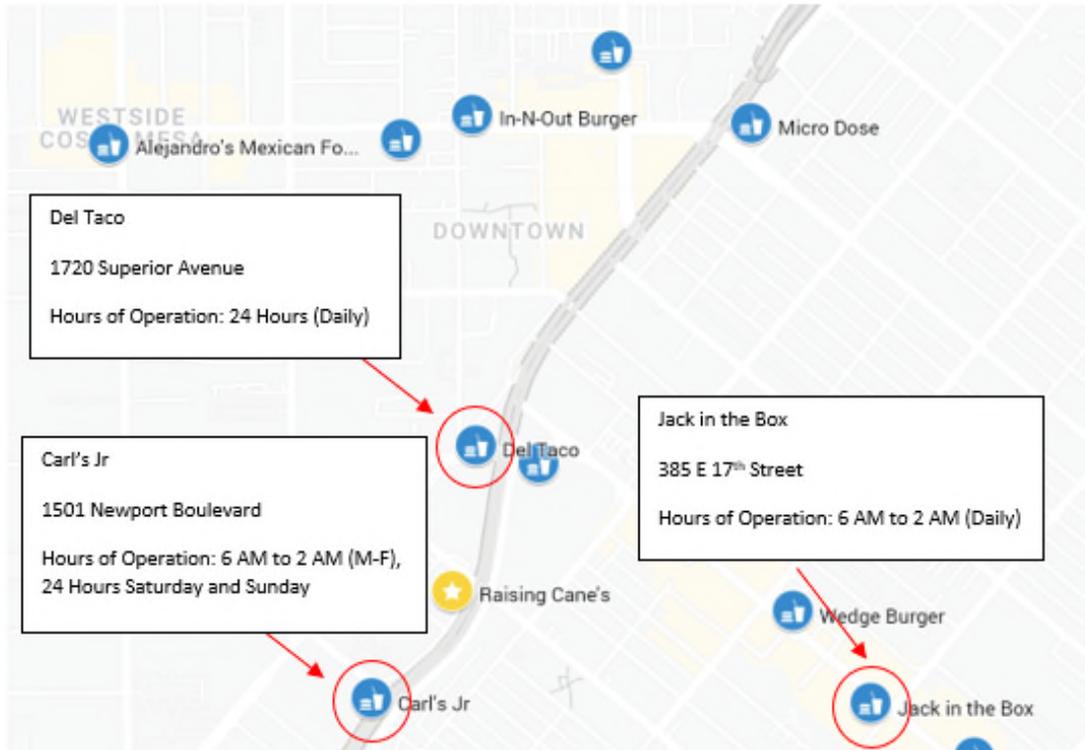
An Air Quality Memorandum dated August 11, 2022, was prepared by Kimley-Horn to evaluate the potential air quality impacts associated with site construction and restaurant operations. The Memorandum concludes that the proposed project would be below all applicable air quality required thresholds, would not conflict with the South Coast Air Quality Management District Air Quality Management Plan, or create objectionable odors.

Hours of Operation

The proposed hours of operation are from 9 AM to 2 AM Sunday through Wednesday, and from 9 AM to 3:30 AM Thursday through Saturday. Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-47 (Permitted and Conditionally Permitted Uses), since the restaurant is not located within 200 feet of a residential zone, the CMMC does not prescribe a limitation on operating hours. However, if the Planning Commission believes that the proposed hours of operations are not compatible with developments in

the same general area and would be materially detrimental to other properties in the area, the Planning Commission could require reduced operation hours.

**Exhibit 4 – Similar Establishments Hours of Operation Located Nearby**



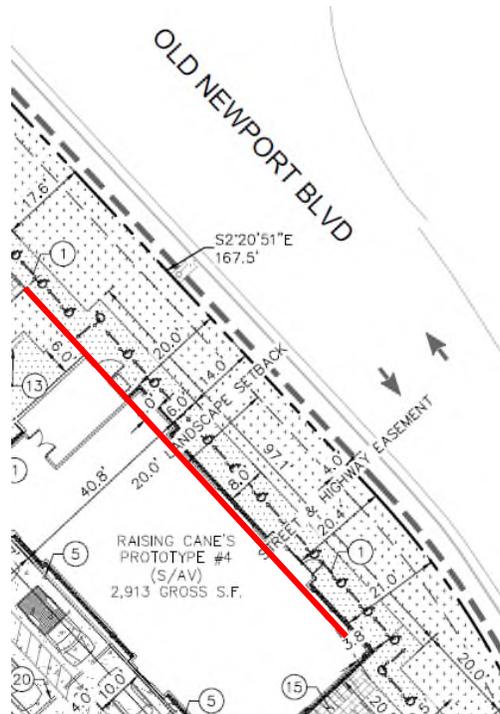
As indicated in Exhibit 4, several similar restaurant establishments are located within close proximity to the proposed Raising Cane's and operate during the early mornings and late evening hours. For example, “Del Taco” is located on Newport Boulevard to the north and is open 24 hours; “Carl’s Jr.” is located on Newport Boulevard and is open from 6 AM to 2 AM; and “Jack in the Box” is located on East 17<sup>th</sup> Street and also operates from 6 AM to 2 AM. Staff has consulted with the Costa Mesa Police Department in this regard to obtain their comments in regard to the proposed hours of operation. The City’s Police Department was not concerned with the proposed hours of operation; however, suggested that the restaurant provide on-site security after 9 P.M. to closure (daily) for the first year of operation.

***Minor Modification***

The applicant has requested approval a minor modification for the proposed building to project a maximum of four feet into the required 20-foot front and landscape setbacks. As shown in Exhibit 5, a small portion of the building is proposed to project into the setback (see the red line in Exhibit 5). Pursuant to CMMC Section 13-28 (j), a deviation from the required front setback can be approved a maximum of 20% of the required setback. Therefore, the proposed four-foot encroachment would comply with the City’s Minor Modification provisions. A Minor Modification is typically reviewed by the Planning Division; however, since the project as a whole includes other entitlements required to be reviewed

by the Planning Commission, the review authority for the encroachment request is the Planning Commission.

#### Exhibit 5 – Minor Modification Setback Encroachment



Pursuant to CMMC Section 13-29(g)(6), to approve a minor modification, the Planning Commission must make required findings. The analysis regarding the required findings is provided below in the “Findings: section of this report.

#### **Public Works Improvements**

The Public Works Department is conditioning the project to fulfill the mitigation of off-site traffic impacts at the time of issuance of Building Permit by submitting to the Transportation Division the required Traffic Impact Fee according to the prevailing schedule of charges adopted by the City Council. Additionally, the applicant will install a red curb for a distance of 100 feet north of the proposed driveway and approximately eight (8) feet on the south side, between the proposed driveway and the closest existing driveway at the adjacent parcel. Per condition of approval 18, the applicant will also provide a right-of-way improvement consisting of designing and constructing a crosswalk on the south leg of the intersection of Old Newport Boulevard and East 16<sup>th</sup> Street. The crosswalk design shall include the creation of a bulb out / curb extension on the east end and ADA-compliant ramps for both ends of the crosswalk. The applicant is aware that they must submit the plan for review and approval from the Transportation Services Division before commencing any construction. Furthermore, per condition of approval 20, the applicant must obtain an encroachment permit from the City of Costa

Mesa Engineering Division, at the time of development to widen the sidewalk along Old Newport Boulevard.

## **GENERAL PLAN CONFORMANCE**

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa for the next two decades. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve local needs and attract regional and international spending, and providing cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives, and policies contained in this Plan. The following analysis evaluates the proposed project's consistency with applicable policies and objectives of the 2015-2035 General Plan.

1. **Policy C-5.3:** "Encourage permitted General Plan land uses which generate high traffic volumes to be located near major transit and transportation corridors to minimize vehicle use, congestion, and delay".

**Consistency:** The proposed restaurant (a high traffic volume use) is located adjacent to Newport Boulevard which is considered one of the City's major transportation corridors, and is served by several bus routes with transit facilities located within walking distances.

2. **Policy C-5.14:** "Require developers of new building and redevelopment/reuse projects as part of the project development review process that are located along bus routes to pay a designated fair share of the cost of providing improved bus stop facilities and related street furniture or, where appropriate, dedicate land for improved bus stop facilities".

**Consistency:** The proposed restaurant is located near Newport Boulevard and other City streets which offer several local/regional bus routes. Pursuant to the CMMC, the applicant is required to pay a Traffic Impact Fee that is estimated to be approximately \$200,000. This fee can be used to maintain or develop additional bus stop facilities where appropriate in the City.

3. **Policy C-6.12:** "Require that every new development project pay its share of costs associated with the mitigation of project generated impacts".

**Consistency:** As indicated above, the applicant is required to pay a Traffic Impact Fee that is estimated to be approximately \$200,000. This fee is calculated to be consistent with a payment contribution to mitigate the project's anticipated traffic impacts.

4. **Policy C-7B:** “Provide end-of-trip [bicycle] facilities that support the network”.

**Consistency:** The proposed project includes the installation of both short-term and long-term bicycle storage.

5. **Objective C-10A:** “Encourage more people to walk and bicycle by supporting programs that foster community support for bicycling and walking, and raise public awareness about active transportation”.

**Consistency:** Staff does not believe that the proposed restaurant with a drive-through that is primarily focused on vehicle trip demand is a land use that will foster community support for bicycling and walking, and raise public awareness about active transportation.

6. **Policy LU-1.1:** “Provide for the development of a mix and balance of housing opportunities, commercial goods and services, and employment opportunities in consideration of the need of the business and residential segments of the community”.

**Consistency:** The proposed new restaurant and improvements would re-invest and revitalize an underutilized property in Costa Mesa and provide new employment opportunities.

7. **Policy LU-2.6:** “Encourage increased private market investment in declining or deteriorating neighborhoods”.

**Consistency:** The proposed use would replace a commercial center that has been underutilized and/or vacant for many years. The proposed project applicant would invest significant amount of capital into the site to establish the use and project design.

8. **Policy LU-3.1:** “Protect existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks), from the encroachment of incompatible or potentially disruptive land uses and/or activities”.

**Consistency:** The subject property is intended for commercial development and an existing retail furniture store currently occupies the site. As described in this report, the project is not expected to create perceptible noise or odor impacts to the nearest residential use and will provide a nearby dining option for these residents.

9. **Policy LU-6.10:** “Encourage a broad range of business uses that provide employment at all income levels and that make a positive contribution to the City’s tax base”.

**Consistency:** The proposed fast-food restaurant will provide employment opportunities with various income levels, and is expected to generate increased tax revenues that would expand the City's revenue base. This revenue can then be used for community services and infrastructure improvements that serve the community.

## **PLANNING APPLICATION REVIEW CRITERIA AND FINDINGS**

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets specified findings as follows:

### ***Costa Mesa Municipal Code section 13-29 (e) Review Criteria -***

***“Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood”.***

The proposed use is compatible and harmonious with developments in the same general area in that the restaurant would replace an existing commercial use that is generally surrounded by other commercial and industrial uses. The use as conditioned is not expected to generate excessive noise, traffic, odors or other detrimental effects on the surrounding uses. Per Condition of Approval No. 34, the use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. In addition, the applicant and/or business owner shall institute appropriate security and operational measures necessary to comply with this requirement.

***“Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation”.***

The project includes the development of a new building, parking areas and landscaping. Pedestrian access to the site is provided at the intersection of East 16th Street and Old Newport Boulevard with a walkway leading to the restaurant patio area and the restaurant entrance. A traffic study was submitted with the project that determined the proposed drive-through lanes would accommodate the maximum anticipated vehicle queue and the restaurant operations would not result in a significant change in intersection LOS. Pursuant to Condition of Approval No. 6, if parking shortages or other parking-related problems occur, the operator must institute appropriate operational measures necessary to minimize or eliminate the problem. The Police Department has reviewed the proposed project and suggested requiring on-site security guards from 9 P.M. to closure for the first year of operations (the applicant has agreed to provide this security).

***“Compliance with any performance standards as prescribed elsewhere in the Zoning Code”.***

The proposed project is in compliance with the Zoning Code and the project proposed deviations, as described in this report, are allowed subject to standards and findings.

**“Consistency with the general plan and any applicable specific plan”.**

The proposed commercial restaurant use is located on an existing commercial property that has a General Plan land use classification of “General Commercial”. The project site is located within the “19 West Plan Urban Plan”; however, the applicant is not applying for a Master Plan Mixed-Use development, so the design guidelines within the Urban Plan do not apply.

**“The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development”.**

The application is for a project-specific case to construct a fast-food restaurant on an existing commercial lot. The project meets all applicable development standards and design guidelines for commercial structures in the C2 zoning district and is consistent with the general plan land use designation of “General Commercial”. The proposed development would not be precedent-setting as each application is reviewed on a case-by-case basis.

***Minor Conditional Use Permit Findings –***

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(2) - Minor Conditional Use Permit in that:

**“The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area”.**

The proposed use is compatible and harmonious with developments in the same general area in that the restaurant would replace an existing commercial use that is surrounded by other commercially zoned properties. The use as conditioned will not generate excessive noise, odor, traffic or other detrimental effects on the surrounding uses. Per Condition of Approval No. 34, the use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

**“Granting the minor conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood”.**

The project proposes a new commercial use on an existing developed commercial property. The project has been reviewed for potential effects to public health, safety, traffic, parking, noise and odor. Specific analysis was also completed for potential effects to a nearby residential development and concluded that no significant impacts would result.

**“Granting the minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property”.**

Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation and the applicable Urban Plan for the property. The project is a permitted use and, as conditioned, the drive-through restaurant will not generate noise, odor, traffic or parking effects unusual for a commercially zoned property. Lastly, the proposed project is consistent with applicable policies and objectives of the 2015-2035 General Plan as previously described in this report.

### ***Minor Modification Findings -***

The proposed project complies with the applicable Costa Mesa Municipal Code Section 13-29(g)(6) – Minor Modification:

**“The improvement will not be materially detrimental to the health, safety and general welfare of persons residing or working within the immediate vicinity of the project or to property and improvements within the neighborhood”.**

The project proposes a minor modification for the new building to encroach into the 20-foot required front/landscape setback. The encroachment is limited to only a small portion of the building, and the encroachment does not result in a perceived shortage in landscaping or significant building mass along the street frontage. Therefore, the proposed encroachment would not result in detrimental effects to public health, safety, and general welfare.

**“The improvement is compatible and enhances the architecture and design of the existing and anticipated development in the vicinity. This includes the site planning, land coverage, landscaping, appearance, scale of structures, open space and any other applicable features relative to a compatible and attractive development”.**

The project design includes a new building and associated site improvements that enhances the existing and anticipated development in the vicinity. The project site planning, land coverage, landscaping, appearance, scale of structures and open space is not inhibited by the proposed minor modification encroachment.

### **ENVIRONMENTAL DETERMINATION**

The project is categorically exempted from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303, Class 3, for new construction or conversion of small structures, and Section 15332, Class 32, for infill development projects. The project proposes to demolish an existing 25,159-square-foot furniture store and construct a new 2,913-square-foot drive-through restaurant with 1,303-square feet of outdoor dining area. The existing site is currently developed and

without environmental resources. In addition, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.

## **ALTERNATIVES**

The Planning Commission has the following alternatives:

1. **Approve the project.** The Planning Commission may approve the project as proposed, subject to the standard conditions outlined in the attached Resolution.
2. **Approve the project with Conditions of Approval.** The Planning Commission may suggest specific Conditions of Approval that are necessary to alleviate concerns.
3. **Deny the project.** If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application; provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

## **LEGAL REVIEW**

The draft resolution has been reviewed and approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE**

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project sites. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map.)
2. **On-site posting.** A public notice was posted on the street frontages of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

## **CONCLUSION**

As proposed and conditioned, the use would be consistent with other commercial uses in the C2 zone, the Zoning Code, and the City's General Plan. The required findings for the MCUP and Minor Modification can be made, as described above, and therefore, staff recommends approval of the Planning Application subject to conditions of approval.





# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 24-117

**Meeting Date:** 4/16/2024

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**TITLE:**

**APPEAL OF PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS LOCATED AT 3150 BEAR STREET**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES  
DEPARTMENT/PLANNING DIVISION**

**PRESENTED BY: CAITLYN CURLEY, ASSISTANT PLANNER**

**CONTACT INFORMATION: CAITLYN CURLEY, ASSISTANT PLANNER, 714-754-5692**

**RECOMMENDATION:**

Staff recommends the City Council:

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.
2. Adopt a Resolution approving Planning Application 22-37, based on findings of fact and subject to conditions of approval.



# City of Costa Mesa

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**Item #: 24-117**

**Meeting Date: 04/16/2024**

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**TITLE: APPEAL OF PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS LOCATED AT 3150 BEAR STREET**

**DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

**PRESENTED BY: CAITLYN CURLEY, ASSISTANT PLANNER**

**CONTACT INFORMATION: CAITLYN CURLEY, ASSISTANT PLANNER, 714-754-5692**

**RECOMMENDATION:**

Staff recommends the City Council:

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.
2. Adopt a Resolution approving Planning Application 22-37, based on findings of fact and subject to conditions of approval.

**APPLICANT OR AUTHORIZED AGENT:**

The applicant and property owner is the Khoshbin Company. The authorized agent is Alireza Mirzaeiramin.

**BACKGROUND:**

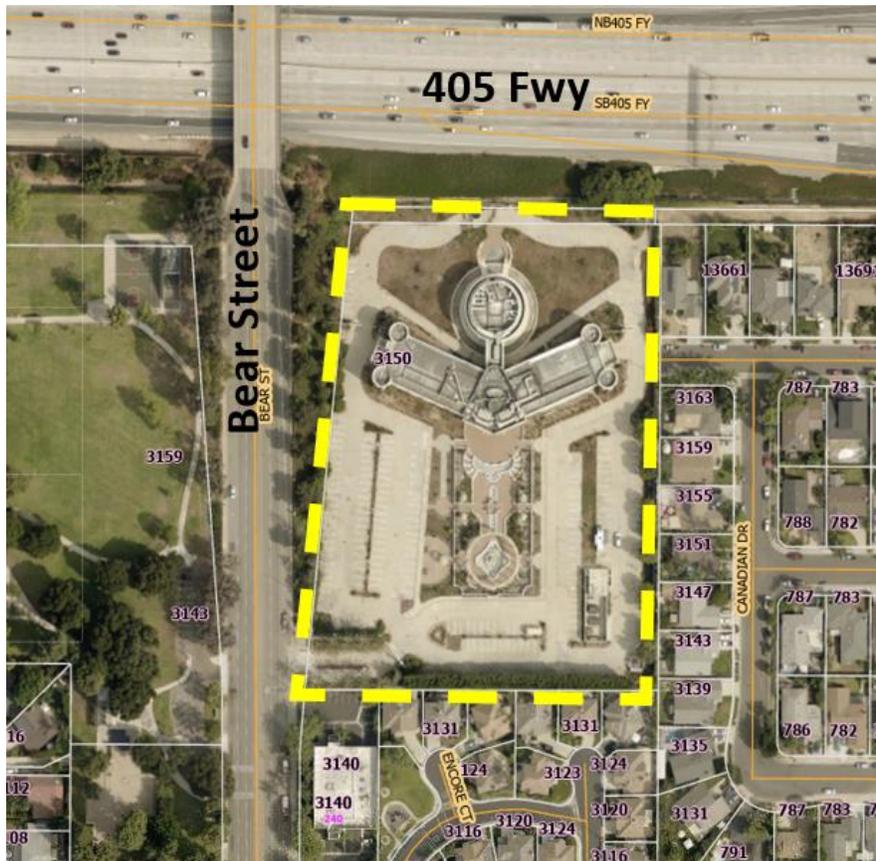
On February 26, 2024, by a vote of 5-1 with Commissioner Klepack absent, the Planning Commission approved a conditional use permit for an event center at the subject property. On February 28, 2024, an adjacent residential neighbor filed an appeal of that decision.

The City Council's consideration of an appeal is considered *De Novo*, which means that the City Council may exercise its independent judgment on the whole project rather than only for the reasons listed in the appeal.

The subject property is located at 3150 Bear Street. It is bounded by Bear Street and Shiffer Park to the west, the I-405 Freeway to the north, single-family residential properties to the east and south, and an office building to the south. See Figure 1, Project Aerial, below. The site is designated "General Commercial" by the Land Use Element of the General Plan and is zoned "Administrative Professional" (AP).

The subject property is approximately six acres in size and is currently developed with two structures. The primary building is a three-story 65,924-square-foot building that was constructed in 1978. The second structure houses several different pieces of equipment such as a chiller, emergency generator and fountain pump. The remainder of the site is improved with 241 surface parking spaces and site landscaping, which includes the Grand Courtyard area that consists of colonnades, sculptures, and fountains.

Figure 1 Project Aerial



The subject property is the former Trinity Broadcasting Network site, which is now used by the current owner, Khoshbin Company, as their offices for about 20 employees.

**ANALYSIS:**

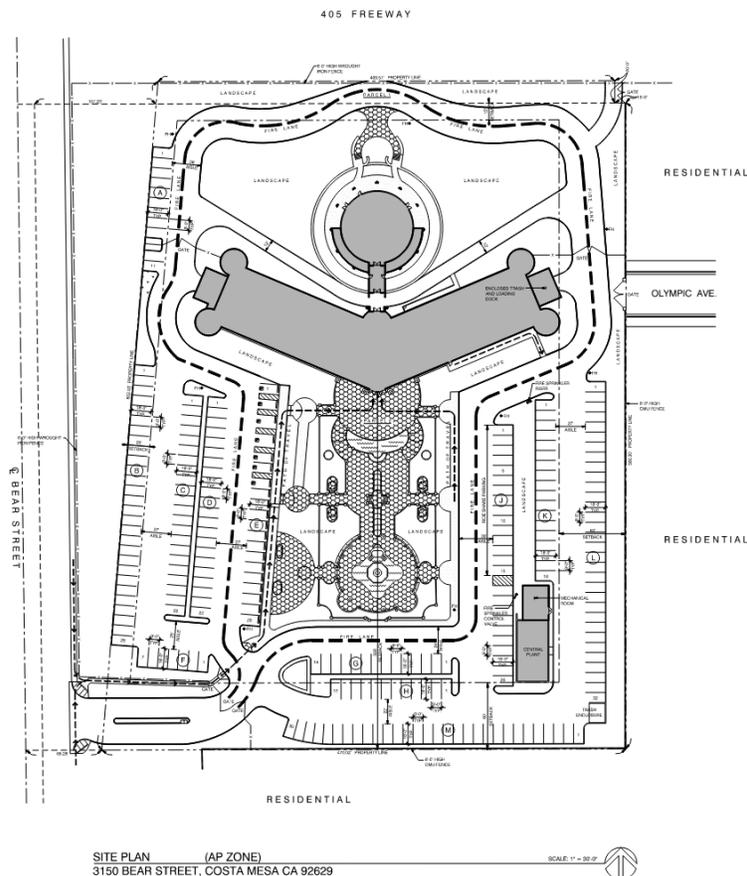
The proposed event center use requires City approval of the following applications:

1. **Conditional Use Permit** to operate an event center pursuant to Costa Mesa Municipal Code Section 13-30(d);
2. **Conditional Use Permit** to deviate from event center parking requirements pursuant to Costa Mesa Municipal Code Section 13-89.5;
3. **Conditional Use Permit** to offer on-site valet services pursuant to Costa Mesa Municipal Code Section 13-96; and
4. **Minor Conditional Use Permit** for outdoor activities incidental to the event center pursuant to Costa Mesa Municipal Code Section 13-44.

The Khoshbin Company purchased the property in August of 2021; however, only recently has the applicant occupied portions of the first and second stories of the primary building as office headquarters. The current office use of the space includes a social media studio (Suite 100), storage (Suite 150), professional office (Suite 200), and temporary assembly (Suite 250). The Khoshbin Company employs approximately 20 on-site employees. The third floor is currently unoccupied due to unfinished construction. The proposed event center will occupy the atrium (Suite 100B), auditorium (Suite 200B), dining room (Suite 250), and outdoors in the grand courtyard. All proposed uses, including the offices and event center, will take place within the existing building, or existing grand courtyard. No new construction is proposed as part of this application. See Figure 2, Project Site Plan, below.

The existing building is located at a minimum of 60 feet away from the residential properties to the east and 320 feet away from the residential and commercial properties to the south. The grand courtyard is located 170 feet from the residential properties to the east and 120 feet from the residential and commercial properties to the south.

Figure 2 Project Site Plan



The applicant proposes to operate an event center with onsite valet parking for no more than 225 people between 8:00 a.m. and 10:00 p.m. on weekdays, and 7:00 a.m. and 10:00 p.m. on weekends. The event center is planned to operate mostly outside of regular offices hours, during the weekends and in the evening when the offices are closed. Additionally, the project is conditioned so that the office would be required to close during events, should an event take place during office hours. As part of the event center, outdoor activities are proposed between 8:00 a.m. and 9:00 p.m. on weekdays and 7:00 a.m. and 9:00

p.m. on weekends with no amplified sound and a maximum of four () musicians; and a deviation from parking requirements based on unique operating characteristics.

A detailed description of the proposed use and staff's analysis of the request are contained in the February 26, 2024 Planning Commission staff report, which is provided as Attachment 7 to this report. The Planning Commission meeting minutes are also provided as Attachment 6 to this report.

### ***Public Comments***

Prior to the hearing, three public comments were received regarding this project. The first expressed concerns about parking and traffic impacts, the second expressed concerns about the utilization of Olympic Avenue as a point of egress to the property and the establishment of car shows at the property. The third public comment was placed over the phone and expressed various concerns regarding traffic, enforcement and past operations at the site.

Public comments at the Planning Commission hearing regarding the property included concerns about traffic, circulation, noise, the service of alcohol and food at the site, fees for valet parking, and overflow parking at Shiffer Park.

### ***Planning Commission Review***

In its review of the project, the Planning Commission considered the application for a conditional use permit and minor conditional use permit. The Commission inquired about, and staff and the applicant responded to, the potential for car shows at the site, the future use of the third floor, sound impacts to the adjacent residential neighborhoods, traffic impacts, that a traffic study was not required, the number of parking spaces provided in the valet parking plan, the use of Olympic Avenue for site access, and potential expansion of the office and event center uses.

By a vote of five to one, and with one Commissioner being absent, the Planning Commission determined Findings for the CUP/MCUP could be met and approved the project subject to conditions of approval.

Resolution No. PC-2024-05 approving the subject project is provided as Attachment 4.

A detailed description of the proposed use, operations, and improvements to the property are described in the February 29, 2024 Planning Commission staff report (also provided as Attachment 7) and attachments, linked below:

<https://costamesa.legistar.com/View.ashx?M=A&ID=1181185&GUID=BF7693E0-96BA-4202-A3E5-2291BF4F9CFB>

The Planning Commission meeting minutes are provided as an attachment to this report and the meeting video is linked below:

[https://costamesa.granicus.com/player/clip/4091?view\\_id=14&redirect=true](https://costamesa.granicus.com/player/clip/4091?view_id=14&redirect=true)

### ***Appeal of Planning Commission's Approval***

On February 28, 2024, an appeal of Planning Commission's approval of the project was filed by a neighboring resident. In summary, the application for appeal noted the following topics/areas of concern:

- CEQA determination;
- Noise impacts to nearby properties;
- Circulation impacts to Bear Street; and
- Enforcement of Conditions of Approval.

The submitted appeal and justification are provided as Attachment 2, to this report. Since the appeal was filed, the appellant has submitted additional documents clarifying the purpose of the appeal. These are also provided as Attachment 3 for the Council's information.

### **City Council "De Novo" Hearing**

Pursuant to CMMC Chapter 9, Appeal and Review Procedures, the City Council shall conduct a new or "de novo" review of the matter. The City Council may exercise its independent judgment and discretion in making a decision, and the appeal hearing is not limited to the grounds stated for the review or the evidence that was previously presented to the Planning Commission. The City Council's decision on the matter is the final decision.

Staff has attached a draft City Council resolution for approval based on the Planning Commission's decision of February 26, 2024. Notwithstanding this, should the City Council determine to overturn the Planning Commission's decision, staff requests that the City Council articulate its reasons for denial based on the required findings so staff can incorporate these into a resolution.

Pursuant to the Costa Mesa Municipal Code (CMMC), approval of each of the project's applications must be based on evidence in the administrative record that substantially supports the following review criteria and findings:

### **Conditional and Minor Conditional Use Permit Findings:**

- *The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area;*
- *Granting the conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood; and*
- *Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.*

### **APPEAL EVALUATION:**

The following discussion identifies and then responds to the appellant's concerns included in the February 28, 2024 appeal.

### **CEQA Determination**

The appellant expressed concerns about the CEQA exemption applied to this project, specifically asking if there are examples and data which supports using the Existing Facilities (Class 1) CEQA exemptions.

CEQA is the California Environmental Quality Act, which contains several exemptions which preclude certain projects from requiring full environmental review due to their insignificant impact to the environment. The Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration in the Class 1 exemption is whether the project involves negligible or no expansion of use. Due to these considerations, the Class 1 (Existing Facilities) exemption is appropriate for this project.

### ***Noise Impacts***

The appellant expressed concerns that noise originating from the proposed event center, including from possible car shows, activities to build-up or tear-down for events, and other noise would impact adjacent neighbors.

This entitlement includes several conditions intended to minimize impacts to neighboring properties, including noise resulting from use of the grand courtyard. Conditions required of the project include the prohibition of amplified sound and music, limitations on the number of musicians and types of musical instruments used in the grand courtyard, limited hours of operation for outdoor activities (8:00 a.m. and 9:00 p.m. on weekdays and 7:00 a.m. and 9:00 p.m. on weekends), and a 225-total person limit for events that is inclusive of guests, waitstaff, caterers, organizers, musicians, valet attendants and any other individual or group associated with the event. "Teardown" activities will not be subject to the 9:00 p.m. closing time of the grand courtyard. These activities are distant from the residential uses and are not expected to take a significant amount of time.

Finally, car shows were not requested as part of the application for the event center. However, through the City's special event permit process, car shows could be requested at the site up to four times per year and would be considered on a case-by-case basis, separate and apart from this conditional use permit application.

### ***Circulation***

Lastly, the appellant expressed concerns about traffic on Bear Street due to the events, requesting that all traffic related to the event center use the Olympic Avenue entrance to the site, instead of the main entrance at Bear Street. Bear Street was determined to be the main entrance to the property and have a minimal impact to the neighborhood. Olympic Avenue is a residential street with homes abutting the street; traffic generated by an event center is incompatible with a residential street. There are also conditions of approval to limit parking demand and traffic congestion to Bear Street, such as requiring a 1-hour gap between events and establishing a 225-person limit on events (described above). Additionally, the valet parking podium will be located more than 420 feet of driving distance from the property line at the property's entrance at Bear Street. This is expected to prevent vehicles from backing up on Bear Street, waiting to enter the property. Additionally, the City's Transportation Division reviewed this application and determined that it would not have an adverse effect on Bear Street's level of service and that Bear Street has capacity to accommodate this type of use.

***Enforcement of the Conditions of Approval***

The applicant was also concerned about enforcement of the project's conditions of approval. The City has a Code Enforcement Division which responds to all reports made by citizens concerning possible violations of conditions of approval and relevant municipal code requirements, such as the City's noise ordinance. If a member of the public has concerns that a use is violating provisions of the Municipal Code or project-specific conditions, they can contact Code Enforcement and the City will investigate the concerns. If Code Enforcement validates the concern, remedies to the complaint include, but are not limited to: (1) requiring the property to comply with all conditions of approval and other code requirements (such as the noise ordinance), and (2) the City could revoke an entitlement if Code Enforcement finds that an establishment has repeatedly been violating its conditions of approval and other code requirements. For operation issues that arise after normal business hours, like late-hour noise complaints the Police Department can be contacted. Because of these existing practices, staff believes that appropriate procedures are in place to fully enforce and compel compliance with the project's conditions of approval.

**ENVIRONMENTAL DETERMINATION:**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 for Existing Facilities. This exemption allows for the permitting of uses involving negligible or no expansion of the use beyond what is existing. The project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. Additionally, all activities will take place in the existing building and grand courtyard. No new construction is proposed as part of this application.

**ALTERNATIVES:**

The City Council has the following alternatives:

1. Approve the request. The City Council may adopt the attached Resolution upholding the Planning Commission's decision and approve the request as proposed; or
2. Approve the request with modifications. The City Council may uphold the Planning Commission's decision and approve the request with specific changes that are necessary to address concerns; or
3. Continue the item. The City Council may continue the item to a future meeting to allow for modifications or additional analysis; or
4. Deny the request. If the City Council believes that there are insufficient facts to support the findings for approval, the City Council may deny the request. A similar application could not be submitted for at least six months.

**FISCAL REVIEW:**

There are no fiscal impacts with this agenda item.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approved it as to form.

**PUBLIC NOTICE:**

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

Any public comments received prior to the April 16, 2024 City Council meeting, may be viewed at this link: [CITY OF COSTA MESA - Calendar \(legistar.com\)](https://legistar.com/CITY_OF_COSTA_MESA_Calendar)

**CITY COUNCIL GOALS AND PRIORITIES:**

This item is administrative in nature.

**CONCLUSION:**

The proposed event center would provide employment and a gathering space for residents of the City of Costa Mesa and the region. Operational conditions would apply to the project to assure the project's compatibility with its neighbors. As the subject property has been substantially vacant for several years, rebranding the site as a gathering space for events provides an opportunity to re-invigorate an underutilized property.

**RESOLUTION NO. 2024-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA TO UPHOLD THE PLANNING COMMISSION'S DECISION AND APPROVE PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS LOCATED AT 3150 BEAR STREET**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 22-37 was filed by Alireza Mirzaeiramin, authorized agent for the property owner, the Khoshbin Company requesting approval of the following:

A conditional use permit for an event center in the AP zone; a conditional use permit for valet parking; minor conditional use permit for outdoor activities; and a minor conditional use permit to deviate from parking requirements. The proposed project would establish a new event center that would consist of three interior event spaces (including an auditorium), and a fourth event space in the Grand Courtyard.

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 26, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, a duly noticed public hearing held by the City Council on April 16, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES as follows:

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the City

Council hereby **APPROVES** Planning Application 22-37 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 22-37 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED** this 16th day of April, 2024.

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-xx and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16<sup>th</sup> day of April, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17<sup>th</sup> day of April, 2024.

---

Brenda Green, City Clerk

## EXHIBIT A

### FINDINGS

- A. **Finding:** The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

**Facts in Support of Findings:** Operating consistent with the recommended condition of approval, the proposed event center is compatible with developments in the general area and would not be detrimental to nearby properties. The event center's daily activities would limit the maximum number of people on-site at any one time to no more than 225 (both guests and staff), would prevent the office use and event center from operating concurrently, would primarily occur indoors, and that any outside activity is conditioned to minimize potential noise impacts to the neighbors by limiting the number of musicians, types of musical instruments, and prohibiting amplified sound. There is also a condition that requires staggered arrival times to avoid potential traffic/circulation conflicts between persons departing from and arriving to the center between events. Closing times for the event center are also in line with the City's Noise Ordinance and condition the project to end outdoor activities by 9:00 p.m. and indoor activities by 10:00 p.m.

As for parking, the minor conditional use permit request to deviate from parking is also appropriate. The City's parking code would require 664 parking spaces based on the size of the suites and uses. However, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including attendees and staff), it is clear that the actual parking demand will be less than is otherwise required. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. Moreover, valet parking service will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized located deeper into the project site and, importantly, away from the homes. Only one valet attendant would be responsible for transporting the vehicle between its parked location and the owner of the vehicle. As such, more intense activity proximate to the common property line would be minimized.

**Finding:** Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

**Facts in Support of Finding:** Granting conditional and minor conditional use permits will not be detrimental to the health, safety, and general welfare

of the public or immediate neighborhood in that the operational characteristics of the event center have been limited to minimize negative impacts to the neighborhood. These characteristics include limiting the event's occupants to 225 people (including guests and staff), implementing a valet parking service, and prohibiting amplified sound outdoors. The event center will also not operate while any other uses are in operation. Finally, closing times have been implemented for the event center for both outdoors (9:00 p.m.) and indoors (10:00 p.m.). Additionally, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including attendees and staff), it is clear that the actual parking demand will be less than is otherwise required by code. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. And when valet parking service is utilized, it will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized located deeper into the project site and, importantly, away from the homes. Therefore, the proposed application requests will not have a detrimental effect to the health, safety, and general welfare of the public or nearby improvements.

**Finding:** Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

**Facts in Support of Finding:** The proposed use is occupying the existing building and is not proposing any modification to its square footage. While the proposed use does increase the number of vehicular trips to the site and the number of potential occupants within the building, the offset hours and operations ensure that the use will remain in conformance with the General Plan.

- B. The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1), Existing Facilities. The Project proposes a conditional use permit for an event center with valet parking, and a minor conditional use permit for outdoor activities, and a deviation from parking requirements. No substantial physical improvements to the existing building would result from the project. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.
- C. The project is subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT B**

**CONDITIONS OF APPROVAL**

- Plng. 1. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
2. The conditions of approval and ordinance or code provisions of planning application PA-22-37 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Hours of operation shall be as outlined in the table below. Any change in the business description, hours or days of operation, etc. shall require further review of the CUP.

Use	Hours (Weekdays)	Hours (Weekends)
<b>Interior Event Spaces</b>	8:00 a.m.–10:00 p.m.	8:00 a.m.–10:00 p.m.
<b>Grand Courtyard</b>	8:00 a.m.– 9:00 p.m.	7:00 a.m.– 9:00 p.m.

4. All outdoor activities shall cease by 9:00 p.m., Sunday through Saturday.
5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
6. The use shall be limited to the type of operation as described in the authorized agent’s letter of description and staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

7. The applicant shall defend, with the attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, and/or proceeding (collectively referred to as "proceeding") brought against the City, including its elected and/or appointed officials, agents, officers or employees arising out of or in any way related to the City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but shall not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the defense and indemnification provisions set forth in this section.
8. The third floor will remain blocked off to all persons at all times, with physical barriers, and will not be used for any purpose at any time, unless otherwise approved by the Planning Division.
9. Power to the third floor will remain disconnected aside from required life safety systems except for if construction, inspections or other activities related to modifications to the third floor are taking place. This condition shall not apply if the City formally approves the third floor to be occupied.
10. All events shall be limited to 225 people, including guests, waitstaff, caterers, organizers, musicians, valet attendants and any other individual or group associated with the event.
11. No more than two events shall occur per day. Events may not operate concurrently.
12. No other uses shall operate on-site while any event is taking place.
13. A one-hour gap shall be maintained between all events.
14. Events shall not start or end between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. These restrictions shall not apply to weekends.
15. No amplified music or music speakers shall be permitted outside of the building.
16. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing the event area and/or modification to the operational hours of the event center, providing subsidized use of Uber/Lyft or similar service, and/or acquisition of additional off-site parking area.
17. The parking areas and pedestrian paths shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the sites.
18. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the

parking lot.

19. No on-site food preparation is permitted. Food catering for special events shall not be provided by a food truck.
20. Any portion of the building and property not expressly approved as part of this application shall not be used for events.
21. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood and in compliance with the City's Noise Ordinance. The applicant shall institute whatever operational measures are necessary to comply with this requirement.
22. The applicant or licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
23. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately.
24. Before the event center may operate, all permits required by the City shall be obtained. An approved final inspection for all required permits shall take place before the event center may operate. All work on-site shall be permitted and comply with all applicable development standards and other Planning Division requirements.
25. All traffic impact fees shall be paid prior to the issuance of any building permits associated with the event center.
26. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
27. Valet parking for the event center shall be free to all patrons of the events occurring onsite.
- Bldg. 28. Access to a public way shall be a direct and unobstructed. [CBC 1028.5] Where access to a public way cannot be provided, a safe dispersal area shall be provided where all of the following are met:
  1. The area shall be of a size to accommodate not less than 5 square feet for each person.
  2. The area shall be located on the same lot not less than 50 feet away from the building requiring egress.
  3. The area shall be permanently maintained and identified as a safe dispersal area.
  4. The area shall be provided with a safe and unobstructed path of travel from the building.
29. Any changes of use or occupancy shall comply with the most recent adopted codes and an egress, accessibility, area, and plumbing fixtures

analysis shall be provide for review.

30. Maximum allowable use area shall be determined in accordance with the applicable provisions of 2016 California Building Code sec. 506.2.
31. Comply with the requirements of the most recently adopted California Building Codes at the time of plan submittal or permit issuance, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the California Building Code.
- Fire 32. Comply with the California Fire Code requirements, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
33. Changes of use or occupancy in existing structures shall not be made unless the use or occupancy is made to comply with the requirements of the adopted California Building and Fire Codes.
- Trans. 34. All uses on-site shall not generate more than 100 peak trips per hour.
35. At the time of issuance of Building Permit, submit to the Transportation Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the net daily trips generated by the proposed project. At the current rate the Traffic Impact Fee is estimated at \$2,009. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

## **CODE REQUIREMENTS**

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Bldg. 2. Comply with the requirements of the following adopted codes: 2022 California Residential Code, 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of

Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2022 California Building Code.



City of Costa Mesa

RESERVE FOR FILING STAMP

RECEIVED  
CITY CLERK

24 FEB 28 PM 1:34

Appeal of Planning Commission Decision:

\$1,220.00 (Tier 1)<sup>1</sup>

\$3,825.00 (Tier 2)<sup>2</sup>

ATTACHMENT 2

Appeal of Non-Planning Commission Decision:

\$690.00 (Tier 1)<sup>1</sup>

\$3,825.00 (Tier 2)<sup>2</sup>

CITY OF COSTA MESA  
BY \_\_\_\_\_ File with: City Clerk  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
714-754-5225

APPLICATION FOR APPEAL OR REVIEW

Applicant Name\*

S. Swanson

Address



Phone

REQUEST FOR:  APPEAL

REVIEW\*\*

Decision of which appeal or review is requested: (give application number, if applicable, and the date of the decision, if known.)

PA-22-37

3150 Bear Street, Costa Mesa, CA. 92626

Decision by:

Planning Comm.

Reasons for requesting appeal or review:

more information to be provided.

Date:

2.28.24

Signature:

S. Swanson

<sup>1</sup>If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.

<sup>2</sup>Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only – do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal or review

Updated September 2023

<sup>1</sup> Includes owners and/or occupants of a property located within 500 feet of project site (excluding owners and/or occupants of the project site).

<sup>2</sup> Includes the project applicant, owners and/or occupants of the project site, and owners and/or occupants of a property located greater than 500 feet from the project site.

RECEIVED  
CITY CLERK

24 MAR -5 AM 10:52

CITY OF COSTA MESA  
BY           

1. City Planning Determined this was CEQA exempt.
  - a. Was CEQA consulted re: this proposal.
  - b. Did CEQA provide an answer?
  - c. What data supports this project is CEQA exempt?
  - d. Are other examples of like exemptions for administrative zoning readily available to support that this is a common practice?
  
2. This Facility is zoned AP- Administrative Professional and has never been held to this requirement.
  - a. Obvious use violations were routinely documented and submitted to the City of Costa Mesa beginning in 1996.
  - b. Conditional Use Permits had been issued previously yet the spirit of the conditions, much less the actual conditions as issued, were not observed by the permit holder nor enforced as required by Costa Mesa City Code.
  - c. What monitoring plans do the City of Costa Mesa have to enforce and hold the applicant to the Conditions as prescribed in Costa Mesa Planning Application 22-37.
  
3. Exhibit A, Page 4, Findings, **Facts in Support of Findings:**
  - a. First sentence. What data did the City of Costa Mesa use to make the determination that the event center would not be detrimental to the nearby properties?
  - b. Who made the decision and what is that person's experience and training to make such a determination?
  - c. **Activity** as used in the final sentence of this paragraph:
    - i. What is the definition of "Activity" as used here?
      1. Does "Activity" include build up and tear down of event support equipment?
      2. Does "Activity" mean event guest, support staff, entertainment, and/or all other "Activities" which produce noise will be concluded by the times outlined in Exhibit A?
  
4. There is another entrance to this facility. If City Planners/CEQA are confident that there will no disruption to homes abutting the facility, please request they use the Olympic entrance for **ALL** their proposed outdoor and non-administrative activities. Please request that they use the front of their building (freeway side-no homes) be utilized for ALL outdoor/non administrative purposes!! This will prevent outdoor activities from destroying the **Peaceful** enjoyment that was **promised** but never provided to the surrounding homes.
  
5. Brenda Green called from the City 3/4/24 and stated an immediate document was required stating reasons for this appeal. Brenda Stated the City Lawyers were placing the deadline of 12:00pm 3/5/24 or they would throw the appeal out?
  
6. There is 25+ years of documentation to the city for 3150 Bear Street, dating back to 1996. It is requested that the city place ALL the previous documentation back into this file. This will allow full understanding of the lengthy history of blatant disregard to the homeowners, and the promised quiet enjoyment of the administrative facility beside their homes. Further documentation will be added after the city attaches ALL past documentation. The city has repeatedly refused to address the many years of violations, while continuously providing the property owners with continuous added CUPS for **loud** outdoor activities.

## Appeal-22-27

7. This Appeal, for starters requests the CEQA exemption is removed and that CEQA will allow homeowner documentation and input. It has felt as though the many **years** of documentation, Hours of paperwork and video have been blatantly ignored. The city repeatedly told the homeowners to handle it themselves. This allowed the homeowners to be pulled into multiple legal related issues and put through extensive financial and emotional harm. It felt like the legal issues were used to chill the voice of the homeowners and in the process gain some of their homes. The "Church" has obtained many of the homes in Lifestyles, including most surrounding the Bear facility. The Lifestyle homes have appeared to be selling at well below their potential market value (examples to be provided in future documents). When not under demand of less than 24-hour time constraints!
8. The Bear facility, was reported to have sold for multimillions below the comparable market value(per reports by the LA Times).
9. There will be more information provide when not under less than 24-hour demand to produce information and after the city has added the lengthy years of documentation from **years** of previous files into this file for better understanding of the full situation. It is requested all information dating back to 1996 to provide a basic understanding for this appeal. More will be added when not under time deadline imposed, reportedly by the City Lawyers.
10. The new property owner reportedly owns high performance cars, which he has showcased at the 3150 Bear facility. We are able to hear these cars loudly driving around, exiting the lot and driving up and down Bear Street, The owner has already held a couple of loud events that have required calls for noise violations.

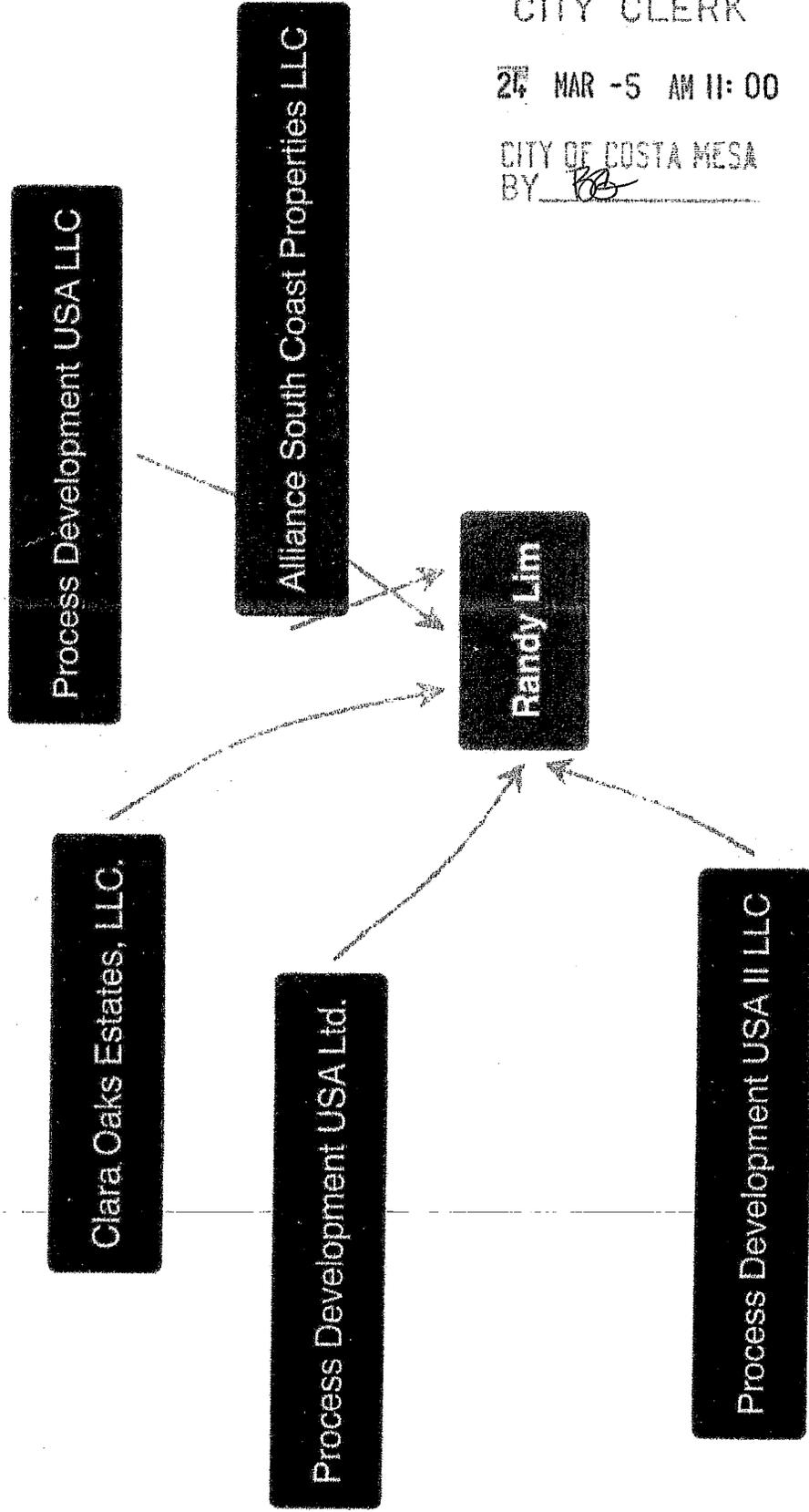
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24 MAR -5 AM 10:52  
CITY OF COSTA MESA  
BY BC

# Network Visualizer

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237

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CITY OF COSTA MESA  
BY BB



RECEIVED  
CITY CLERK

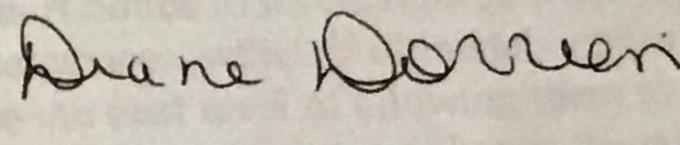
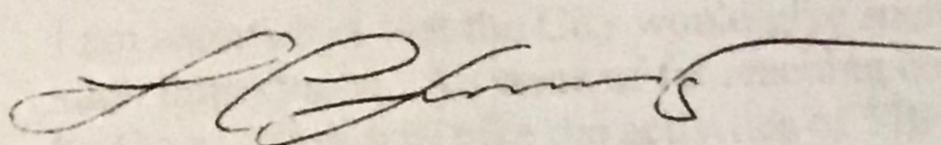
27 MAR -5 AM 11:00

CITY OF COSTA MESA  
BY BB

To be unbiased please require that TBN (TCC) park tour busses right up to our wall and have the engines running during their show . Also require that TBN (TCC) have their heavy equipment lifts operating so that you will have some idea of what it is really like. I might add that as I am writing this letter to you at 6:30 in the evening that the heavy equipment began making a racket just about one hour ago, which has been the case for the past three nights, as they prepare to put on their show in two days. You need to realize that when the show begins on Thursday that many days of preparation go into each and every outdoor activity, such as their three hour taping session, which they will produce this week.

If the City of Costa Mesa wants a reality show why not put it all together at one time for all to see and evaluate so we might finally get our elected officials to understand the importance of protecting the citizens and taxpayers of Costa Mesa. Maybe then as stated in exhibit B of the original application PA-96-19 of the conditions of approval, for TBN to operate, that the business (TBN) shall be conducted "at all times, in a manner that will allow the quiet enjoyment of the surrounding neighbors", instead of continuing to give into Corporate Bullies.

Sincerely



Lars Sivring and Diane Dorrien  
3128 Encore Court  
Costa Mesa, California 92626

Copy: Mayor Mrs. Karen Robinson  
City Council  
City Manager

**Council Members and others,**

**This is being written in response to the City Council meeting which was held on March 15, 2005. I was told to attend in hopes that the Council would vote back for review TBNs CUP which allows for heavy equipment to be run behind our homes from 9:00 am until 5:00pm, 6 days a week. In phone conversations with Mayor Monsoor I felt he stated that he had seen the many complaints by myself and my neighbors dating back to February 2003, thus seeing them would not have any impact, only something new he might not have seen. I also felt he told me the video tapes I have taken would not change anything, I need some time to get them copied. I was led to believe the Council meeting March 2005 was merely to reconsider the CUP which allows grinding heavy lifts behind our home and similar situations that destroy any attempt at "Quiet Enjoyment of our home". I was led to believe this was not a place to be reviewing the information.**

**In the past we have not been informed of any response by the city for past two years of violations that have occurred next to our homes, except told to call the police if they exceeded their 8 hours a day use of heavy equipment or they exceeded 10:00pm. For us buses with their backup beepers until 9:30-10:00pm is also a feeling of chaos created beside our home.**

**On many occasions Diane Dorrien wrote "when will the city respond" on her complaint forms in large writing to no avail. On numerous occasions when we did call the police( as we were instructed to do) we received the response that they were too busy to respond or to witness them arrive an hour later moments after the heavy equipment had been put away . On some occasions with Buses we would often see police appearing to be working inside the building, it appeared they were unaware of what was happening outside (such an instance on tape July 29 2004). At the council meeting Mr Cassoria stated that off duty police officers work regularly for TBN. On many occasions we have seen 2-3+ police officers on their lot- they were in city uniforms and city police cars(tape 7/29/2004). We could not distinguish the difference of on duty or off.**

**As a matter of fact the only response we are sure the city made was to turn over the many complaints to TBN, which then were used as part of a lawsuit to sue us (the three neighbors) for Conspiracy, harassment and damage to their ficus trees. We were told of this lawsuit on November 2003. All of these suits are now over, two were thrown out on a SLAPP motion, all were with prejudice.**

**I felt my character very smeared by the Council hearing of March 15, 2005. As well as several other occasions while attempting to deal with our feelings of harassment of our home. At the meeting I was allowed to get up and briefly speak on our hopes on how to solve one of the many situations created for our home by the city's CUP. Mr Cassoria (TBNs family member and attorney) was able to get up and make many claims (well beyond 3 minutes) He implied a revisit to their CUP was all about the lawsuit (to me it sounded like he was implying a noise lawsuit rather than the**

tree lawsuit) and implying it was a tactic to get the city in the middle of it. He was able to talk at length about many things including that my neighbors had settled with them. Mr. Monsoor also addressed my character that I had not gotten him any videos after numerous phone calls by him (I felt this implied to the public I was lying). Ultimately after all of what felt like smearing portrayals of my home and me. I was told I had been allowed to talk and could not be allowed time to defend myself with what was being said and implied to the public about me.

It is true I am being told my neighbors are likely selling to TBN. (in my opinion giving up their homes to TBN) I was not led to believe that this had been finalized as Mr. Cassoria seem to state. Both of these neighbors say they will not speak up anymore, one told me there are too many fears of more legal retaliation. One neighbor moved away in March of 2005. This neighbor took the time to document all the violations we were allowed to. We were repeatedly told nothing will be done about the abuse of heavy equipment from 9-5:00pm. These complaints could only address violations past 5:00 pm. Since the neighbor moved the end of March 05, 'and nothing was being done, the police would not always come appear able to witness the situation if they did. We were left to police the situation ourselves and thru the lawsuits left to feel we should fear future retaliation when we do. These are your main reasons why complaints were reduced.

The middle of March it was recorded that Diane my neighbor had a tearful conversation with the city, she was so upset she could not continue the conversation when the city informed her they had given added permission for TBN to bring an even larger lift than normal and start it up beside her home in the early morning (7am?). The city stated they had given TBN a new building permit. Her overwhelmed emotions demonstrate the abuse we feel by these lifts. Diane rented her home and moved away at the end of March. She had lived in Costa Mesa more than 20+ years. If both of my neighbors sell their homes to TBN we will be surrounded by 4 TBN homes running down the wall. TBN will have even more control of this community than they already do . TBN will be connected or own every house but ours along the wall. The couple in the last home say they are freinds with Jan and Paul and have traveled with them. It feels as though the City is trying to help destroy our home life, in hopes that we will feel we have to move also!!! We will not be forced to move from our home. The home beside us appears to be occupied by a continuous array of strangers. On March 18 at 5:00am. A man loudly talking on his cell phone, and woman and children's voices startled me awake. They were below our bedroom with flashlights the man appeared to be attempting to remove the key from the permanent realtor type lock box permanently imbedded on the wall of the TBN house.

In the past I have been told that Mayor Monahan refused to return phone calls to us (per the city secretary) because we have an ongoing lawsuit. He implied at the Council meeting (March 15) that the City did not want to be drawn into the lawsuit. I felt the general public was led to believe the lawsuit Mr. Cassoria and Mr.

Monahan were referring to be due to our ongoing noise issues not the massive ficus trees which have been growing for four years without root barriers.

April 25, 2001 the City of Costa Mesa gave TBN a building permit- (No-B01-00202) for 37-“deciduous” trees. It planted 48” boxed trees in a 52” space next to Lifestyle homeowners properties. The building permit states that these 37 trees were to offset the removal of one large mature tree in middle of TBNs lot. This permit is dated April 25<sup>th</sup> 2001, according to city file photos the trees were already in the ground April 26, 2001. Sixteen to eighteen foot ficus trees were planted. The city said in a letter dated October 7, 2004 that Trinity did submit a landscape plan. The city later states it no longer has a copy (per city letter dated Oct 14, 2004). The city also goes on to state that they gave TBN permission for canopy trees, which merely means deciduous trees, since ficus is a deciduous tree the city, did not see anything inconsistent with their planting.

I am under the belief, however that the city of Costa Mesa does not allow planting of ficus trees on their own properties due to their likelihood to create damage due to the invasiveness of their roots. In fact Exhibit B for PA-00-19 as distributed for PC meeting of 7/24/2000, #3 states, *“Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the planning division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of size consistent with trees to be removed, and shall be replaced on a 1 to 1 basis, subject to the approval of the planning division. This condition shall be completed.”*

On or before Dec., 2003 the city informed the small Christian school my child attends that they would have to take on all legal liability for the form of focus tree they had planted near a city sidewalk or remove them. The Christian school stated that after much thought and prayer in an attempt to “seek peace” they would at great expense to themselves remove the trees!

The city also states in a letter dated October 7<sup>th</sup> 2004. That TBN not only submitted a landscape plan next to our block wall, but also placed a root barrier as well. On October 14<sup>th</sup> 2004 the city stated although it no longer had a landscape plan, it would investigate the lack of a root barrier as is required by building permit #B01-00202. As of the date of this writing I have not been made aware of any response.

Despite years of attempting to document the many issues we have felt forced to live with. The city appears to continue to allow TBN to grow as a “commercial” business rather than an administrative facility. They now let them have restaurant and gift shop open to the public. They let them put up a neon lighted signs that tell people they are “OPEN” thru the evening hours. They were able to add on to the building. The city appears to have written numerous letters to Cal Trans to give TBN freeway signs. I now see signs in at least three sections of Costa Mesa directing people to

**TBN! Are these city signs? According to the Council agenda I received the day before the Council meeting the city now refers to TBN as a commercial facility. Has there been a change in their zoning without the public being made aware of it.**

**We love the location of our home, and the home itself. We are not going to move!!!! We need the city to do its job and keep this facility running the way TBN originally said they would. We are all for their religious freedom. We just want them to go about it quietly with respect for the neighborhoods that surround them. Heavy equipment and running buses until 9:30-10:00 pm does not fit at any time quiet enjoyment of our home. As I have stated in the past TBN could use ladders and scaffolding just like they do for code enforcement and they can park the buses over by the 405-freeway side thus we should not hear them except when they exit the lot. Since most of the buses need to back up to exit their facility they could be asked to have buses depart by 8:00pm instead of all the way to 9:30 to 10:00.**

**Our church school is constantly requesting that we respect the city's directions to protect their surrounding neighbors. Why does the city not expect TBN to do the same.**

June 1, 2008

Dear Mr. Monsoor and Costa Mesa Council Members,

We are writing this after having watched the May 6<sup>th</sup>, 2008 city council meeting. It was with great distress that we listened, to Mr. Monsoor once again recount to a televised audience and other city council members that the city has heard nothing of concern about TBN's activities for several years now. (We had just turned in pages of documentation on April 29<sup>th</sup> to you and all council members). We also have called so many times to the city, police and occasionally City council members themselves (always to no avail) on so many noise issues that we were told we were considered harassment to the city! We had taken the time to document many situations involving noise, (often not in writing, since TBN used what we had given the city in an attempt to sue us (and our neighbors).

We should not have to feel we should have to drop everything going on in our home to call the police or the city to attempt to document noise--- this is not a quality of life. We also should not have to feel if we do speak up that we will be called liars or have TBN be allowed to somehow retaliate (this is how it has felt). We recently took another considerable amount of time to put together a **small** amount of our documentation in attempts to show what has been going on with our home and neighborhood. As we documented we no longer have any neighbors left, TBN owns all the homes that surround us. Prior to our neighbors being sued and letting TBN obtain their homes; our neighbors were very verbal about what it was like to live with TBN next door. In recent years the situation is not better, in fact it has gotten much worse.

We were hopeful when the noise from lifts was brought to a city council meeting, that we would finally obtain relief from at least this one of many noise issues. At the time we had been sued by TBN for speaking up, so none of our neighbors were willing to speak. Stacy was invited and allowed two minutes to discuss the issue and then was horrified to hear Mr. Monsoor sound as though he was accusing her of lying (at least this is how it felt) TBN's attorney and family member was then allowed unlimited time to publicly speak, he was allowed to impugn her character (again this is how it felt) and Stacy was not allowed another word to defend herself.

The last half of December 2007 and first few weeks of January 2008 including Christmas Eve, we endured huge steel beams being pounded on, and loud running generators and equipment starting early in the morning until past dinner time next to our home and bedroom. TBN/TCC appeared to be putting a completely new huge steel archway/sign that people drive under to get in to their facility. After a few weeks of enduring this latest round of incredible noise, we went to the city to see what kind of permits they had gotten and what all was going to be put in. We were once again shocked to be told by Jim Gulfos and Bonnie Kubota that we would not find permits, because the City was well aware of what they had been going in (we knew they were, we had called them to get relief --especially on Christmas eve) and it was certainly not something that the city would require them to get permits for.

In January 2008 we went to city planning (Mel Lee) to request new CUP's/ permits obtained by TBN to understand the constant escalating noise issues. We were told there

**So much has been done to destroy our home; I no longer know where to start. I am not a good public speaker nor can we afford the luxury of a PR firm that advertises its government connections like TBN has here tonight.**

**TBN is zoned as an Administrative tax exempt facility. They have a commercially zoned fully equipped broadcasting station in Tustin (just 15 minutes away)**

**TBN has never been held to its zoning, yet they continue to get even more CUPs. They have gotten all our neighbors homes- THIS SHOULD SPEAK FOR ITSELF.**

**We are now surrounded by vacant homes and out of control noise day and night. These vacant homes have been renovated for over a year now (see video).**

**The City gave TBN permits to plant a wall of ficus trees (a city banned tree) without enforcing a required root barrier. These trees and their excavation have damaged our fence (see engineering reports) and are starting to tear up our hardscape and prevent us from seeing blue sky, south coast metro and the constant source of noise blasting our home.**

**When we had neighbors they were very boisterous we gave the city video and stacks of paperwork (as we had been instructed to by the city documenting hours of lifts, leaf blowers, chain saws, Wood chippers, barreling delivery and trash trucks, screaming people, honking car horns, running busses and too many other sources of noise to even keep going. We were only allowed to tell the city about the after hours noise. They have been allowed to run unlimited sources of noise from 8:00am to 5:00pm. We all could not understand why we continued to document and nothing was getting changed. We kept being reassured the city was working on it. We eventually discovered that all of the paperwork we gave to the city had been handed over to TBN so they( John Cassoria) could sue us word for word, claiming conspiracy, harassment and damage to their ficus trees and operations.**

During the lawsuit we were put through great financial and emotional distress.

We then were told by the city that we were in a lawsuit to talk to them after it had settled. They would no longer like to hear of anything while it was on going. During this time it appeared as though the City began to make public statements that everything had been quiet with TBN (no more complaints) so they began granting added performances that did not require public notification. It was also around this time that our neighbors began to say they could not live here and began to give up their homes.

Now that were alone, the noise has continued to escalate, but as stated before we had discovered while we were caught up in the lawsuit the city had begun to make public statements that everything was peaceful. We also discovered somewhere along the way the Costa Mesa police had become employed by TBN, so while we would listen to car alarms and screaming people and running busses outside our home we would also observe as many as 4 Costa Mesa police officers head inside their building and go to work. If we called due to unbearable noise we were told they would not do anything or to call different officers. The officers on this lot were in uniform, CM police cars/motorcycle and we were told they were on-duty, but that they were there for TBN only. They likened their services to the same that they had provide the fairgrounds. If this is such a non-event why do they have CMPD. We did not buy a home next to the fairgrounds.

Our city has also argued to get TBN signs bringing crowds to their lot. Cal-Trans informed TBN and the city that these signs were for a venue like Disneyland. Planning continued to argue with letters in favor of directional signs and ultimately got Cal-trans to give TBN signs to help them draw in the crowds. Why has City planning worked so hard to accomadate TBNs demands at the expense of our lives and neighborhood. We did not buy a home next to Disneyland!!

When I have called about hours of chain saws or wood chippers I have been told that this is normal operations of their lot and that I was considered to be harassing the city and it will be documented as such. I have on numerous occasions called our elected Council and also been ignored. I am hopeful that the citizens of Costa Mesa seriously rethink their council and get a group that will not allow destruction of a neighborhood.

For beyond 4 weeks over Christmas and New years vacation we endured pounding on steel girders as TBN put a brand new huge structural and decorative archway people drive under to get in to their facility. I went in to find what permits they had gotten, and was told and shown by Jim Gulfos and Bonnie Kubota TBN was not expected to obtain permits.

Obviously I could go on for hours, but the point is we once again have had to endure emotional and financial (\$680.00) loss to appeal to you to stop further attack on our home. We are alone and the loss of our neighbors should be testament enough. One neighbor wrote you a heart-wrenching letter of how they felt and what they endured while living in their home and why they felt they had to give it up. The others have most likely signed a confidentiality agreement they tried to get us to sign stating what they can say about the situation.

Obviously everything they have been allowed is not working!! Certainly don't grant them more. PLEASE go back and consider getting them back to their original agreement for this lot. An Administratively zoned 8:30-5:30 building with once a week gardening. Ban their million lights, which attempt to draw in crowds and require months of grinding lifts behind our homes, followed by months more of screaming people, car alarms and running busses. Ask them to do all their nighttime performances at their commercially zoned Tustin facility, make them stop destruction of our home, our lives and our neighborhood.



# CITY OF COSTA MESA

CALIFORNIA 92628-1200

P O BOX 1200

FROM THE OFFICE OF THE TRANSPORTATION SERVICES MANAGER

March 30, 2001

Saied Hashemi  
Chief of Traffic Operations North  
Caltrans - District 12  
3337 Michelson Drive, Ste 380  
Irvine CA 92612

**SUBJECT: FREEWAY GUIDE SIGNS FOR TRINITY BROADCASTING NETWORK**

Dear Mr. Hashemi:

Thank you for your prompt response regarding the City's recent request for installation of freeway guide signs for the Trinity Broadcasting Network (TBN). Your desire to limit signage on the freeway system is understandable. There are, however, some important issues that I believe merit your further consideration for installation of some form of guidance to the TBN facilities and would like to schedule a meeting to further discuss these issues.

Perhaps we can meet at the TBN facilities with Dr. Paul F. Crouch to better understand their operations and experiences with tourist traffic and the difficulties encountered in locating their site. With your concurrence, I will have our office secretary contact you to schedule a convenient time when the three of us can meet.

Your further consideration of this request would be appreciated. In the interim, if you should have any questions please contact me at (714) 754-5182.

Sincerely,

PETER NAGHAVI  
Manager, Transportation Services

c Joe Hecker, Chief, Operations and Maintenance, Caltrans District 12  
Allan Roeder, City Manager  
Don Lamm, Deputy City Manager/Development Services Director  
William J. Morris, Director of Public Services  
✓ Dennis Johnson, Assistant Engineer  
Paul F. Crouch, President, Trinity Broadcasting Network

77 FAIR DRIVE

PHONE: (714) 754-5334 • TDD: (714) 754-5244 • www.ci.costa-mesa.ca.us



February 22, 2001

Joe Hecker  
Chief Operations and Maintenance  
Caltrans - District 12  
3337 Michelson Drive., Ste CN380  
Irvine CA 92612

**SUBJECT: FREEWAY GUIDE SIGNS**

Dear Mr. Hecker:

Dr. Paul F. Crouch, Founder and President of the Trinity Broadcasting Network (TBN), and I met recently to discuss existing traffic issues with regard to their facility. The Trinity Broadcasting network attracts a significant number of visitors each year. The Trinity Broadcasting Network has over 5,000 affiliated television stations and broadcasts worldwide over six satellites, plus 2,500 radio stations and short wave radio. This establishment is well known in the field of tele-evangelism and their headquarters in Costa Mesa is a **destination** landmark for visitors worldwide. In addition to their daily operations and tourist related programs, their facility hosts many special events and telethons that fill the facility to capacity during certain times of the year. The number of visitors to this site is estimated at over 600,000 per year.

The location of the Trinity Broadcasting Network, immediately adjacent to the I-405 freeway, is one of the most identifiable landmarks in the area. While their facility is highly visible from the I-405 freeway, it is not easily accessible due to lack of access ramps on the I-405 freeway at Bear Street overcrossing. It is a circuitous route to their facility when arriving by the freeway from any direction and many visitors from outside the local area experience confusion when seeing the facility but not knowing which freeway exit to use. This confusion, not only affects the overall operation of TBN, but greatly contributes to increased freeway and surface street traffic congestion as well as public safety. Dr. Crouch has brought this matter to the City's attention and has requested assistance in providing an effective means to guide visitors to this facility.

California Department of Transportation (Caltrans) has, in the past, installed directional guide signs at strategic locations along the freeway system to minimize confusion and direct motorists to the proper offramp. Similar signs currently exist for Disneyland, Crystal Cathedral, and many other major destinations. The City believes that the installation of similar guide signs on the I-405, SR-73, and SR-55 freeways in Costa Mesa would alleviate these concerns for traffic bound for the Trinity Broadcasting Network's facilities. This issue is of even more significance with the recent commencement of major freeway and freeway access construction on the I-405/SR-55 (Transitway), and SR-73/I-4-05 (Confluence) projects and the related lane closures/detours underway. The additional guidance that can be provided would be even more beneficial to drivers unfamiliar with the local area.



February 22, 2001

Joe Hecker  
Chief Operations and Maintenance  
Caltrans - District 12  
3337 Michelson Drive., Ste CN380  
Irvine CA 92612

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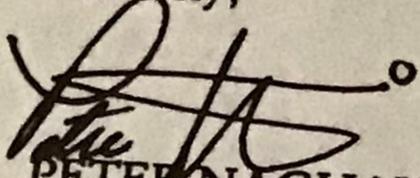
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Mr. Paul F. Crouch  
May 22, 2001  
Page Two

If you wish to discuss these issues directly with Mr. Hecker you may contact him at 949-724-2929. Of course you may always contact me at (714) 754-5182 if the City can be of any further assistance.

Sincerely,



PETER NAGHAVI  
Manager, Transportation Services

attachments

- c Allan Roeder, City Manager
- ✓ Don Lamm, Deputy City Manager/Development Services Director
- William J. Morris, Director of Public Services
- Dennis Johnson, Assistant Engineer
- Joe Hecker, Chief Operations and Maintenance, Caltrans - District 12  
3337 Michelson Drive, Suite CN380, Irvine, CA 92612

RIGHT LANE  
MUST  
TURN RIGHT

TRINITY  
BROADCASTING  
→



January 16, 2004

Dear Lifestyles Family,

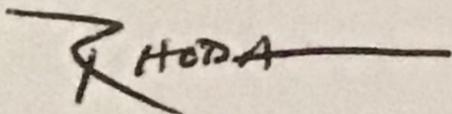
As usual there were not many sales last year. However, the ones "we" did have were excellent ones and finally brought the values into the mid \$500,000's. Of the 5 homes sold last year, I was on one side or the other of 4 of them. The last one sold was able to bounce off of 3 of the other sales and get \$550,000. So that is our last comp in here unless you know something I don't, which is always possible. Please call me if something else has sold since that's not on our books.

The biggest fight we have always had in values is the manner in which the builder tagged your properties as "PUD's" or a planned unit development, rather than as "SFR's" or single family residences as are those tracts all around you. Appraisers are forced to compare PUD's with other PUD's and SFR's with other SFR's. Because of that designation, we have been forced to make our own comps here in Lifestyles and build from each sale.

## **BUT HOPEFULLY NO LONGER!**

The new Standard Pacific homes on Sunflower and Susan near IKEA are also classified as PUD's! And they are in the Costa Mesa city limits. That is the biggest help to your prices that has ever come along! Prices there started in the mid-high \$600,000's and are already in the low-mid \$700,000's in their fourth phase. Before you get too excited and want \$695,000 for your own home, however, remember that buyers can get brand new for that much. So, as long as you stay enough under to make your wonderful home seem like a bargain against those prices, you all can still get fabulous prices and hopefully won't have to worry so much about the appraisal killing your deal. We have yet to test it, but I'm ready when you are! Call me anytime and we'll look at the comps together and factor in your upgrades and where the marketplace is when you're ready and come up with a good sales price! I think it's time to test the marketplace and see how much we can stretch it!

Looking forward to hearing from you,



Rhoda Daniel



DEVELOPMENT SERVICES DEPARTMENT

April 25, 2001

Stacy Shofro  
3131 Encore Court  
Costa Mesa, CA 92626

REMOVE 1 TREE  
AND THEN INSTALL  
48 TREES IN 48"  
BOXES. MEL SAYS OK

SUBJECT: BUILDING PERMIT NO. B01-00202  
3150 BEAR STREET, COSTA MESA

where is February 13, 01  
paperwork  
and April 9th

Dear Ms. Shofro:

This letter has been prepared in response to your request for information on the above permit issued by the City for a 17-foot tall statue for Trinity Broadcasting Network (TBN). The permit was issued by the City on February 13, 2001, for the statue to be located in the central courtyard/fountain area. On April 9, 2001, Mr. Kent Whitmore of TBN requested that the statue be relocated to an existing landscape planter near the main entry of the facility on Bear Street. The planter contained (a large mature tree.) To offset the removal of the mature tree, TBN submitted a plan to plant a row of 48-inch box canopy trees between TBN and the homes to the south of the site to act as a natural buffer. The plan and statue relocation complied with all applicable code requirements and was approved on April 12, 2001.

If you have any questions, please do not hesitate to contact me at (714) 751-5611, between 1 p.m. and 5 p.m.

Sincerely,

MEL LEE, AICP  
Associate Planner

PLEASE MAIL TO:  
STEVE SCHOFRO  
3131 ENCORE  
COURT  
COSTA MESA,  
92626

cc: Kent C. Whitmore  
Special Projects Coordinator  
Trinity Broadcasting Network  
3150 Bear Street  
Costa Mesa, CA 92626

44

THX,  
MEL



# CITY OF COSTA MESA

77 FAIR DRIVE, P.O. BOX 1200, COSTA MESA, CA 92628-1200

OFFICE OF THE CITY ATTORNEY

October 7, 2004

Randall Stamen  
4046 Chestnut Street  
P.O. Box 946  
Riverside, CA 92501

Re: Costa Mesa Building Permit #B01-00202

Dear Mr. Stamen:

The City is in receipt of your letter dated September 14, 2004 (the "September Letter"), in which you request that the City require the Trinity Christian Center ("Trinity") to remove the ficus trees planted around its property located at 3150 Bear Street in Costa Mesa.

In your September Letter, you argue that because Trinity failed to properly satisfy the conditions of its building permit, Building Permit #B01-00202 (the "Permit"), the City has the authority to require Trinity to move the ficus trees. Specifically, you argue that Trinity failed to satisfy the conditions of the Permit in the following ways: 1) Trinity planted ficus trees instead of "canopy trees"; 2) Trinity did not install a root barrier between the ficus trees and the block wall separating Trinity's property and the neighboring properties; and 3) Trinity failed to submit a landscape plan to the City for the planting of the ficus trees.

According to City staff and records, Trinity did submit a landscape plan and it did install a root barrier between the ficus trees and the block wall. Furthermore, the City considers canopy trees to be merely deciduous and evergreen trees that have spreading branches, creating rounded or flattened shaped crowns, and which provide shade from the sun<sup>1</sup>. Because ficus trees are a kind of deciduous tree that provides shade from the sun<sup>2</sup>, the City does not consider the planting of ficus trees to be inconsistent with the Permit's requirement to plant canopy trees. In conclusion, the City has no basis on which to require Trinity to remove the ficus trees planted around its property.

Very truly yours,

Linda N. Nguyen,  
Deputy City Attorney

cc: Willa Bouwens-Killeen  
Mel Lee

<sup>1</sup> A copy of Costa Mesa Municipal Code Section 13-102 has been enclosed for your convenience.  
<sup>2</sup> An excerpt from City landscape book has been enclosed for your convenience.



# CITY OF COSTA MESA

OFFICE OF THE CITY ATTORNEY

77 FAIR DRIVE P.O. BOX 1200 CALIFORNIA 92628-1200

October 14, 2004

Re: Costa Mesa Building Permit #B01-00202

Dear Mr. Stamen:

The City is in receipt of your letter dated October 13, 2004 (the "October Letter"), in which you request a copy of the landscape plan submitted by Trinity Broadcast Network ("Trinity") as a condition of its building permit, Building Permit #B01-00202.

Please be advised that the City no longer has a copy of this landscape plan in its records. Regarding your claim that Trinity has not installed a root barrier as required by Building Permit #B01-00202, I will forward your letter to our Planning Division, which is responsible for investigating and enforcing compliance with building permit conditions.

Very truly yours,

Linda N. Nguyen,  
Deputy City Attorney

cc: Willa Bouwens-Killeen  
Mel Lee

## TBN sues neighbors who are 'making life miserable.'

• Trinity Broadcasting Network is suing three of its neighbors in Costa Mesa, Calif., claiming they illegally pruned and damaged a row of ficus trees just inside the TBN facility. The suit is the newest development in a series of disputes between the world's largest television ministry and its neighbors. (See religionjournal.com 05/04/03.)

In September, three residents of a neighborhood adjacent to TBN claimed that roots and branches of the ministry's trees were spreading to their property. The residents said the roots had caused a wall separating their homes from TBN to lean toward the ministry's property, the Los Angeles Times reported. "Although there have been efforts to resolve the dispute, the two sides give conflicting accounts of meetings, letters and phone conversations between residents and church leaders," according to the newspaper.

Vance Ito said he and the other homeowners being sued – Diane Dorrien and Stacy Swanson-Schofro – cut only the branches that hung over their back yards; they caused no permanent damage to the trees, he said. "We just want to protect our property," Ito said. "In my view, they've put us at risk for something that they need to take responsibility for."

City planning officials, however, said the row of trees did not cause the wall's sagging. If that theory were correct, "the wall would be leaning to their side, not Trinity's side," said Mel Lee, a city planner.

John Casoria, the ministry's attorney, said TBN had run out of options for resolving the dispute and sued as a last resort. "We have extended the hand to be neighborly, and [Ito, Dorrien and Swanson-Schofro] slap it every time," he said. "These people are making mountains out of molehills. We believe it's their grand conspiracy to make TBN's life miserable."



# CITY OF COSTA MESA

P O BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

December 19, 2003

Pastor Mark Rogers  
Prince of Peace  
2987 Mesa Verde Drive East  
Costa Mesa, CA 92626

**RE: PLANNING APPLICATION PA-98-87/88  
PRINCE OF PEACE CHURCH & SCHOOL  
2987 MESA VERDE DRIVE EAST**

Dear Pastor Mark:

I wanted to take this opportunity to follow-up on last week's Planning Commission action to make sure we both are in agreement with what needs to be done next. The first item is the light spillover. We would appreciate it if you could work with the adjoining neighbor to confirm which light is spilling over into his residence and shield and/or reduce the illumination of the light as necessary. The Police Department recommends a minimum of one footcandle of illumination at the parking lot surface for safety purposes. If the lighting exceeds that illumination, perhaps the illumination could be lessened, hopefully, to the neighbor's satisfaction. The second item is, of course, the Ficus trees.

It is my understanding from both your letter, and in speaking with you and Keith Kerlake, that the Ficus trees are to be removed and replaced with Podocarpus gracilior. It is your intention to replace the trees in the next three months. To allow the replacement, we will need a landscape plan depicting where the Podocarpus will be placed, what size (gallon or box) they will be, and how far apart they will be placed. Planning staff will require two copies of the landscape plan; one copy of an irrigation plan, approved by Mesa Consolidated Water District, will also be required. In order to provide the required screening of the modular buildings, the 15-gallon Podocarpus we discussed should be placed at a minimum of 4 foot on center, and should be placed a minimum of 4 feet behind the public sidewalk. Please be aware that all the Ficus trees along both Baker Street and Mesa Verde Drive East will have to be removed in order to waive the requirements for the root barriers, the additional insurance, and the hold harmless agreement. If

all the Ficus trees behind the public sidewalks are removed, and the Podocarpus is planted behind the Baker Street sidewalk to screen the modular buildings, the matters regarding the Ficus hedge and screening requirements of PA-98-87/88 would be satisfied.

I hope this helps to clarify the remaining items. If you have any other questions or concerns, please call me at 714.754.5153 or email me at [wbkilleen@ci.costamesa.ca.us](mailto:wbkilleen@ci.costamesa.ca.us); the best time to reach me is between 8 a.m. and 12 noon. I will return from vacation on December 29, 2003.

Sincerely,

*Willa Bouwens-Killeen*

WILLA BOUWENS-KILLEEN  
Senior Planner

# Prince of Peace

Christian Church & School

Pastor  
Mark Roger

Principa  
Debby Oga

December 10, 2003

Dear School Parent,

Pastor Mark and I met with the Costa Mesa Planning Commission Monday evening to finalize our Conditional Use Permit for the modulars. As you may have seen in the Daily Pilot, there were three added or changed conditions to which we agreed. The final outcome is that we are now operating within the terms of the Conditional Use Permit, the trees do not need to be removed, and the modulars can stay. This is a great relief!

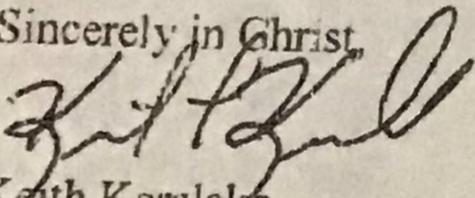
Having said that, however, after considerable thought and prayer we have decided to remove the trees along Baker Street and replace them with one on the City's approved list. The replacement of the ficus trees along Baker Street is our attempt to "seek peace and pursue it" (1 Peter 3:11) and to "offer hospitality toward one another" (1 Peter 4:8). While all efforts do not realize their intended results, this is the action we feel led to take.

As you can imagine, there is no budget for this decision and as a result the majority of the cost will have to be raised through fund raising. We believe that this is a God honoring decision and with your help and participation, we believe the necessary funds will be raised. We will be communicating with you in the near future to let you know how you can help.

Copies of the letters sent to the Ceylon neighbors and the Planning Commissioners concerning our decision to replace the ficus trees are in the school office if you would like one.

May God richly bless you and your families during this holiday season.

Sincerely in Christ,



Keith Kerslake  
Administrator

December 31, 2003

Mr. Bruce Garlich, Chairman  
Mr. William Perkins, Vice Chairman  
Ms. Katrina Foley, Commissioner  
Mr. Dennis DeMaio, Commissioner  
Mr. Joel Faris, Commissioner  
Mr. Perry Valantine

Subject: Prince of Peace  
Master Plan Amendment  
PA-98-97/88

This letter is to provide feedback from the MVCI board on a pending issue with the Prince of Peace school/church. The issue, specifically resolution # PC-99-03, Conditions of Approval, Item #4, is subject to conditions to modify the amended master plan by adding conditions of approval that address potential problems caused by ficus trees.

Due to the potential problem and future liability that may arise from the ficus trees planted by Prince of Peace school/church between September 1999 and July 2001, the MVCI board voted to back any actions supporting the removal of the ficus trees boarding the Prince of Peace school/church. The MVCI Board's decision is based on the potential financial liability to the City of Costa Mesa and tax payers, should future injuries occur as a result of damage to sidewalks from the ficus trees. In addition, when Prince of Peace planted the trees, the organization was in violation of Costa Mesa Municipal Code Section 13-103 through 13-108, condition #4 and Code Requirement #5. Despite specific instruction from city officials in July 2002, Prince of Peace ignored the instructions to remove the ficus trees.

Limited liability should reside with the property owner but may not relieve the city of further obligations in the event of a suit, should Prince of Peace fail to maintain adequate insurance and/or plea financial hardship in the future.

It is for these reasons MVCI supports any decision or action taken by the Costa Mesa Planning Commissioners in the removal of the ficus trees.

Sincerely,

Darnell Wyrick  
President, Mesa Verde Community Inc.

# Prince of Peace Christian Church & School

Pastor  
Mark Roger  
Principa  
Debby Oga

December 10, 2003

Dear School Parent,

Pastor Mark and I met with the Costa Mesa Planning Commission Monday evening to finalize our Conditional Use Permit for the modulars. As you may have seen in the Daily Pilot, there were three added or changed conditions to which we agreed. The final outcome is that we are now operating within the terms of the Conditional Use Permit, the trees do not need to be removed, and the modulars can stay. This is a great relief!

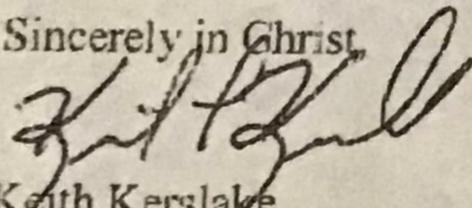
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Copies of the letters sent to the Ceylon neighbors and the Planning Commissioners concerning our decision to replace the ficus trees are in the school office if you would like one.

May God richly bless you and your families during this holiday season.

Sincerely in Christ,



Keith Kerslake  
Administrator

# Church will remove ficus trees

Neighbors had asked that the ficus, planted without city approval, be taken out before the groves' roots damaged sidewalks.

**Deirdre Newman**  
Daily Pilot

COSTA MESA — Prince of Peace school officials are extending an olive branch to their neighborhood by deciding to remove ficus trees along Baker Street, as neighbors have asked.

These trees, one of three groves of ficus trees on the school and church property, were planted without city approval.

On Dec. 8, the Planning Commission allowed the church to keep the trees along Baker Street because school officials agreed not to hold the city liable for any damages the trees may cause.

The relief of Prince of Peace officials at the decision was followed by a desire to make peace with the neighbors, who have adamantly opposed the trees, school administrator Keith Kerslake said. So the church and school are embarking on a campaign to raise \$10,000 to replace the ficus trees with a variety of tree known as yellowwood or *podocarpus*.

Church officials say their ficus

remorse was the result of contemplative thought and prayer. A letter that went out to school parents quoted verses from the Bible to explain the about-face.

"We think it's a God-honoring [decision] to remove them," Kerslake said. "We think we should reach out in peace, and that's what we're going to do."

Neighbor Gordon Pate, one of the most vocal opponents of all the ficus trees, said he is glad to see the school finally take action to replace some of the ficus trees. He would like to see church officials continue in the same spirit by removing the ficus trees along Mesa Verde Drive and along a block wall fence that separates the church property from Ceylon Drive.

"The only objection we have ever had is that the ficus trees are such a pervasive, dangerous tree," Pate said.

In January 1999, the Planning Commission approved an application that allowed the Prince of Peace church to put in four modular buildings for a school. The commission required the



FILE PHOTO / DAILY PILOT

Costa Mesa resident Gordon Pate's shadow falls across a cracked sidewalk that he worried would be further cracked by Prince of Peace Lutheran School's ficus trees along Baker Street.

planting of screening trees and shrubs between the buildings and the Baker Street property line.

The church planted 30 ficus trees without city approval along a portion of Baker Street. It also planted 35 trees on Mesa Verde Drive East and 52 along Ceylon Drive. After the trees were planted, some neighbors voiced their concerns that the tree roots would damage city sidewalks and pose hazards to pedestrians. These neighbors wanted the

trees removed. Instead, church officials installed root barriers.

Kerslake said church officials haven't made any decisions yet about the trees on Mesa Verde Drive. Those are set farther back from the ones on Baker Street and were planted more recently, so there is more time to deal with them, Kerslake said.

"Our desire always has been, although it may not have been perceived that way, to be a good neighbor," Kerslake said. "And we'll continue in that vein."



February 7, 2008

City of Costa Mesa  
Planning Department  
77 Fair Drive  
Costa Mesa, CA 92626

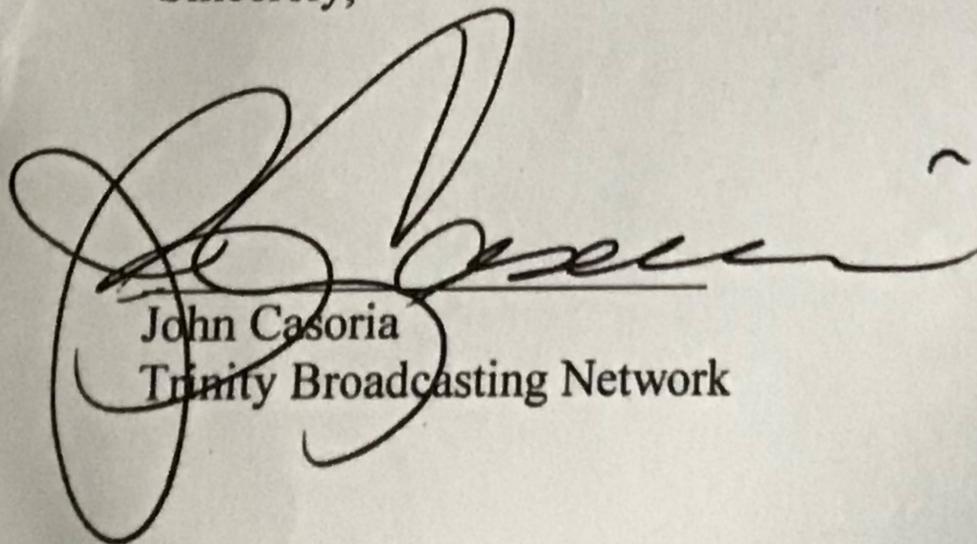
**Re: Trinity Broadcasting Network (TBN), 3150 Bear Street, Costa Mesa, CA**

To Whom It May Concern:

As owner of record for the land within the project referenced above, we hereby authorize Sheldon Group and its authorized agents to act on our behalf as applicant, agent and property owner's representative to process development application(s) for this property, specifically to obtain a Conditional Use Permit for a permanent outdoor filming permit from the city of Costa Mesa.

Should you have any questions or need additional information regarding this matter, please feel free to call Steve Sheldon at (949) 777-9400.

Sincerely,



John Casoria  
Trinity Broadcasting Network

COPY

City of Costa Mesa  
77 Fair Drive  
P.O. Box 1200  
Costa Mesa, CA 92628

No: 27

Attn: Mr. Mel Lee, Planning Division

### COMPLIANT REPORT

Location: 3150 Bear Street, Trinity Broadcasting

Saturday

Compliant: Donna, Schafro + Ito Phone: 714-751-1269

Compliant Address: 3128 Encanto Costa Mesa

Date: Oct 25-03 Time: 6:pm

Heavy Equipment - LIFT not operating during approved hour

Description of Complaint or observation:

Heavy equipment - Two lifts were operating on the T.B.1 property until 6pm on Saturday night. Again T.B.N violated their conditions to do business and continue to deny the neighbors the quiet enjoyment of their home, lifts are only allowed on Saturday 9am to 5pm

How many VIOLATIONS WILL IT TAKE for THE CITY TO TAKE

# ACTION ?

all of these violations were done while the security guard was on duty. What good is it for T.B.N to have in operations manual if they refuse to follow it.

Is the complaint reported to Costa Mesa Police Department? Yes X No

Costa Mesa, Oct 25 2003

Diane Women  
Name and Signature

[Signature]

DAVERT & LOE  
LAWYERS

110 Pine Avenue, Suite 600 Long Beach, California 90802  
(562) 901-3060 Fax (562) 901-3062 www.davertandloe.com

Randall S. Staman  
THE LAW OFFICES OF RANDALL S. STAMAN  
4046 Chestnut Street  
Post Office Box 946  
Riverside, California 92501

Re: Ito, et al. Vs. Trinity Christian Center of Santa Ana, Inc., et al  
Case Number: 03 CC 11567

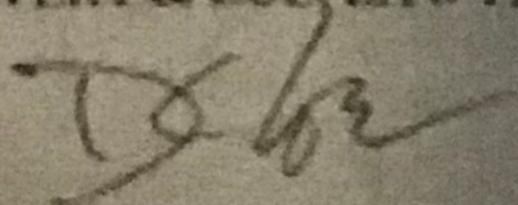
Dear Mr. Staman:

Please allow this letter to follow our telephone conversation. My client, TBN, is still interested in settlement with your client, Stacy Schofro. To that end we have suggested swapping houses within the same community. We would even consider discussing upgrades to the home to reflect upgrades currently in place at the Schofro residence.

At you earliest convenience, please discuss this offer with your client. After your discussion, please let me know your clients thoughts.

Thank you for your continued courtesy and cooperation.

Sincerely  
DAVERT & LOE, LAWYERS



DAVID C. LOE  
DCL/amo

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site prior to the commencement of the use. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
2. The conditions of approval and ordinance or code provisions of PA-00-19 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis, subject to the approval of the Planning Division. This condition shall be completed under the direction of the Planning Division.
4. Lighting shall comply with all requirements of Costa Mesa Municipal Code Section 13-93(d) without creating spill-over light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spill-over shall be incorporated. The applicant shall remove the Christmas lights from the property, except during the generally recognized Christmas holiday season (late November through early January).
5. The applicant is advised that a separate conditional use permit shall be obtained for any outdoor events, including live broadcasts.
6. Due to the wall's immediate proximity to residences, construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 8 a.m. and 5 p.m., Monday through Friday, with no construction on Saturday, Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting.
- Eng. 7. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

## RESOLUTION NO. PC-2024-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS, AT 3150 BEAR STREET**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 22-37 was filed by Alireza Mirzaeiramin, authorized agent for the property owner, the Khoshbin Company requesting approval of the following:

A conditional use permit for an event center in the AP zone; a conditional use permit for valet parking; minor conditional use permit for outdoor activities; and a minor conditional use permit to deviate from parking requirements. The proposed project would establish a new event center that would consist of three interior event spaces (including an auditorium), and a fourth event space in the Grand Courtyard.

WHEREAS, a duly noticed public hearing held by the Planning Commission on February 26, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 22-37 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 22-37 and upon

applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 26 day of February, 2024.**



---

Adam Ereth, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )ss  
CITY OF COSTA MESA )

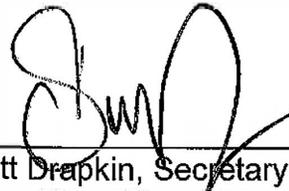
I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2024-05 was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 26, 2024 by the following votes:

AYES: Ereth, Toler, Andrade, Rojas, Vivar

NOES: Zich

ABSENT: Klepack

ABSTAIN: None



---

Scott Drapkin, Secretary  
Costa Mesa Planning Commission

## EXHIBIT A

### FINDINGS

- A. **Finding:** The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

**Facts in Support of Findings:** Operating consistent with the recommended condition of approval, the proposed event center is compatible with developments in the general area and would not be detrimental to nearby properties. The event center's daily activities would limit the maximum number of people on-site at any one time to no more than 225 (both guests and staff), would prevent the office use and event center from operating concurrently, would primarily occur indoors, and that any outside activity is conditioned to minimize potential noise impacts to the neighbors by limiting the number of musicians, types of musical instruments, and prohibiting amplified sound. There is also a condition that requires staggered arrival times to avoid potential traffic/circulation conflicts between persons departing from and arriving to the center between events. Closing times for the event center are also in line with the City's Noise Ordinance and condition the project to end outdoor activities by 9:00 p.m. and indoor activities by 10:00 p.m.

As for parking, the minor conditional use permit request to deviate from parking is also appropriate. The City's parking code would require 664 parking spaces based on the size of the suites and uses. However, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including attendees and staff), it is clear that the actual parking demand will be less than is otherwise required. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. Moreover, valet parking service will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized located deeper into the project site and, importantly, away from the homes. Only one valet attendant would be responsible for transporting the vehicle between its parked location and the owner of the vehicle. As such, more intense activity proximate to the common property line would be minimized.

**Finding:** Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

**Facts in Support of Finding:** Granting conditional and minor conditional use permits will not be detrimental to the health, safety, and general welfare of the public or immediate neighborhood in that the operational characteristics of the event center have been limited to minimize negative impacts to the

neighborhood. These characteristics include limiting the event's occupants to 225 people (including guests and staff), implementing a valet parking service, and prohibiting amplified sound outdoors. The event center will also not operate while any other uses are in operation. Finally, closing times have been implemented for the event center for both outdoors (9:00 p.m.) and indoors (10:00 p.m.). Additionally, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including attendees and staff), it is clear that the actual parking demand will be less than is otherwise required by code. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. And when valet parking service is utilized, it will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized located deeper into the project site and, importantly, away from the homes. Therefore, the proposed application requests will not have a detrimental effect to the health, safety, and general welfare of the public or nearby improvements.

**Finding:** Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

**Facts in Support of Finding:** The proposed use is occupying the existing building and is not proposing any modification to its square footage. While the proposed use does increase the number of vehicular trips to the site and the number of potential occupants within the building, the offset hours and operations ensure that the use will remain in conformance with the General Plan.

- B. The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1), Existing Facilities. The Project proposes a conditional use permit for an event center with valet parking, and a minor conditional use permit for outdoor activities, and a deviation from parking requirements. No substantial physical improvements to the existing building would result from the project. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.
- C. The project is subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT B

### CONDITIONS OF APPROVAL

- Plng. 1. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
2. The conditions of approval and ordinance or code provisions of planning application PA-22-37 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Hours of operation shall be as outlined in the table below. Any change in the business description, hours or days of operation, etc. shall require further review of the CUP.

Use	Hours (Weekdays)	Hours (Weekends)
<b>Interior Event Spaces</b>	8:00 a.m.–10:00 p.m.	8:00 a.m.–10:00 p.m.
<b>Grand Courtyard</b>	8:00 a.m.– 9:00 p.m.	7:00 a.m.– 9:00 p.m.

4. All outdoor activities shall cease by 9:00 p.m., Sunday through Saturday.
5. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
6. The use shall be limited to the type of operation as described in the authorized agent's letter of description and staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

7. The applicant shall defend, with the attorneys of City's choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, and/or proceeding (collectively referred to as "proceeding") brought against the City, including its elected and/or appointed officials, agents, officers or employees arising out of or in any way related to the City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but shall not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the defense and indemnification provisions set forth in this section.
8. The third floor will remain blocked off to all persons at all times, with physical barriers, and will not be used for any purpose at any time, unless otherwise approved by the Planning Division.
9. Power to the third floor will remain disconnected aside from required life safety systems except for if construction, inspections or other activities related to modifications to the third floor are taking place. This condition shall not apply if the City formally approves the third floor to be occupied.
10. All events shall be limited to 225 people, including guests, waitstaff, caterers, organizers, musicians, valet attendants and any other individual or group associated with the event.
11. No more than two events shall occur per day. Events may not operate concurrently.
12. No other uses shall operate on-site while any event is taking place.
13. A one-hour gap shall be maintained between all events.
14. Events shall not start or end between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. These restrictions shall not apply to weekends.
15. No amplified music or music speakers shall be permitted outside of the building.
16. If parking problems arise, the operator shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing the event area and/or modification to the operational hours of the event center, providing subsidized use of Uber/Lyft or similar service, and/or acquisition of additional off-site parking area.
17. The parking areas and pedestrian paths shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the sites.

18. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
19. No on-site food preparation is permitted. Food catering for special events shall not be provided by a food truck.
20. Any portion of the building and property not expressly approved as part of this application shall not be used for events.
21. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood and in compliance with the City's Nose Ordinance. The applicant shall institute whatever operational measures are necessary to comply with this requirement.
22. The applicant or licensee shall not employ or use the services of any full- or part-time active or reserve peace officer currently employed by the City of Costa Mesa or any contiguous agency for security purposes.
23. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time. Occupant loads for the open patio area and the enclosed building area shall be calculated and posted separately.
24. Before the event center may operate, all permits required by the City shall be obtained. An approved final inspection for all required permits shall take place before the event center may operate. All work on-site shall be permitted and comply with all applicable development standards and other Planning Division requirements.
25. All traffic impact fees shall be paid prior to the issuance of any building permits associated with the event center.
26. Prior to issuance of Certificate of Occupancy (C of O) the applicant shall provide a scaled and dimensioned digital site plan(s) for the project site, on either a CD or thumb drive, to the Planning Division. All site plans shall include an accurate and precise drawing of all building footprints and property line locations for the entire project site. All buildings shall be annotated with its corresponding address and suites if applicable.
27. Valet parking for the event center shall be free to all patrons of the events occurring onsite.
- Bldg. 28. Access to a public way shall be a direct and unobstructed. [CBC 1028.5] Where access to a public way cannot be provided, a safe dispersal area shall be provided where all of the following are met:
  1. The area shall be of a size to accommodate not less than 5 square feet for each person.
  2. The area shall be located on the same lot not less than 50 feet away from the building requiring egress.
  3. The area shall be permanently maintained and identified as a safe dispersal area.
  4. The area shall be provided with a safe and unobstructed path of travel from the building.

- 29. Any changes of use or occupancy shall comply with the most recent adopted codes and an egress, accessibility, area, and plumbing fixtures analysis shall be provide for review.
- 30. Maximum allowable use area shall be determined in accordance with the applicable provisions of 2016 California Building Code sec. 506.2.
- 31. Comply with the requirements of the most recently adopted California Building Codes at the time of plan submittal or permit issuance, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the California Building Code.
- Fire 32. Comply with the California Fire Code requirements, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
- 33. Changes of use or occupancy in existing structures shall not be made unless the use or occupancy is made to comply with the requirements of the adopted California Building and Fire Codes.
- Trans. 34. All uses on-site shall not generate more than 100 peak trips per hour.
- 35. At the time of issuance of Building Permit, submit to the Transportation Division the required Traffic Impact Fee pursuant to the prevailing schedule of charges adopted by the City Council. The Traffic Impact Fee is calculated based upon the net daily trips generated by the proposed project. At the current rate the Traffic Impact Fee is estimated at \$2,009. NOTE: The Traffic Impact Fee will be recalculated at the time of issuance of Building Permit based upon any changes in the prevailing schedule of charges adopted by the City Council and in effect at that time.

**CODE REQUIREMENTS**

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- PIng. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Bldg. 2. Comply with the requirements of the following adopted codes: 2022 California Residential Code, 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also

known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2022 California Building Code.

PH-1

**PARTIDA, ANNA**

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**From:** Hari basak <harrybasak@hotmail.com>  
**Sent:** Monday, February 26, 2024 11:12 AM  
**To:** PC Public Comments  
**Subject:** PA-22-37

TO WHOM IT MAY CONCERN

I received an Official Public Notice from Costa Mesa city about a hearing today, 02/26/2024, about 3150 Baker Street, Costa Mesa. I have read the notice and raising my concern about any overflow parking that may occur to the surrounding residential neighborhood and the park across this location. As per the notice, this location to host 225 people. My request to the authority is to please verify there would be ample parking within the address hosting any events so the surrounding neighborhoods will not have to suffer with street parking congestion on a regular basis.

Thank you for listening.

Concerned neighbor

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Correspondence  
received after 12 noon.

**From:** GREEN, BRENDA  
**Sent:** Monday, February 26, 2024 2:04 PM  
**To:** PC Public Comments  
**Subject:** FW: Planning Commission Meeting Public Hearing 1

*Brenda Green*  
City Clerk  
City of Costa Mesa  
714/754-5221

*E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.*

**From:** Cynthia McDonald <cmcdonald.home@gmail.com>  
**Sent:** Monday, February 26, 2024 1:49 PM  
**To:** ERETH, ADAM <ADAM.ERETH@costamesaca.gov>; VALLARTA, ANGELY <ANGELY.VALLARTA@costamesaca.gov>; ZICH, JON <JON.ZICH@costamesaca.gov>; ROJAS, JOHNNY <JOHNNY.ROJAS@costamesaca.gov>; TOLER, RUSSELL <RUSSELL.TOLER@costamesaca.gov>; KLEPACK, KAREN <KAREN.KLEPACK@costamesaca.gov>; VIVAR, JIMMY <JIMMY.VIVAR@costamesaca.gov>  
**Cc:** DRAPKIN, SCOTT <SCOTT.DRAPKIN@costamesaca.gov>; CITY CLERK <CITYCLERK@costamesaca.gov>  
**Subject:** Planning Commission Meeting Public Hearing 1

Honorable Commissioners:

With respect to the application for a conditional use permit to change the use of the old Trinity Broadcasting Network site to an event center to be known as the Palazzo Banquet Facility, I ask that you view the following video, paying close attention to Mr. Khoshbin's comments near the end. He seems to think he already has his CUP and MCUP, but also contemplates using the facility for car shows, a use not listed in the applicant's letter:

<https://www.youtube.com/watch?v=YrHoVZ48jxg>

I ask that you amend the conditions of approval to specify that (1) the facility will not be used for car shows and (2) no access from Olympic Avenue will be used, except for emergency vehicles.

The project site abuts single-family homes on two sides. There are two points of access. One off Bear Street, and the other, a gated access entrance off Olympic Avenue that appears to be for fire access only. The loading dock that is closest to the elevator leading to the kitchen area is nearest to the Olympic gate, but there is nothing in the conditions of approval forbidding the use of the Olympic entrance.

While I do not mind the use as a wedding/corporate event center, having lived a few blocks from a Lamborghini dealer, the Saturday car events there were loud and crazy. I would not wish that on the neighbors of this property.

I am not going to say the parking plan is acceptable. Because Mr. Khoshbin is obsessed with fancy cars, I wonder if his clientele will be too. If any of the events has more people attending than planned, the parking will end up in Shiffer Park or in the lot for the building next door. I suppose you can always call the project back for review if the parking plan doesn't work, but by then the toothpaste is out of the tube. And what happens when that third floor is added to the mix?

Thanks for your consideration.

Cynthia McDonald

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

February 26, 2024

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Chair Ereth led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Adam Ereth, Vice Chair Russell Toler, Commissioner Angely Andrade, Commissioner Johnny Rojas, Commissioner Jimmy Vivar, Commissioner Jon Zich

Absent: Commissioner Karen Klepack

Officials Present: Assistant Director of Development Services Scott Drapkin, Planning and Sustainable Development Manager Bill Rodrigues, Assistant City Attorney Tarquin Preziosi, Assistant Planner Caitlyn Curley, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:**

Shirley McDaniels spoke against constructing housing in the Senior Center parking lot due to parking impacts and difficulty navigating traffic along 19<sup>th</sup> Street.

Speaker two spoke against constructing housing in the Senior Center parking lot.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Zich responded to Shirley McDaniels comments by encouraging her to stay engaged in the conversation and to look for updates on when the project will be screened by the City Council.

Commissioner Vivar thanked the public for their attendance and thanked the City's Public Works Department for their completion of the Wallace Avenue and 19<sup>th</sup> Street Traffic signal. Vivar announced his resignation from the Planning Commission in the coming

weeks. He thanked his fellow Commissioners, Council Members and City Staff for their support during his time on the Planning Commission.

Chair Ereth expressed his appreciation for Commissioner Vivar service on the Planning Commission. He also thanked Council Member Harper for his service. The Chair also announced upcoming Fairview Developmental Center Open House discussions on February 29, 2024, from 6:00 p.m. to 8:00 p.m. at the Costa Mesa Country Club and March 4, 2024, at the Iglesia Harbor Church from 6:00 p.m. to 8:00 p.m.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS:**

**1. PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS, AT 3150 BEAR STREET**

**Project Description:** Planning Application 22-37 is a request for:

- A conditional use permit for a banquet center with onsite valet parking for no more than 225 people, occurring from 8:00 a.m. and 10:00 p.m. on weekdays, 7:00 a.m. and 10:00 p.m. on weekends, and not in conjunction with the operation of other uses at the site.
- A minor conditional use permit for outdoor activities incidental to a banquet center between 8:00 a.m. and 9:00 p.m. on weekdays and 7:00 a.m. and 9:00 p.m. on weekends with no amplified sound and a maximum of 4 musicians; and a deviation from parking requirements based on unique operating characteristics.

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

Three ex-parte communications reported.

Commissioner Vivar had a phone conversation with the applicant's representative and toured the proposed event space.

Commissioner Rojas met with applicant and toured the event space.

Chair Ereth had a phone conversation with the applicant.

Caitlyn Curley, Assistant Planner, presented the staff report.

The Commission asked questions of staff including discussion of parking demands, valet parking, musical instruments allowed onsite, the future use of 3<sup>rd</sup> floor, special event permits, Conditional Use Permits needed, maximum occupancy, event restrictions, clarifying site occupancy, traffic study requirements, site emergency vehicle access from Olympic Avenue, Planning Commission review for future 3<sup>rd</sup> floor construction, amplified sound, simultaneous events, operational hours, and noise impacts.

**The Chair opened the Public Hearing.**

Manny Khoshbin, applicant, stated he had read and agreed to the conditions of approval. The applicant then provided some background for why this application was submitted.

The Commission asked questions of the applicant including discussion of traffic queuing details, future use of the 3<sup>rd</sup> floor, applicant social media posts, rentable event spaces, open house events, business operations, valet parking, community outreach, and the probability of car shows being held on site in the future.

**The Chair opened public comments.**

Melvin Lucas spoke in opposition to the item.

Speaker two spoke in opposition to the item.

Shirley McDaniels asked general questions to confirm the location.

Garrett Marsha expressed his concerns about traffic and neighborhood impacts.

Bill Rodrigues announced his phone conversation with a resident who expressed her opposition to the project.

**The Chair closed public comments.**

Commission and staff discussion continued in regard to how noise complaints would be addressed, food catering for events, potential for off-site parking to occur, and crosswalks located near the project site.

**The Chair closed the Public Hearing.**

Commissioners provided individual comments that included encouraging the applicant to reach out to the Historical Society, the applicant providing free valet parking, cross walks, residents' concerns, concerns on future use of the 3<sup>rd</sup> floor, special event permits, and only allowing the applicant to hold one event at a time.

Chair Ereth made a motion. Seconded by Commissioner Toler.

The Commission discussed the motion including its positive impacts, reimagining the space for the community, proper conditioning of the project, special event permits, traffic impacts, and potential noise concerns.

**MOVED/SECOND:** Ereth/Toler

**MOTION:** Approve staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Rojas, Vivar

Nays: Zich

Absent: Klepack

Recused: None

Motion carried: 5-1-1-0

**ACTION:** The Planning Commission adopted 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 22-37, based on findings of fact and subject to conditions of approval.

**RESOLUTION PC-2024-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS, AT 3150 BEAR STREET**

The Chair explained the appeal process.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**DEPARTMENTAL REPORTS:**

1. Public Works Report – None.
2. Development Services Report – Mr. Drapkin informed the Commission on the March 11, 2024, target date for the Commission to review the Pedestrian Master Plan. He also stated that the Commission should expect an update on the Fairview Developmental Center with in the next few Planning Commission meetings.

**CITY ATTORNEY'S OFFICE REPORT:**

1. City Attorney – None.

**ADJOURNMENT AT 7:39 PM**

Submitted by:



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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: February 26, 2024

ITEM NUMBER: PH-1

**SUBJECT: PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS, AT 3150 BEAR STREET**

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/  
PLANNING DIVISION**

**PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER**

**FOR FURTHER INFORMATION CONTACT: CAITLYN CURLEY, ASSISTANT PLANNER  
(714) 754-5692  
caitlyn.curley@costamesaca.gov**

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## **RECOMMENDATION:**

Staff recommends the 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 22-37, based on findings of fact and subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT:**

The applicant and property owner is the Khoshbin Company. The authorized agent is Alireza Mirzaeiramin.

## PLANNING APPLICATION SUMMARY

Location:	3150 Bear Street	Application Number:	PA-22-37
Request:	To establish an event center in the Administrative Professional (AP) zone with onsite valet parking and ancillary outdoor activities. A deviation from parking requirements is also requested.		

### **SUBJECT PROPERTY:**

### **SURROUNDING PROPERTY:**

Zone:	Administrative Professional (AP)	North:	405 Freeway
General Plan:	General Commercial	South:	CL (Commercial Limited) and PDR-LD (Planned Development Residential – Low Density)
Lot Dimensions:	580 feet x 445 feet	East:	R1 (Single Family Residential)
Lot Area:	261,360 sq. ft. (6 acres)	West:	I & R (Institutional and Recreational)
Existing Development:	Single-tenant, 65,924 square-foot office building constructed in 1978.		

## DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Approved	Proposed/Provided
Building Height	3 stories / 44 FT <sup>1</sup>	3 stories / 44 FT
Development Lot Building Setbacks:		
Front (Along I-405)	20FT/79 FT	79 FT
Side (Bear Street)	20FT/46 FT	46 FT
Side (Interior)	88 FT/60 FT	60 FT
Rear	88 FT/314 FT	314 FT
Parking	664/241	241 <sup>2</sup>
Landscaping		
Perimeter Landscaping Abutting Street	20 FT	20 FT
<sup>1</sup> The existing building was previously approved through ZE-76-20 <sup>2</sup> up to 401 spaces with valet parking		
CEQA Status	Class 1: Existing Facilities	
Final Action	Planning Commission	

## **BACKGROUND:**

The proposed use is located at 3150 Bear Street. The site is designated “General Commercial” by the Land Use Element of the General Plan and is zoned “Administrative Professional” (AP).

The subject property is approximately six acres in size and is currently developed with two structures. The primary building is a three-story 65,924-square-foot building that was constructed in 1978. The second structure houses the property’s on-site power plant. The remainder of the site is improved with 241 surface parking spaces and site landscaping, which includes the Grand Courtyard area that has colonnades, sculptures, and fountains.

The site is bounded by Bear Street and Shiffer Park to the west; the I-405 Freeway to the north; single-family residential properties to the east and south, and an office building to the south.

The Khoshbin Company purchased the property in August of 2021; however, only recently has the applicant occupied portions of the first and second stories of the primary building as office headquarters. The current office use of the space includes a social media studio (Suite 100), storage (Suite 150), professional office (Suite 200), and temporary assembly (Suite 250). The Khoshbin Company employs approximately 20 on-site employees. The third floor is currently unoccupied due to unfinished construction. As such, it will not be used for any purpose for the foreseeable future. However, should there be a need to utilize the third floor in the future, that proposed activity would be evaluated on a case-by-case basis and may require an amendment to this entitlement. In the meantime, the third floor will be physically blocked off to prevent unauthorized access, electricity to the third floor will be turned off, and the elevator will be programmed to prohibit access.

Prior to Khoshbin’s use of the site it was occupied by Trinity Broadcasting Network (TBN), a tele-evangelical church, as their international headquarters. TBN’s use of the site included offices, filming, broadcasting, and for publicly-attended church meetings for over 20 years. TBN ceased operations in 2017.

## **REQUEST:**

The applicant requests Planning Commission approval of a conditional use permit to establish an event center. Although “event centers” are not a listed use in the Citywide Land Use Matrix, pursuant to Costa Mesa Municipal Code (CMMC) Section 13-30(d), when a proposed land use is not listed in the City’s Land Use Matrix, the Development Services Director shall determine if the proposed use is similar to another listed use in order to determine the appropriate entitlement process. Where no substantially similar use exists, a conditional use permit is required.

Additionally, the applicant proposes to allow outdoor activities in the Grand Courtyard ancillary to the indoor activities of the event center. This request is subject to the Planning

Commission’s approval of a minor conditional use permit pursuant CMMC Section 13-44 “Uses Underroof.”

Furthermore, the application proposes to allow for the option of valet parking. Valet parking is allowable subject to the approval of a conditional use permit pursuant to CMMC Section 13-96.

Finally, the applicant is requesting to deviate from the required parking for the event center use. Pursuant to CMMC Section 13-89.5, where it can be shown that the required parking for a nonresidential land use will substantially exceed the demand of the actual use, a reduction in the amount of required parking may be permitted with the approval of a minor conditional use permit.

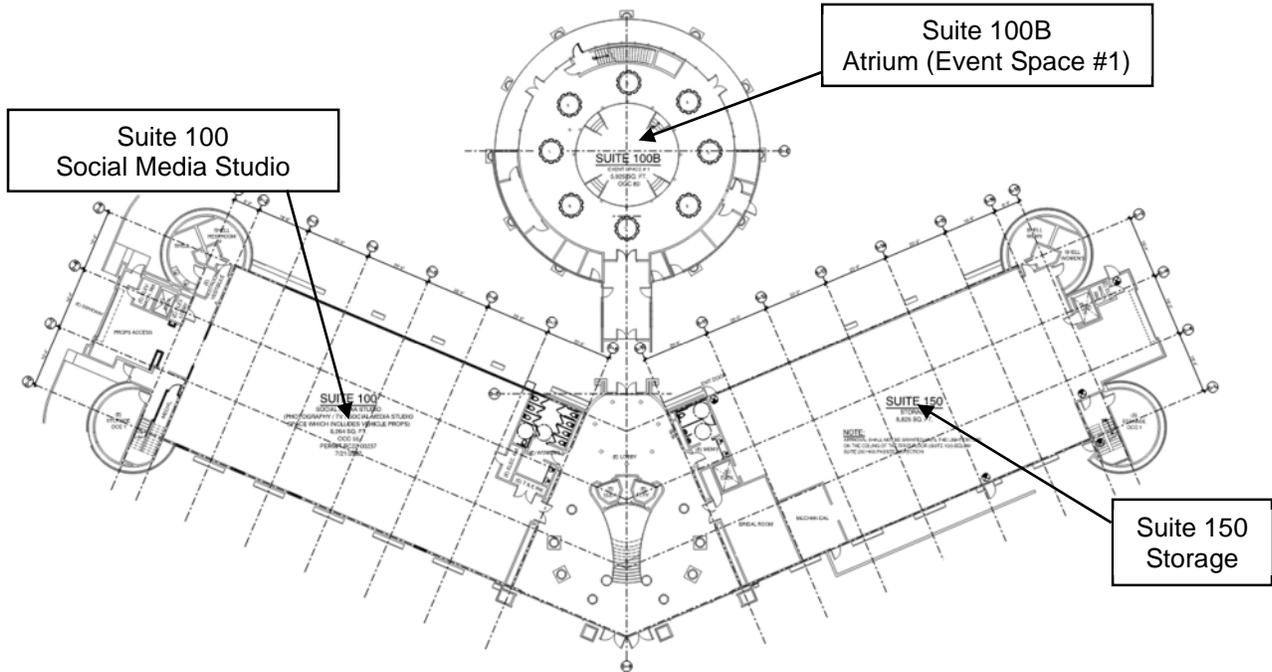
**DESCRIPTION:**

The proposed event center would consist of three interior event spaces and a fourth event space located outdoors at the grand courtyard. As previously mentioned, the third floor of the primary building is not proposed for events. Table 1 below illustrates the primary building’s floor area and intended use of each suite; and Figures 1 and 2 on the next page show the location of each suite within the building:

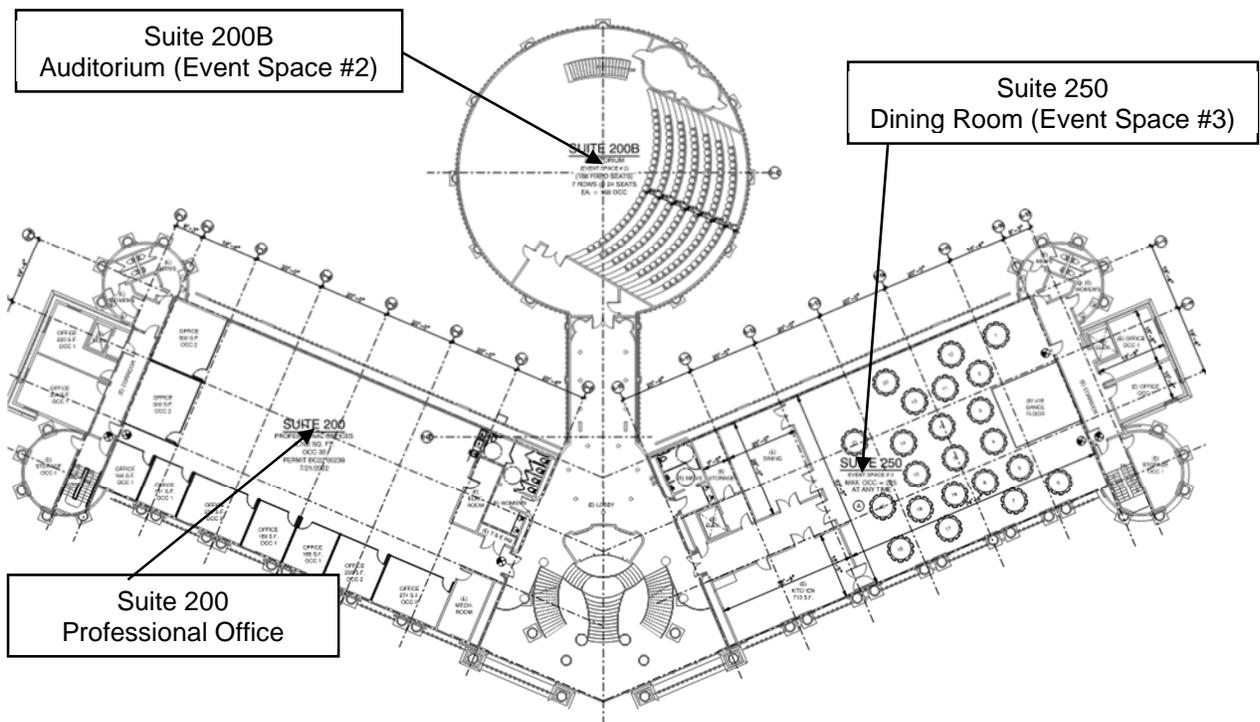
**Table 1 - Use and Floor Area by Suite**

<b>Suite</b>	<b>Area</b>	<b>Use</b>	<b>Tenant</b>
<b>100</b>	8,264 SF	Social Media Studio	Koshbin Company
<b>100B</b>	5,925 SF	Atrium (Event Space #1)	Event Center
<b>150</b>	8,825 SF	Storage	Koshbin Company
<b>200</b>	8,782 SF	Professional Office	Koshbin Company
<b>200B</b>	7,272 SF	Auditorium (Event Space #2)	Event Center
<b>250</b>	9,438 SF	Dining Room (Event Space #3)	Event Center
<b>300</b>	8,752 SF	Not in use	Not in use
<b>350</b>	8,666 SF	Not in use	Not in use
<b>Total Interior</b>	<b>65,924 SF</b>		
<b>Grand Courtyard</b>	11,798 SF	Grand Courtyard (Event Space #4)	Event Center
<b>Total:</b>	<b>77,713 SF</b>		

**Figure 1 - First Floor Layout and Uses**



**Figure 2 - Second Floor Layout and Uses**



## **ANALYSIS:**

### ***Operations***

As previously indicated, the applicant is currently using the property as an office headquarters for his business (Khoshbin Company). An office use is allowed by right in the “Administrative Professional” zoning district. The applicant has proposed to voluntarily restrict his office operations such that the event center and their headquarters office will not operate simultaneously.

As proposed, the event center could host no more than two events per day Monday through Friday from 8:00 a.m. to 10:00 p.m., and on Saturday and Sunday from 7:00 a.m. until 9:00 p.m. In consideration of the nearby residences, the applicant has proposed that outdoor event activities, including use of the Grand Courtyard, will end by 9:00 p.m.

Weddings and other ceremonies are the most commonly anticipated uses for the event center, although events such as corporate functions and fundraisers are also expected. The auditorium, specifically, is expected to be utilized generally on weekdays for corporate events; however, would be available on weekends as well. The other event spaces are expected to operate primarily during the weekends or in the evenings. The Grand Courtyard is an ancillary space to the indoor event spaces and would not be rented separately.

All events that offer food and beverages will be catered by independent vendors that are hired directly by the event host. No food preparation will occur on-site; however, a 715-square-foot prep-kitchen will be utilized in Suite 250 to support catering operations. The proposed project does not include a request for an Alcoholic and Beverage Control (ABC) license, as all beverage service and dining would be managed by catering vendors pursuant to valid licenses and approvals of other agencies such as ABC and the County of Orange Health Department.

The applicant is proposing limited live entertainment and no amplified sound on the exterior portions of the property. Live entertainment will be limited to a maximum of four musicians using only acoustic guitars, violins, harps, clarinets, and flutes.

The applicant’s proposal also prohibits multiple events from happening concurrently; however, a single event may use more than one of the four event spaces either simultaneously or sequentially. Regardless of which event spaces are used, under no circumstance will the number of attendees and staff, which include but are not limited to waitstaff, caterers, organizers, musicians, valet attendants and event managers, exceed 225 people on-site at one time.

### ***Traffic, Circulation, and Parking***

The event center will limit events to a maximum of two per day, will not allow multiple events to occur simultaneously and will restrict the headquarter offices and events from operating at the same time. Each event would also be limited to a maximum of 225 total people. To minimize traffic impacts during weekday rush hour periods, events will not start between 7:00 a.m. and 9:00 a.m. or end between 4:00 p.m. and 6:00 p.m. A trip generation letter prepared by Fehr and Peers, demonstrating these operating characteristics will result in less

than 100 peak-hour trips, is provided as Attachment 6 of this report. Because the use will generate less than 100 peak hour trips, the City does not require that a traffic study be prepared.

Site access is obtained from one driveway located along Bear Street. This driveway leads to on-site drive-aisles that wrap through the site and provide access to 241 surface parking spaces. While 241 parking spaces is more than enough parking to satisfy the demand for Koshbin Company's headquarters office (173 spaces), it is less parking than required by the CMMC for the event center use (491 required). Therefore, the applicant is seeking approval of a minor conditional use permit to deviate from the City's parking requirements of 664 parking spaces.

Suite Number	Floor Area	Use	Parking Category	Parking Rate	Required Parking
<b>100</b>	8,264 SF	Social Media Studio	Office	4/1,000	33
<b>100B</b>	5,925 SF	Atrium (Event Space #1)	Event	16/1,000	95
<b>150</b>	8,825 SF	Storage	Office	4/1,000	35
<b>200</b>	8,782 SF	Professional Office	Office	4/1,000	35
<b>200B</b>	7,272 SF / 168 seats	Auditorium (Event Space #2)	Auditorium	1 space / 3 seats	56
<b>250</b>	9,438 SF	Dining Room (Event Space #3)	Event	16/1,000	151
<b>300</b>	8,752 SF	Vacant	Office	4/1,000	35
<b>350</b>	8,666 SF	Vacant	Office	4/1,000	35
<b>Grand Courtyard</b>	11,798 SF	Grand Courtyard (Event Space #4)	Event	16/1,000	189
<b>Total:</b>	<b>77,713 SF</b>				<b>664</b>

In support of reduced parking, the event center and headquarters office will not operate concurrently, and events will be limited to 225 total people. With these operational considerations, the available on-site parking will be adequate to meet demand assuming a worst-case scenario where there is maximum attendance (guests and staff) for an event and everyone drives to the event in a single-person occupied vehicle.

Although valet parking is not required to meet anticipated parking demand, the applicant is proposing an optional valet parking service for events. The applicant proposes valet staffing to consist of two to ten attendants depending on the size of the event. When valet service is being utilized, wayfinding signage will be placed on-site to direct guests to the valet podium. Lastly, to prevent congestion on Bear Steet, the valet plan shows a provided queuing of approximately 28 vehicles on-site prior to the valet stand (the valet parking proposal is included as Attachment 5 to this report.)

## **GENERAL PLAN CONFORMANCE:**

1. **Policy LU-6.10:** Encourage a broad range of business uses that provide employment at all income levels and that make a positive contribution to the City's tax base.

**Consistency:** The addition of an event center will add to the facilities available to meet the needs of Costa Mesa businesses, organizations, and residents and will help to diversify the City's business and economic base. Given the nature of how this event center will operate, it will also provide opportunities for other businesses to grow and employ more people in areas like valet services, catering services, florists, photography, and etc.

2. **Policy LU-7.6:** Seek out opportunities to attract primary businesses within stable industries and support industries that already exist within the City.

**Consistency:** The addition of an event center will add to the range of businesses available to support the local business community.

## **JUSTIFICATIONS FOR APPROVAL:**

Pursuant to Title 13, Section 13-29(g), Conditional and Minor Conditional Use Permit Findings of the CMMC, to approve the project, the Planning Commission must make the following findings to approve the project:

**The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.**

Operating consistent with the recommended condition of approval, the proposed event center is compatible with developments in the general area and would not be detrimental to nearby properties. The event center's daily activities would limit the maximum number of people on-site at any one time to no more than 225 (both guests and staff), would prevent the office use and event center from operating concurrently, would primarily occur indoors, and that any outside activity is conditioned to minimize potential noise impacts to the neighbors by limiting the number of musicians, types of musical instruments, and prohibiting amplified sound. There is also a condition that requires staggered arrival times to avoid potential traffic/circulation conflicts between persons departing from and arriving to the center between events. Closing times for the event center are also in line with the City's Noise Ordinance and condition the project to cease outdoor activities by 9:00 p.m. and indoor activities by 10:00 p.m.

As for parking, the minor conditional use permit request to deviate from parking is also appropriate. The City's parking code would require 664 parking spaces based on the size of the suites and uses. However, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including

attendees and staff), it is clear that the actual parking demand will be less than is otherwise required. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. Moreover, valet parking service will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized location deeper into the project site and, importantly, away from the homes. Only one valet attendant would be responsible for transporting the vehicle between its parked location and the owner of the vehicle. As such, more intense activity proximate to the common property line would be minimized.

**Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.**

Granting conditional and minor conditional use permits will not be detrimental to the health, safety, and general welfare of the public or immediate neighborhood in that the operational characteristics of the event center have been limited to minimize negative impacts to the neighborhood. These characteristics include limiting the event's occupants to 225 people (including guests and staff), implementing a valet parking service, and prohibiting amplified sound outdoors. The event center will also not operate while any other uses are in operation. Finally, closing times have been implemented for the event center for both outdoors (9:00 p.m.) and indoors (10:00 p.m.). Additionally, because the event center is conditioned to have a maximum capacity not exceeding 225 persons (including attendees and staff), it is clear that the actual parking demand will be less than is otherwise required by code. As the site has 241 available parking spaces and the worst-case parking demand is for 225 spaces, there would be surplus available on-site and, therefore, the request to deviate from parking is reasonable. And when valet parking service is utilized, it will help to minimize adverse impacts upon adjacent residential properties by concentrating the drop-off and pick-up of vehicles at a centralized location deeper into the project site and, importantly, away from the homes. Therefore, the proposed application requests will not have a detrimental effect to the health, safety, and general welfare of the public or nearby improvements.

**Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation and any applicable specific plan for the property.**

The proposed use is occupying the existing building and is not proposing any modification to its square footage. While the proposed use does increase the number of vehicular trips to the site and the number of potential occupants within the building, the offset hours and operations ensure that the use will remain in conformance with the General Plan.

## **ENVIRONMENTAL DETERMINATION:**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 (Class 1), Existing Facilities. The Project proposes a conditional use permit for an event center with valet parking, and a minor conditional use permit for outdoor activities, and a deviation from parking requirements. No substantial physical improvements to the existing building would result from the project. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.

## **ALTERNATIVES:**

The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution, or:

1. **Approve the project with modifications.** The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
2. **Deny the project.** If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If the project were denied, the applicant could not submit substantially the same type of application for six months.

## **LEGAL REVIEW:**

The draft Resolution has been approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE:**

Pursuant to CMMC Section 13-29(d) three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.

2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of this report, no written public comments have been received. Any public comments received prior to the February 26, 2024 Planning Commission meeting will be provided separately.

**CONCLUSION:**

The proposed event center would be an asset to the community, providing employment and a gathering space for residents of the City of Costa Mesa and the region. Numerous operational conditions are proposed by the applicant and recommended to ensure neighborhood compatibility. As the subject property has been vacant for several years, rebranding the site as a gathering space for events provides a favorable opportunity to revitalize an underutilized property.

- Attachments:
1. Draft Planning Commission Resolution
  2. Applicant Letter
  3. Vicinity Map
  4. Zoning Map
  5. Valet Plan
  6. Trip Generation Letter
  7. Project Plans



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 24-051

**Meeting Date:** 4/16/2024

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**TITLE:**

**FISCAL YEAR 2023-24 MID-YEAR BUDGET UPDATE AND ADJUSTMENTS**

**DEPARTMENT:** FINANCE DEPARTMENT

**PRESENTED BY:** CAROL MOLINA, FINANCE DIRECTOR

**CONTACT INFORMATION:** CAROL MOLINA, FINANCE DIRECTOR (714) 754-5243

**RECOMMENDATION:**

The Finance Department is undergoing the mid-year budget review for Fiscal Year 2023-24 that began on July 1, 2023. Certain staffing changes are recommended to assist in achieving City Council goals and priorities as soon as possible. In addition, Funds in the Capital Improvement Program (CIP) that need to be carried over into Fiscal Year 2023-24 require City Council approval.

1. Amend the Table of Organization to add 3.27 new FTEs in the Economic and Development Services Department (2.0 FTEs); Parks and Community Services (0.75 FTE); and the Police Department (0.52 FTEs) to help achieve City Council goals and priorities related to housing, park and environmental resources management, and public safety.
2. Approve FY 2023-24 Staffing title changes and compensation adjustments to realign positions with current operational needs in multiple departments.
  - a. Approve Resolution No. 2024-XX, approving new classification and salary/pay ranges for an Animal Services Coordinator, new title for Multimedia Specialist and new title and pay ranges for Finance Officer.
  - b. Approve Resolution No. 2024-XX approving compensation adjustments for Finance Officer (Confidential).
  - c. Approve Resolution No. 2024-XX creating new classification and salary/pay ranges for Graduate Intern and compensation adjustments for Intern classification, absorbed within the existing adopted budget, in order to create a more viable pipeline of applicants to recruit City employees.
3. Approve FY 2023-24 Budget Carryovers from the prior year in the General Fund and the various Capital Projects Funds for outstanding capital projects.

**BACKGROUND:**

The FY 2022-23 Year-End Financials were presented to City Council on February 20, 2024. The financial statements were prepared in conformity with generally accepted accounting principles (GAAP) as set by the Governmental Accounting Standards Board (GASB) and the audit was performed in accordance with auditing standards generally accepted in the United States of America. The City received an unmodified opinion on the financial statements, the best and highest audit opinion the City could receive. The General Fund's Fund Balance increased by \$1.3 million, increasing the total General Fund Balance Reserves to a total of \$59 million. In addition, almost \$4.7 million in General Fund surplus funds were transferred into other funds and reserves to address other projects and priorities as recommended by FiPAC and approved by the City Council.

Mid-Year Report

On June 6, 2023, the City Council approved a General Fund (Fund 101) balanced budget of \$180.3 million and the All Funds (including Restricted Funds) budget totaled \$234 million with a total of 588 Full-Time Equivalents (FTEs) across City Departments. Staff is providing a mid-year status of General Fund revenues and expenditures.

Personnel Requests

Costa Mesa is a full service City providing services through multiple departments and programs. In order to ensure the continuity of these critical services, the City is requesting mid-year approval of key positions in Economic and Development Services, Parks and Community Services and Public Safety. The position augmentation request has a net full-time equivalent (FTE) of 3.27 positions.

Carryovers

Each fiscal year, there are budgeted programs, activities and capital improvement projects that have not been completed by the close of the fiscal year. Previously approved, but unspent appropriations (carryovers) and contingent liability reserves for current CIP projects, purchases, or contracts that are paid in the following fiscal year (encumbrances) are financial obligations against reserves. Attachment 1 details the breakdown of projects that are requested to carry over into FY 2023-24. Fiscal prudence requires that such obligations be limited and approved by City Council.

**ANALYSIS:**

**FY2023-24 MID-YEAR REPORT**

Overall, the FY 2023-24 Second Quarter Financial Report indicates that revenues and expenditures are consistent with projections made in the FY 2023-24 Amended Budget. Since a significant portion of our revenues and expenses do not occur evenly throughout the year, the remaining third and fourth quarter numbers cannot simply be extrapolated to arrive at the full year's amounts. However, we do utilize the best information available and historical data to provide an estimate of the fiscal year-end performance. As of December 31, 2023, the General Fund recorded 37% of the projected revenues and 53% of budgeted expenditures. These percentages are consistent with projections for this time of the fiscal year.

As of December 31, 2023, total General Fund revenues are \$66.3 million and expenditures are \$95.5 million, representing 53% of total expenditure budget. City departments strive towards achieving City

Council's goals for long-term fiscal sustainability by monitoring revenues and identifying strategies to improve performance. Moreover, departments exercise prudence with the budget to deliver effective and efficient benefits to the residents of Costa Mesa. As of this writing, the City continues to have a balanced budget, and existing vacancy savings can be used to fund these changes, with ongoing funding added to the Fiscal Year 2024-25 Proposed Budget.

## **Requested Amendments to the Table of Organization**

### **Economic and Development Services Department**

The Economic and Development Services Department is requesting one (1) additional full-time Planning and Sustainable Development Manager to lead a team focused on development and implementation of the City's long range planning work programs. A manager position is necessary to lead and administer the numerous long range planning programs at the City including implementation of the Housing Element in order to achieve State Housing Element certification. These efforts include responsibility and staff/consultant oversight for the intensive zoning code amendments, re-zoning and General Plan amendments required to implement Measure K, lead the effort to develop objective design standards, oversee the development and implementation of work programs identified in the City's approved Housing Element, along with the associated Environmental Impact Report (EIR) efforts.

The Planning and Sustainable Development Manager would also implement, manage, monitor, and enforce the proposed inclusionary/affordable housing ordinance. The tasks would include but are not limited to the collection and management of in-lieu fees, preparation of requests for proposals for housing projects funded by in-lieu fees, agenda reports for the allocation of in-lieu housing funds, development of community development partnerships, preparation and monitoring of affordable housing agreements for each inclusionary project, annual rent certifications to ensure required units are rented to households at the appropriate income levels, and appropriate tracking and reporting of units to the State annually. This manager position is a companion position to the recently approved Planning and Sustainable Development Manager position that leads the Current Planning and Project Entitlement team.

The Development Services Department is also requesting to add one (1) Building Technician. The Development Services Department's Building Division provides plan review, permitting and inspection services to ensure compliance with mandatory state guidelines. The Development Services Department's Building Division provides plan review, permitting and inspection services to ensure compliance with mandatory state use and occupancy of private and public buildings and properties. The additional staff will assist in providing and processing information through TESSA for property owners, developers, contractors, architects, and others.

Some of the essential functions include: provide general and technical information to permit applicants, receive and review building permit applications for completeness and compliance with established regulations, routing plans to different departments for review, calculate and collect fees. The City Clerk's Office has been taking on these additional workload overflow duties since Permit Technicians must prioritize in-person customers. Based on the above responsibilities, an additional technician is necessary and will improve the customer service experience in the City.

### **Parks and Community Services Department**

The Parks and Community Services Department is requesting to convert a part-time Sr. Community Services Leader (0.25) to one (1.0) full-time Recreation Specialist. This Recreation Specialist will assist with support in park restoration projects and public education programs. Converting the position will help in coordinating and supporting a variety of conservation, restoration, outreach and resource management activities for the City's natural parklands to ensure environmental compliance with federal, state and local laws and regulations and the preservation and operations of Fairview Park. In addition, the large amount of grant funded projects for Fairview Park will require additional assistance to complete while continuing to provide regular park programming. The current workload related to Fairview Park management requires at least one additional staff person to fulfill those obligations. This is an issue that has been raised by the CMCEA (general employees) Association as well. They are supportive of this position.

### **Police Department**

The Police Department is requesting to convert a part-time Property and Evidence Specialist position (0.75), to one (1) full-time Property & Evidence Specialist. The Property and Evidence Bureau is responsible for securely storing and preserving all property and evidence acquired by the Police Department. During the past three years, the Property and Evidence Bureau received and processed an annual average of 12,836 items booked into property and evidence. Ensuring adequate staffing for the volume of property and evidence is crucial. Converting the position to full-time will assist the Bureau in meeting the increased demands and workload including maintaining the property warehouse, booking and purging property and evidence, coordinating fleet maintenance, purchasing, issuing and tracking police issued duty gear and equipment and will assist with retention.

The Police Department is also requesting to convert a part-time Sr. Community Services Leader (0.48) and part-time Office Specialist II (0.25) to one (1) full-time Permit Processing Specialist and retitle the full-time Recreation Coordinator position in the Police Department to a newly created Animal Services Coordinator classification with no fiscal impact. As part of the FY 2023-24 adopted budget, Animal Services was moved from the Parks and Recreation Department to the Police Department. This move included the transfer of a Recreation Coordinator and a Sr. Community Services Leader to the Police Department.

The City is on pace to have over 3,000 animal control calls for service and process over 3,100 animal license applications. As the "recreation coordinator" and "community services leader" classifications are aligned with the Parks and Community Services Department, the two new position titles have been created to better align with the Police Department and its functions. The Permit Processing Specialist will assist in processing animal licensing and provide administrative support to the Animal Services Bureau. The new Animal Services Coordinator classification will better align to the classification structure for the Animal Services Bureau. This action is cost neutral.

### **Summary**

In summary, the total net increase to the Citywide Table of Organization of these changes including the new positions, reallocations of classifications and part-time to full-time conversion is 3.27 FTE for all Departments. The updated Table of Organization for each affected Division is reflected in Attachment 3. A summary of the proposed updates and resultant costs is contained below.

Department	Staff Update	Net FTE	Current Year Prorated Impact	Annual Impact
Economic and Development Services	Add 1.0 full-time Planning and Sustainable Development Manager	1.00	42,817	171,267
Economic and Development Services	Add 1.0 full-time Building Technician	1.00	26,739	106,956
Parks and Community Services	Convert 0.25 part-time Sr. Community Services Leader to 1.0 full-time Recreation Specialist	0.75	20,152	80,606
Police	Convert 0.75 part-time Property & Evidence Specialist to 1.0 full-time Property & Evidence Specialist	0.25	7,224	28,897
Police	Convert 0.48 part-time Sr. Community Services Leader and 0.25 Office Specialist II to 1.0 full-time Permit Processing Specialist	0.27	5,963	23,850
<b>TOTAL FTE</b>		<b>3.27</b>	<b>\$ 102,895</b>	<b>\$411,576</b>

**Compensation Adjustments / Classification Updates**

The Human Resources Division makes recommendations to the City Manager that may require adjustments based on input from City departments and labor associations along with recruitment and retention trends.

Hard-to-fill positions include positions that are currently vacant, positions that are not currently vacant but are traditionally hard to fill, and positions which are currently filled but are expected to be difficult to fill in the future or retain for long term due to their relative position in the marketplace as being well under market compensation. Further, certain positions would adversely impact City operations if the position were to become vacant and would be difficult to fill at current salaries. Some adjustments are also recommended to maintain internal alignment or to address compaction issues with supervisory classifications.

The City Manager’s Office has requested a title change from Video Production Specialist to Multimedia Specialist. Updating the title will attract more candidates, during the recruitment process, who have experience working with a variety of media including various social media platforms. There is no fiscal impact for this update.

On September 19, 2023, the City Council approved market adjustments for positions in the Analyst series including an adjustment for Financial Analyst. In order to address compaction issues between

the Revenue Supervisor and Financial Analyst which it supervises, an adjustment is being recommended for the Revenue Supervisor classification. The estimated fiscal impact is \$76,407 annually. This recommendation is for all the Finance Department Supervisors to include Revenue Supervisor, Accounting Supervisor, Purchasing Supervisor and Payroll Supervisor to maintain internal alignment.

The Finance Department is also requesting a new job classification titled Finance Officer to replace the department's supervisor classification. This will realign the compensation and duties to allow for succession planning in the department. The Finance Officers oversee the duties and responsibilities of the analysis series, including Finance Analyst and Sr. Budget Analyst. This will prepare the Finance Officers for the next Finance Management series, thereby ensuring internal staff has the opportunity to develop leadership skills to ensure successful succession planning for the City. Finance is a critical component of the City's infrastructure, as staff manages, processes, and implements financial transactions and strategies to ensure long term fiscal sustainability for the City.

The Human Resources Division is developing a new internship program to create a pipeline for identifying and nurturing local talent. Providing opportunities for students and recent graduates to gain practical experience within a municipality cultivates a pool of skilled individuals who can later become valuable employees. The Human Resources Division has been partnering with and attending job fairs at local universities and the most asked question at these fairs is regarding internship opportunities. Currently, the City offers one internship level paid at minimum wage. To encourage local students and recent graduates to participate in our internship program, it is recommended to increase the intern pay range and create two levels of internships: one geared towards undergraduate students and one geared towards recent graduates or graduate students.

The Human Resources Division is requesting to increase the compensation for the Intern (undergraduate) classification and create a new classification of Graduate Intern. Departments will absorb the fiscal impact within their budget if they choose to hire interns.

**ALTERNATIVES:**

The alternative to the Council action would be to refrain from approving the requested items. Staff does not recommend this action as certain City services, programs, activities or projects may be delayed.

**FISCAL REVIEW:**

The Fiscal Year 2022-23 carryovers are detailed in Attachment 1. The fiscal impact related to the approval of position requests will be absorbed by each affected Department in the current fiscal year. The annual estimated impact of \$487,983 will be included in the respective departments' FY 2024/25 proposed budget.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approves as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

Strengthen the Public's Safety and Improve the Quality of Life

- Achieve Long-term Fiscal Sustainability
- Recruit and Retain High Quality Staff
- Diversify, Stabilize and Increase Housing to Reflect Community Needs
- Advance Environmental Sustainability and Climate Resiliency

**CONCLUSION:**

- 1) Approve FY 2023-24 Budget Carryovers from the prior year in the General Fund and the various Capital Projects Funds (Attachment 1).
- 2) Approve FY 2023-24 Staffing Realignments and compensation adjustments in multiple departments citywide (Attachment 2).
  - a) Approve Resolution No. 2024-XX, approving new classification and salary/pay ranges for an Animal Services Coordinator, new title for Multimedia Specialist and new title and pay ranges for Finance Officer.
  - b) Approve Resolution No. 2024-XX approving compensation adjustments for Finance Officer (Confidential).
  - c) Approve Resolution No. 2024-XX approving new classification and salary/pay ranges for Graduate Intern and compensation adjustments for Intern.

## FY 2022-23 CIP Rollovers into FY 2023-24

PROJECT/ ACCOUNT	FUND	Rollover Amount
200009-Corp Yard Fleet Shop Epoxy Fl	401-Capital Improvements Fund	75,000
200013-FS#2 Reconstruction	401-Capital Improvements Fund	2,092,430
200040-HVAC Replac Various Facilities	401-Capital Improvements Fund	165,643
200062-Building Maintenance Projects	401-Capital Improvements Fund	126,981
200066-PD-Removal Undrg Fuel Tank	401-Capital Improvements Fund	123,733
200072-FS#1 Dehumidifier Install	401-Capital Improvements Fund	229,283
200077-Cty Hall Cast Iron Drain	401-Capital Improvements Fund	271,652
200080-City Hall Training Room	401-Capital Improvements Fund	429,959
200085-IT Department Relocation	401-Capital Improvements Fund	233,162
200086-Land Management System	603- IT Replacement Fund	1,257,580
200087-ERP HR Finance Payroll	603- IT Replacement Fund	4,741,190
200091-City Hall Elevators Modern	401-Capital Improvements Fund	95,219
200092-Fire Suppression System	401-Capital Improvements Fund	85,261
200094-Range Remodel/Update	401-Capital Improvements Fund	1,068,112
200097-EV Fleet and Infrastructure	203- Quality Improvement Fund	266,525
200099-Finance Security/Eff. Remodel	401-Capital Improvements Fund	251,359
200103-VOIP(VoiceOvrInternetProtocol	603-Replacement Fund	450,000
200105-Housing Element and Visioning	222-Costa Mesa Housing Authority	2,400,000
210001-Police L3 Car Video System	601-Equipment Replacement Fund	456,450
210004-FS Minor Projects FS 2-6	401-Capital Improvements Fund	26,474
210005-Citywide Parking Study	401-Capital Improvements Fund	13,540
210007-Disastr Recv Bus Cntinuity Pln	603- IT Replacement Fund	121,458
210008-Phys/Cybr Security Assessm/Imp	603- IT Replacement Fund	77,678
210009-Police Vehicle Computers	603- IT Replacement Fund	9,514
210010-Citywid Com Choice Energy Study	401-Capital Improvements Fund	150,000
210012-City Hall-Paint, Carpet & Misc	401-Capital Improvements Fund	53,085
210013-Fire Station 4 Training Tower	401-Capital Improvements Fund	2,527,989
210013-Fire Station 4 Training Tower	231- Grants - State	2,500,000
210014-Fire Station 6 Roof Replacement	401-Capital Improvements Fund	192,500
210015-PD- Emergency Comm Facilities	401-Capital Improvements Fund	278,999
210016-Police Dept Parking Lot Reconf	401-Capital Improvements Fund	203,500
210017-PD Structural Foundation Rep	401-Capital Improvements Fund	326,150
210018-Citywide Security Camera Repl	603- IT Replacement Fund	2,857
250001-Code Enforcement Complaint	603- IT Replacement Fund	130,000
250002-Parks Com Services Application	603- IT Replacement Fund	110,000
250003-Desktop Replacement Program	603- IT Replacement Fund	231
250004-Office 365 Assessmnt/Implemnt	603- IT Replacement Fund	450,000
250005-Fire Mobile Data Computers	603- IT Replacement Fund	238,859
250006-Enterprise GIS Master Plan	603- IT Replacement Fund	50,000
250007-Print Management Services	603- IT Replacement Fund	116,000
280001-Fire Engine Apparatus	602-Equipment Replacement Fund	300,000
300005-Adams Ave Imp RMRA	251- RMRA Fund	2,278,862
300008-Wilson Street Imp	201-Gas Tax Fund	435,000
300148-Bicycle Racks Citywide	214- Traffic Impact Fees Fund	178,482
300162-I-405 Improvement	401-Capital Improvements Fund	54,139
300163-Neighborhood Traffic Improvement	401-Capital Improvements Fund	77,661
300169-Newport(Victoria/22nd to 19th	251- RMRA Fund	1,084,324
300171-SB Newp BI Impr Mesa Victoria	251- RMRA Fund	1,868,612
300172-Pavement Mitigation I-405 Pro	232-Grants - Other	661,980
300173-Newp NB 22thBrist SB BristMesa	251- RMRA Fund	2,039,960
300174-Adams at Pinecreek Imp	401-Capital Improvements Fund	688,425
300174-Adams at Pinecreek Imp	214- Traffic Impact Fees Fund	58,566
300174-Adams at Pinecreek Imp	416- Measure "M2" Fairshare	18,063

300177-CDBG Westside St Impr. Wilson	201- Gas Tax Fund	257,000
300178-Sunflower Ave Rehabilitation	251- RMRA Fund	2,570,782
300179-Adams Ave Active Transp. Proj	401-Capital Improvements Fund	1,120,000
300180-Bicycle Safety Education	401-Capital Improvements Fund	150,000
300181-Fairview Road Improvement	230- Grants - Federal	331,116
300181-Fairview Road Improvement	214- Traffic Impact Fees Fund	232,100
350030-Westside Restoration Project	401-Capital Improvements Fund	532,430
360003-Citywid Bicyc Trail Wayfnd Sig	401-Capital Improvements Fund	28,034
370010-Mesa Del Mar Multimodal Access	401-Capital Improvements Fund	195,929
370010-Mesa Del Mar Multimodal Access	214- Traffic Impact Fees Fund	100,000
370034-Fairview Traffic Signal Sync	415- Measure "M2" Fund	47,106
370034-Fairview Traffic Signal Sync	214- Traffic Impact Fees Fund	5,377
370039-Baker/Placntia/19th/Victr TSSP	415- Measure "M2" Fund	725,538
370039-Baker/Placntia/19th/Victr TSSP	214- Traffic Impact Fees Fund	99,125
370039-Baker/Placntia/19th/Victr TSSP	203- Quality Improvement Fund	82,011
370042-Bus Shelter Improvement	401-Capital Improvement Fund	300,000
370056-Bear St Traffic Sig Synch Proj	214- Traffic Impact Fees Fund	31,000
370056-Bear St Traffic Sig Synch Proj	415- Measure "M2" Fund	5,063
370056-Bear St Traffic Sig Synch Proj	401-Capital Improvements Fund	1,765
370056-Bear St Traffic Sig Synch Proj	203- Quality Improvement Fund	748
370057-RedHill Ave TSSP	203- Quality Improvement Fund	66,080
370059-W 19th St Wallace Av Traf Sig	401-Capital Improvements Fund	287,631
370059-W 19th St Wallace Av Traf Sig	214- Traffic Impact Fees Fund	192,037
370059-W 19th St Wallace Av Traf Sig	416- Measure "M2" Fund	6,329
400012-Alley Improvements Citywide	201- Gas Tax Fund	900,000
400012-Alley Improvements Citywide	416-Measure "M2" Fairshare	139,112
400015-Street Maintenance Citywide	201- Gas Tax Fund	4,662,529
400015-Street Maintenance Citywide	416- Measure "M2" Fund	3,906,795
400015-Street Maintenance Citywide	401-Capital Improvements Fund	1,300,592
400023-Clean CA Beautification Prog	231- Grants - State	136,464
450009-West 19th Bike Trail	203- Quality Improvement Fund	58,213
450010-Class II and III Bicycle Proj	214- Traffic Impact Fees Fund	903,281
450010-Class II and III Bicycle Proj	401-Capital Improvements Fund	11,896
450013-Adams Ave Multi Purp Des Trail	201- Gas Tax Fund	174,218
450013-Adams Ave Multi Purp Des Trail	416- Measure "M2" Fund	17,837
450015-Bicycle/Pedestrian Infra Imp	214- Traffic Impact Fees Fund	348,024
450015-Bicycle/Pedestrian Infra Imp	416- Measure "M2" Fund	25,103
450016-Mesa/Santa Ana Bicycl Fac Imp	214- Traffic Impact Fees Fund	100,000
450017-MV/Peterson Pl Class II Bicycle	214- Traffic Impact Fees Fund	100,000
470002-West 18th & Wilson Crosswalks	214- Traffic Impact Fees Fund	375,316
500009-New Sidewalks Citywide	201- Gas Tax Fund	200,001
500010-Parkway Maint Program Citywide	416- Measure "M2" Fund	488,330
500010-Parkway Maint Program Citywide	201- Gas Tax Fund	461,299
500010-Parkway Maint Program Citywide	401-Capital Improvements Fund	183,757
500017-Priority Sidewalk Repair	201- Gas Tax Fund	125,272
510600-Maintenance and Construction	413-Golf Course Improvement Fund	150,000
530200- Consulting/590800 - Other Equipment	208-Park Dvelopment	287,515
530200-Consulting	101-General Fund	879,072
530200-Consulting/ Grants, Loans and Subsidies	222-Costa Mesa Housing Authority	1,287,508
530200-Consulting/ Grants, Loans and Subsidies	231- Grants - State	1,147,413
530300- Legal/Consulting /Building	223-CMHA James/ 18th ST Property	207,260
535500- Grants, Loans and Subsidies	216-Rental Rehab Program Fund	80,000
535500-Grants, Loans and Subsidies	204-American Rescure Plan Fund	1,560,000
535500-Grants, Loans and Subsidies	205-Home Program Fund	290,532
540100- General Liability	602-Self Insurance Fund	2,177,540
550008-Catch Basin Inserts-Var Location	209-Drainage Fees Fund	25,883
550008-Catch Basin Inserts-Var Locatn -	209-Drainage Fees Fund	30,000
550011-Citywide Storm Drain Imprv	401-Capital Improvements Fund	889,750

550011-Citywide Storm Drain Imprv	209-Drainage Fees Fund	554,455
550021-Bristol St Storm Drain Divers	401-Capital Improvements Fund	65,524
550022-Westside Storm Drain Improve	209-Drainage Fees Fund	1,522,790
550023-Placentia Ave. Stormwater	415- Measure "M2" Fund	383,831
590500-Automotive Equipment	601-Equipment Replacement Fund	5,148,580
590800- Other Equipment	601-Equipment Replacement Fund	160,000
700021-Wilson TeWinkle Prk Bridg Rep	208-Park Development Fees Fund	177,099
700027-TeWinkle Skate Park Expansion	208-Park Development Fees Fund	100,000
700027-TeWinkle Skate Park Expansion	401-Capital Improvements Fund	32,158
700054-Westside Park Development	208-Park Development Fees Fund	250,000
700080-Pk SecurityLightingReplacement	208-Park Development Fees Fund	62,252
700106-Sidewalk Replacment -Var Parks	401-Capital Improvements Fund	64,686
700110-Open Space Master Plan Update	208-Park Development Fees Fund	75,000
700110-Open Space Master Plan Update	401-Capital Improvements Fund	16,592
700111-Various Parks Rehab	401-Capital Improvements Fund	70,000
700115-Jack Hammett Field Upgrade	208-Park Development Fees Fund	309,263
700128-Park Sidewalk Access Program	401-Capital Improvements Fund	104,000
700128-Park Sidewalk Access Program	201- Gas Tax Fund	40,000
700129-Shalimar Park Improvement	208-Park Development Fees Fund	243,060
700132-Fairview Park Vernal Pool Rest	231- Grants - State	109,811
700132-Fairview Park Vernal Pool Rest	401-Capital Improvements Fund	57,857
700133-Canyon Pk Invntr Mgmt Restore	208-Park Development Fees Fund	60,000
700134-Fairview Pk Fence Sign Trail	208-Park Development Fees Fund	144,103
700135-Fairview Pk Master Plan Update	208-Park Development Fees Fund	254,744
700137-TeWinkle Park Lakes Repairs	208-Park Development Fees Fund	14,585
700139-Ketchum-Libolt Park Expansion	401-Capital Improvements Fund	1,000,000
700139-Ketchum-Libolt Park Expansion	231- Grants - State	247,520
700139-Ketchum-Libolt Park Expansion	208-Park Development Fees Fund	43,060
700140-Costa Mesa Tennis Center Impro	401-Capital Improvements Fund	300,000
700141-CM Country Club Modernization	413-Golf Course Improvement Fund	350,000
700142-Brentwood Park Improvements	401-Capital Improvements Fund	250,000
700143-Butterfly Gardens	401-Capital Improvements Fund	100,000
700144-Fairview Park-Pump Station	401-Capital Improvements Fund	98,810
700145-Shalimar Park Expansion	401-Capital Improvements Fund	1,000,000
700146-Various Parks - Playground Rep	401-Capital Improvements Fund	17,571
700154-Golf Course & Tennis Ctr Imp	401-Capital Improvement Fund	1,200,000
800015-NCC - Library Development	401-Capital Improvements Fund	451,349
800029-EOC Equipment Update	401-Capital Improvements Fund	127,813
800030-Senior Center Fire Alarm Panel	401-Capital Improvements Fund	71,500
800031-Westside Police Sub-Station Im	401-Capital Improvements Fund	150,000
800031-Westside Police Sub-Station Im	231- Grants - State	61,125
800032-Lion Park Cafe	401-Capital Improvement Fund	1,100,000
911033-ARPA Mercy House Rental Assist	222-Costa Mesa Housing Authority	902,738
<b>Grand Total</b>		<b>\$ 80,632,036</b>

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTIONS NO. 2022-73 AND 2022-74 TO RENAME AND REVISE THE PAY RANGE FOR PAYROLL SUPERVISOR IN THE CONFIDENTIAL UNIT.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on November 15, 2022, the City Council adopted Resolutions No. 2022-72, 2022-73, and 2022-74 revising the pay ranges for job classifications in the Confidential Unit; and

WHEREAS, on September 19, 2023, the City Council adopted Resolution 2023-46 amending Resolutions No. 2022-73 and 2022-74 approving updates to various classifications; and

WHEREAS, the City Council desires to rename the existing “Payroll Supervisor” as the “Finance Officer (Confidential)” classification; and

WHEREAS, the City Council further desires to amend Resolutions 2022-73 and 2022-74 to revise the pay ranges for the Finance Officer (Confidential).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. The existing “Payroll Supervisor” classification is hereby renamed as the “Finance Officer (Confidential)” classification.

SECTION 2. The following pay ranges and monthly rates of pay for the identified job classification are hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes September 24, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step							
				1	2	3	4	5	6	7	
0173	Finance Officer (Confidential)	CON	559	\$9,265	\$9,728	\$10,214	\$10,725	\$11,261	\$11,824	\$12,415	Monthly
				\$111,180	\$116,736	\$122,568	\$128,700	\$135,132	\$141,888	\$148,980	Annual
				\$53.45	\$56.12	\$58.93	\$61.88	\$64.97	\$68.22	\$71.63	Hourly

**SECTION 3.** The following pay ranges and monthly rates of pay for the identified job classifications are hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes July 1, 2024. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step							
				1	2	3	4	5	6	7	
0173	Finance Officer (Confidential)	CON	559	\$9,542	\$10,019	\$10,520	\$11,046	\$11,598	\$12,178	\$12,787	Monthly
				\$114,504	\$120,228	\$126,240	\$132,552	\$139,176	\$146,136	\$153,444	Annual
				\$55.05	\$57.80	\$60.69	\$63.73	\$66.91	\$70.26	\$73.77	Hourly

**SECTION 4.** Except as modified by this Resolution, Resolutions No. 2022-72, 2022-73, 2022-74 and 2023-46 shall remain in full force and effect.

**PASSED AND ADOPTED this 2<sup>nd</sup> day of April, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 2<sup>nd</sup> day of April, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 3<sup>rd</sup> day of April, 2024.

\_\_\_\_\_  
Brenda Green, City Clerk

(SEAL)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA REVISING THE RATES OF PAY FOR PART-TIME CLASSIFICATIONS.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on June 18, 2019, the City Council adopted Resolution No. 19-33 revising the pay ranges for part-time job classifications; and

WHEREAS, on December 7, 2021, the City Council adopted Resolution No. 2021-52 revising pay ranges in the Community Services Leader and Lifeguard series; and

WHEREAS, on March 21, 2023, the City Council repealed and replaced Resolution No. 2021-52 with Resolution 2023-16 further revising pay ranges in the Community Services Leader and Lifeguard series; and

WHEREAS, on September 19, 2023, the City Council adopted Resolution No. 2023-48 revising pay ranges for and renaming the existing “Police Aide” as the “Police Cadet” classification; and

WHEREAS, the City Council desires to amend Resolution No. 19-33 to establish the new classification of Graduate Intern and establish the pay ranges for the new classification; and

WHEREAS, the City Council desires to amend Resolution No. 19-33 to revise the pay ranges for the classifications specified herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

SECTION 1. Section 1 of Resolution No. 19-33 is hereby amended to establish the new job classification of Graduate Intern and to establish the pay ranges for the new job classification as set forth herein.

SECTION 2. The following pay ranges and hourly rates of pay for the identified job classifications are hereby established and placed under the Part-Time Salary Schedule effective the pay period that includes April 7, 2024. The hourly rate of pay may also be in increments between the hourly minimum and maximum pay step.

Class Code	Class Title	Grade	Step					
			1	2	3	4	5	
0601	Intern	462	\$23.00	\$24.15	\$25.36	\$26.63	\$27.96	Hourly
0603	Graduate Intern	329	\$25.00	\$26.25	\$27.56	\$28.94	\$30.39	Hourly

SECTION 3. Except as modified by this Resolution, Resolutions No. 19-33, 2023-16 and 2023-48 shall remain in full force and effect.

**PASSED AND ADOPTED this 2<sup>nd</sup> day of April, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 2<sup>nd</sup> day of April, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 3<sup>rd</sup> day of April, 2024.

\_\_\_\_\_  
Brenda Green, City Clerk

(SEAL)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTIONS NO. 2022-70 AND 2022-71 TO ESTABLISH A NEW CLASSIFICATION, RENAME AND REVISE THE PAY RANGES FOR VARIOUS CLASSIFICATIONS OF EMPLOYEES REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

WHEREAS, on November 15, 2022, the City Council adopted Resolutions No. 2022-69, 2022-70, and 2022-71 revising the pay ranges for job classifications represented by the Costa Mesa City Employees Association; and

WHEREAS, on March 21, 2023, the City Council adopted Resolution 2023-15 amending Resolutions No. 2022-69, 2022-70, and 2022-71 approving updates to various classifications; and

WHEREAS, on June 6, 2023, the City Council adopted Resolution 2023-27 to establish the new job classifications of Animal Services Supervisor and Cyber Security Analyst and to establish the pay ranges for the new classifications; and

WHEREAS, on June 20, 2023, the City Council adopted Resolution 2023-37 approving updates to various classifications; and

WHEREAS, on September 19, 2023, the City Council adopted Resolution 2023-45 to establish the new job classification of Code Enforcement Officer I and to establish the pay ranges for the new classification and approving updates to various classifications; and

WHEREAS, the City Council further desires to rename the existing "Video Production Specialist" as the "Multimedia Specialist" classification; and

WHEREAS, the City Council further desires to rename the existing "Accounting Supervisor", "Revenue Supervisor" and "Purchasing Supervisor" to "Finance Officer"; and

WHEREAS, the City Council desires to amend Resolutions 2022-70 and 2022-71 to establish the new job classification of Animal Services Coordinator and to establish the pay ranges for the new classification; and

WHEREAS, the City Council further desires to amend Resolutions 2022-70 and 2022-71 to revise the pay ranges for the Finance Officer classification; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

**SECTION 1.** The existing “Video Production Specialist” classification is hereby renamed as the “Multimedia Specialist” classification.

**SECTION 2.** The existing “Accounting Supervisor”, “Revenue Supervisor” and “Purchasing Supervisor” classifications are hereby renamed as the “Finance Officer” classification.

**SECTION 3.** Section 1 of Resolution 2022-70 and 2022-71 are hereby amended to establish the new job classification of Animal Services Coordinator and to establish the pay ranges for the new job classifications as set forth herein.

**SECTION 4.** The following pay ranges and monthly rates of pay for the Finance Officer job classification is hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes September 24, 2023. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step							
				1	2	3	4	5	6	7	
0172	Finance Officer	CMC	448	\$9,129	\$9,585	\$10,064	\$10,567	\$11,095	\$11,650	\$12,232	Monthly
				\$109,548	\$115,020	\$120,768	\$126,804	\$133,140	\$139,800	\$146,784	Annual
				\$52.67	\$55.30	\$58.06	\$60.96	\$64.01	\$67.21	\$70.57	Hourly

**SECTION 5.** The following pay ranges and monthly rates of pay for the Animal Services Coordinator job classification is hereby established and placed under the Basic Salary Administration Plan effective the pay period that includes April 7, 2024. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step							
				1	2	3	4	5	6	7	
0471	Animal Services Coordinator	CMC	447	\$5,816	\$6,107	\$6,412	\$6,733	\$7,070	\$7,424	\$7,795	Monthly
				\$69,792	\$73,284	\$76,944	\$80,796	\$84,840	\$89,088	\$93,540	Annual
				\$33.55	\$35.23	\$36.99	\$38.84	\$40.79	\$42.83	\$44.97	Hourly

**SECTION 6.** The following pay ranges and monthly rates of pay for the identified job classifications are hereby revised and placed under the Basic Salary Administration

Plan effective the pay period that includes July 1, 2024. The monthly rate of pay may also be in increments between the monthly minimum and maximum pay step.

Class Code	Class Title	Salary Plan	Grade	Step							
				1	2	3	4	5	6	7	
0172	Finance Officer	CMC	448	\$9,402	\$9,872	\$10,366	\$10,884	\$11,428	\$11,999	\$12,599	Monthly
				\$112,824	\$118,464	\$124,392	\$130,608	\$137,136	\$143,988	\$151,188	Annual
				\$54.24	\$56.95	\$59.80	\$62.79	\$65.93	\$69.23	\$72.69	Hourly
0471	Animal Services Coordinator	CMC	447	\$5,991	\$6,291	\$6,606	\$6,936	\$7,283	\$7,647	\$8,029	Monthly
				\$71,892	\$75,492	\$79,272	\$83,232	\$87,396	\$91,764	\$96,348	Annual
				\$34.56	\$36.29	\$38.11	\$40.02	\$42.02	\$44.12	\$46.32	Hourly

**SECTION 7.** Except as modified by this Resolution, Resolutions No. 2022-69, 2022-70, 2022-71, 2023-15, 2023-27, 2023-37 and 2023-45 shall remain in full force and effect.

**PASSED AND ADOPTED this 2<sup>nd</sup> day of April, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda Green, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, **BRENDA GREEN**, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2024-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 2<sup>nd</sup> day of April, 2024, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

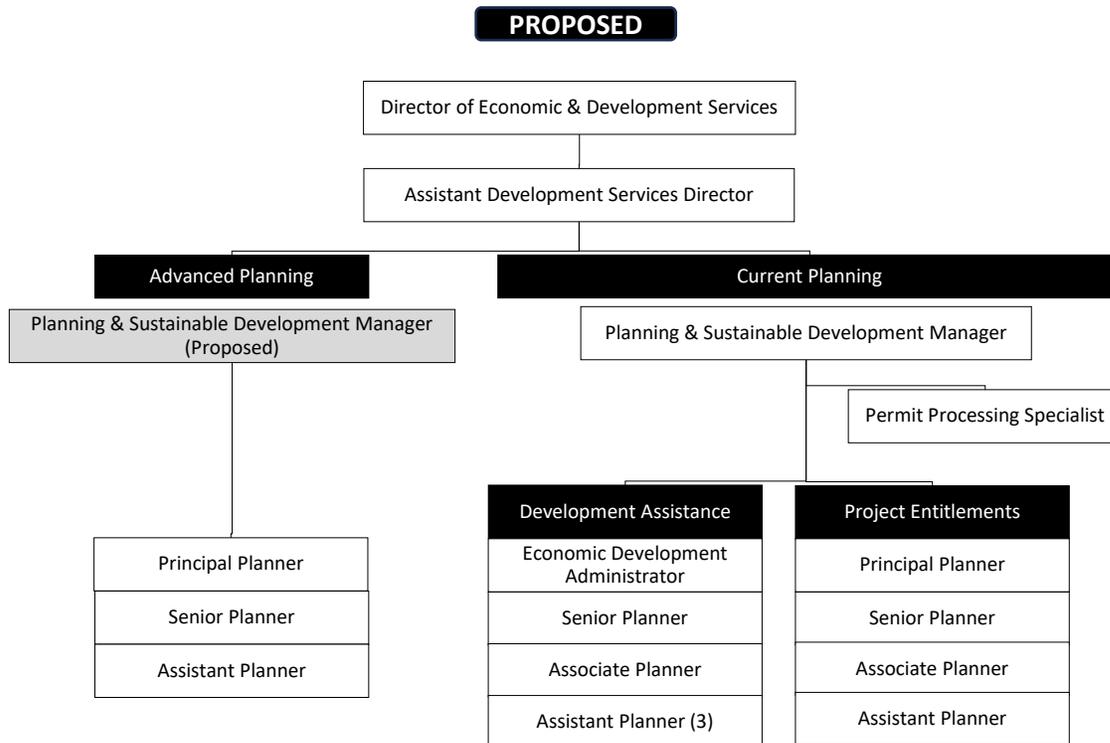
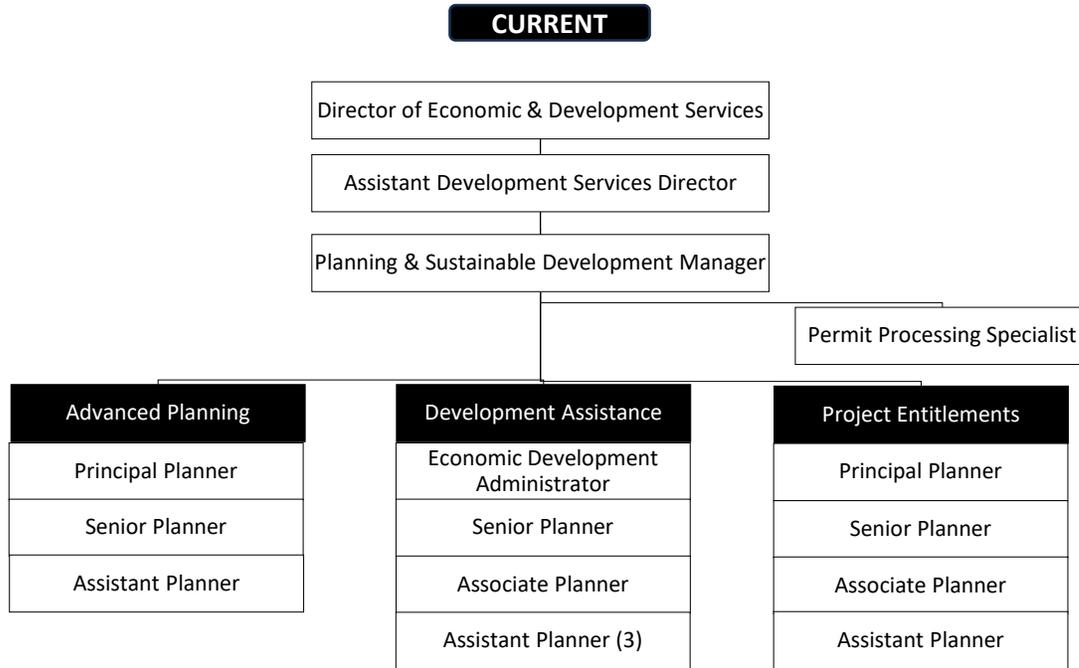
IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 3<sup>rd</sup> day of April, 2024.

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Brenda Green, City Clerk

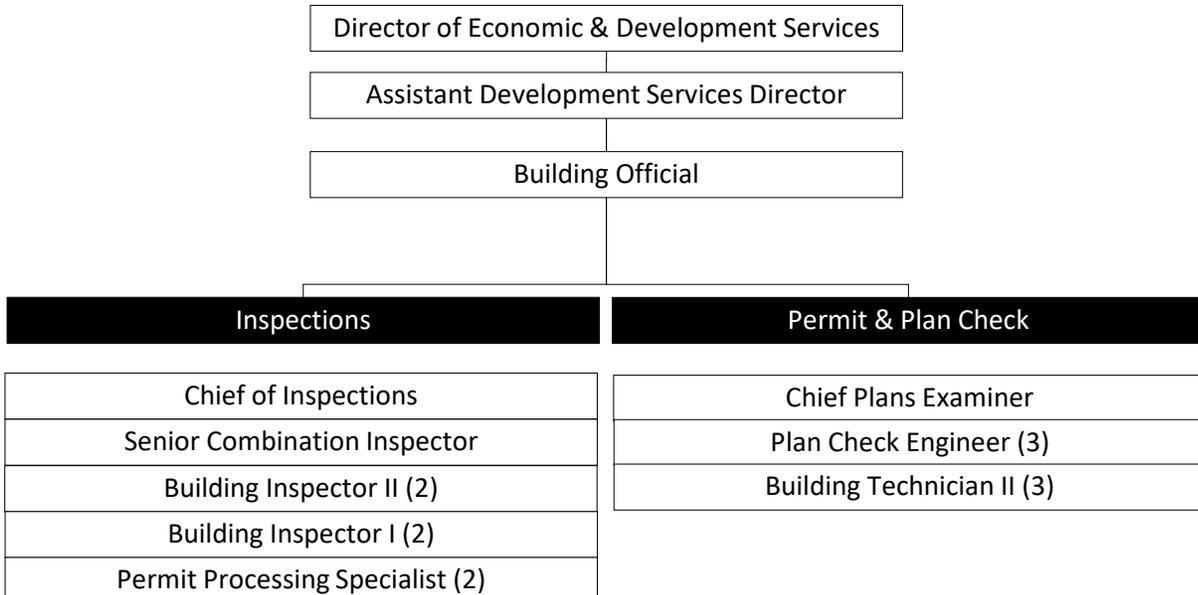
(SEAL)

**Economic & Development Services - Planning**

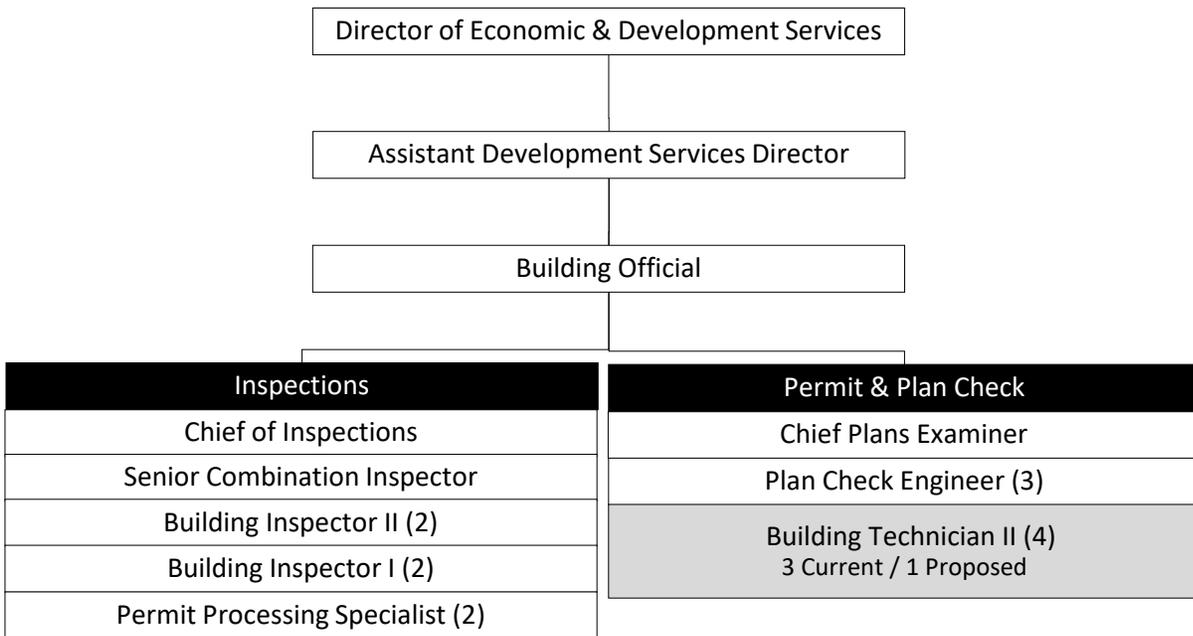


**Economic & Development Services - Building Safety**

**CURRENT**



**PROPOSED**



Parks & Community Services - Fairview Park



**Police - Property & Evidence**

**CURRENT**

Property & Evidence Supervisor (1)
Property & Evidence Specialist (2)
Property & Evidence Specialist PT (2)

**PROPOSED**

Property & Evidence Supervisor (1)
Property & Evidence Specialist (3) 2 Current / 3 New
Property & Evidence Specialist PT (1) 2 Current / 1 Proposed

**Police - Animal Services**

**CURRENT**

Animal Control Supervisor (1)
Animal Control Officer (3)
Recreation Coordinator (1)
Senior Community Services Leader (1)

**PROPOSED**

Animal Control Supervisor (1)
Animal Control Officer (3)
Animal Services Coordinator (1)
Permit Processing Specialist (1)



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 24-111

**Meeting Date:** 4/16/2024

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**TITLE:**

**APPOINTMENT TO THE PLANNING COMMISSION AND VARIOUS CITY COMMITTEES**

**DEPARTMENT:** CITY MANAGER'S OFFICE/CITY CLERK DIVISION

**PRESENTED BY:** BRENDA GREEN, CITY CLERK

**CONTACT INFORMATION:** BRENDA GREEN, CITY CLERK, (714) 754-5221

**RECOMMENDATION:**

Staff recommends the City Council make appointments as follows:

1. Planning Commission - Make one (1) member appointment to fill vacancy with term expiration of January 2027. Appointment by Council Member Reynolds.
2. Animal Services Committee - Make four (4) member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Mayor Stephens, Council Member Harper).
3. Active Transportation Committee - Make six (6) member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan, and two at-large appointments. The two at-large members should ensure broad representation of different mobility options and experiences (e.g., walk, bike, bus, and age ability). A Council Member may defer their nomination to the Council Liaison (Council Member Reynolds).
4. Finance and Pension Advisory Committee - Make four (4) member appointments with a term expiration of April 2028. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Mayor Stephens, Alternate Council Member Marr, and Council Member Harper).
5. Housing and Public Service Grants Committee - Make four (4) regular member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Council Member Chavez, Alternate Council Member Harper).

6. Mobile Home Park Advisory Committee - Make one (1) Park Owner or Representative appointment, two (2) Mobile Home Park Resident appointments, and one (1) Independent Citizen At-large appointment, all with a term expiration of April 2028. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer their nomination to the Council Liaison (Council Member Reynolds, Alternate Council Member Chavez).
7. Approve the recommendation from the Historical Preservation Committee to formally dissolve, and appropriate an estimated total of \$13,000 from uncommitted Costa Mesa Community Foundation Fund and authorize a transfer from the Costa Mesa Historical Preservation Committee to the Costa Mesa Historical Society.

**BACKGROUND:**

At the City Council meeting of September 5, 2023, the City Council approved that each Council Member shall have the opportunity to either nominate a member or to defer his or her nomination to the City Council liaison. City Council also requested staff to meet with the Costa Mesa Historical Society on a potential merger of the Society and the Historical Preservation Committee.

At the City Council meeting of October 17, 2023, Council Member Marr (District 3), Council Member Chavez (District 4), and Council Member Reynolds (District 5) made their appointments. Nominations for this round will be made by Mayor Stephens, Council Member Harper (District 1), Council Member Gameros (District 2), and Mayor Pro Tem Harlan (District 6). In addition, on February 17, 2024, the Historical Preservation Committee held a special meeting and unanimously voted to dissolve the committee and to not merge with the Costa Mesa Historical Society.

On February 27, 2024, Jimmy Vivar informed the City that he was stepping down as Planning Commissioner and his last Commission meeting would be April 8, 2024. The City posted the vacancy notice on March 20, 2024 and began the recruitment. The recruitment period ran from March 20, 2024 to April 5, 2024.

**Planning Commission** (1 Appointment)

1 Commissioner/Term Expiration of January 2027

The Planning Commission meets on the second and fourth Monday of each month and functions as an advisory body to the City Council on issues related to the long-term growth and development of the community, on requests for general plan amendments, rezones, specific plans, environmental impact reports and amendments to the City's Zoning Ordinance.

Staff received eleven (11) applications for the vacancy to be filled (applications attached). The one appointment will be made by Council Member Reynolds, who may appoint any applicant, as it is not a requirement to appoint within a Council Member's district.

1. David Jordan Smith - District 2
2. Syed Zia Hussain - District 2
3. Christopher R. Ganiere - District 3
4. Valerie M. Hass - District 3
5. Robert Lee Dickson Jr. - District 5

6. Diana Gardiner - District 5
7. Sarah Roughan Laurie Martinez - District 5
8. David Martinez - District 5
9. Andrew Barnes - District 5
10. Eric Vu - District 6
11. Garrett Scott Whitfield - District 6

**Animal Services Committee - 7 Members**

4 Appointments/2-year terms (Term Expiration April 2026)

Liaisons - Mayor Stephens, Alternate Council Member Harper

The Animal Services Committee meets monthly and provides advice and recommendations to the City Council on animal services issues, promotes pet licensing, and assists with planning and execution of animal-related community events. Staff received eight (8) applications (attached) for four vacancies to be filled.

1. Sean Healey - District 1
2. Syed Zia Hussain - District 2
3. Caley Turner - District 2
4. Cara R. Stewart - District 2
5. Danielle Mills - District 3
6. Paul Lancaster - District 4
7. Angela Minjares - District 5 (Incumbent)
8. Debra Lee - District 5

**Active Transportation Committee - 9 Members**

6 Appointments/2-year terms (Term Expiration of April 2026)

Liaison - Council Member Reynolds

The Active Transportation Committee meets monthly and helps plan and implement an Active Transportation network for the City by improving bicycle and pedestrian connectivity throughout the City. The committee also assists with the review, update and implementation of the city's Active Transportation Plan, and evaluates the bikeability and walkability for the City in order to make recommendations to the City Council. Staff received ten (10) applications (attached) for six vacancies to be filled.

1. Syed Zia Hussain - District 2
2. Florence Nedeff Martin - District 3 (Incumbent)
3. Arthur Alderete - District 3
4. Michael Moses Nolf - District 4
5. Paul Lancaster - District 4
6. Andrew Barnes - District 5 (Incumbent)
7. Jay C. McGlinchey - District 5
8. Alex Campoli - District 6
9. Robert Morse - District 6
10. Farhad Edward Khrosravi - District 6

**Finance and Pension Advisory Committee - 7 Members**

4 Appointments/4-year terms (Term Expiration of April 2028)

Liaisons - Mayor Stephens, Alternate Council Member Marr, and Council Member Harper

The Finance and Pension Advisory Committee meets monthly and provides advice to the City Council on issues related to significant financial matters. The committee advises annually on the adoption of the City's budget, the allocation of any budget surpluses, the City's investment performance and policies, multi-year forecasts presented by City staff to the City Council, and adjustments under consideration at the time of the mid-year budget report. Staff received five (5) applications (attached) for four vacancies to be filled.

1. Quinn Callanan - District 1
2. Sean Healey - District 1
3. Syed Zia Hussain - District 2
4. James Andrews - District 3
5. Kathryn Grant - District 6

**Housing and Public Service Grants Committee - 7 Members**

4 Appointments/2-year terms (Term Expiration of April 2026)

Liaisons - Council Member Chavez, Alternate Council Member Harper

The Housing and Public Service Committee meets twice a year and helps to promote understanding of the community development process and activities funded by the U.S. Housing and Urban Development Department (HUD) and Community Development Block Grants (CDBG). Additionally, the committee rates and ranks applications for CDBG public service grants, ultimately developing funding recommendations for City Council recommendations. Staff received seven (7) applications (attached) for four vacancies to be filled.

1. Gloria A. Fallon - District 1
2. Syed Zia Hussain - District 2
3. Ricardo Ramirez - District 3
4. Arthur Alderete - District 3
5. Paul Lancaster - District 4
6. Michael Tou - District 4 (Incumbent)
7. Kathryn Grant - District 6

**Mobile Home Park Advisory Committee**

4 Appointments/4-year terms (Term Expiration of April 2028)

1 Costa Mesa Park Owners or Representative

2 Mobile Home Park Residents

1 Independent Resident Citizen At-large

Liaisons - Council Member Reynolds, Alternate Council Member Chavez

The Mobile Home Park Advisory Committee meets quarterly and addresses issues that will help improve the quality of life in mobile home parks and review matters concerning mobile home parks in the City. Staff received eleven (11) applications (attached) for four vacancies to be filled.

1. Paul Lancaster - District 4 (Independent Citizen At-Large)
2. Gregory Harold - District 4 (Mobile Home Park Resident)
3. Leslie E Chaney-Eames - District 5 (Mobile Home Park Resident - Incumbent)
4. Georgette M. Quinn - District 5 (Costa Mesa Park Owner or Rep. OR Mobile Home Park Resident)
5. Michael Dougher - District 5 (Mobile Home Park Resident - Incumbent)
6. Mary Lamas - District 5 (Mobile Home Park Resident)
7. Wyatt Lin - District 5 (Costa Mesa Park Owner or Rep.)
8. Lucia Salinas Holt - District 5 (Mobile Home Park Resident)
9. Debra Lee - District 5 (Mobile Home Park Resident)
10. Laurie Beverage - Non-Resident
11. Vickie M. Talley - Non-Resident (Costa Mesa Park Owner or Rep. - Incumbent)

**ANALYSIS:**

The City opened the recruitment for five City Committees on February 9, 2024 and press releases were sent on February 9, 2024, February 15, 2024, February 19, 2024, February 26, 2024, February 29, 2024, March 4, 2024, March 6, 2024, and March 8, 2024. The recruitment was also featured on the City Hall Snapshot on February 16, 2024, February 23, 2024, March 1, 2024, and March 8, 2024.

On March 8, 2024, the City extended the Committee recruitment deadline to March 18, 2024. Additional press releases were sent on March 8, 2024, March 12, 2024, March 15, 2024, and March 18, 2024. The extended recruitment was also featured on the City Hall Snapshot on March 15, 2024. A total of 31 applications were received in response to the City's outreach efforts.

To fill the Planning Commission vacancy, the Commissioner recruitment opened on March 20, 2024, and press releases were sent on the following dates: March 20, 2024, March 23, 2024, March 26, 2024, March 29, 2024, April 2, 2024, and April 5, 2024. The recruitment was also featured on the City Hall Snapshot on March 22, 2024 and March 29, 2024. In response to the City's outreach efforts, a total of 11 applications were received.

**ALTERNATIVES:**

City Council may choose not to make appointments to the Committees or to extend the recruitment period.

**FISCAL REVIEW:**

Planning Commissioners receive a stipend of \$400.00 per month. The stipend for Commissioners is included in the FY 2023-24 Budget. Committee members do not receive a stipend.

Appropriate an estimated total of \$13,000 from uncommitted Costa Mesa Community Foundation Fund and authorize a transfer from the Costa Mesa Historical Preservation Committee to the Costa Mesa Historical Society.

**LEGAL REVIEW:**

City Attorney has reviewed this report and has approved it as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item is administrative in nature.

**CONCLUSION:**

Staff recommends that the City Council make appointments to the Planning Commission and various City Committees, approve the recommendation from the Historical Preservation Committee to formally dissolve and transfer the Committee's funds to the Costa Mesa Historical Society.

#3

COMPLETE

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**Last Modified:** Friday, March 22, 2024 12:31:34 PM  
**Time Spent:** 00:15:17  
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Page 1

**Q1**

Full Name:

David Jordan Smith

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**Q2**

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I have been interested in planning in my neighborhood and in the City since moving here 23 years ago. I have presented and supported projects in my SOBECA area where I am a homeowner. I am recently retired after 45 years as an architect and planner including many major southern california projects including Terminal C addition to John Wayne Airport.

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

All City projects interest me including planning and zoning to keep the City viable. Projects in my area, Sobeca, are of particular interest and housing and homeless housing have been my interest also, including helping the City in their first homeless shelter project as an architect.

---

**Q5**

Optional Resume:

**Profile.pdf (50.9KB)**

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## Contact

onedjsmith@gmail.com

[www.linkedin.com/in/david-jordan-smith-aia-csi-65094113](http://www.linkedin.com/in/david-jordan-smith-aia-csi-65094113) (LinkedIn)

## Top Skills

Submittals

LEED AP

Architectural Design

# David Jordan Smith AIA, CSI

Principal at Westgroup Designs, Inc  
Costa Mesa, California, United States

## Experience

David Jordan Smith, AIA, CSI

Retired but always looking for opportunity to serve  
December 2023 - Present (4 months)  
Costa Mesa, California, United States

Westgroup Designs, Inc

Principal  
January 2018 - December 2023 (6 years)  
Irvine, CA

Westgroup Designs, Inc.

Director of Operations  
November 2011 - December 2023 (12 years 2 months)  
Irvine, CA

Office Manager and Senior Project Manager/Senior Architect for an Architecture, Planning, and Interior Design practice serving Airport/ Transportation clients, Public/Institutional clients, Corporate Clients and K-12 School District clients.

Newport Real Estate Services, Inc.

Vice President - Architecture  
January 2011 - October 2011 (10 months)

Architectural Management and Consulting Services, Construction Management

Jacobs Engineering

Director of Architecture  
July 2009 - January 2011 (1 year 7 months)

Western Regional Manager of Architectural Services for Orange County, CA; Oakland, CA; and Phoenix, AZ offices of and international Engineering-Architecture practice. Managed 50+ staff on Defense, Process, Health Services and Industrial Projects.

Gensler

### Associate - Senior Project Manager

March 2007 - June 2009 (2 years 4 months)

Appointed as firm Associate as Senior Project Manager \$200 Million John Wayne Airport Expansion project. Management of 20+ architects and 15+ consultant teams of design and documentation process as lead County (client) contact. Project was realized on time and on budget.

### Westgroup Designs, Inc.

#### Senior Project Manager

September 2005 - June 2007 (1 year 10 months)

Associate and Senior Project Manager on Public/Institutional and School projects for County and City Clients.

### Leo A Daly

#### Project Manager

2001 - 2005 (4 years)

Project Manager for aviation projects including TSA security western division role outs. Deputy Project Manager for the Tom Bradley International Terminal at LAX interior renovation of systems, security, baggage handling and finishes.

### HNTB

#### Project Architect

1998 - 2000 (2 years)

Project Manager/ Project Architect for various projects including Construction Administration and Project Closeout of the United Airlines at LAX Terminal 6, 7 and new 8 project; Concept and Schematic Design lead for a new theme park for Johnson County Kansas; and Project Architect for the Red Carpet Lounge and Original tower to Office renovations at LAX.

---

## Education

### Auburn University

Bachelor, Architecture · (1975 - 1980)

### Auburn University

Full Curriculum in Building Science (Contract Management) · (1975 - 1980)

### Auburn University

Bachelor of Science, Environmental Design · (1975 - 1979)

#5

COMPLETE

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Page 1

**Q1**

Full Name:

Syed Zia Hussain

---

**Q2**

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I am very much concerned with the new changes that are coming in place within our city developments and business market. It has come to my attention that the crime rate has increased in Costa Mesa. Although everything can be not be in Planning Commission's hand but I strongly believe there is alot the commission has in power to turn this moment to a positive direction for the future of the City.

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

Our land is not for free, it is important to use it wisely and balance the use of market and business usage. And avoid businesses that are not beneficial to our community and younger generation.

Walkable neighborhood investment will along come to its best results only if we consider safety and easy access to errands and schools. The new high-density residency has already failed to produce walkability due to the lack of several elements needed in a walkable design.

This includes focus on crossings, traffic light priority and traffic movement, proper and a bike design that has been tested to work. The bike lane on Fairview and Adams (design it connects a college and couple of schools) it has no bike traffic and there is a reason to it. And thirdly there are several ways to bring in revenue to the City's trouser for more better development than to allow unproductive business-like cannabis and more auto industry in the city.

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## Syed Zia Hussain

Member of Mobile Housing Committee, City of Costa Mesa, CA.

[Ziahussain2019@gmail.com](mailto:Ziahussain2019@gmail.com). Cell phone: 1-714-280-3730

### Education

- **Orange Coast College, California, United States.** **Dec 2016**  
Associate Degree (Honors) in Event Management  
GPA 3.36
- **Stenden University, Netherlands.** **Dec 2010**  
Bachelors in Management  
GPA 3.0
- **Cal Poly Pomona, CA** **Dec 2023**  
Bachelors in Urban Planning  
GPA 3.16

Professional Training Certificates: **2024: RLMS Certificate:** Planning and Facilitating Engaging Activities, Meaningful Activities, Providing Customer Service, First Aid, OSHA Fit Testing, and First-Aid California, and others.

### Work Experience:

- Freelance Projects** **June 2023 - update**  
Community Enrichment Program (Provide activities in senior assisted living)  
CivicWell 2023 Adaptation Climate Forum – Volunteered event support  
Online event: Organized a guest presentation from California for Malmo University, Sweden.
- Activity Assistant:** Serra Sol Memory Care Senior Living **March '24 – Update**  
Support everyday activities, Prepare monthly activity calendar, supervise seniors activities.
- Community Service Leader II:** City of Costa Mesa (Recreational Dept) Part-Time. **Jan '24 – March'24.**  
Support R.O.C.K after-school program. Require self-motivation and team-player abilities. Assist with program planning on field; maintain record of schedule and log-book of day to day duties and hours of work. Supervise check-in and check-outs, activities, fire drills, help with homework, artwork and games, and keep a health and safe environment.
- Concierge.** **April 20<sup>th</sup> –July '23**  
**Ivy Park Senior Living, Mission Viejo**  
Friendly customer service; clerical and supporting administrative duties; direct correspondence with maintenance dept., Nurse dept., cleaning dept., care-givers, and marketing personnel.
- Recreation leader** **May 2019 – May'20**  
**Village Management, Laguna Hills.**  
Customer service, support customer and phone calls, guide costumers with setup design, manage the setup and break-downs, inventory, supervisor all facilities (rental venues, kitchen/utilities, and restrooms).
- Recreation leader** **June 2020 – Oct'21**  
**City of San Clemente, San Clemente.**  
Supervised Summer campus games and activity for children, manage inventory, customer service, games, and setups and breakdowns.
- Event Planner Unpaid Intern** **June 2015 – Dec'15**  
**American Family Housing, Tustin, CA**  
Outreach, promotion, and marketing for “Summer Festival for Homeless Veterans”. Sold out a stall and raise more than \$ 3,000 through bringing in vendors.

**Awards and Recognitions:**

- Member of Alpha Beta Gamma and Phi Theta Kappa Honors Society, Orange Coast College, CA. USA.
- Silver Certificate Award as Event Coordinator, Orange Coast College, CA. USA.
- President of Music and Dance Society, Intercollege Nicosia, Cyprus.
- Organized "To Promote English as language" workshops for English teachers and school children.
- Senior living working experience for 2 years; worked for senior living and host activities.

**Skills:**

People person, excellent in presentations and strategic marketing skills , effective communication skills, international travel experience, and experience working for different age group, culture, and background clients, excellent in customer service, excellent organizational, and time management skills, self-motivation and energetic, excellent in research, finding strategies that enhance results, and excellent client relationship management.

#4

COMPLETE

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Page 1

**Q1**

Full Name:

Christopher R. Ganiere

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**Q2**

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I am an architect with almost 30 years of experience. I served on the Historic Preservation Committee for 12 years.

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

I am looking for projects that will improve Costa Mesa. Projects should fit into the city fabric. I am interested in projects that celebrate the Costa Mesa heritage. Where appropriate, I want to see projects that are innovative.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #10

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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Page 1

**Q1**

Full Name:

Valerie M Hass

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**Q2**

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

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### Q3

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I would like to have the opportunity to serve on the Planning Commission because I believe my skill set as an architect has the ability to make insights to improve our city development. I became an architect because I saw it as the most exciting way for me to serve others and improve individual and family's qualities of life. As I've observed and learned more, and have chosen my own cities and neighborhoods I see how the impact of the surrounding environment plays on an individual's daily life. I want to continue to use residential design to make those individual impacts but also stretch beyond a single property or project to make bigger impacts within my community. I hope that my desire to use my heart and head to improve daily life in our city through design could be used while serving on the Planning Commission.

Since graduating with a Bachelors of Architecture from the University of Arizona I have worked with dozens of jurisdictions in southern California in both commercial and residential permitting. I have been on the other side of city reviews. In 2016 I obtained my CA state architecture license. The last eight years have been spent primarily raising my three kids; while working part-time in residential architecture and community development. This year I am working to start an architecture studio specializing in ADU design and construction to provide a simplified financing, design, permitting and construction process for homeowners. I want to help provide additional housing within our existing neighborhoods for aging or disabled family members, young families, or to create needed income for reduced income homeowners.

I'm native to Orange County and I have either worked, attended church, or lived in Costa Mesa since 2013 and a Costa Mesa homeowner since March 2020. We chose Costa Mesa to buy our first home because of our church community. They have been dedicated to taking care of this city and its people since their beginning. It rubbed off on our family and we wanted to be part of the community. We also love the diversity, eclectic neighborhoods, access to the Back Bay, Fairview Park and that we could ride our bikes to 17th street and the beach. My husband and I are now raising our three kids here. Our two oldest kids attend Woodland Elementary School, where I am on the PFO. Our toddler is at Christ Lutheran Preschool. I am a member of the Del Mar community garden. I have begun taking classes at OCC and plan to continue classes to obtain my horticulture certificate because plants are important. I am in church leadership, at Redemption Church, as co-lead for the Health of Communities with a focus on the care of mothers in our community. I am dedicated to this city and want to be part of making it healthier and stronger. My husband has worked at Anduril for the past 5 years, one of Costa Mesa's biggest growing employers. Our family is committed to this city.

---

### Q4

As a Commission member, what ideas or projects are of interest to you?

I am interested in how development in Costa Mesa can evolve to strengthen the distinct attributes (diverse neighborhoods, malls, museums, parks, colleges, community spaces, restaurants, schools, theaters) that make Costa Mesa such a great place to live, work and visit. I am curious how we connect these amenities by creating safer, walkable streets, connected bike paths, landscaping and greenspace, and activating dead spaces in the middle created by outdated development, high speed roads and freeways.

I would like to see how our city can make progress to address the need for more housing in California.

I want to be involved in creative solutions that increase the number of new housing units, of all levels, approved and constructed in Costa Mesa while still maintaining our diverse neighborhoods and public spaces. I believe that ADUs can play a role in providing more housing and I am curious how the city can streamline this approval process and provide approved plans that match our cultural, architectural and historical character.

Thank you so much for your consideration. If anything this application process has motivated me to continue to make bigger steps to improve design and development in our city. A bit of good planning can go a long way.

#1

COMPLETE

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**Last Modified:** Wednesday, March 20, 2024 3:56:42 PM  
**Time Spent:** 00:14:59  
**IP Address:** [REDACTED]

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Page 1

Q1

Full Name:

Robert Lee Dickson Jr

---

Q2

Planning Commission

Indicate the name of the Commission you are interested in serving on:

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Q3

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I previously served 6 years on the Costa Mesa Planning Commission, including full terms as Vice Chair and Chair. I am a land use professional and very familiar with Costa Mesa and CA land use issues. I have worked in the Environment, Land and Resources department of Latham & Watkins LLP for 24 years as a Senior Paralegal. The focus of my work has been land use entitlements for commercial and residential development, energy siting, water quality and stormwater compliance, CEQA, Coastal Act, etc., for both public and private entities.

---

Q4

As a Commission member, what ideas or projects are of interest to you?

I am excited about the future of land use in Costa Mesa, and have the subject matter expertise, as well as the experience from 30 years of working and living in Costa Mesa, necessary to help maintain Costa Mesa's unique character while accommodating the housing needs of our growing population and workforce. I am very interested in the implementation of Measure K and the redevelopment of Fairview Developmental Center. I am also a former bicycle commuter and passionate about integrating bicycle and pedestrian infrastructure into new development and redevelopment.

---

Q5

Respondent skipped this question

Optional Resume:

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#2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, March 21, 2024 1:56:04 PM  
**Last Modified:** Thursday, March 21, 2024 2:02:47 PM  
**Time Spent:** 00:06:42  
**IP Address:** [REDACTED]

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Page 1

Q1

Full Name:

Diana Gardiner

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Q2

Planning Commission

Indicate the name of the Commission you are interested in serving on:

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Q3

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

As a long-time home owner in Costa Mesa, I'm particularly interested in how this city will continue to expand and grow. I would enjoy being part of the process that examines the various aspects of growth and planning and analyze the pros and cons of growth projects. I'm well educated, have excellent analyzation and organization skills and strive to stay abreast of current city affairs. I feel that my viewpoint would be an asset to the commission.

---

Q4

As a Commission member, what ideas or projects are of interest to you?

I'm particularly interested in land-use issues. I'm also very interested in the relationship between the state and the city especially as it pertains to housing.

---

Q5

Respondent skipped this question

Optional Resume:

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#6

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Time Spent:** 00:51:36  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Sarah Roughan Laurie Martinez

---

**Q2**

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I want to join the board of commission to support the future and direction of my community, and share my perspective within it.

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

Community development, plan to bury telephone lines on the west side of Costa Mesa, small cell technology.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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#9

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, March 30, 2024 12:22:40 AM  
**Last Modified:** Saturday, March 30, 2024 12:24:15 AM  
**Time Spent:** 00:01:35  
**IP Address:** [REDACTED]

---

Page 1

Q1

Full Name:

David Martinez

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Q2

Planning Commission

Indicate the name of the Commission you are interested in serving on:

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Q3

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

Costa Mesa is at a turning point where we are becoming more open to the sustainable and equitable development of our city. Through the adoption of Measure K and the work towards implementing an affordable housing ordinance, I see a community that is welcoming of all people and works to lift them up rather than push them out. As a lifelong resident of this city, I hope to serve the community both present and future to ensure that Costa Mesa remains and further becomes a great place to live, work, and play.

I have previously served as a member of the Active Transportation Committee and of the Newport-Mesa Unified School District Banning Ranch Surplus Property Committee. In these roles, I have worked on recommendations to provide to higher governing bodies regarding transportation and land use, two deeply interconnected issues. I have also worked on the Pedestrian Master Plan, which recently made its way through the Planning Commission, to help move Costa Mesa towards becoming a more walkable city.

In addition, I have previously worked on state legislation concerning transportation and land use, including AB 1909 (2022), the Omni-Bike Bill, and AB 1317 (2023), regarding unbundling parking from the price of rent. I hope to use my experience in state government in my role by bringing in new ideas from other parts of the state to Costa Mesa.

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

Fairview Developmental Center - The opportunity to reimagine this area into becoming a truly walkable and livable community is one that we must take hold of and not let go. What we plan for here is what will remain for decades, so we need to make sure that we do it right and we do it with our future in mind.

Commercial Corridor Redevelopment - Having previously lived in a mixed-use building, I am ecstatic at the opportunity to allow for them in Costa Mesa. The convenience afforded to me and my fellow residents by having a two grocery stores on the first floor of my building was amazing. I will work to make sure that rezoned corridors in Costa Mesa can bring this ease of living to future residents.

Objective Design Standards - Adopting (or at least starting a conversation about) a form-based code is something of interest to me. Instead of dictating standards which few if any understand, why not try to "preserve neighborhood character" by having the neighborhood character be the code? We should allow for developments that fit our vision for the city easily and without a long process for approval.

Zoning Code Amendments - However, if we don't end up adopting a form-based code, I would like to see motion towards amending sections of our zoning code, including minimum parking requirements, floor area ratios, setbacks, and more.

General Plan Update - With amendments to our Housing Element and Circulation Element being proposed quite recently, I believe that further amendments to other parts of our General Plan might come soon. I hope to be a part of this process to shape the future of our city.

Prohousing Designation - I am interested in having Costa Mesa achieve a prohousing designation from the state, which will open up state-level resources to assist us in our housing goals.

TOD - By working with OCTA, we can head towards a modal shift and encourage more people to take public transit by planning for development near high-frequency transit. This will mean less traffic on the roads and a healthier community.

Sustainability - I want to look into how we can plan environmentally sustainable (and perhaps even beneficial) projects in Costa Mesa, perhaps by either adding new regulations or removing old ones.

**Q5**

Respondent skipped this question

Optional Resume:

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act. Once appointed, Commission members must complete an Oath of Allegiance, administered by the City Clerk, required by Article XX, Section 3, of the Constitution of the State of California.

Name: **David Martinez**  
Address: [REDACTED]  
City/Town: [REDACTED]  
ZIP/Postal Code: [REDACTED]  
Email Address: [REDACTED]  
Phone (cell): [REDACTED]

**Q7**

By checking this box and typing my name below, I am electronically signing my application.

Signature Required:

# #11

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, April 04, 2024 10:44:34 AM  
**Last Modified:** Thursday, April 04, 2024 2:45:27 PM  
**Time Spent:** 04:00:52  
**IP Address:** [REDACTED]

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Page 1

## Q1

Full Name:

Andrew Barnes

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## Q2

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

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## Q3

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I am currently a member of the Active Transportation Committee (ATC) where my efforts have focused on promoting the City Council's active transportation goals and objectives. My experience on this committee, particularly the preparatory research I conduct to address issues before the committee has broadened my interest in municipal planning beyond active transportation. I have a heightened awareness and understanding of municipal and state initiatives that impact our municipal planning and land use, and my understanding of diverse perspectives is driven by interaction with city staff, Councilmembers, the business community and residents.

Passage of Measure K was necessary to lift Costa Mesa out of stasis and stagnation and incentivize new redevelopment energy and bring vitality to areas of the city that can sustain these efforts with minimal negative impacts, and potentially large positive impacts. The carefully defined boundaries of Measure K applies are important to preserving many of the currently coveted land uses throughout the rest of Costa Mesa. Careful planning, rigorous review and strong questioning of proposals is essential to minimize unforeseen issues like the cannabis permitting controversy that the city currently faces.

I will bring the same energy, dedication and thoughtful preparation and input that characterizes my ATC participation to the Planning Commission. I believe my approach will help the city achieve the balance needed to preserve our community's characteristics that make Costa Mesa such a desirable city and bring new and positive energy to address our current and future needs

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

Measure K should facilitate new interest in redevelopment projects in the targeted corridors. These projects should help meet the existing housing demand, but they need to be integrated with active transportation elements to promote the health of our community and increase the economic engine as has been documented in numerous peer-reviewed publications.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act. Once appointed, Commission members must complete an Oath of Allegiance, administered by the City Clerk, required by Article XX, Section 3, of the Constitution of the State of California.

Name:	<b>Andrew Barnes</b>
Address:	████████████████████
City/Town:	██████████
ZIP/Postal Code:	████
Email Address:	████████████████████
Phone (cell):	██████████

---

**Q7**

**By checking this box and typing my name below, I am electronically signing my application.**

Signature Required:

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**Q8**

Full Name:

Andrew Barnes

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#7

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Monday, March 25, 2024 3:16:34 PM  
**Time Spent:** 00:12:31  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Eric Vu

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**Q2**

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I wish to serve the city in which I live and love for the benefit of all in Costa Mesa and surrounding. My perspective may bring a fresh view and different since I am an immigrant naturalized and am not sure but would be the first Asian American planning commission member for the city of Costa Mesa. My professional background was first in wireless technology sales, than running my own retail stores for cell phone business. And now I am a full time commercial real estate advisor for investors and developers. By understanding retailing and the real estate environment, I must understand the consumers - or in other words, the population and how they tend to spend their time and money and what is important to them. I also own retail building in other state and would want only tenants that would be appealing or beneficial to the community at large. My priority is not for my personal economic benefit but the overall well being for the community - economical well being, safety & security, and the happiness for all. My strength is the ability to analyze data well and see the big picture of all the data and what it can or can't do. I previously served several years ago on the community block grants committee for several terms and came up with several new ways of grading grant seekers. There were one or two people on the committee while I served that always had a different viewpoint but I was able to get everyone for the most part into a compromising agreement on many issues. I believe that some of my ideas are still being used today in the grading system.

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

I would be interested in all things that would affect the city and community at large. I am most interested in hearing the people's voices and understanding the concerns of the people. Any use permits or new developments must be studied well and not rushed.

---

#8

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Thursday, March 28, 2024 9:49:52 PM  
**Time Spent:** 00:10:23  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

GARRETT SCOTT WHITFIELD

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**Q2**

**Planning Commission**

Indicate the name of the Commission you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached.

I aspire to join the City of Costa Mesa Planning Commission to proactively contribute to the community's development and ensure that it remains a vibrant and sustainable place to live and work for future generations. With my experience in real estate entitlements, construction, and development, I possess the necessary analytical skills and knowledge to effectively navigate complex decisions regarding land use, zoning, and urban planning. Serving on the Planning Commission would allow me to leverage my expertise to help facilitate thoughtful development and preserve the unique character of Costa Mesa. I aim to enhance the Planning Commission's ability to streamline the approval processes, ensuring efficiency, clarity and transparency. My business experience will be instrumental in achieving a balance between economic development and fulfilling community needs for strategic and sustainable growth.

---

**Q4**

As a Commission member, what ideas or projects are of interest to you?

As a member of the Planning Commission, my focus will be on the following:

- 1) Affordable Housing Initiatives: Promote diverse housing options for all income levels, ensuring accessible living conditions for every resident.
  - 2) Enhancing Transportation and Mobility: Focus on improving public transit, cycling infrastructure, and walkways to reduce congestion and encourage active living.
  - 3) Sustainable Development: Integration of green building practices, renewable energy, and sustainable land use, including the promotion of mixed-use developments and green spaces.
  - 4) Community Engagement: Increase participation in the planning processes through workshops, forums, and digital feedback platforms, aligning developments with community needs.
  - 5) Economic Development: Aim to boost the local economy by supporting small businesses, attracting new industries, and promoting tourism, contributing to a dynamic community.
  - 6) Environmental Conservation: Preservation of natural resources, parks, and wildlife habitats to enhance ecological health.
  - 7) Integration of Smart City Technologies: Improvement of municipal services and infrastructure by enhancing efficiency and presenting a better experience for residents.
- 

**Q5**

Optional Resume:

**Garrett%20Whitfield%20Resume.doc (36KB)**

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**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act. Once appointed, Commission members must complete an Oath of Allegiance, administered by the City Clerk, required by Article XX, Section 3, of the Constitution of the State of California.

Name:	<b>GARRETT SCOTT WHITFIELD</b>
Address:	████████████████████
City/Town:	██████████
ZIP/Postal Code:	████
Email Address:	██
Phone (cell):	██████████

---

**Q7**

Signature Required:

**By checking this box and typing my name below, I am electronically signing my application.**

---

**Q8**

Full Name:

GARRETT SCOTT WHITFIELD

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# GARRETT S. WHITFIELD

Cell Phone: (949) 433-8070

Email: [gwhitfie@gmail.com](mailto:gwhitfie@gmail.com)

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## WORK EXPERIENCE

**07/16 – Present**

**GSW DEVELOPMENT INC,** Costa Mesa, CA

**President**

*The Sora – San Pedro - \$20 Million – 63 Unit Mixed Use Apartments*

*The Glendora Public Market & Residences – Glendora - \$18 Million – Food Hall & Residences*

*The Row at 2820 – Silver Lake - \$6 Million – 6-Unit Small Lot Development*

*291 Walnut Street – Costa Mesa - \$2.6 Million – Custom Single Family Home*

*284 Walnut Street – Costa Mesa - \$2.2 Million – Custom Single Family Home*

*279 Flower Street – Costa Mesa - \$3.9 Million - Custom Single Family Home*

*203 Opal Ave – Newport Bch - \$5.7 Million - Custom Single Family Home*

**10/13 – 07/16**

**QUESTAR CONSTRUCTION,** Irvine, CA

**Project Manager**

*Chapman University Digital Media Arts Center (Phase 2) – Orange - \$6.6 Million – Historic*

*Chapman University Digital Media Arts Center (Phase 3) – Orange - \$2.6 Million – Historic*

*Chapman University Harry & Diane Rinker Vivarium – Irvine - \$4.8 Million*

*Centinela Hospital Labor Delivery Recovery Postpartum – Inglewood - \$3.2 Million – OSHPD*

*Church of the Resurrection – Escondido - \$7.8 Million*

*Irvine Company Verizon Campus – Irvine - \$1.8 Million*

*FVRMC Emergency Generator & Service Upgrade – Fountain Valley – \$1.5 Million – OSHPD*

*Irvine Company Market Place Center – Irvine - \$1 Million*

*Irvine Company Sand Canyon Business Center Ext. Renovations – Irvine - \$3.5 Million*

*College Hospital Costa Mesa OR HVAC & Re-Roof – Costa Mesa - \$2 Million – OSHPD*

*Doctor’s Hospital of West Covina Materials Testing – West Covina – Under \$1 Million*

*Dignity Health Aesthetic Assessment of California Hospitals – Nor Cal – Under \$1 Million*

*Kaiser Permanente Brea Breezeway Additions – Brea – Under \$1 Million*

*Hoag Hospital Women’s Breast Ctr Upgrades – Newport Bch – Under \$1 Million - OSHPD*

*Hoag Hospital Co-Gen Water Leak Phase 3 – Newport Bch – Under \$1 Million – OSHPD*

*Tenet Healthcare Fountain Valley Hospital Upgrades -Fountain Valley- \$5 Million - OSHPD*

**08/10 – 10/13**

**SUNDT CONSTRUCTION,** San Diego, CA

**Senior Project Engineer**

*Santa Monica High School Science & Tech. Bldg – Santa Monica - \$55 Million –CHPS - DSA*

*LAUSD South Region Elementary School #9 – Los Angeles – \$21 Million – CHPS - DSA*

**06/08 – 06/10**

**WEBCOR BUILDERS,** San Mateo, CA

**Project Engineer**

*San Francisco General Hospital - San Francisco - \$887 Million - LEED Silver*

*Ritz Carlton Hotel & Residences at LA Live - Los Angeles - \$550 Million – LEED Silver*

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## EDUCATION

**UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CA.**

Bachelor of Science - Civil Engineering

Graduated: May 2008

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## AFFILIATIONS

Sigma Alpha Epsilon Fraternity - *President* (12/06 – 12/07)

American Society of Civil Engineers

Associated General Contractors of America

Toastmasters International

American Concrete Institute

U.S. Green Building Council

Round Table of Orange County

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## SKILLS

Valuable Leadership Experience, Strong Writing Abilities, Excellent Communication Skills, Great Client Relations, Effective Time Management, Capacity to Handle Pressure.

#25

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, March 08, 2024 2:36:56 PM  
**Last Modified:** Friday, March 08, 2024 3:06:15 PM  
**Time Spent:** 00:29:18  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Sean Healey

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**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Finance and Pension Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Animal Service Committee - I am resident with three rescue terriers. I have a love of all animals and want to ensure that they are the raised in a proper environment and want to be part of the city's effort to help in that regard.

Finance and Pension Advisory Committee - My major and employment background have been in Finance and Banking. Although I don't have a background in Pension or Retirement forecasting I am very analytical and have experience making various forecasting models.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Animal Service Committee - Outreach and pet licensing - Admittedly I have not been the best about licensing my dogs and I think a huge part of it is that it is just not on my mind. So my goal would be to spread outreach possibly partnering with vets in the area to ensure that pets get licensed. I also want people to see what the benefits of what they get when they license their pet. Our community nextdoor posts are 35% lost pets and if we can implement something like an AI match of found pets to the photos of licensed ones I think we can be able to help with that. Another way to promote licensing is to do chip events. A lot of people think their pet is chipped but they don't know for certain and if their pet is chipped, a lot of times it could be outdated information. By holding an event where we can scan and assist residents in updating their pets chips we can demonstrate tangible value of getting their pet licensed.

Finance and Pension Advisory Committee - Besides reviewing the city's budgets, finances, investments and contracts I am not sure what specific projects the committee normally takes on. I am however, very eager to learn more about our city's financial operations and contribute in any way I can.

**Q5**

Respondent skipped this question

Optional Resume:

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name:	Sean Healey
Address:	[REDACTED]
City/Town:	[REDACTED]
ZIP/Postal Code:	[REDACTED]
Email Address:	[REDACTED]
Phone (cell):	[REDACTED]

**Q7**

By checking this box and typing my name below, I am electronically signing my application.

Signature Required:

**Q8**

Full Name:

Sean Healey

# SEAN HEALEY

## WORK HISTORY

### **PORTFOLIO MANAGER** 03/2023 to Current **CommerceWest Bank**, Irvine, CA

- Managed diverse commercial loan portfolio of C&I and CRE loans.
- Underwrote complex C&I deals for core prospects which involved financial analysis, term and covenant structuring and preparation of credit recommendations

### **SENIOR UNDERWRITER** 10/2021 to 03/2023 **Integro Bank**, Remote

- In charge of setting up the Loan Origination System for Integro Bank including bank processes related to credit applications, underwriting, presentation, loan documentation and boarding of commercial loans
- In charge of structuring and underwriting Integro Bank's commercial loans including lines of credit, term loans and real estate
- Helped build a platform for providing Integro Bank's business customers with actionable insights (scenario forecasting, valuation, ratio analysis) based on a customer's financials and peer data

### **PORTFOLIO MANAGER, AVP** 06/2018 to 07/2021 **Pacific Mercantile Bank**

- Underwrote complex C&I deals for core prospects which involved financial analysis, term and covenant structuring and preparation of credit recommendations
- Managed Pacific Mercantile Bank's Irvine portfolio including preparing modifications and renewals of existing credits
- Facilitated collection, spreading and analysis of customer reporting items
- Leader in the transition and implementation of the Bank's spreading and monitoring software from CASH suite to CreditTrack, requiring advance knowledge of excel and bank operations
- Improved automated and created reports and procedures for the loan monitoring group.

### **FINANCIAL ANALYST** 11/2015 to 05/2018 **Western National Group**

- Maintained and updated financial models for WNG's two multifamily funds analyzing key financial ratios and projected fund returns
- Reviewed and compiled quarterly financial statements and presentations for fund investors
- Maintained and improved asset and financial models with accounting information and market projections
- Assisted acquisitions team in underwriting potential multifamily acquisitions.

### **CREDIT ANALYST** 06/2014 to 10/2015 **Federal Home Loan Bank of Chicago**

- Monitored and determined security haircuts using credit model components such as Value

at Risk, Model Risk, Liquidation Risk, Management Discretion and Financial Strength Adjustments

- Created back testing database and procedures to monitor member's security collateral portfolios
- Assisted in running the OTTI process using CoreLogic's Risk Model software to determine quarterly Credit losses on the Bank's private-label MBS portfolio
- Actively managed collateral portfolios for members, which include loans, securities and cash positions
- Processed and handled members' security payments and transactions including sales, purchases and account transfers.

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## EDUCATION

**University of California Irvine - Data Analytics Boot Camp**

**Other**, Data Science, 11/2021

**University of Notre Dame**, Notre Dame, IN

**Bachelor's**, Finance, 05/2014

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, February 10, 2024 8:08:23 PM  
**Last Modified:** Saturday, February 10, 2024 8:50:58 PM  
**Time Spent:** 00:42:34  
**IP Address:** [REDACTED]

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Page 1

Q1

Full Name:

Syed Zia Hussain

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Q2

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Active Transportation Committee,  
Finance and Pension Advisory Committee,  
Housing and Public Service Grants Committee ,  
Mobile Home Park Advisory Committee**

---

Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a fresh graduate from Cal Poly Pomona State University undergraduate degree in Urban Planning. I have volunteered with Civic Well Climate Forum 2023, I am also serving at the Mobile Housing Committee City of Costa Mesa at this moment. I have conducted couple of research in Costa Mesa, CA voluntarily. I find Costa Mesa one of the best cities within Orange County and believe it has a lot potential to improve and imply sustainable solutions for future growth.

---

Q4

As a Committee member, what ideas or projects are of interest to you?

I would like to serve as a Costa Mesa resident. I have been living here for 11 years. As a City of Costa Mesa Committee member, I would be able to play my part in finding better and sustainable solution to further improving the Costa Mesa.

---

Q5

Optional Resume:

**URP-Full%20Resume.pdf (272.5KB)**

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# Syed Zia Hussain

Member of Mobile Housing Committee, City of Costa Mesa, CA. 2023.  
[Ziahussain2019@gmail.com](mailto:Ziahussain2019@gmail.com). Cell phone: 1-714-280-3730

## Education

<b>Cal Poly Pomona, California, CA.</b> Bachelors of Urban Planning. GPA 3.16	<b>Dec 2023</b>
<b>Orange Coast College. California, United States.</b> Associate degree in Architecture (Honors) GPA 3.36	<b>Dec 2019</b>
<b>Orange Coast College. California, United States.</b> Associate Degree (Honors) in Event Management GPA 3.36	<b>Dec 2016</b>

## Relevant Coursework

**CEQA 101** online Course (Gov. Office Planning and Research).  
**URP 4040 Place-making** – Study Florence-Graham city. In final research presentation proposed solutions to the S. Central Ave and E. 74 Street. Focus of the research was to make the site more safer, and children friendly because of the Wisdom Elementary School.  
**Advance Project Management** from Coastline Community College.

## Freelance Projects

**2023 –To-date**

Community Enrichment Program, Civic Well 2023 Adaptation Climate Forum – Support to recruit volunteers, Videography on “Impact of McBride Park Long Beach on Youth”  
[McBride Park Impacts on the Youth Community Long Beach, California. - YouTube](#)

## Work Experience

<b>Community Service Leader II</b> Work for R.O.C.K Program, it is after school program served by Recreation Department, City of Costa Mesa, CA. Require self-motivation and team-player abilities. Assist with program planning on field; maintain record of schedule and log-book of day to day duties and hours of work. Supervise check-in and check-outs, activities, fire drills, help with homework, artwork and games, and keep a health and safe environment.	<b>Jan '24 - update</b>
<b>Student Connect SoCal Community Outreach: SCAG Project</b> Engage public to fill out surveys, conduct street events, Research and suggest new locations for more survey	<b>May '23-June '23</b>
<b>Planning Aide Intern:</b> Cal Poly Pomona Facility Planning and Management, CA. Record keeping, cold calls, drawing figure grounds, site analysis, printout architectural drawing, keeping files, report writing, and administrative work.	<b>June '22-July '22</b>
<b>Administrative Intern</b> City of Tustin Department of Community Planning, Tustin, CA. Review variance, condition permits, and design reviews, Quality control and update code files. Customer service and attend phone calls. Review General Plan, zoning, subdivision, and environmental report review. Work as a team and individually.	<b>Oct '21- Feb '22</b>
<b>Recreation leader</b> <b>City of San Clemente, San Clemente.</b> Supervised Summer campus games and activity for children, manage inventory, customer service, games, and setups and breakdowns.	<b>June'20 –Oct'21</b>
<b>Event Planner Unpaid Intern</b> <b>American Family Housing, Tustin, CA</b> Outreach, promotion, and marketing for “Summer Festival for Homeless Veterans”. Sold out a stall and raise more than \$ 3,000 through bringing in vendors.	<b>June'15 –Dec'15</b>

**Awards and Recognitions:**

Research on Walkability, presented at OCC Symposium 2019 and 2020 and Cal Poly Pomona 2023.

Topic: *"Effects of New High-Density Residency on Walkability in Costa Mesa, CA"*.

Topic: *"How Mix-Use Land Contributes to Walkability in 19<sup>th</sup> Street, Costa Mesa, CA."* 2023.

**Administration Skill:** Comfortable working in, group and individual setting, research, excellent customer service skills, and marketing and sales experience, organizational skills, general clerical tasks, data managing, data entry, report writing, and event management.

# #10

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, February 22, 2024 11:18:47 AM  
**Last Modified:** Thursday, February 22, 2024 11:26:16 AM  
**Time Spent:** 00:07:28  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Caley Turner

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**Q2**

**Animal Services Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a Costa Mesa resident and licensed attorney with a huge love for animals. I have volunteered with various animal shelters and other animal related organizations throughout my life and and would love to be able to contribute to my local community in this regard.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

I am very interested in animal related community events, specifically helping to promote pet adoption and teach residents more about proper animal care and the local resources available to them. I am also interested in finding ways to improve upon the city's current animal services and potential collaborations with private and public entities that could benefit local residents and animal service organizations.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #30

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, March 18, 2024 12:06:22 PM  
**Last Modified:** Monday, March 18, 2024 12:26:50 PM  
**Time Spent:** 00:20:28  
**IP Address:** [REDACTED]

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Page 1

## Q1

Full Name:

Cara R. Stewart

---

## Q2

**Animal Services Committee**

Indicate the name of the Committee you are interested in serving on:

---

## Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

As a career storyteller and owner of a top OC public relations firm since 2001, I have always been deeply passionate about using my skills to advocate for causes close to my heart, particularly animal welfare. My genuine love and concern for the well-being of animals have driven me to actively engage in various initiatives to promote responsible pet ownership and improve the lives of animals in our community.

Throughout my career, I have had the privilege of writing for animal welfare organizations and contributing to pet owner education materials developed by a nationwide pet veterinary organization. Additionally, I have organized numerous pet adoption events, focusing on connecting returning service members with loving companions. These experiences have not only allowed me to witness the profound impact of the human-animal bond but have also reinforced my commitment to advocating for the welfare of animals.

As a storyteller and community leader, I have always prioritized community engagement and collaboration. I firmly believe in the power of dialogue and cooperation in addressing pet safety and animal control issues. As a member of the board of directors of the Alzheimer's Association Orange County, I have witnessed firsthand the importance of the pet-human bond in enhancing the quality of life for individuals impacted by dementia and other brain health disorders. This experience has further fueled my determination to ensure that all members of the Costa Mesa community, including our four-legged friends, are supported and valued.

My commitment to the City of Costa Mesa runs deep. Having lived in Costa Mesa for over a decade and owning businesses in the city, I am deeply invested in its growth and development. I previously served on the Fairview Park Committee and participated in the cannabis working group, demonstrating my dedication to contributing to the betterment of our community. Despite a brief absence from the city in 2021, I have returned with renewed enthusiasm and a steadfast commitment to building up my community. Pets are family, and I am committed to ensuring that Costa Mesa remains a welcoming and inclusive environment for all types of families.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Looking ahead, I envision a future where responsible pet ownership is prioritized and the number of stray animals is significantly reduced through the promotion of adoption events and spay/neutering programs. Additionally, I am passionate about exploring ways to enhance the pet-friendly amenities in Costa Mesa, allowing residents to enjoy more of our beautiful city with their beloved pets while ensuring that all members of our community can safely interact with well-trained, four-legged companions. With my passion for animal welfare, extensive community engagement experience, and collaborative approach, I am confident that I can make a meaningful contribution to the committee's efforts to improve the lives of animals and residents in our city.

---

**Q5**

Optional Resume:

**Resume-Cara-Stewart.pdf (159.5KB)**

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**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name:	<b>Cara R. Stewart</b>
Address:	████████████████████
Address 2:	████
City/Town:	██████████
ZIP/Postal Code:	████
Email Address:	████████████████████
Phone (cell):	██████████

---

**Q7**

Signature Required:

**By checking this box and typing my name below, I am electronically signing my application.**

---

**Q8**

Full Name:

Cara R. Stewart

---

# Cara R. Stewart

Orange County, California

[cara@altalunas.com](mailto:cara@altalunas.com)

949-290-5563

[linkedin.com/in/cararstewart](https://www.linkedin.com/in/cararstewart)

<http://www.altalunas.com>

## Summary

Listen up, pioneers and trailblazers of the Innovation Economy: If you're looking to shine a megawatt spotlight on your breakthroughs while expertly sidestepping any PR landmines, you've come to the right place.

I'm a real-life fusion of Olivia Pope's crisis swagger, Sarah Jane Smith's insatiable curiosity and Samantha Jones' bold PR prowess.

Cara R. Stewart here — armed with strategy, creativity and a bulldog determination, just like those iconic characters, but in the real world. From rewriting narratives to outsmarting snags, I'm all about acing challenges, no matter the odds. A boundless innovator, strategic communicator and relentless advocate for positive change, I'm right at home in the Innovation Economy.

My career kicked off in 1994 as a journalist, capturing the novel and notable in Orange County, California — from everyday heroes to trust-eroding wrongdoers.

Fast forward to my early career at hypergrowth giants, visionary startups and government agencies. Think global corporate communications, ghostwriting for FORTUNE 50 CXOs, launching game-changers, handling IPOs and M&As, and guarding the reputations of thought leaders.

In 2001, entrepreneurship beckoned, and I responded with WunderMarx. We soared to be OC's third-largest PR firm and earned a "best places to work" nod. Jump to 2018, when I cofounded MyJane, sparking women to have candid conversations about cannabis. I crafted branding, captained PR and orchestrated market research that led to an acquisition.

With more than two decades as a creative entrepreneur, I've honed the art of psychology-fueled storytelling.

In my role as a strategic adviser to CXOs and boards of directors, I become your covert asset, adept at uncovering concealed opportunities. To the esteemed circle of advisors who rally behind them — the network of attorneys, investors, coaches, accountants, M&A brokers and others — regard me as an extension of your brain trust, the dependable partner you rely on to execute strategies and bring them to life.

As the founder and CEO of Altalunas International, I lead a team of strategists, advocates, brand journalists and crisis handlers. We're in the business of helping the companies and people driving the global Innovation Economy share their stories of impact with the world, driving tangible results.

Public relations, crisis communications, reputation management, M&A communications and brand journalism? Consider them our playground.

Call/text me at +1 949-290-5563 or email me at [cara@altalunas.com](mailto:cara@altalunas.com) to collaborate.

## Experience



## **Founder & CEO**

### **Altalunas International**

Jan 2021 - Present (3 years 3 months)

Altalunas International is a strategic advisory and integrated public relations firm specializing in high-stakes communications and crisis management. With offices in Southern California, Chicago, Washington D.C. and Toronto, we accelerate the growth of vision-driven lifestyle, tech, food and beverage, wellness, cannabis and advocacy brands and the changemakers leading these innovations.

## **Executive Communications Consultant + Freelance Writer**

### **The Brand Journalist**

Jan 2010 - Present (14 years 3 months)

Cara is an award-winning Jungian brand strategist, brand journalist, executive ghostwriter and freelance writer. Using research and interviewing skills honed as a reporter, she is able to quickly simplify diverse and complex subjects into easy-to-understand and persuasive content. Cara writes long- and short-form articles, websites, social media, speeches, scripts, brand messaging, blogs, crisis communications and more for wide-ranging industries, including disruptive technologies, lifestyle innovations, CBD and cannabis, personal finance, aesthetic medicine, medical device, pet care, wellness, healthcare, beauty, professional services, distribution, nonprofit and advocacy. Her clients have included Carrington Real Estate Services, CoreLogic, ECCU (credit union), Profit Recovery Partners, Providence Medical, San Francisco International Airport, Tandem Diabetes and Team Logic IT.



## **Vice President of Marketing and Communications**

### **ManifestSeven**

Jun 2019 - Dec 2020 (1 year 7 months)

At the first integrated omnichannel platform for legal cannabis and CBD — merging compliant distribution with a retail superhighway — Cara led a large, multigenerational and multilocation marketing, brand and communications team comprised of specialists in public relations, consumer marketing, B2B marketing, digital marketing, creative, social media/influencer relations, content marketing, ecommerce and customer service. Developed and oversaw branding, GTM and strategic marketing/sales integration for eight D2C, B2C and B2B brands, including corporate relations for parent company; a distribution and logistics company; a women's lifestyle and wellness CPG company spanning skincare and holistic self-care; and several ecommerce companies selling fast-moving consumer goods. Onboarded and integrated acquired brands into one global strategy through brand relaunches or refreshes, change management and GTM planning. Created and managed a multimillion-dollar P&L based on KPIs, market research and ROI. Pivoted to a digital-first strategy that increased ecommerce sales YOY. Took initiative to forge company's first community relations, cause marketing and brand partner relationships. Developed crisis communications protocols for identifiable industry threats as well as the COVID-19 pandemic. Surpassed retail lead generation KPIs and retail guest retention KPIs. Launched retail education events in store and through social media with measurable ROI. Spearheaded first retail guest experience survey and loyalty program.



## **Co-Founder & Chief Creative Officer**

### **MyJane LLC**

May 2018 - May 2019 (1 year 1 month)

Recognizing that women are the new targets of the adult-use cannabis wellness sector — yet their needs are not being addressed — Cara sped MyJane through the innovation cycle to a successful acquisition.

Ideation: Developed brand to serve as the honest broker between women and the industry to normalize cannabis usage. Launched industry's first premium box company showcasing CBD/cannabis-based wellness solutions for sleep, stress, pain and skincare, created by women for women.

Incubation & Validation: Led market research among 42,000 Gen X and baby boomer women in Southern California. Developed a successful focus group and speaker series to educate target markets about cannabis/CBD and create pre-launch demand for service.

Acceleration: Focused fundraising on securing seed investment and maximizing brand equity, which led to an acquisition by ManifestSeven.

## **Vice President**

Reveille, Inc.

Mar 2018 - May 2018 (3 months)

Cara was responsible for bringing together brand-building and performance marketing to tell clients' stories of innovation using omnimedia channels. She championed the growth of the branding, content, marketing communications and creative services staff and assisted in the business development of the agency.

## **Director of Brand Strategy and Content**

Reveille, Inc.

Mar 2014 - Mar 2018 (4 years 1 month)

In this fast-paced, cross-functional agency role, Cara served as a member of Reveille's senior leadership. She was responsible for developing and executing omnimedia strategic plans encompassing public relations, influencer relations, social media, marketing communications, crisis communications, executive visibility and thought leadership, and branding. She also led content development efforts to ensure message continuity across channels and audiences.

## **Founder and Chief Executive Officer**

WunderMarx

2002 - 2009 (7 years)

Cara founded and grew her solo consultancy into one of the top three marketing and PR agencies in Orange County, Calif., in less than four years. She differentiated WunderMarx among the Southern California agency ecosystem by offering robust business consulting services and integrated marketing communications consulting. The firm served distribution and logistics; semiconductor; enterprise SaaS, fintech, governance, risk and compliance (GRC); and med device brands, and specialized in developing the brand reputation of emerging-growth companies. Among the agency's highlights, Cara and her team created brand equity for six companies that contributed to their successful mergers, acquisitions and institutional investments. Clients included Axiom Microdevices (acquired by Skyworks), DexCom, EON Reality, GloNav (acquired by Broadcom), California's Thank You Ocean Campaign, National Oceanic and Atmospheric Administration, Enclarity (acquired by LexisNexis), EON Reality, OptionEase (acquired by Solium Capital), Printronix and Webvisible. OC METRO recognized

WunderMarx as one of the best places to work in Orange County in 2008 based on its commitment to corporate social responsibility.



### **Director, Client Services**

HKA Marketing Communications

2001 - 2001 (less than a year)

At this public relations agency focused on Orange County companies, Cara collaborated with the agency founder and president to formulate comprehensive business development strategies and attract a portfolio of technology clients. She also mentored young professionals on staff to aid in their development of required media relations, client relations and writing skills.

### **Director, Corporate and Marketing Communications**

Ethentica

2000 - 2001 (1 year)

Cara led communications strategies for this early-stage developer of fingerprint biometric software technology. She wrote the comprehensive PR, sales communications and employee communications strategy to launch Ethentica and complement the company's product development, product marketing and business development efforts. Among her achievements, Cara secured 30 positive product reviews among top-tier technology, business, consumer and local media during a one-year campaign.

### **Account Manager**

1999 - 1999 (less than a year)

Cara managed the corporate PR account team for Toshiba Computer Systems Group.



### **Manager, Worldwide Public Relations**

Ingram Micro

1996 - 1999 (3 years)



### **Public Information Officer, City of Anaheim Public Utilities**

City of Anaheim

1997 - 1998 (1 year)



### **Senior Copywriter, Marketing Services**

Ingram Micro

1995 - 1997 (2 years)



### **Reporter**

Orange County Register

1994 - 1996 (2 years)

## **Education**



### **Green Flower**

Ganjier Certified Level Online Training, <https://www.ganjier.com/online-curriculum/>

**N National University**  
Bachelor of Arts, Communications  
1994 - 1996

## **Skills**

Brand journalism • B2C e-commerce • Business-to-Business (B2B) • Team Leadership • Branding & Identity • Journalism • Blogging • Writing • Copywriting • Feature Articles

## **Honors & Awards**

**Best Public Service Announcement** - BLUE Ocean Film Festival and Conservation Event

2012

Best PSA for "Don't Trash the Beach," created for Thank You Ocean and featuring actor and activist Edward James Olmos ([thankyouocean.org](http://thankyouocean.org))

**PROTOS** - PRSA Orange County

2007

PROTOS, Total Program, Business-to-Business for "Find Yourself Anywhere" launch campaign created for GloNav Inc., a fabless semiconductor company developing single-chip GPS solutions

#27

**COMPLETE**

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**Last Modified:** Friday, March 15, 2024 2:10:46 PM  
**Time Spent:** 02:58:38  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Danielle Mills

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**Q2**

**Animal Services Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I have worked in the veterinary field for over 20 years, as well as have fostered cats/kittens and dogs/puppies many times through a few different rescues.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Interested in being on the committee and supporting adoption and wellness events.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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#9

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 20, 2024 7:41:17 PM  
**Time Spent:** 00:12:07  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

paul lancaster

---

**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Active Transportation Committee,  
Housing and Public Service Grants Committee ,  
Mobile Home Park Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Housing and public service grants committee is my interest. With previous contracting experience I can apply here I think the technical aspects are well served. I live in councilman Chavez's district. As one of few homeowners on my block, Weelo Drive, I can provide valuable feedback from other residents who are often ignored in simple things like permit parking which is only accessible to owners. As a bilingual resident, I find that my neighbors are often ignored. Its not fair and I can help.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

The bike lane, the master plan redevelopment of my district. Adjusting the city's master plan. Opening a street vendor location and offering case workers to navigate the permit process with the county and to allocate funds for doing so. It shouldn't be the fairgrounds. Fairview developmental is also interesting.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #18

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, March 06, 2024 4:40:20 PM  
**Last Modified:** Wednesday, March 06, 2024 4:51:54 PM  
**Time Spent:** 00:11:34  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Angela Minjares

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**Q2**

**Animal Services Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

As a member of the Animal Services Committee since its inception, I have seen a lot of positive changes and some challenges that still need to be addressed. Being on the committee for has given me a lot of experience and I've seen what works and what doesn't work. As a long-standing member, I have served as Vice-Chair, have rarely been absent from meetings, have contributed suggestions and ideas to try and improve the city's Animal Services, and question and follow up on concerns regarding Animal Services and its partners so they are held to a high caliber. Currently Costa Mesa's Animal Services is experiencing a lot of change and uncertainty after being placed back under the purview of Animal Control and the sudden separation from the city's previous animal shelter. I have had the opportunity to meet with top Costa Mesa Police personnel and one of many points we all agreed on is the importance of continuity with committee members and Animal Control. With this, my previous experience, and passion I have for animals and the city of Costa Mesa, I believe I would be a great asset to see Costa Mesa's Animal Services through the current changes and be able to establish a stable and flourishing service for the community.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

As a member of the Animal Services Committee, there are several projects and ideas that need our attention to build on and grow into a well established and well-known program for the city of Costa Mesa for our two-legged and four-legged residents.

1) Strengthen the public view of Animal Control: to make the public comfortable in calling Animal Control for strays and animals found

A) Create videos of animal control officers showing how they pick up animals through the process of transferring to shelter/rescue

B) Create video "interviews" to get to know animal control officers on a more personable level and show their love of animals

C) Create print info on animal control officers, possibly in baseball card format, to have at events; have staff or volunteers talk to people about animal control in a positive way

D) Include an article about animal control officers in Costa Mesa's City Hall weekly snapshot

E) Include animal control officers in "coffee with a cop"

F) See if animal control officers can attend events to do a "meet and greet" with the public

2) TNR Program

A) Make a recommendation to city council using the vast amount of information and research collected by the committee so we can conclude this item one way or another

3) Educate the public on responsible pet ownership and care

A) Provide ongoing resources and information to the public regarding shelter and adoption services on cities social media, the Scoop newsletter, city and Animal Services websites, City Hall's weekly snapshot, etc.

B) Provide print info, flyers, etc to be posted and rotated at parks and city public spaces:

a) educational flyers, or "for more info" flyers at parks to educate public on varying topics (importance of licensing, basic training tips, steps for responsible ownership, coyotes, etc)

b) Create informational piece on the new process of how to rescue and get stray cats to the Costa Mesa Animal Shelter

3) Also include info on where to find other educational resources, i.e. Paws 101 series, Animal Services website, the Scoop newsletter, etc.

4) Create mailers with information on animal adoptions, resources, what to do if an animal is found, etc.

**Q5**

Optional Resume:

[resume%20current%202024%20-%20Animal%20Services%20Committee.docx \(25.7KB\)](#)

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name:

**Angela Minjares**

Address:

[REDACTED]

City/Town:

[REDACTED]

ZIP/Postal Code:

[REDACTED]

Email Address:

[REDACTED]

Phone (cell):

[REDACTED]

## ANGELA MINJARES

Costa Mesa, CA

(805) 291-2260

[minjaresperez@gmail.com](mailto:minjaresperez@gmail.com)

### Summary

Detail oriented and results driven with over 10 years experience in non-profit. Over 10 years supervisory experience managing a large volunteer program. Over two years supervisory experience managing student employees. Over six years of increasing administrative and human resources experience. Passion for helping others and making a difference in the community.

### Skills

Vastly proficient in Microsoft Outlook and Office	Strong problem solving abilities
Experience with Adobe Illustrator and Photoshop	Work well independently and in a team environment
Highly successful interpersonal skills	Proficient in a variety of clerical duties
Excellent written and verbal communication	Considerable experience working with diverse populations
Multitasking projects with varying deadlines	Community outreach and volunteer management experience
Taking initiative to develop and complete projects	Skilled in public speaking
Use of modern office equipment	Work in a fast paced environment with multiple interruptions

### Community Service Engagement

January 2018 - Present

#### City of Costa Mesa

##### Animal Services Committee Member

- Appointed by the City Council to 5-member volunteer panel charged with educating residents on responsible pet ownership and care with regard to City ordinances and frequently asked questions
- Established fundraising initiatives to support Animal Care Services, the Bark Park, and public education through the Costa Mesa Foundation
- Completed and approved contractual agreements with Newport Center Animal Hospital and Priceless Pet Rescue to establish a new Animal Shelter and Pet Adoption Center for the City of Costa Mesa.
- Promoted animal adoptions at various community events
- Produced public service announcement in print and video regarding the three-pronged partnership with Animal Control, Newport Center Animal Hospital and Priceless Pet Rescue
- Worked on recommendations to the City Council regarding ordinances related to a Trap Neuter Release (TNR) program for community cats
- Worked with other shelters, cities, and organizations to develop or improve practices and policies related to shelter care, TNR programs, and community education
- Assist Animal Control with promotion and education related to coyotes and the City's Coyote Management Plan
- Coordinate with Parks and Community Services and Animal Care Services on community events, initiatives and projects

### Experience

#### Officer Coordinator

February 2017 - Present

##### UC Irvine Health

- Provided administrative support for Human Resources, created search plans in UC Recruit database to recruit staff, faculty and postdoctoral fellows
- Requested onboarding, renewal, and separation requests through Service Now system
- Assisted in the recruitment, interview process, and hiring of student assistants who support the various divisions throughout the department

- Created and maintained accurate staff, visiting scholar, and Volunteer Clinical Faculty personnel files and records, maintained strict security and confidentiality for all files
- Assisted in supervision of HR/Personnel student assistants, assigned tasks, oversaw completion of work, and provided coaching and direction when needed
- Coordinated the Volunteer Clinical Faculty program, established and implemented written policies and procedures, prepared and submitted applications for new and renewal appointments, tracked participation and performance using spreadsheets,
- Provided administrative support for Academic Affairs, assisted with preparation and submission of files for new faculty appointments, merit increases, and promotional reviews
- Created and processed files in Academic Review Personnel database for academic review actions for appointments and promotions
- Assisted faculty and visiting scholars with preparation and submission of appointment and renewal files, prepared and submitted visa requests for visiting scholars and their dependents, acted as liaison for visiting scholars providing assistance and information throughout the process
- Managed front desk duties, greeted and provided assistance to all visitors in a professional and welcoming manner, served as back-up to Office Manager for calendar management of department meeting spaces, and distributed mail, packages, and deliveries

### **Volunteer Manager**

**June 2007 – February 2017**

American Red Cross, Blood Services

- Managed and oversaw an average of 120 volunteers and interns from a diverse population addressing performance issues, providing volunteer support, managing scheduling issues, and recognizing volunteers on a regular basis
- Performed community outreach efforts to develop and maintain partnerships with local universities and community colleges, local organizations, government agencies, churches, and other non-profits
- Recruited volunteers through social media, local newspapers, print ads, flyers, and brochures
- Gave public presentations to individuals and groups at school and college fairs, in the form of informational sessions, and offsite training events
- Conducted volunteer interviews and assessments to ensure volunteers are qualified and appropriate for various volunteer positions
- Provided orientation and training to individuals and groups ensuring proper placement and qualification to assist donors in a health setting
- Coordinated the scheduling of volunteers for daily blood drives occurring at varying times of day and locations in North Orange County
- Managed the online volunteer database regarding volunteer schedule, hours, updating important information, and ongoing recognition of volunteers
- Maintained accurate and updated volunteer records while maintaining secure and confidential volunteer files
- Supported volunteers by providing coaching and re-direction when needed, adjusting their schedule to best suit their needs, and promoted those with leadership potential to lead positions
- Organized, planned, and coordinated quarterly volunteer recognition events
- Collaborated with colleagues to ensure proper placement of potential volunteers and worked closely to provide additional support to one another and internal customers
- Performed a variety of clerical duties in support of the volunteer program including intake of phone calls, filing, maintain a variety of files and records, word processing, creating a range of reports, and data entry

### **Enrollment Case Manager**

**February 2006 – June 2007**

Big Brothers Big Sisters of Orange County

- Conducted interviews with child enrollees, at-risk youth, and parents or guardians
- Performed in-depth screenings and interviews of prospective adult volunteers to determine their suitability as a mentor
- Oriented and trained prospective adult volunteers on their role and responsibilities involved in the program and mentoring youth
- Assessed, screened, and evaluated each applicant's suitability and placement into the program
- Matched appropriate adult volunteers to mentor the most suitable child based on varying factors

- Tracked, recorded, and reported any allegations made by the child enrollee or the parent/guardian
- Managed, arranged, and supervised monthly community group events for matched volunteers and children

**After School Instructor**

**August 2005 – February 2006**

Camp Fire USA – Tustin, CA

- Supervised and instructed at-risk youth who had been identified as benefiting from an after school program
- Instructed sixth, seventh, and eighth grade students in supplementary math, science and English lessons
- Assisted students in completing homework assignments and improved their understanding of various subjects
- Developed and implemented lesson plans for extracurricular classes such as nutrition, cooking, fashion design, community service and performing arts
- Provided mentorship to students by showing understanding, concern and modeling positive behavior
- Monitored and assisted students during sports events and outdoor games

**Volunteer Development Specialist**

**September 2004 – August 2005**

Americorps Member/Camp Fire USA - Tustin, CA

- Created a volunteer development program for the entire agency including development of policies, procedures, a volunteer tracking system, and promotional print and media materials
- Developed and implemented a volunteer program supporting after school programs for at-risk youth at nine sites
- Worked within collaborative program that included the school district and other non-profit agencies
- Conducted outreach and recruitment of volunteers through partnerships with local agencies and organizations
- Interviewed, screened, and placed volunteers in appropriate positions
- Created and facilitated orientation and training sessions, including production of a volunteer handbook
- Supervised over 20 volunteers during the course of the program year
- Planned and designed a countywide, web-based volunteer placement system for the Orange County Americorps Alliance

**Education**

University of California, Irvine  
**Bachelor of Arts in Psychology**  
**Bachelor of Arts in Dance**

**December 2004**  
**June 2005**

Allan Hancock College, Santa Maria, CA  
**Associates of Arts in Liberal Arts**

**May 2001**

# #24

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Friday, March 08, 2024 1:11:35 PM  
**Time Spent:** 00:07:08  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Debra Lee

---

**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Mobile Home Park Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I wish to help protect my interest and the interest of my neighbors in being treated fairly within our mobile home community.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Keeping the residence, safe and guarding the elderly against theft and fraud.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

---

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, February 10, 2024 8:08:23 PM  
**Last Modified:** Saturday, February 10, 2024 8:50:58 PM  
**Time Spent:** 00:42:34  
**IP Address:** [REDACTED]

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Page 1

Q1

Full Name:

Syed Zia Hussain

---

Q2

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Active Transportation Committee,  
Finance and Pension Advisory Committee,  
Housing and Public Service Grants Committee ,  
Mobile Home Park Advisory Committee**

---

Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a fresh graduate from Cal Poly Pomona State University undergraduate degree in Urban Planning. I have volunteered with Civic Well Climate Forum 2023, I am also serving at the Mobile Housing Committee City of Costa Mesa at this moment. I have conducted couple of research in Costa Mesa, CA voluntarily. I find Costa Mesa one of the best cities within Orange County and believe it has a lot potential to improve and imply sustainable solutions for future growth.

---

Q4

As a Committee member, what ideas or projects are of interest to you?

I would like to serve as a Costa Mesa resident. I have been living here for 11 years. As a City of Costa Mesa Committee member, I would be able to play my part in finding better and sustainable solution to further improving the Costa Mesa.

---

Q5

Optional Resume:

**URP-Full%20Resume.pdf (272.5KB)**

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# Syed Zia Hussain

Member of Mobile Housing Committee, City of Costa Mesa, CA. 2023.  
[Ziahussain2019@gmail.com](mailto:Ziahussain2019@gmail.com). Cell phone: 1-714-280-3730

## Education

<b>Cal Poly Pomona, California, CA.</b> Bachelors of Urban Planning. GPA 3.16	<b>Dec 2023</b>
<b>Orange Coast College. California, United States.</b> Associate degree in Architecture (Honors) GPA 3.36	<b>Dec 2019</b>
<b>Orange Coast College. California, United States.</b> Associate Degree (Honors) in Event Management GPA 3.36	<b>Dec 2016</b>

## Relevant Coursework

**CEQA 101** online Course (Gov. Office Planning and Research).  
**URP 4040 Place-making** – Study Florence-Graham city. In final research presentation proposed solutions to the S. Central Ave and E. 74 Street. Focus of the research was to make the site more safer, and children friendly because of the Wisdom Elementary School.  
**Advance Project Management** from Coastline Community College.

## Freelance Projects

**2023 –To-date**

Community Enrichment Program, Civic Well 2023 Adaptation Climate Forum – Support to recruit volunteers, Videography on “Impact of McBride Park Long Beach on Youth”  
[McBride Park Impacts on the Youth Community Long Beach, California. - YouTube](#)

## Work Experience

<b>Community Service Leader II</b> Work for R.O.C.K Program, it is after school program served by Recreation Department, City of Costa Mesa, CA. Require self-motivation and team-player abilities. Assist with program planning on field; maintain record of schedule and log-book of day to day duties and hours of work. Supervise check-in and check-outs, activities, fire drills, help with homework, artwork and games, and keep a health and safe environment.	<b>Jan '24 - update</b>
<b>Student Connect SoCal Community Outreach: SCAG Project</b> Engage public to fill out surveys, conduct street events, Research and suggest new locations for more survey	<b>May '23-June '23</b>
<b>Planning Aide Intern:</b> Cal Poly Pomona Facility Planning and Management, CA. Record keeping, cold calls, drawing figure grounds, site analysis, printout architectural drawing, keeping files, report writing, and administrative work.	<b>June '22-July '22</b>
<b>Administrative Intern</b> City of Tustin Department of Community Planning, Tustin, CA. Review variance, condition permits, and design reviews, Quality control and update code files. Customer service and attend phone calls. Review General Plan, zoning, subdivision, and environmental report review. Work as a team and individually.	<b>Oct '21- Feb '22</b>
<b>Recreation leader</b> <b>City of San Clemente, San Clemente.</b> Supervised Summer campus games and activity for children, manage inventory, customer service, games, and setups and breakdowns.	<b>June'20 –Oct'21</b>
<b>Event Planner Unpaid Intern</b> <b>American Family Housing, Tustin, CA</b> Outreach, promotion, and marketing for “Summer Festival for Homeless Veterans”. Sold out a stall and raise more than \$ 3,000 through bringing in vendors.	<b>June'15 –Dec'15</b>

**Awards and Recognitions:**

Research on Walkability, presented at OCC Symposium 2019 and 2020 and Cal Poly Pomona 2023.

Topic: *"Effects of New High-Density Residency on Walkability in Costa Mesa, CA"*.

Topic: *"How Mix-Use Land Contributes to Walkability in 19<sup>th</sup> Street, Costa Mesa, CA."* 2023.

**Administration Skill:** Comfortable working in, group and individual setting, research, excellent customer service skills, and marketing and sales experience, organizational skills, general clerical tasks, data managing, data entry, report writing, and event management.

#2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Sunday, February 11, 2024 3:12:34 PM  
**Time Spent:** 00:12:51  
**IP Address:** [REDACTED]

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Page 1

Q1

Full Name:

Florence Nedeff Martin

---

Q2

Active Transportation Committee

Indicate the name of the Committee you are interested in serving on:

---

Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

As an original member of this committee (2015-present), I have participated in every initiative, every walk audit, every community event (Concerts in the Park, Earth Day) that the ACT members have been involved. We helped the Active Transportation Plan and the Pedestrian Master Plan. We participated in the Kimly Horn LOCAL ROADS SAFETY PLAN and the Berkeley Safe Trec walk audits and the written report. I have rarely missed a ACT meeting and speak regularly at City Council meetings in support of safe streets. As a Costa Mesan since 1967, I have lived in/walked all parts of town. Currently, I walk between 30-60 miles a month. I report concerns to CMPD, Maintenance and now My Costa Mesa 311. I am also an original member of the Costa Mesa Alliance for Better Streets, an organization that has worked hand-in-hand with the City to create a safe environment for all users of our streets and bikeways.

---

Q4

As a Committee member, what ideas or projects are of interest to you?

Fairview Road improvements! Adams Ave improvements! Del Mar improvements! Lower speed limits for drivers! Eliminating Right Turn on Reds at major intersections.

---

Q5

Optional Resume:

[r%C3%A9sum%C3%A9%20CV%20Florence%20Martin%202019.pdf \(71.4KB\)](#)

---

## Florence Nedeff Martin

2442 Andover Place, Costa Mesa, CA 92626

949-933-3699

floseppi@gmail.com

### EMPLOYMENT

- September 2013: Reviewer, California Language Review Network, OCDE
- July 2007- July 2009: Consultant (K-12 curriculum writing) UCLA Language Materials Project
- January 2006- September 2008: Instructor of French, Chapman University, Orange Campus
- September 2006 – May 2008: Instructor of Foreign Language Education, Single Subject Credential Program, **California State University, Long Beach**
- August 2003 to December 2006: Instructor of Foreign Language Education, Supervisor of FL candidates, Single Subject Credential Program, **California State University, Fullerton**
- Sept. 1981 to June 2003: Teacher, Garden Grove Unified School District  
**Pacifica High School:** French 1-4, German 1-AP, English 1-3, Speech
- August 1992 to present: Team member of **California Language Project- COACH**
- fall semester, 1994: **Golden West College:** Instructor, French 108
- Feb. 1972-June 1981: Teacher, Newport-Mesa Unified School District  
**Corona Del Mar High School:** French 1-3, German 1, English, Speech 1-2.  
**Sonora Elementary:** Library resource teacher, M.G.M; instructional aide.
- Sept. 1971-Jan. 1972: Instructional aide, Garden Grove Unified School District,  
**Morningside Elementary**
- Sept. 1964-Feb. 1967: Teacher of French, **Santa Catalina School for Girls**

### EDUCATION

- 1969-1988: **University of California-Irvine**, extension courses in teaching methodology, *Lifetime Secondary Teaching Credential* in French, German, English and Library Science
- 1964-1966: **Monterey Institute of International Studies**, M.A., French Language and Literature
- 1961-1964: **University of California-Berkeley**, B.A. French Language and Literature
- 1959-1961: **Monterey Peninsula College**, A.A.

### PROFESSIONAL GROWTH & DEVELOPMENT

- Authored a 100-page handbook, ***Second Language Acquisition in Theory and Practice*** as a State of California Mentor Teacher, 1985.
- Developed **in-services for L2 teachers** as a California mentor teacher, 1986.
- Presented a **workshop for the O.C. Dept. of Education** on co-operative learning and teaching for proficiency, 1986.
- As California mentor teacher for the Garden Grove Unified School District for 2 years, presented workshops on the writing process, ELD and language acquisition methodology.
- Attended an 8-week course at the **Goethe-Institute- Munich** in advanced German language studies, summer 1987.
- Attended six week-long summer institutes at **UC, Santa Barbara** sponsored by the California State Department of Education from 1986 to 1994.
- Presented 15 **California Language Teachers' Association Statewide Conference** half-day workshops and several interest sessions on incorporating music, art, graphic organizers, dance, and children's literature) into foreign language instruction, as well as stress and time management for teachers, and wrote accompanying materials for these seminars, 1984-2013
- Took students to some forty **French and German language immersion camps** (FLA-OC), 1982 – 2003, and was Director of German Camp for five years.
- Presented day-long workshops on the **Classroom Oral Competency Interview**, (California Language Project) for the following: UC, Irvine - **COACH** team, San Diego **SAILN** team, Huntington Beach Union High School District, Garden Grove Unified, Newport-Mesa Unified, Mesa College, Orange Coast College and the statewide conference of the California Community College

Instructors' Association, 1995 – 1999.

- Co-authored two foreign language teachers' manuals, *Moi-Même* and *Français Pour La Vie*, providing lessons and teaching strategies that focus on the California Foreign Language Standards, 1999 and 2006 (Project-COACH, U.C.-Irvine).
- Wrote and published 20 extensive units of language instruction curriculum for the UCLA Language Materials Project, 2008-2009
- Member (volunteer), Accreditation Teams for the California Credentialing Commission, Sacramento Department of Education, 2008-2009
- Instructor (volunteer) for Chapman University Extended Education courses, 2010-present
- Member (volunteer), **WASC** Accreditation Teams, 2010-2013

### VOLUNTEER/ COMMUNITY SERVICE

- Speech and Debate Coach, Pacifica High School, 1982 - 1985
- Mock Trial Coach, Pacifica High School, 1985-1993, 1996-1997
- Faculty Advisory Committee, Pacifica High School, 1984-1995
- International Club Advisor, Pacifica High School, 1982 - 2003
- Member of the teacher training team, **PROJECT COACH**, [www.coachflproject.org](http://www.coachflproject.org) 1993 – 2016
- Member, **Foreign Language Association of Orange County**, [www.flaoc.com](http://www.flaoc.com), 1982-2015
- Member, **California Language Teachers Association**, [www.clta.net](http://www.clta.net) 1982 – 2015. Has presented training workshops annually with both FLAOC regional and CLTA statewide conferences since 1988.
- Member of choir at Mariners Church, Irvine, 1995-2003
- Committee Chairperson, CLTA Statewide Conference, Irvine, CA., 2008
- Contributing Editor, **THE ZEST**, a quarterly publication of the FLA-OC, 2000 – 2008.
- Member, **Board of Directors, California Language Teachers Association**, 2006 - 2009
- Contributing columnist, **The Daily Pilot** (newspaper in Newport Beach and Costa Mesa), 2004-2006
- Volunteer for **FRISTERS**, [www.fristers.org](http://www.fristers.org) a support team for pregnant teens and teen mothers, 2004 – 2013
- Justice Ministry Leader, Fairview Community Church, Costa Mesa, 2010-2012
- Representative for Fairview Community Church, **Churches Consortium**, (now called Trellis) 2011-2013
- Participant in **One Church for Our City**, [www.ocforoc.org](http://www.ocforoc.org), 2011 – 2013
- Member, Costa Mesans 4 Responsible Government, 2011 – present
- Member, City of Costa Mesa Bikeway and Walkability Committee, 2015 – present
- Member, Costa Mesa Women's Club, 2016 -- present. Treasurer, 5/2018 -- present

### HONORS

- **Most Valuable Teacher**, Pacifica High School PTA - 1986
- **California Mentor Teacher**, Garden Grove Unified SD - 1985, 1986, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996
- Certificate of Appreciation, Garden Grove Education Association, for service on the **Board of Directors** and on the **Advocate** (monthly newsletter) **editorial board**, 1984 -1988
- Certificate of Recognition and Appreciation, LA Olympic Organizing Committee, for service as a **volunteer interpreter (Bulgarian)**, 1984
- California Language Teachers Association: **Mary Dufort Scholarship Study Grant**, 1991
- California Language Teachers Association: **Outstanding Teacher of the Year**, 1993
- California Language Teachers Association: annual **Goethe Institute Study Grant**, 1996
- Foreign Language Association of Orange County: **Exemplary Life Service Award**, 2009
- California Language Teachers Association, **McGraw Hill Education Outstanding Teacher-Leader Award**, 2013

#26

**COMPLETE**

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**Last Modified:** Tuesday, March 12, 2024 8:03:27 AM  
**Time Spent:** 00:03:48  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Arthur Alderete

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**Q2**

Indicate the name of the Committee you are interested in serving on:

**Active Transportation Committee,  
Housing and Public Service Grants Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Contribute to Public Safety and Housing Options

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Contribute to Public Safety and Housing Options

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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#5

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, February 15, 2024 2:49:14 PM  
**Last Modified:** Thursday, February 15, 2024 2:56:34 PM  
**Time Spent:** 00:07:20  
**IP Address:** [REDACTED]

---

Page 1

**Q1**

Full Name:

Michael Moses Nolf

---

**Q2**

**Active Transportation Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I love Costa Mesa, own a home on the west side, and most days I cycle around town to commute and run errands instead of driving. I have a soon-to-be eight year old son who loves riding on my bike with me. I would love to see it become more efficient and even more important, safer, to get around town via bike.

I was a committee member from March 2018 through April 2022 and would love to continue to be a part of this committee to learn from the others who have been leading the way in making our city a better place, as well as bring my 20+ years of bicycling around Costa Mesa and bring fresh ideas to the table so future generations can enjoy the benefits of safely biking in their town.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

- Filling in the gaps where safe and efficient bike routes do not currently exist.
  - Coming up with solutions to problem intersections so cars, cyclists, and pedestrians can safely coexist.
  - Getting creative with funding so we can complete more projects.
- 

**Q5**

**Respondent skipped this question**

Optional Resume:

---

#9

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Tuesday, February 20, 2024 7:41:17 PM  
**Time Spent:** 00:12:07  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

paul lancaster

---

**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Active Transportation Committee,  
Housing and Public Service Grants Committee ,  
Mobile Home Park Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Housing and public service grants committee is my interest. With previous contracting experience I can apply here I think the technical aspects are well served. I live in councilman Chavez's district. As one of few homeowners on my block, Weelo Drive, I can provide valuable feedback from other residents who are often ignored in simple things like permit parking which is only accessible to owners. As a bilingual resident, I find that my neighbors are often ignored. Its not fair and I can help.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

The bike lane, the master plan redevelopment of my district. Adjusting the city's master plan. Opening a street vendor location and offering case workers to navigate the permit process with the county and to allocate funds for doing so. It shouldn't be the fairgrounds. Fairview developmental is also interesting.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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#4

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Wednesday, February 14, 2024 11:01:23 AM  
**Time Spent:** 00:40:45  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Andrew Barnes

---

**Q2**

**Active Transportation Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am currently completing my first term on the Active Transportation Committee (ATC) and am applying for a second term to continue my efforts to promote the City Council's active transportation goals and objectives. The City of Costa Mesa's transition to a multi-modal transportation municipality will improve the quality of life for most Costa Mesans and enhance the social and economic well-being of our city.

During my first term on the ATC I brought ideas and energy to our proceedings, provided actionable input to City staff, and actively participated in community-based events that are consistent with the City Council's goals and objectives and compliment the progress made by our Public Works Department. I engaged with our residents and business community to better understand issues that need to be addressed as we make progress on our AT goals, including the need for e-bike education and enforcement. As a result, I was able to help develop and coordinate partnerships with non-profit groups, principally Walk 'n' Rollers, local e-bike businesses and volunteers to develop the first e-bike skills and safety training course in Orange County.

I would appreciate the Council's support for a second term on the ATC so that I can leverage my energies, experience and efforts promote City AT initiatives such as the bicycle and e-bike safety program that will be developed and rolled-out in 2024.

Thank you for your consideration.

Sincerely,  
Andrew Barnes

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

The following are elements of the ATC that I am interested including the following:

- E-bike and bicycle safety training;
- Coordination between CMPD, Public Works, NMUSD and county agencies (e.g., OCTA, SCAG, Board of Supervisors) to scaffold efforts into comprehensive and coordinated analysis and funding of AT needs and public outreach/education.
- Improved infrastructure including way-finding signage, complete crosswalks, reduction of posted speed limits (where appropriate), and new and refurbished bike lane striping and signage.
- Implementation plans for the PMP and ATP.
- Connection of existing bike and pedestrian infrastructure to reduce the danger currently presented by the terminal ends of existing protections which usually occur in high conflict zones with automobiles.

**Q5**

Respondent skipped this question

Optional Resume:

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name:	Andrew Barnes
Address:	[REDACTED]
City/Town:	[REDACTED]
ZIP/Postal Code:	[REDACTED]
Email Address:	[REDACTED]
Phone (cell):	[REDACTED]

**Q7**

By checking this box and typing my name below, I am electronically signing my application.

Signature Required:

**Q8**

Full Name:

Andrew Barnes

# #29

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Saturday, March 16, 2024 4:19:08 PM  
**Time Spent:** 00:09:17  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

JAY C MCGLINCHEY

---

**Q2**

**Active Transportation Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I'm interested in making it easier and safer to get around Costa Mesa without a car. I have traveled extensively to other cities and countries with extensive biking and alternative infrastructure.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

I am particularly interested in fostering the movement away from automobiles by making it easier to use alternatives.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

---

City of Costa Mesa, Active Transportation Committee,

In addition to the narrative contained in the online survey, please consider:

- 1) that I have been president of my homeowners' association for over 20 years
- 2) that I have retired from the local real estate industry with almost 30 years of experience in land planning, development, architecture, public spaces, landscape architecture, approval processes, etc.

Thank you,

Jay McGlinchey

#7

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Monday, February 19, 2024 8:25:53 PM  
**Time Spent:** 00:09:52  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Alex Campoli

---

**Q2**

**Active Transportation Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I'm deeply passionate about urban planning and the transformative power of accessible, enjoyable pedestrian, bicycle, and vehicle infrastructure. Costa Mesa's dedication to active transportation, especially through the innovative work of the Active Transportation Committee, truly inspires me. While I haven't had formal experience in this specific field, I bring a strong analytical mind and problem-solving skills honed through my in the medical device field where I work in product development and marketing.

I'm also a confident communicator and collaborator, thriving in diverse team settings. More importantly, I'm a fast learner and eager to contribute my fresh perspective and genuine enthusiasm to the committee's work. I've been closely following Costa Mesa's efforts to address pedestrian and bicycle infrastructure connectivity.

I'm confident that my passion, transferable skills, and eagerness to learn would make me a valuable asset to the Active Transportation Committee. I'm dedicated to collaborating with the committee and contributing to Costa Mesa's vision for a vibrant, bikeable, and walkable city.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Here are some that I have thought of that Costa Mesa can continue to develop:

1. Expand protected bike lanes and pathways: Connect existing networks and prioritize high-traffic corridors (Bristol to Santa Ana)
2. Upgrade sidewalk quality and accessibility: Increase width, improve lighting, and remove barriers.
3. Implement "complete streets" principles: Design/redesign roads with all users in mind, including pedestrians, cyclists, and transit users.
4. Create traffic calming measures: Reduce car speeds and prioritize safety for vulnerable road users in certain areas.
5. Develop a network of interconnected greenways: Connect existing bike infrastructure to help provide safe and scenic recreational routes.
6. Install bike parking infrastructure: Provide secure and convenient parking options at key destinations.

**Q5**

**Respondent skipped this question**

Optional Resume:

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name:	<b>Alex Campoli</b>
Address:	████████████████████
Address 2:	██████
City/Town:	██████████
ZIP/Postal Code:	██████
Email Address:	██
Phone (cell):	██████████

**Q7**

**By checking this box and typing my name below, I am electronically signing my application.**

Signature Required:

**Q8**

Full Name:

Alex Campoli

# #12

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, February 29, 2024 4:56:20 PM  
**Last Modified:** Thursday, February 29, 2024 5:06:37 PM  
**Time Spent:** 00:10:17  
**IP Address:** [REDACTED]

---

Page 1

**Q1**

Full Name:

Robert Morse

---

**Q2**

**Active Transportation Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Was an alternate to this committee

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

I'm interested in

Continuing increase in replacing cars with ebikes

I am a 74 year old ebike rider with over 5,000 miles of experience. Interested in keeping bike riders safe.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

---

# #31

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, March 18, 2024 11:17:02 PM  
**Last Modified:** Monday, March 18, 2024 11:23:20 PM  
**Time Spent:** 00:06:18  
**IP Address:** [REDACTED]

---

Page 1

**Q1**

Full Name:

Farhad Edward Khosravi

---

**Q2**

**Active Transportation Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a retired Caltrans Transportation Engineer

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Complete streets project

---

**Q5**

Optional Resume:

**Farhad%20Edward%20Khosravi%20Resume%203-24.docx (15.1KB)**

---

260 Santa Isabel Ave.  
Costa Mesa, CA 92627  
Cel. (949) 632-9126  
Fax. (949) 548-6990  
[edkhosravi@yahoo.com](mailto:edkhosravi@yahoo.com)

# **Farhad Edward Khosravi**

**Objective** Improve living in Costa Mesa, California and United States

**Experience** 1984- 2023, Retired Transportation Engineer, California Department Transportation.

1998-Present Real Estate and Mortgage Broker

**Education** 1986-1988 San Diego State University, California

- M.S. Civil Engineering

1978-1982 Portland State University, Oregon

- B.S. Civil Engineering

**Licenses** Professional Engineering, General Contractor, Real Estate and Mortgage Broker

**Interests** Tennis, Walking, Movies

# #19

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, March 06, 2024 7:45:17 PM  
**Last Modified:** Wednesday, March 06, 2024 7:48:54 PM  
**Time Spent:** 00:03:37  
**IP Address:** [REDACTED]

---

Page 1

### Q1

Full Name:

Quinn Callanan

---

### Q2

**Finance and Pension Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

---

### Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I'm an active Chartered Financial Analyst. I currently work as a Investor Relations Consultant. In my prior role I serviced Corporate and Public pension plans for a large investment manager.

---

### Q4

As a Committee member, what ideas or projects are of interest to you?

Finance and Pension Advisory

---

### Q5

Optional Resume:

[Quinn%20Callanan%20Resume%202023%20FINAL.pdf \(154.7KB\)](#)

---

## INVESTOR RELATIONS / STRATEGIC COMMUNICATIONS

Investor Relations professional with extensive experience analyzing and consolidating complex economic data into key messages, reports and publications for clients, industry partners and the media. Particular expertise distilling complex topics into strategic communications while building a firm's reputation and industry position. Expert-level fluency in financial presentations with the ability to manage all aspects of the investor relations function for an organization.

### KEY COMPETENCIES

- Investor Relations / Strategic Communications
- Investor Relations / Reputation Management
- Economic Commentary / Market Outlooks
- Analyst Engagement / Surveys / Presentations
- Corporate Positioning / Key Messaging
- Financial Commentary / Whitepapers
- Complex Economic Topics / Technical Writing
- Industry Snapshots / Press Releases / Media
- Market Research / Economic Research / Bloomberg
- Content Development / Writing / Marketing
- Meeting Organization / Hosting / Public Speaking
- Data Analysis / SQL / Excel / VBA / Python

### PROFESSIONAL EXPERIENCE

#### **SVP Investor Relations, MZ Group - MZ North America**

**3/2022 - present**

Manage a corporate client list of 9 organizations spanning technology, defense, FinTech, and healthcare. Manage comprehensive Investor Relations programs designed to articulate a company's position, brand, news and reputation.

- Craft narratives and messaging to express company updates including scripts, investor decks, key talking points, briefs, summaries, and other storytelling modalities for the investor audience
- Author press releases and ensure all communications adhere to SEC regulations
- Synthesize management and investor KPIs and help executive leaders bridge gaps to create new angles and stories
- Work directly with clients and manage C-Suite expectations, keeping stakeholders up to date on investor feedback
- Expand investor base and facilitate equity raises by engaging bankers and investors within calls, meetings, and events
- Plan conferences and investor days with onsite, conference activities, breakouts, and one-to-one meetings with C-Suite

#### **Senior Client Service Associate, Corporate - Western Asset Management Company**

**2015 - 2022**

Published complex and sophisticated communications on behalf of Chief Economist to position firm's reputation and voice to clients, industry consultants and media. Key representative of the firm, improving communications and data used for key messaging.

- Produced 30+ thought leadership pieces a year in collaboration with the firm's Senior Economist
- Wrote whitepapers, proposals, market commentaries, client reports and position papers to demonstrate leadership and influence across the organization and to protect the firm's industry-facing reputation
- Composed regular commentary, wrote marketing and web copy, built investor packages and supported global sales
- Communicated with the investment team to create strategies for communicating portfolio themes with clients
- Increased website interactions 5x by optimizing layout of whitepapers and improving user experience
- Implemented Adobe Analytics to track, measure and create new metrics for user interactions and engagement
- Automated workflows for producing complex economic materials, documents and spreadsheets to reduce workload for Chief Economist and SMEs, improving schedule performance by 12%
- Worked directly with Chief Economist to calculate, benchmark and communicate pension liability returns for custom LDI portfolios, acting as subject matter expert with responsibilities for developing key messages and materials
- Automated reporting, improved dashboards and CRM, wrote Python queries, streamlined RFP processes and benchmarks

#### **Business Development Associate, Fixed Income - Pacific Investment Management Company (PIMCO)**

**2012 - 2015**

Responsible for strategic communications between clients and firm regarding views on markets and strategies, fund and account proposals, marketing materials, and product development initiatives.

- Authored 50-200 page requests for proposals for separate account, mutual fund, and commingled funds with detailed information about investment process, key leadership staff, and outlining investment strategy specifics
- Standardized presentations, marketing materials and website content, and restructured reporting tools

#### **Universal Banker - US Bank**

**2008 - 2012**

Interfaced with a wide audience of clients and prospects to position mortgage land business lending services. Negotiated between clients and underwriters to assess risk, provide guidance and advance deals in alignment with bank policies.

### EDUCATION, CFA AND LICENSURE

B.A. Political Science and Government - University of California, Los Angeles (2007)  
Chartered Financial Analyst (2015), FINRA Series 7 and 63 (2012 - present)

# #25

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, March 08, 2024 2:36:56 PM  
**Last Modified:** Friday, March 08, 2024 3:06:15 PM  
**Time Spent:** 00:29:18  
**IP Address:** [REDACTED]

---

Page 1

**Q1**

Full Name:

Sean Healey

---

**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Finance and Pension Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Animal Service Committee - I am resident with three rescue terriers. I have a love of all animals and want to ensure that they are the raised in a proper environment and want to be part of the city's effort to help in that regard.

Finance and Pension Advisory Committee - My major and employment background have been in Finance and Banking. Although I don't have a background in Pension or Retirement forecasting I am very analytical and have experience making various forecasting models.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Animal Service Committee - Outreach and pet licensing - Admittedly I have not been the best about licensing my dogs and I think a huge part of it is that it is just not on my mind. So my goal would be to spread outreach possibly partnering with vets in the area to ensure that pets get licensed. I also want people to see what the benefits of what they get when they license their pet. Our community nextdoor posts are 35% lost pets and if we can implement something like an AI match of found pets to the photos of licensed ones I think we can be able to help with that. Another way to promote licensing is to do chip events. A lot of people think their pet is chipped but they don't know for certain and if their pet is chipped, a lot of times it could be outdated information. By holding an event where we can scan and assist residents in updating their pets chips we can demonstrate tangible value of getting their pet licensed.

Finance and Pension Advisory Committee - Besides reviewing the city's budgets, finances, investments and contracts I am not sure what specific projects the committee normally takes on. I am however, very eager to learn more about our city's financial operations and contribute in any way I can.

**Q5**

Respondent skipped this question

Optional Resume:

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name:	Sean Healey
Address:	[REDACTED]
City/Town:	[REDACTED]
ZIP/Postal Code:	[REDACTED]
Email Address:	[REDACTED]
Phone (cell):	[REDACTED]

**Q7**

By checking this box and typing my name below, I am electronically signing my application.

Signature Required:

**Q8**

Full Name:

Sean Healey

# SEAN HEALEY

## WORK HISTORY

### **PORTFOLIO MANAGER** 03/2023 to Current **CommerceWest Bank**, Irvine, CA

- Managed diverse commercial loan portfolio of C&I and CRE loans.
- Underwrote complex C&I deals for core prospects which involved financial analysis, term and covenant structuring and preparation of credit recommendations

### **SENIOR UNDERWRITER** 10/2021 to 03/2023 **Integro Bank**, Remote

- In charge of setting up the Loan Origination System for Integro Bank including bank processes related to credit applications, underwriting, presentation, loan documentation and boarding of commercial loans
- In charge of structuring and underwriting Integro Bank's commercial loans including lines of credit, term loans and real estate
- Helped build a platform for providing Integro Bank's business customers with actionable insights (scenario forecasting, valuation, ratio analysis) based on a customer's financials and peer data

### **PORTFOLIO MANAGER, AVP** 06/2018 to 07/2021 **Pacific Mercantile Bank**

- Underwrote complex C&I deals for core prospects which involved financial analysis, term and covenant structuring and preparation of credit recommendations
- Managed Pacific Mercantile Bank's Irvine portfolio including preparing modifications and renewals of existing credits
- Facilitated collection, spreading and analysis of customer reporting items
- Leader in the transition and implementation of the Bank's spreading and monitoring software from CASH suite to CreditTrack, requiring advance knowledge of excel and bank operations
- Improved automated and created reports and procedures for the loan monitoring group.

### **FINANCIAL ANALYST** 11/2015 to 05/2018 **Western National Group**

- Maintained and updated financial models for WNG's two multifamily funds analyzing key financial ratios and projected fund returns
- Reviewed and compiled quarterly financial statements and presentations for fund investors
- Maintained and improved asset and financial models with accounting information and market projections
- Assisted acquisitions team in underwriting potential multifamily acquisitions.

### **CREDIT ANALYST** 06/2014 to 10/2015 **Federal Home Loan Bank of Chicago**

- Monitored and determined security haircuts using credit model components such as Value

at Risk, Model Risk, Liquidation Risk, Management Discretion and Financial Strength Adjustments

- Created back testing database and procedures to monitor member's security collateral portfolios
- Assisted in running the OTTI process using CoreLogic's Risk Model software to determine quarterly Credit losses on the Bank's private-label MBS portfolio
- Actively managed collateral portfolios for members, which include loans, securities and cash positions
- Processed and handled members' security payments and transactions including sales, purchases and account transfers.

---

## EDUCATION

**University of California Irvine - Data Analytics Boot Camp**

**Other**, Data Science, 11/2021

**University of Notre Dame**, Notre Dame, IN

**Bachelor's**, Finance, 05/2014

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, February 10, 2024 8:08:23 PM  
**Last Modified:** Saturday, February 10, 2024 8:50:58 PM  
**Time Spent:** 00:42:34  
**IP Address:** [REDACTED]

---

Page 1

Q1

Full Name:

Syed Zia Hussain

---

Q2

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,**  
**Active Transportation Committee,**  
**Finance and Pension Advisory Committee,**  
**Housing and Public Service Grants Committee ,**  
**Mobile Home Park Advisory Committee**

---

Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a fresh graduate from Cal Poly Pomona State University undergraduate degree in Urban Planning. I have volunteered with Civic Well Climate Forum 2023, I am also serving at the Mobile Housing Committee City of Costa Mesa at this moment. I have conducted couple of research in Costa Mesa, CA voluntarily. I find Costa Mesa one of the best cities within Orange County and believe it has a lot potential to improve and imply sustainable solutions for future growth.

---

Q4

As a Committee member, what ideas or projects are of interest to you?

I would like to serve as a Costa Mesa resident. I have been living here for 11 years. As a City of Costa Mesa Committee member, I would be able to play my part in finding better and sustainable solution to further improving the Costa Mesa.

---

Q5

Optional Resume:

**URP-Full%20Resume.pdf (272.5KB)**

---

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name: **Syed Zia Hussain**  
Address: [REDACTED]  
Address 2: [REDACTED]  
City/Town: [REDACTED]  
ZIP/Postal Code: [REDACTED]  
Email Address: [REDACTED]  
Phone (cell): [REDACTED]

---

**Q7**

By checking this box and typing my name below, I am electronically signing my application.

Signature Required:

---

**Q8**

Full Name:  
Syed Zia Hussain

---

# Syed Zia Hussain

Member of Mobile Housing Committee, City of Costa Mesa, CA. 2023.  
[Ziahussain2019@gmail.com](mailto:Ziahussain2019@gmail.com). Cell phone: 1-714-280-3730

## Education

<b>Cal Poly Pomona, California, CA.</b> Bachelors of Urban Planning. GPA 3.16	<b>Dec 2023</b>
<b>Orange Coast College. California, United States.</b> Associate degree in Architecture (Honors) GPA 3.36	<b>Dec 2019</b>
<b>Orange Coast College. California, United States.</b> Associate Degree (Honors) in Event Management GPA 3.36	<b>Dec 2016</b>

## Relevant Coursework

**CEQA 101** online Course (Gov. Office Planning and Research).  
**URP 4040 Place-making** – Study Florence-Graham city. In final research presentation proposed solutions to the S. Central Ave and E. 74 Street. Focus of the research was to make the site more safer, and children friendly because of the Wisdom Elementary School.  
**Advance Project Management** from Coastline Community College.

## Freelance Projects

**2023 –To-date**

Community Enrichment Program, Civic Well 2023 Adaptation Climate Forum – Support to recruit volunteers, Videography on “Impact of McBride Park Long Beach on Youth”  
[McBride Park Impacts on the Youth Community Long Beach, California. - YouTube](#)

## Work Experience

<b>Community Service Leader II</b> Work for R.O.C.K Program, it is after school program served by Recreation Department, City of Costa Mesa, CA. Require self-motivation and team-player abilities. Assist with program planning on field; maintain record of schedule and log-book of day to day duties and hours of work. Supervise check-in and check-outs, activities, fire drills, help with homework, artwork and games, and keep a health and safe environment.	<b>Jan '24 - update</b>
<b>Student Connect SoCal Community Outreach: SCAG Project</b> Engage public to fill out surveys, conduct street events, Research and suggest new locations for more survey	<b>May '23-June '23</b>
<b>Planning Aide Intern:</b> Cal Poly Pomona Facility Planning and Management, CA. Record keeping, cold calls, drawing figure grounds, site analysis, printout architectural drawing, keeping files, report writing, and administrative work.	<b>June '22-July '22</b>
<b>Administrative Intern</b> City of Tustin Department of Community Planning, Tustin, CA. Review variance, condition permits, and design reviews, Quality control and update code files. Customer service and attend phone calls. Review General Plan, zoning, subdivision, and environmental report review. Work as a team and individually.	<b>Oct '21- Feb '22</b>
<b>Recreation leader</b> <b>City of San Clemente, San Clemente.</b> Supervised Summer campus games and activity for children, manage inventory, customer service, games, and setups and breakdowns.	<b>June'20 –Oct'21</b>
<b>Event Planner Unpaid Intern</b> <b>American Family Housing, Tustin, CA</b> Outreach, promotion, and marketing for “Summer Festival for Homeless Veterans”. Sold out a stall and raise more than \$ 3,000 through bringing in vendors.	<b>June'15 –Dec'15</b>

**Awards and Recognitions:**

Research on Walkability, presented at OCC Symposium 2019 and 2020 and Cal Poly Pomona 2023.

Topic: *"Effects of New High-Density Residency on Walkability in Costa Mesa, CA"*.

Topic: *"How Mix-Use Land Contributes to Walkability in 19<sup>th</sup> Street, Costa Mesa, CA."* 2023.

**Administration Skill:** Comfortable working in, group and individual setting, research, excellent customer service skills, and marketing and sales experience, organizational skills, general clerical tasks, data managing, data entry, report writing, and event management.

#3

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 13, 2024 3:51:20 PM  
**Last Modified:** Tuesday, February 13, 2024 4:11:15 PM  
**Time Spent:** 00:19:55  
**IP Address:** [REDACTED]

---

Page 1

**Q1**

Full Name:

James Andrews

---

**Q2**

**Finance and Pension Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a Costa Mesa resident with a young family, I plan to live here for the next 30+ years. Costa Mesa is an incredible city with charm and soul, I simply want to make myself available to be helpful - should the leadership team have the need. I am a financial advisor for The Bahnsen Group and spend my days advising families and institutions on how to best deploy their resources. I serve on the Board of a local non-profit as well. I have no political motivations beyond making myself available as a resource for the city.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Prudent financial management of the budget, investment portfolio, and general financial planning. Wealth is a tool to be used in a way that maximizes the projects and goals that are important to CM leadership.

---

**Q5**

Optional Resume:

[James%20Andrews%20Resume%20for%20Costa%20Mesa%20Committee.pdf \(63.7KB\)](#)

---

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name: **James Andrews**  
Address: [REDACTED]  
City/Town: [REDACTED]  
ZIP/Postal Code: [REDACTED]  
Email Address: [REDACTED]  
Phone (cell): [REDACTED]

---

**Q7**

Signature Required:

**By checking this box and typing my name below, I am electronically signing my application.**

---

**Q8**

Full Name:

James Andrews

---

# James Andrews, CFP®

I am deeply passionate about holistic financial planning for families and institutions; providing tailored advice to help clients meet their unique goals. Drawing from my years of experience in the RIA industry, I also bring a unique perspective on growth opportunities available to independent firms. My off-hours are spent helping my wife chase our two boys and enjoying the occasional pick-up hockey game.

Costa Mesa, CA

(949) 284-5313

jandrews@thebahnsengroup.com

## SOFTWARE

eMoney Advisor

MoneyGuide Pro

Schwab

Fidelity

Salesforce

Envestnet

## HOBBIES

Chess

Volunteering

Hockey

Family

## EDUCATION

### California Polytechnic University

Pomona, CA

2010 — 2014

B.S. Entrepreneurial Finance

## CERTIFICATIONS & AWARDS

CERTIFIED FINANCIAL PLANNER™

Eagle Scout

## WORK EXPERIENCE

### Private Wealth Advisor, The Bahnsen Group

2022 — Present

- Advise clients in the areas of investment, tax, retirement, education, insurance and estate planning; working closely with the advisory team to support overall planning needs as well as company objectives.
- Construct custom portfolio allocations in light of client's risk profile, cash-flow needs, and long-term objectives.
- Actively monitor financial markets, specific investments in client's portfolios, and keep abreast of new investment strategies.
- Proactively identify client's issues and/or opportunities identified as a result of having an intimate knowledge of the client's entire financial life.

### Wealth Manager, Goldman Sachs Personal Financial Management

2022 — 2023

- Advise clients in the areas of investment, tax, retirement, education, insurance and estate planning; working closely with the advisory team to support overall planning needs as well as company objectives.
- Successfully lead clients through the client experience process resulting in gathering significant and pertinent data as it relates to the clients entire financial life.
- Actively monitor financial markets, specific investments in client's portfolios, and keep abreast of new investment strategies.
- Proactively identify client's issues and/or opportunities identified as a result of having an intimate knowledge of the client's entire financial life.

### Relationship Manager, Goldman Sachs Personal Financial Management

2020 — 2022

- Directly responsible for the management and monitoring of client relationships under the direction of the advisory team.
- Track 100% of client interactions including requests, inbound/outbound calls and emails.
- Actively prepare for and participate in client meetings as requested by the advisory team.
- Prepare all deliverable materials associated with the meeting type.

### Business Development Analyst, United Capital Financial Advisers

2015 — 2020

- Conduct financial analysis, including the development of detailed financial models, valuations and ad hoc analyses.
- Collaborated across the organization with Marketing, Legal, Technology and Operations to execute delivery of business development initiatives.
- Worked closely with the C-suite on a pricing strategy based on changing market trends and a spectrum of opportunity profiles.

# #13

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, March 01, 2024 9:23:43 AM  
**Last Modified:** Friday, March 01, 2024 9:46:22 AM  
**Time Spent:** 00:22:38  
**IP Address:** [REDACTED]

---

Page 1

**Q1**

Full Name:

Kathryn Grant

---

**Q2**

Indicate the name of the Committee you are interested in serving on:

**Finance and Pension Advisory Committee,  
Housing and Public Service Grants Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am interested in 2 committees. I love all things finance because I am a high school math teacher. I am interested in making sure our city stays on budget and is fair to its employees regarding pension. The housing and public service committee interests me because I have remodeled and custom built 2 homes of my own in Costa Mesa and gone through all the planning/permitting and construction process. I also want to help our city with housing issues and help solve any problems we have.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

- Building/expanding housing in our city meanwhile ensuring our current homeowners & citizens have little negative impact .  
-Keeping finances in order and preventing debt  
-

---

**Q5**

**Respondent skipped this question**

Optional Resume:

---

# #15

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, March 03, 2024 2:26:10 PM  
**Last Modified:** Sunday, March 03, 2024 2:40:56 PM  
**Time Spent:** 00:14:45  
**IP Address:** [REDACTED]

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Page 1

## Q1

Full Name:

Gloria A. Fallon

---

## Q2

**Housing and Public Service Grants Committee**

Indicate the name of the Committee you are interested in serving on:

---

## Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I moved to Costa Mesa 4 years ago.

Coming to Costa Mesa our housing plans were upended due to COVID, complications with COVID, mental illness in my family, Ana's not realizing how complicated the housing market in Costa Mesa was and is. After a pending all of our savings and down payment for a home in the hotel and motels here and in Orange County we realized that even though living in Costa Mesa was our dream it wasn't happening as we expected. But that did not stop Costa Mesa from becoming our home.

The housing situation here is in crisis. Costa Mesa is our home and I have recently went into real estate to better develop an understanding on how to help Costa Mesans own their homes, protect their businesses and learn the levels of ownership and how to make best use of the land. With my experience of being unhoused and among the working under-employed, I now have education in Real Estate and Real Estate law through University of California Irvine. With education, experience, and a love and commitment to Costa Mesa; I have an understanding of the crisis nature and want to be a part of the best possible solutions as we continue to build a beautiful Costa Mesa. Thank you for your consideration.

---

## Q4

As a Committee member, what ideas or projects are of interest to you?

Housing developments, unhoused population assistance or even relocation, housing solutions, potential Fairview Developmental Center housing project. Real Estate in general.

---

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, February 10, 2024 8:08:23 PM  
**Last Modified:** Saturday, February 10, 2024 8:50:58 PM  
**Time Spent:** 00:42:34  
**IP Address:** [REDACTED]

---

Page 1

Q1

Full Name:

Syed Zia Hussain

---

Q2

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,**  
**Active Transportation Committee,**  
**Finance and Pension Advisory Committee,**  
**Housing and Public Service Grants Committee ,**  
**Mobile Home Park Advisory Committee**

---

Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a fresh graduate from Cal Poly Pomona State University undergraduate degree in Urban Planning. I have volunteered with Civic Well Climate Forum 2023, I am also serving at the Mobile Housing Committee City of Costa Mesa at this moment. I have conducted couple of research in Costa Mesa, CA voluntarily. I find Costa Mesa one of the best cities within Orange County and believe it has a lot potential to improve and imply sustainable solutions for future growth.

---

Q4

As a Committee member, what ideas or projects are of interest to you?

I would like to serve as a Costa Mesa resident. I have been living here for 11 years. As a City of Costa Mesa Committee member, I would be able to play my part in finding better and sustainable solution to further improving the Costa Mesa.

---

Q5

Optional Resume:

**URP-Full%20Resume.pdf (272.5KB)**

---

# Syed Zia Hussain

Member of Mobile Housing Committee, City of Costa Mesa, CA. 2023.  
[Ziahussain2019@gmail.com](mailto:Ziahussain2019@gmail.com). Cell phone: 1-714-280-3730

## Education

<b>Cal Poly Pomona, California, CA.</b> Bachelors of Urban Planning. GPA 3.16	<b>Dec 2023</b>
<b>Orange Coast College. California, United States.</b> Associate degree in Architecture (Honors) GPA 3.36	<b>Dec 2019</b>
<b>Orange Coast College. California, United States.</b> Associate Degree (Honors) in Event Management GPA 3.36	<b>Dec 2016</b>

## Relevant Coursework

**CEQA 101** online Course (Gov. Office Planning and Research).  
**URP 4040 Place-making** – Study Florence-Graham city. In final research presentation proposed solutions to the S. Central Ave and E. 74 Street. Focus of the research was to make the site more safer, and children friendly because of the Wisdom Elementary School.  
**Advance Project Management** from Coastline Community College.

## Freelance Projects

**2023 –To-date**

Community Enrichment Program, Civic Well 2023 Adaptation Climate Forum – Support to recruit volunteers, Videography on “Impact of McBride Park Long Beach on Youth”  
[McBride Park Impacts on the Youth Community Long Beach, California. - YouTube](#)

## Work Experience

<b>Community Service Leader II</b> Work for R.O.C.K Program, it is after school program served by Recreation Department, City of Costa Mesa, CA. Require self-motivation and team-player abilities. Assist with program planning on field; maintain record of schedule and log-book of day to day duties and hours of work. Supervise check-in and check-outs, activities, fire drills, help with homework, artwork and games, and keep a health and safe environment.	<b>Jan '24 - update</b>
<b>Student Connect SoCal Community Outreach: SCAG Project</b> Engage public to fill out surveys, conduct street events, Research and suggest new locations for more survey	<b>May '23-June '23</b>
<b>Planning Aide Intern:</b> Cal Poly Pomona Facility Planning and Management, CA. Record keeping, cold calls, drawing figure grounds, site analysis, printout architectural drawing, keeping files, report writing, and administrative work.	<b>June '22-July '22</b>
<b>Administrative Intern</b> City of Tustin Department of Community Planning, Tustin, CA. Review variance, condition permits, and design reviews, Quality control and update code files. Customer service and attend phone calls. Review General Plan, zoning, subdivision, and environmental report review. Work as a team and individually.	<b>Oct '21- Feb '22</b>
<b>Recreation leader</b> <b>City of San Clemente, San Clemente.</b> Supervised Summer campus games and activity for children, manage inventory, customer service, games, and setups and breakdowns.	<b>June'20 –Oct'21</b>
<b>Event Planner Unpaid Intern</b> <b>American Family Housing, Tustin, CA</b> Outreach, promotion, and marketing for “Summer Festival for Homeless Veterans”. Sold out a stall and raise more than \$ 3,000 through bringing in vendors.	<b>June'15 –Dec'15</b>

**Awards and Recognitions:**

Research on Walkability, presented at OCC Symposium 2019 and 2020 and Cal Poly Pomona 2023.

Topic: *"Effects of New High-Density Residency on Walkability in Costa Mesa, CA"*.

Topic: *"How Mix-Use Land Contributes to Walkability in 19<sup>th</sup> Street, Costa Mesa, CA."* 2023.

**Administration Skill:** Comfortable working in, group and individual setting, research, excellent customer service skills, and marketing and sales experience, organizational skills, general clerical tasks, data managing, data entry, report writing, and event management.

#22

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Thursday, March 07, 2024 10:11:57 PM  
**Time Spent:** 03:11:58  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Ricardo Ramírez

---

**Q2**

**Housing and Public Service Grants Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Given the Housing and Public Services Grant Committee's mission of promoting understanding of key housing-related opportunities, I believe that my expertise in communications and my deep commitment to equal opportunity makes me a strong candidate for an appointment.

I have worked in the advocacy and campaign communications field for more than 17 years. As part of my work, I've designed and implemented strategies to disseminate messages on issues that improve the lives of everyday people. Along the way, I have worked on communications for organizations including President Obama's reelection campaign and civil rights coalitions led by formerly incarcerated people fighting for the right to vote. This experience has given me the ability to identify communications goals from broader projects, as well as a keen sense for segmenting audiences and formulating tactics to reach them. If appointed to the Housing and Public Services Grant Committee, my professional experience would add value to the committee.

I also believe that it's important to regularly probe whether communications practices are grounded in the values and realities of the communities that entities such as the committee intend to serve. In my work as a communications professional, I've trained hundreds of advocates and community members, from members of the judiciary to immigrants fighting for their rights, on how to formulate their own communications strategies and use spokesperson tactics in order to further the causes they work on. Ultimately, when impacted people are involved, the work becomes stronger, and the same goes for the work of the committee.

Lastly, I am interested in joining the committee because I deeply believe in its mission. While my family and I are lucky to live in Costa Mesa, too many of our neighbors feel the enormous pressure of a difficult housing market. The committee's work is an important component of a broader network of solutions to bring more opportunities and relief for Costa Mesans. It would be deeply meaningful for me to be a part of this work and I hope you'll consider my application.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

I would like to promote the following:

Strong execution. I would like to do my part in strengthening the essentials of the committee's work in promoting community understanding of the community development process and activities funded by the U.S. Housing and Urban Development Department (HUD), and the Community Development Block Grant (CDBG)

Promoting inclusivity. I'd like to promote that organizations and individuals are increasingly aware of the key HUD-funded priorities with local impacts regardless of their background, language, or communities they serve.

---

**Q5**

Optional Resume:

**CM%20RR%20Resume.pdf (112.1KB)**

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**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name:	<b>Ricardo Ramírez</b>
Address:	██████████
City/Town:	██████████
ZIP/Postal Code:	██████
Email Address:	████████████████████
Phone (cell):	██████████

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**Q7**

Signature Required:

**By checking this box and typing my name below, I am electronically signing my application.**

---

**Q8**

Full Name:

Ricardo Ramírez

---

# Ricardo Ramírez

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## PERSONAL PROFILE

Seasoned communications consultant with political and advocacy background.

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## AREAS OF EXPERTISE

- Media Relations
- Managing a communications team
- Strategic Planning
- Cross-team Collaboration
- Messaging
- Crisis Communications
- Spokesperson training
- Writing communications materials: Op-eds, messaging documents, press releases, toolkits

---

## WORK EXPERIENCE

### Founder & Principal | Forward Shift Strategies

February 2020 – Present

- Lead communications strategies, crisis communications, writing, and strategic planning for diverse array of clients in racial justice, democracy, and other progressive issues

### Managing Director, Democracy | ReThink Media

September 2018 – January 2020

- Led team of five communicators supporting democracy advocates across the country, from national to grassroots levels, with communications strategies, capacity building efforts, coalition management, rapid response and media relations
- Devised strategies for productive, poll-tested winning messages to take among the democracy sector
- Designed and executed trainings and webinars on voting rights messaging and communications skills such as building communications plans, serving as spokespersons, and writing op-eds, training approximately 800 people in total
- Directed team planning exercises, liaised democracy team's strategy with other parts of the organization

### Deputy Communications Director | Advancement Project, National Office

October 2015 – September 2018

- Led aggressive communications strategy and rapid response for highly active civil rights and racial justice programs including voting rights and immigrant justice
- Devised communications strategy for programs in partnership with communications team and program staff
- Coordinated and led communications for sensitive state-level voting rights litigation
- Fostered a culture where program staff better understood value of strategic communications, the role of the communications team, and how to integrate team into strategy early and productively
- Supported grassroots groups throughout the country with communications strategy, trainings, and coaching
- Continuously placed articles and mentions on high-level media outlets including The Washington Post, The New York Times, La Opinión/Impremedia, Huffington Post, The Intercept, MSNBC, local media outlets, and Univision, Telemundo, Estrella TV, and more
- Directed crisis communications, implementing proactive plans, staff trainings, and monitoring media outlets
- Gained exposure for organization by proactively seeking speaking roles and panels for program staff
- Advised senior leadership on communications strategy and prepared principals for media appearances
- Oversaw digital media strategy, including launch of two websites, organizing vendor search, contractual and budgetary needs, and internal structure for site rebuilding process

---

## WORK EXPERIENCE (CONT'D.)

### Press Secretary | Center for Popular Democracy

January 2015 – October 2015

- Worked as a single-staff communications office, leading communications strategy and implementation for eight grassroots campaigns on racial equity, education, environmental and economic justice
- Directed crisis- and day-to-day communications, achieving regular coverage on numerous major news outlets including MSNBC, The New York Times, The Washington Post, Univision, and many others

### Press Secretary for Immigration Campaign | Center for Community Change

January 2013 – October 2014

- Served as on-the-record spokesperson for immigration campaign at Center for Community Change (CCC) during effort to win comprehensive immigration reform following the 2012 presidential election
- Advised leadership on media strategies while delivering steady national coverage for CCC's immigration campaign on outlets including The Washington Post, The New York Times, CNN, The Wall Street Journal, NBC, Univision, Telemundo and MSNBC
- Wrote press releases, talking points, op-eds, oversaw translation; managed paid media

### Florida Deputy Press Secretary | Obama for America

April 2012 – November 2012

- Served as the on-the-record spokesperson and lead media strategist for the Obama campaign in Central Florida, which included some of the campaign's most crucial media markets in the country.
- Developed and leveraged relationships with reporters
- Planned and executed daily press events amplifying President Obama's vision for Florida while exploiting national and local weaknesses of rival campaign
- Served as main press contact and directed media access for campaign rallies with President Obama, then-Vice President Biden, First Lady Michelle Obama, and President Clinton
- Organized press events for cabinet officials visiting eastern Central Florida on their personal time
- Increased awareness of President Obama's vision within Florida's crucial Latino voter electorate by including Latino media outreach at every level of broader strategic planning and execution
- Handled influx of reporters from national media outlets visiting or inquiring about Central Florida for campaign stories, including The Associated Press, Los Angeles Times, Bloomberg, National Journal, The Washington Post, Newsweek/The Daily Beast, and The Boston Globe
- Worked with local reporters to strategically place stories with Pres. Obama's message on broadcast, online, and print outlets, while working to avoid negative coverage
- Led planning and execution of events rebutting Mitt Romney and Paul Ryan visits to Central Florida
- Wrote media advisories, press releases, talking points, speeches, scripts, and op-eds

### Southwest Press Secretary & National Press Secretary for Latino Media | Democratic National Committee

May 2009 – April 2012

- Served as on-the-record spokesperson for the Democratic National Committee (DNC)
- Coordinated messaging and communications strategy in nine states and for Latino media outlets nationwide, supporting President Obama's first-term legislative battles, the 2010 midterms elections, and the 2012 Republican primary
- Oversaw planning and execution of media events for DNC and state Democratic parties drawing contrast between Republican presidential primary candidates and President Obama's accomplishments and vision
- Advised DNC leadership on Latino media strategy for midterm elections and President Obama's reelection

### Deputy Press Secretary for Latino Media | Senate Majority Leader Harry Reid

April 2007 – June 2008

- Helped craft and implement communication strategy for U.S. Latino media and international Spanish-language media on behalf of the late Sen. Harry Reid and the Senate Democratic Caucus
- Briefed foreign policy staff on developments of interest in Latin America

---

## OTHER SKILLS & EXPERIENCE

- Fully bilingual: Native Spanish speaker with the ability to write, and edit in Spanish
- Have written and published op-eds in Spanish.
- Seasoned spokesperson
- Strong grasp of French language
- Intermediate graphic designer

---

## EDUCATION

- Texas Tech University: B.A. and M.A. in French & Francophone Literature, 2001 – 2006
- Syracuse University: Earned 30 of 36 credit hours required for M.A. in Magazine, Newspaper & Online Journalism before taking leave of absence to accept DNC position, 2008 – 2009

#26

**COMPLETE**

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**Last Modified:** Tuesday, March 12, 2024 8:03:27 AM  
**Time Spent:** 00:03:48  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Arthur Alderete

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**Q2**

Indicate the name of the Committee you are interested in serving on:

**Active Transportation Committee,  
Housing and Public Service Grants Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Contribute to Public Safety and Housing Options

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Contribute to Public Safety and Housing Options

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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#9

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 20, 2024 7:29:10 PM  
**Last Modified:** Tuesday, February 20, 2024 7:41:17 PM  
**Time Spent:** 00:12:07  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

paul lancaster

---

**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Active Transportation Committee,  
Housing and Public Service Grants Committee ,  
Mobile Home Park Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Housing and public service grants committee is my interest. With previous contracting experience I can apply here I think the technical aspects are well served. I live in councilman Chavez's district. As one of few homeowners on my block, Weelo Drive, I can provide valuable feedback from other residents who are often ignored in simple things like permit parking which is only accessible to owners. As a bilingual resident, I find that my neighbors are often ignored. Its not fair and I can help.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

The bike lane, the master plan redevelopment of my district. Adjusting the city's master plan. Opening a street vendor location and offering case workers to navigate the permit process with the county and to allocate funds for doing so. It shouldn't be the fairgrounds. Fairview developmental is also interesting.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #21

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Thursday, March 07, 2024 1:26:20 PM  
**Time Spent:** 00:39:34  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Michael Tou

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**Q2**

**Housing and Public Service Grants Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Thank you for the opportunity to reapply as a member of the Housing and Public Service Grants Committee. I have served one-term on the committee representing Council District 4 in Westside Costa Mesa. It has been a wonderful opportunity to be part of the process recommending to the City Council our annual Community Development Block Grant (CDBG) public service grant awards to nonprofit organizations addressing housing, homelessness and economic development needs for vulnerable populations in our community.

I believe my service on the committee, as well as my professional experience in federal and state government and health care leadership lends to the committee's mission in helping distribute CDBG funding and promoting accountability and key outcomes for the services delivered by grantees in our community.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Expand outreach and engagement in helping identify housing, economic development and public service needs, as well grant solicitations from local and regional CBOs to address those key needs.

Ensure accountability through key metrics and outcomes for each grantee, as well as identifying opportunities for the city to profile programs, services and beneficiaries.

Inform the community and residents about CDBG funding, particularly those who could benefit from the programs and services provided by grantee

**Q5**

Respondent skipped this question

Optional Resume:

**Q6**

Contact Information: Note: This contact information will not be posted on the City's website or distributed to the public. However, this information is still subject to release pursuant to the California Public Records Act.

Name: Michael Tou  
Address: [REDACTED]  
City/Town: [REDACTED]  
ZIP/Postal Code: [REDACTED]  
Email Address: [REDACTED]  
Phone (cell): [REDACTED]

**Q7**

By checking this box and typing my name below, I am electronically signing my application.

Signature Required:

**Q8**

Full Name:

Michael Tou

# #13

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, March 01, 2024 9:23:43 AM  
**Last Modified:** Friday, March 01, 2024 9:46:22 AM  
**Time Spent:** 00:22:38  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Kathryn Grant

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**Q2**

Indicate the name of the Committee you are interested in serving on:

**Finance and Pension Advisory Committee,  
Housing and Public Service Grants Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am interested in 2 committees. I love all things finance because I am a high school math teacher. I am interested in making sure our city stays on budget and is fair to its employees regarding pension. The housing and public service committee interests me because I have remodeled and custom built 2 homes of my own in Costa Mesa and gone through all the planning/permitting and construction process. I also want to help our city with housing issues and help solve any problems we have.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

- Building/expanding housing in our city meanwhile ensuring our current homeowners & citizens have little negative impact .
  - Keeping finances in order and preventing debt
  -
- 

**Q5**

**Respondent skipped this question**

Optional Resume:

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#9

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 20, 2024 7:29:10 PM  
**Last Modified:** Tuesday, February 20, 2024 7:41:17 PM  
**Time Spent:** 00:12:07  
**IP Address:** [REDACTED]

---

Page 1

**Q1**

Full Name:

paul lancaster

---

**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Active Transportation Committee,  
Housing and Public Service Grants Committee ,  
Mobile Home Park Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

Housing and public service grants committee is my interest. With previous contracting experience I can apply here I think the technical aspects are well served. I live in councilman Chavez's district. As one of few homeowners on my block, Weelo Drive, I can provide valuable feedback from other residents who are often ignored in simple things like permit parking which is only accessible to owners. As a bilingual resident, I find that my neighbors are often ignored. Its not fair and I can help.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

The bike lane, the master plan redevelopment of my district. Adjusting the city's master plan. Opening a street vendor location and offering case workers to navigate the permit process with the county and to allocate funds for doing so. It shouldn't be the fairgrounds. Fairview developmental is also interesting.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #28

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Friday, March 15, 2024 7:07:50 PM  
**Time Spent:** 00:18:13  
**IP Address:** [REDACTED]

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Page 1

## Q1

Full Name:

Gregory Harold

---

## Q2

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

---

## Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a Costa Mesa resident and small business owner 20 +years.  
And a mobile home owner in Costa Mesa . I have supported ,volunteered and help build grassroots of the Costa Mesa mobile home coalition . I currently serve as vice president on the board . I care about affordable housing and families.

---

## Q4

As a Committee member, what ideas or projects are of interest to you?

Open discussion with residents of family mobile home parks . Present and current affairs of daily living in parks. Feature concerns, questions.

---

## Q5

**Respondent skipped this question**

Optional Resume:

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#6

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Sunday, February 18, 2024 11:55:18 AM  
**Last Modified:** Sunday, February 18, 2024 12:41:06 PM  
**Time Spent:** 00:45:47  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Leslie E Chaney-Eames

---

**Q2**

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I returned to Orange County 12 years ago to retire from a 35-year career in education. My husband and I live in Playport Mobile Home Park where I have served as the secretary for our Mobile Home H.O.A. for the past 8 years. My husband and I are also very active members of the Costa Mesa Mobile Home Coalition through which I and other members of the coalition proposed and drafted the idea for the Costa Mesa Mobile Home Advisory Committee.

I have had extensive experience as an administrator and board membership. I have served many years as an administrator in various schools both in the for-profit and non-profit industries. I have worked at the state level in the Office of Education where I help publish the Professional Development Standards for early childhood professionals, launched and was the project manager for the state Child Care Apprenticeship Program and spearheaded a pilot program that tested a state quality improvement system for licensed child development centers around the state. I have sat on many boards and committees at the local, state, and national level including the National Association for the Education of Young Children. Recently, since moving into a mobile home park in Costa Mesa, I have served as a member of the Costa Mesa Mobile Home Advisory Committee for the past 4 years and have been active in programs that will enhance and/or improve the quality of life for residents of mobile home parks in Costa Mesa.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

To bring awareness to residents of mobile home park the many resources and opportunity available to them and to improve their lives as mobile home residents by advocating on their behalf.

---

Leslie Chaney-Eames

Costa Mesa, CA 92627

Cell 702-416-4167

lcappleofhiseye@gmail.com

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**Professional Profile** Seeking a voluntary opportunity with organizations that will allow me to fully utilize my communication, organizational, and education skills:

- ❖ Collaborated with various internal and external parties (e.g. company and school personnel, parents, students, other schools, community organizations, etc.) for the purpose of conveying and/or gathering information required to ensure the efficient, effective operations of the school
- ❖ Maintained a variety of manual and electronic documents, files, and records (e.g. administrative and financial records, student files and cumulative folders; testing materials; worksite personnel records; school website; building schedules; maintenance requests, various forms; calendars; office procedures, etc.) for the purpose of providing up-to-date reference in compliance with federal, state, and county guidelines
- ❖ Processed a wide variety of manual and electronic documents and materials (e.g. various schedules and reports; correspondence, minutes, surveys, advertising, handbooks, notices, bulletins, calendars; time sheets, certified comp time, extra-curricular contracts; student-related files, records, and requests; work orders, etc.) for the purpose of updating information, documenting activities and/or providing written reference, and/or disseminating information to appropriate parties for action.
- ❖ Analyzed department budgets (e.g. petty cash, deposits, and disbursements, requisitions, supply orders, capital purchases, leases, insurance, funding sources, etc.) for the purpose of meeting school objectives within budget and maintaining accurate records in compliance with company recordkeeping practices.
- ❖ Supervised assigned personnel and volunteers (e.g. hiring, evaluating, terminating, scheduling/coordinating activities, training, advising, etc.) for the purpose of maximizing the efficiency of the workforce, meeting legal requirements and school objectives, and ensuring the provision of excellent customer service.

---

**Education**

**Masters of Education**

University of Nevada, Las Vegas, NV

**Certificate of Non-Profit Management**

University of Nevada, Las Vegas, NV

**Bachelor of Science Social Work**

University of Nevada, Las Vegas, NV

**Associates of Science Early Childhood Education**

Mt. San Jacinto College, Mt. San Jacinto, CA

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<b>Certifications</b>	<b>Certified reliable in ECERS, FCCERS, ITERS and CLASS Teacher &amp; classroom Assessments California Child Development Program Director Permit</b>
-----------------------	--

- Volunteer work, Memberships & Professional Affiliations**
- Member and recently appointed Chair of Costa Mesa Mobile Home Advisory Committee
  - Secretary of Costa Mesa Mobile Home Association
  - Secretary of Playport Mobile Home Park HOA
  - United Way loaned campaign chairman
  - Member, National Association for the Education of Young Children
  - Member, State of Early Childhood conference committee

### **Career History**

#### **Retired from Professional work 9-24-2020**

#### **Teacher Assistant- Carden Hall Private School 2019-2021**

- Tutor and assist children individually or in small groups
- Helped the children master assignments and to reinforce learning concepts presented by teachers.
- Enforce administration policies and rules governing students.

#### **TeachStone Class Assessor – Dana International Head Start Programs 2016-2019**

- Traveled domestically and internationally throughout school year conducting Class assessments in Head Start classrooms.
- Achieved and maintained reliability on all assessment tools used by the program. This requires a minimum of 80% on the Infant, Toddler, and Pre-K CLASS tools, as well as calibrations on each tool.
- Conducted training for providers and Head Start staff as needed.
- Maintained a score of 80% or above when performing inter-rater reliability checks on at least 2/3 of the assigned CLASS tools.
- Attended meetings, trainings, conferences, and Author reliability checks as required by Head Start.
- Evaluated and/or audited data protecting the integrity of clients, employees, and company information.
- Established systems to achieve, monitor, and maintain efficiencies, ensuring continuous flow of information to appropriate parties.
- Completed the required number of assessments per month, preparing and finalizing the required report within contract periods.
- Complied with quality standards in the completion of summary reports on each assessment completed.
- Completed assessments in such a manner that attends to quality, efficiency, cost-effectiveness, positive outcomes, and innovative methods of service delivery.
- Ensured all documentation is thorough, accurate and completed within prescribed periods.
- Demonstrated cultural and age-specific competencies in interactions with clients, coworkers, and customers.

- Worked collaboratively with other Head Start program staff to complete all CLASS Assessments in a timely, positive manner.
- Provides community resources to providers when appropriate.

**Professional Education Consultant Services, Consultant 10/2014 - 2016**

- Developed an impeccable reputation as a director, owner, trainer, and consultant that has established me as an expert in, programming, curriculum, environments, administration, finance, and management in education.
- Provided dynamic hands-on on-site training, coaching and consultation to educational teachers and administrators in education settings in over 50 research-based education topics.
- Certified reliable and have 10 years' experience in conducting Educational and classroom assessments certified reliable by TEACHSTONE on CLASS teacher assessment.
- Provided interactive, up to date, accurate information for, administrators, teachers, and support staff in the education industry.
- Provided consultations that are supported by current research and are designed to motivate educational staff, encourage the use of best practices, and promote pride and professionalism in the field of education.
- Assisted educational providers with startups or continuously improving the quality of existing educational programs including, public, private, faith-based, and non-profit education centers.

**Director of Quality Assessments, Los Angeles Universal Preschool 3/2013–10/2014 Los Angeles CA**

- Administration of Education Quality Assessment Department which includes supervision of up to 30 quality rating education assessors and 7-9 Quality Anchors (editor/proofreaders).
- Managed, education quality assessors who Conduct ECERS-R, FCCERS-R, ITERS, and/or CLASS Educational assessments according to TEACHSTONE protocols.
- Ensures that the reports that accompany assessments are legible and have sufficient notes/documentation on score sheets to support the scores given
- Assures the Summary/Observation Report for each assessment is usable by quality coaches to improve overall quality of classrooms in over 300 educational centers.
- Participation in the Internal Strategic Design Team, to develop and implement 5-year strategic plan for company.
- Certified and trained to reliable by Thelma Harms in ECERS (Education Environmental Ratings Scale) and Certified and trained to reliable by TEACHSTONE on CLASS (Classroom Assessment Scoring System).

**Private Christian school Administrator, Trinity U.M. Elementary & Preschool 2007-2012 Las Vegas NV**

- Assumed responsibility for the daily operation of the elementary & preschool program.
- Developed and managed Afterschool, school break and summer camp programs.
- Acted as liaison between the preschool staff, and the preschool families.
- Knowledge of generally accepted accounting principles and standard financial statements.
- Knowledge of various lesson planning formats
- Provided instructional leadership
- Served on the preschool board of directors, attending monthly meetings, participated, and reported to the finance committee, future planning/enrollment committee and the staff relationship committee.

- Maintain records and prepare reports -Ability to plan, develop and implement educational and assessments experiences for children cared for in elementary and preschool program
- Expertise in adult learning techniques, facilitation skills, and technical assistance learning systems.
- Detail-oriented, flexible, and decisive with excellent customer service skills.
- Directs, supervised, and evaluated school personnel within areas of responsibility.
- Provided community outreach, by becoming involved in relevant organizations and educational programs relevant to school.
- Maintained policies and procedures for program operation in a prompt and efficient manner.
- Maintained policies and procedures for program operation including; supervising registration and enrollment, managed program data including school lists using ProCARE and Admin, software.
- Develops and implements a program intervention plan based on multidisciplinary developmental theory to address relevant IFSP, IPP, or IEP outcome/goals.
- Oversaw the fiscal management of a \$650,000 annual budget
- Directly responsible for all marketing and public relations.

**Education Mentor/Apprenticeship Coordinator/ Trainer, State of Nevada office of Early Care & Education.2004-2007Las Vegas Nevada**

- Supervised 26 master teacher/mentors and 52 apprentice teachers in 42 classrooms where the mentor/apprentice relationship was cultivated until successful completion of the program
- Presented at local and statewide education conferences and performed as an education trainer for the Office of Early Care & Education Development Program.
- Assisted Program Director in the supervision of teacher/mentors, preschool apprentice teachers in childcare centers where the mentor/apprentice relationship was cultivated until successful completion of the program
- Presented at local and statewide early childhood education conferences and performed as an early childhood education trainer for the Office of Early Care & Education Child Development Program.
- Taught undergraduate courses in early childhood education including professional development in early childhood education, preschool teaching essentials, and designing preschool classrooms using environmental classroom rating scales (ECERS) and infant & toddler environmental rating scales (ITERS)

**Child Care Program Director Young Men's Christian Association (YMCA) 1995–2004 Riverside CA**

- Directly responsible for the management of the Youth Development department Managed child care programs such as preschools, after school child care, Youth and Government, Leaders Club, Earth Service Corp., summer & weekend camps, children's theater, and Youth-Achievers.
- Managed, developed, and implemented the Work Force Development Initiative Act Youth Opportunity Grant which had over 150 participants between the ages of 12 -18 at four county locations.
- Implemented programs that taught leadership skills that included: Basic learning skills, life skills, work readiness skills, leadership, and occupational skills. Wrote and executed United Way Priority Venture Grant for Youth Development Program "U.P.L.I.F.T. "for special needs & youth.
- Directly responsible for the development and management of the "Challenges of Youth Grant"

#8

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, February 20, 2024 12:36:00 PM  
**Last Modified:** Tuesday, February 20, 2024 12:38:45 PM  
**Time Spent:** 00:02:44  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Georgette M. Quinn

---

**Q2**

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I manage one of the mobile home parks in the city. Since I am in the middle of Owner and Residents I think it would be beneficial

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Senior rights and services for us in mobile home parks.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #14

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, March 02, 2024 11:47:14 AM  
**Last Modified:** Saturday, March 02, 2024 11:49:59 AM  
**Time Spent:** 00:02:44  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Michael Dougher

---

**Q2**

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

No sense changing wats already working. I have served and will be of service.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Keeping our lifestyle safe and affordable.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #17

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, March 06, 2024 11:49:30 AM  
**Last Modified:** Wednesday, March 06, 2024 12:08:23 PM  
**Time Spent:** 00:18:52  
**IP Address:** [REDACTED]

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Page 1

## Q1

Full Name:

Mary Lamas

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## Q2

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

---

## Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

As a life long resident of Costa Mesa and a new mobile home owner in Playport I would like the opportunity to make a positive impact for mobile home parks and their residents. My experience I bring to the table is being a home owner several times throughout my life and always wanting to give back to the community I live in which is why I started a Neighborhood Watch (at my previous residence prior to Playport) and am part of CERT team.

---

## Q4

As a Committee member, what ideas or projects are of interest to you?

A couple of ideas that interest me most are park safety and creating events and educational materials to help get residents more involved.

---

## Q5

Optional Resume:

Mary%20Lamas%20Executive%20Sales%20Leader%20Jan%202024.pdf (141.1KB)

---

# Mary J. Lamas

## Executive Sales Leader

 949.300.3620

 [mjlamas@yahoo.com](mailto:mjlamas@yahoo.com)

 Costa Mesa, CA

 [linkedin.com/in/marvlamas](https://www.linkedin.com/in/marvlamas)

### EXPERTISE

Enterprise Solution Sales  
Enterprise Account Management  
Business Model Innovations  
Strategic Planning  
Solution Selling  
Design Thinking  
Customer Relationship Management  
Performance Management  
Budgeting & Forecasting  
Business Intelligence  
Profitability Management  
Cross Functional Team Leadership  
Creative Problem Solving  
Development & Retention  
Process Improvement  
Change Management  
Go To Market Execution  
Competitive Market Analysis  
Training & Mentorship  
Customer Service Excellence  
Negotiations Management  
Presentation and Delivery  
Pipedrive, SaaS

### EDUCATION

Bachelor of Arts, Liberal Studies,  
Economics, Cum Laude: California  
State University Long Beach

### PROFESSIONAL SUMMARY

18+ years of experience in Enterprise Sales and Business Development with a proven track record of consistent revenue growth, cross-team collaboration and relationship management.

### EXPERIENCE

#### Sales Executive, Western United States

Reynolds and Reynolds Co., IMN & Auto Data Direct Divisions (07/2013-present)

- **164%** of sales quota YTD up **228%** from previous year
- **300 Club Achiever 2022**
- Manage ADD's & IMN's enterprise accounts including Penske, Hendrick, and Valvoline (1100+ Corporate and Franchise stores) adding more than 170 stores.
- Closed Lucid Motors & Upgrade (over 1M+ customers/\$10B loaned) managing convoluted sales cycle with multiple stakeholders
- Superseded sales revenue goals by **110%** in 2020
- Executed unprecedented agreement totaling **\$500K** with Senegence
- Lead and coordinate multiple projects with internal and external key stakeholders

#### International Sales Manager, Western United States & Australia

Reynolds and Reynolds Co., IMN Division Direct Selling (06/2016-12/2017)

- Exceeded sales quota by **155%**
- Strategically developed several key accounts, continually presenting and training sales force leading to continual annual growth averaging **55%** every year
- Executed end-to-end sales process through engagement of appropriate internal resources including subject matter experts, implementation team, and executives
- Conducted quarterly strategic meetings with business owners and category managers, presenting new ways of growing business and adding new items

#### National OEM Account Executive

Reynolds and Reynolds Co. (12/2015-06/2016)

- Created a **\$2M** opportunity with Hyundai Western Region for services to be placed in **64** of their dealerships
- Developed vertically aligned and cohesive business partnerships with Kia Executives through team collaboration, which produced multiple revenue streams

#### Western Regional Sales Manager

Reynolds and Reynolds Co. (01/2015-12/2015)

- Generated incremental new business revenue through strategic positioning, quality client relationships and effective negotiation
- Exceeded annual quota by **187%** for FY2015 in new business
- Mentored and trained ongoing support for Western Regional Sales Team
- Coordinated and conducted monthly team meetings

#### Territory Sales Manager

Reynolds and Reynolds Co. (07/2013-01/2015)

- Created processes that improved retention and collaboration of teams, now used company-wide

# #20

**COMPLETE**

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**Last Modified:** Thursday, March 07, 2024 11:44:14 AM  
**Time Spent:** 00:05:10  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Wyatt Lin

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**Q2**

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am writing to express my keen interest in serving on the Mobile Home Advisory Committee for the City of Costa Mesa, California. My interest in this committee stems from my deep commitment to the well-being and prosperity of the mobile home community in Costa Mesa, as well as my desire to leverage my extensive experience in the sector to benefit the city and its residents.

For over a decade, I have been intricately involved in the management and ownership of mobile home parks within Costa Mesa. This experience has afforded me a comprehensive understanding of the unique challenges and opportunities faced by mobile home residents and park operators. I have successfully navigated issues related to zoning, affordability, community relations, and infrastructure improvements, demonstrating a consistent ability to balance the needs of residents with the operational requirements of mobile home parks.

Throughout my tenure as a mobile home park owner and manager, I have prioritized the creation of safe, welcoming, and vibrant communities. My efforts have included implementing sustainable practices, enhancing community facilities, and fostering a sense of belonging among residents. These initiatives have not only improved the quality of life for residents but have also contributed to the broader community's cohesion and resilience.

My experience has also enabled me to develop strong relationships with city officials, residents, and other stakeholders. I am adept at facilitating constructive dialogue and building consensus among diverse groups, skills I believe would be invaluable to the Committee. I am particularly interested in contributing to discussions around policy development, regulatory compliance, and strategic planning to ensure that Costa Mesa remains a model city for mobile home living.

I am passionate about ensuring that mobile home parks in Costa Mesa continue to be affordable, safe, and desirable places to live. I believe my background equips me with a unique perspective and a wealth of knowledge that can help guide the Committee's work. By serving on this Committee, I aim to contribute to meaningful change that enhances the quality of life for mobile home residents and supports the sustainable development of these communities within Costa Mesa.

I am enthusiastic about the opportunity to contribute to the Mobile Home Advisory Committee and look forward to the possibility of working together to make Costa Mesa an even better place for its mobile home residents. Thank you for considering my application

---

#### Q4

As a Committee member, what ideas or projects are of interest to you?

As a prospective member of the Mobile Home Advisory Committee, I am deeply interested in developing and supporting initiatives that enhance the quality of life for residents of mobile home parks, ensure the sustainability of these communities, and foster inclusivity and resilience. Drawing from my experience in managing and owning mobile home parks in Costa Mesa, I have identified several key areas where I believe impactful projects can be initiated:

**Affordability and Financial Assistance Programs:** One of my primary interests lies in exploring and expanding affordability and financial assistance programs for mobile home residents. This could include developing subsidies or grants for low-income families, creating partnerships with local banks for favorable loan conditions, or establishing emergency funds to assist residents facing financial hardships.

**Infrastructure Improvement and Sustainability Projects:** I am keen on leading projects focused on infrastructure improvements within mobile home parks, such as upgrading utility systems, enhancing connectivity and accessibility, and incorporating green spaces and recreational facilities. Sustainability projects could also include solar panel installations and water conservation systems to reduce utility costs for residents and promote environmental stewardship.

**Community Engagement and Empowerment Initiatives:** Building strong, cohesive communities is essential. I am interested in creating programs that encourage community engagement, such as organizing town hall meetings, establishing resident advisory boards, and hosting community events. Empowerment initiatives could also involve providing residents with education and training opportunities on topics such as homeownership, financial literacy, and legal rights.

**Policy Advocacy and Regulatory Reform:** Given the regulatory challenges often faced by mobile home communities, I aim to advocate for policy changes that provide clearer protections for residents and park owners alike. This could involve working with local government officials to revise zoning laws, improve safety regulations, and streamline the permit process for renovations and upgrades.

**Technology and Innovation for Mobile Home Living:** I believe there is significant potential to leverage technology to improve the mobile home living experience. Projects could include developing a mobile app for community communication, implementing smart home technologies for energy efficiency, and exploring modular and prefabricated housing options to enhance affordability and design flexibility.

By focusing on these areas, I aim to contribute to the development of sustainable, vibrant, and inclusive mobile home communities in Costa Mesa. I am committed to leveraging my experience, along with input from residents and stakeholders, to identify and prioritize projects that will have the most meaningful and lasting impact.

---

#### Q5

Optional Resume:

**Wyatt%20Lin%20Resume.pdf (37.1KB)**

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# Wyatt Lin

## 📁 Employment History

### Real Estate Consultant and Licensed California Real Estate Broker at Stormm Development Group, San Francisco

March 2008 — Present

- Advised clients on real estate investment opportunities, including property acquisition, leasing and management, and commercial loan financing.
- Conducted market research and analysis to identify value-added real estate opportunities.
- Negotiated and closed deals with property owners, landlords, and tenants.
- Led the development of multiple cannabis retail stores, overseeing site selection, design, and construction.
- Partnered with architects, engineers, and local SF government agencies to ensure compliance with zoning and building regulations. Facilitated effective communication between various stakeholders.
- Oversaw the full project lifecycle, from initial concept to final completion. Managed budgets and timelines, ensuring projects were delivered on schedule and within financial parameters.
- Built and maintained strong relationships with local communities, public agencies, and business partners. Skilled in navigating complex regulatory environments and public hearings.
- Financial Analysis: Conducted cost-benefit analyses for real estate investments and identified strategies to maximize ROI while minimizing operational expenses
- Conducted financial/fiscal analysis and prepared grant submissions for various SF social equity grant recipients.

### First Vice-President of Commercial Real Estate at Sterling Bank & Trust, San Francisco

August 2006 — February 2008

- Underwrote and participated commercial real estate loans
- Perform underwriting on commercial real estate and construction loans in Northern and Southern California.
- Maintained and reviewed a portfolio of commercial real estate loans for structural analysis and credit risk rating.
- Developed relationships with a network of Bay Area banks to co-lend on TIC and commercial real estate properties.
- Sold \$20MM of construction real estate loans to smaller banks whereby receiving a 0.25% servicing fee premium.

### Vice-President of Commercial Real Estate at United Commercial Bank, San Francisco

January 2004 — July 2006

- Underwrote and participated commercial real estate loans
- Underwrote over \$100MM real estate loans in Northern & Southern California
- Performed cash flow valuation analysis on real estate properties and middle-market companies for debt service coverage ratios and leverage scenarios (LTV) other key financial ratios (A/R).
- Researched California real estate markets and other small manufacturing outsourcing export companies for critical success factors and key revenue growth drivers.

## Details

San Francisco  
(415) 690-6354

[wyatt.lin@alumni.upenn.edu](mailto:wyatt.lin@alumni.upenn.edu)

## Skills

Construction

Underwriting

Site Selection

Financial Statement Analysis

Real Estate

Leverage

Timelines

Discounted Cash Flow

Communications

Sourcing

Financial Analysis

Real Estate Investments

Revenue Growth

Due Diligence

Investments

Loans

Structural Analysis

Credit Risk

Construction Loans

Management

Market Research

Research

Outsourcing

## **Vice-President of Real Estate Acquisitions at Vista Investments, San Diego**

January 1997 — August 2001

- Responsible for sourcing and executing acquisitions of retail shopping centers and apartment buildings.
- Active in all aspects of investment process including evaluating investment opportunities, conducting due diligence, determining appropriate valuation and capital structure, and preparing internal investment memorandums.
- Acquired \$20MM portfolio of retail shopping centers from a REO division of United National Bank at 40% discount.
- Refinanced \$55MM in multi-family loans from 9.50% to 7.00%, resulting in annual interest savings of \$200K.

## **Financial Analyst (M&A and Real Estate) at Bankers Trust, Los Angeles**

May 1993 — December 1996

Active Member in numerous transactions ranging from \$20MM to \$300MM for retail and industrial properties.

- Worked on leverage buyouts for financial sponsors considering potential acquisitions. Performed extensive due diligence and financial statement analysis including development of leveraged DCF model analysis, leveraged ratio analysis, and interest coverage ratio analysis.
- Analyzed proposed transactions based on pro forma/ projection modeling, optimal capital structure analysis, comparable mezzanine debt transactions and strategic considerations.
- Conducted demographic research, identified key credit risks and strengths, and drafted internal screening memorandums and capital commitment memorandums for potential transactions.

## **Education**

**Master of Business Administration, University of Southern California, Marshall School of Business, Los Angeles, CA**

**Bachelor of Science, University of Pennsylvania, Wharton School of Business, Philadelphia, PA**

#23

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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**Last Modified:** Friday, March 08, 2024 11:43:26 AM  
**Time Spent:** 00:07:03  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Lucia Salinas Holt

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**Q2**

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I am a senior living in a mobile home. I have years of working during the elections in Costa Mesa. I have been living in Costa Mesa over 20 years. I want to get involved in helping with problems & making Costa Mesa a better place.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

I am interested in the Mobile Homes projects or finding solutions to problems.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #24

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, March 08, 2024 1:04:27 PM  
**Last Modified:** Friday, March 08, 2024 1:11:35 PM  
**Time Spent:** 00:07:08  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Debra Lee

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**Q2**

Indicate the name of the Committee you are interested in serving on:

**Animal Services Committee ,  
Mobile Home Park Advisory Committee**

---

**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I wish to help protect my interest and the interest of my neighbors in being treated fairly within our mobile home community.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

Keeping the residence, safe and guarding the elderly against theft and fraud.

---

**Q5**

**Respondent skipped this question**

Optional Resume:

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# #11

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Saturday, February 24, 2024 3:03:20 PM  
**Last Modified:** Saturday, February 24, 2024 3:11:39 PM  
**Time Spent:** 00:08:19  
**IP Address:** [REDACTED]

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Page 1

## Q1

Full Name:

Laurie Beverage

---

## Q2

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

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## Q3

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I have lived in a mobile home park in the past and would like to advocate on behalf of the residents. Based on my prior experience as a former resident and my experience assisting a seasoned real estate agent for the last 12 years I have gained some insight and would hope to bring a fresh perspective to the committee.

---

## Q4

As a Committee member, what ideas or projects are of interest to you?

Advocating for the rights of the residents and helping to find solutions to the problems specially experienced by mobile home owners.

---

## Q5

**Respondent skipped this question**

Optional Resume:

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# #16

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, March 04, 2024 5:23:16 PM  
**Last Modified:** Monday, March 04, 2024 5:50:43 PM  
**Time Spent:** 00:27:26  
**IP Address:** [REDACTED]

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Page 1

**Q1**

Full Name:

Vickie M. Talley

---

**Q2**

**Mobile Home Park Advisory Committee**

Indicate the name of the Committee you are interested in serving on:

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**Q3**

Indicate why you wish to serve on this Committee. Provide any experience or qualifications you may possess that you think would be beneficial to this Committee. A resume (optional) may be attached.

I represent the Costa Mesa mobile home community owners and have served as Chair of the Committee and just elected to serve as the Vice Chair of the Committee.

I am respectfully requesting to be reappointed for another term of service on the committee. During my service on the committee I have had an opportunity to share my over 42 years of experience in working with the manufactured housing industry as the Executive Director of the Manufactured Housing Educational Trust. I have been able to bring valuable resources to the committee that have allowed the committee members to focus on improving communication and understanding of issues facing Costa Mesa mobile home parks.

---

**Q4**

As a Committee member, what ideas or projects are of interest to you?

As a committee member, I have participated in working with the committee and city staff to improve the City's Website so that it provides accurate and complete information on mobile home community living. As Chair and Vice Chair I supported and joined with my fellow committee members in dedicating time at each meeting to provide important education and information on programs such as rental assistance for park residents, the services provided by the California Department of Housing and Community Development, and on regulations that impact mobile home parks. and

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