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**From:** Priscilla Rocco <dementedgardensprite@gmail.com>  
**Sent:** Tuesday, November 7, 2023 12:07 PM  
**To:** CITY CLERK  
**Subject:** In Honor of Native Americans

City Council,

Ancient Native Americans lived in concert with the Earth, as their lives depended upon a healthy ecosystem. Then European colonizers brought forth western Progress and the forests were cut down, the buffalo and beaver were slaughtered, and the land was poisoned.

As scientists studied this Progress, they warned of the consequences. But Progress brought money, pleasure, and power, so the native peoples were called 'primitive savages' and the scientists were ignored.

By the 1960s, the scientists saw the destruction clearly and the first Earth Day announced the imminent danger. But people liked smoking and drinking, a perpetual tan, and fast food. Environmentalists were called finatics and the scientists were ignored. But the body is a delicate ecosystem, and the consequences were cancer and other debilitating diseases.

60 years later, and the consequences have affected the entire planet with global warming. You see, All ecosystems are delicate.

Which brings me to Fairview Park, where indigenous peoples lived for thousands of years in concert with the white-tailed kite, the coastal sage, and the vernal pools. A magical part of that ecosystem is the fairy shrimp. They wake up with the rains, live their lives in the vernal pools, mate and produce eggs all while serving as a food source for thousands of migrating birds. When

summer comes the pools dry out, and the eggs wait. Like most tiny things, they are very delicate and they need to be protected, as does their home. Quiet natural places like Fairview Park help us keep birds, animals, and native plants from going extinct. This is the hidden magic of Fairview Park.

This is not just my opinion and the opinion of the 800 members of the Fairview Park Alliance, it is the opinion of the scientists at the California and U.S. Department of Fish and Wildlife, a biologist hired by the city, the Fairview Park Administrator, and the Fairview Park Steering Committee. But this city council ignored all the facts and experts calling to protect Fairview Park and decided a small group of toy plane hobbyists was more important. The Harbor Soaring Society can fly their planes anywhere and the ground they trample won't matter, but Fairview Park and its inhabitants are unique, precious, and irreplaceable.

Regards,  
Priscilla Rocco

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**From:** Costa Mesa First <costamesa1st@gmail.com>  
**Sent:** Monday, November 6, 2023 8:32 PM  
**To:** STEPHENS, JOHN; REYNOLDS, ARLIS; MARR, ANDREA; CHAVEZ, MANUEL; HARLAN, JEFFREY; HARPER, DON; GAMEROS, LOREN  
**Cc:** FARRELL HARRISON, LORI ANN; LE, JENNIFER; CITY CLERK; Cynthia McDonald; Rick Huffman  
**Subject:** Fairview Developmental Center Specific Plan

Honorable Mayor and City Council Members:

We were surprised that no City Council members attended last Thursday's meeting on the Fairview Developmental Center Specific Plan. The City Manager was not there, and only a couple of Planning Commissioners attended. Overall, the number of people in attendance was at least half of the outreach meetings for the General Plan update that started back in 2013, yet this project, along with the zoning for the Housing Element changes, will impact the residents of Costa Mesa more than any other project in recent years. This should cause alarm amongst the City Council. You need to consider why this happened and the steps towards improvement that need to be taken.

First, let's look at what we are trying to achieve with public outreach, and how did the City do?

1. Raise Awareness of the Project: Poor noticing made public awareness difficult and created a feeling that this project is being rushed. There were about 75 people in attendance (including City Staff and the consultants), most of whom were over the age of 40. We were not required to put on name tags or introduce ourselves, so we do not know how many were residents, how many were from developer/builder groups (there were a fair number of those), and how many were advocates for affordable housing. There were repeated complaints, once again, from residents who had not received notification from the City about this important meeting or only received notification at the last minute. We received one email from the City late on Wednesday afternoon. It is not likely that 100,000+ residents of the City are receiving emails from the City, and social media is even less dependable. It was stated that residents within 1000 ft of FDC received a notice by mail. Why only those residents? Besides the rezoning for the Housing Element, this is the biggest change to Costa Mesa that we will ever see.

**Each household should have received a mailer from the City and large poster-size notices should have been posted around town in public gathering places.**

2. Education: The background information that was given was a cursory review of site conditions and was not entirely correct. The relevance of the site being a Historic District was not discussed nor was any information given about the existing environmental conditions that may impact the feasibility of construction. No information was given about the four-story height limitation in FDC prescribed by the General Plan on page LU-55: "Residential uses shall also be

limited to a maximum height of four stories.” We had to prompt the consultant/City Staff to tell the public what a Specific Plan was and what were its components (the latter was not explained). Examples of other specific plans that would have helped the public understand the process and goal should have been provided.

The charrettes of pictures of only a few housing types were to steer the public into choosing the type of housing the City and developers want to build. There were no pictures of what is typically referred to as “missing middle housing,” and yet that type of housing is appropriate in locations that are adjacent to commercial areas as a transition to single-family detached housing, or placed in an area that transitions from single-family homes to higher-density housing, both of which describe parts of FDC. The City should not limit the knowledge of the public in order to achieve the answer it desires. While City Staff and the consultants can provide requested information, most of the knowledge and perspectives should come from stakeholders and residents.

**Samples of other Specific Plans (such as the one adopted for the sister developmental center in Sonoma), a copy of the City’s General Plan, and a copy of the State of California General Plan Guidelines should have been provided at each table.**

3. Gathering Input. It was clear from the layout of the meeting that the residents were to be divided into small groups so the conversations could only be heard by the few attendees at each table. That segregates thoughts and does not promote the sharing of information and discussion outside of a small group. One of the microphones didn’t work well, so we were not able to hear some of the residents when they spoke. This isolation of ideas is why most public outreach fails, and why it is not recommended by The State of California and the authors of the “Guide to California Planning.” An advisory committee that listens to the residents, along with a neutral facilitator who collects survey information and reports cumulative results to the advisory committee, produces more accurate and useful results.

Because time the Q&A session ran long, the time allotted for the white poster exercise was cut short. According to the white poster, our task was to provide our thoughts on “What are the ingredients for a great neighborhood?”, but the agenda stated this part of the meeting was to “Gather input for the Vision and Guiding Principles.” There should have been enough time for each person to go around the table and give their input, but there was not.

The ultimate goal of gathering input is to create a consensus. However, since the labeling of the task on the white poster was different from what was listed on the agenda, it is difficult to understand how a consensus on the vision and guiding principles could be reached. There were a lot of recurring comments, but the sticker exercise, which enabled Staff and the consultant to eliminate valid and important criteria, made the visioning exercise dead on arrival. The number of stickers was limited and the recurring ideas were not consolidated, thus giving the City, versus the citizens, the right to filter and disregard the residents’ desires about the future of the city.

**The City should focus on providing opportunities for consensus building amongst the residents**

**and stakeholders. This will help avoid the citizens feeling alienated versus the desired achievement of a sense of community.**

4. Decision-making. We were told at the end of the meeting that Staff and the consultant would return with a draft vision statement at the next meeting. This is without any member of the public having given any input into what that vision statement should contain. In this case, we are told the decisions will not be made until later, but it was not made clear how the citizens will participate in that process.

The four items above are generally considered to be what constitutes good outreach. We appreciate the attempt by Staff and the consultant, but there appears to be limitations and directions imposed by the City on how much can be done. When we ask how the City did, last Wednesday's meeting was a failure in all but the last item, and only because that item hasn't occurred yet. The goals of public outreach cannot succeed if the City does not engage the public. We understand there were only 7 attendees at the Spanish language meeting, so the Spanish language campaign was even less successful.

The next question to ask is, where do we go from here? It is not too late to appoint an advisory committee. Since the formal plan does not need to be adopted until late 2025, it would give the committee enough time to meet and craft the document in time for adoption. The Active Transportation Committee, comprised of 15 residents and representatives of the Chamber of Commerce and the School District, was able to draft an active transportation plan that stands to this day. **Give the residents and stakeholders the opportunity and they will succeed at this task.**

**Finally, we ask the most important question to consider. How does this project fit into the vision and overall plan of the City of Costa Mesa for the next 40 years? For the next 20 years? This project is an important piece to that puzzle, but we can't put the puzzle together if we do not have all the pieces. The City Council must act on the visioning and comprehensive planning for all of Costa Mesa in order for this project to succeed.**

Thank you for your attention.

Rick Huffman

Treasurer

Cynthia McDonald  
Assistant Treasurer  
Costa Mesa First

PO Box 2282

Costa Mesa, CA 92628

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**From:** Johnny Serratos <johnny@shophighseas.com>  
**Sent:** Tuesday, November 7, 2023 11:11 AM  
**To:** CITY CLERK  
**Subject:** Public Comment for 11/7/23 City Council Meeting

Hello, my name is John Serratos, unfortunately I can't be present for this city council meeting, but I still hope my opinion can be heard. The reason I'm not able to attend this evening is due to me working a second job as a safety net. Unfortunately, due to the High Seas not being allowed to open, its day to day struggle. I'm an inventory manager without inventory to manage. So, you can see why it's a very scary time for me. It affects so many people at this point, from the owners to the staff. The time and effort That has gone into finding, interviewing, training employees, and building out of this beautiful store has been our mission for months. I don't want to make it personal, but it affects my living situation. I'm currently living in a situation where at any day I can be told to move out. Due to me having pets no one would be able to take me in. You might say just find a new place to stay. Due to me working a minimum wage job as a safety net and not having the best credit, I was heavily relying on High Seas to be allowed to open their doors almost 2 months ago. The hours and pay raise that's set to come with the store opening and High Seas potentially helping me with my credit approval situation. I've never worked for a company that entertained the idea of helping me move to the city that I'd be working in. I live in laguna hills, so due to the delay, that stops me from moving to the city of Costa Mesa. To see other stores open when we were third to have our CUP approved makes it feel like it's for a personal reason not related to us. You can see why this is not a good time of year for me. It's like going to the DMV, getting a 100 on your written test, passing your behind the wheel test, and then being told you cannot drive until they hand you your DL. You ask when that might be, and they tell you we'll call you. You can see why it's frustrating and worrisome. On behalf of the High Seas thank you for listening.  
Johnny Serratos

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**From:** Jennifer Tanaka <jletanaka@gmail.com>  
**Sent:** Tuesday, November 7, 2023 11:28 AM  
**To:** CITY COUNCIL  
**Cc:** CITY CLERK  
**Subject:** Public Comments for 11/7

Dear Members of the City Council:

I appreciate the pressing and time sensitive nature of agenda items such as the eviction ordinance, the budget surplus and the cannabis moratorium. But there are some other items I wanted to put on your radar as we head into the end of the year:

**Newport Center Animal Hospital Contract.** I understand that the City's main contact at Newport Center Animal Hospital, Dr. Rizk, has parted ways with NCAH, **and as a result NCAH has opted to terminate its contract with the City with 60 days' notice (!!!).**

NMAH is the exclusive provider of animal care services for animals that are brought to the city through Animal Control or other avenues. Therefore we must find a replacement as soon as possible to ensure there is continuity of care and that animals are transferred in a safe and timely fashion. Please work with the CMPD and the ASC to get this process started as soon as possible.

**Bus Shelter Contract.** If I'm reading our contact with Clear Channel correctly, it should be set to expire on **April 1, 2024.** Clear Channel has already exercised the one, 5-year extension contemplated by the agreement. This would be a **GREAT** opportunity to renegotiate this contract to provide for higher standards of care, better bus shelter amenities (such as benches, shade, and trash cans) and, **most importantly**, to revisit how the revenue stream generated by this contact is spent.

Ad revenue from this contract is generated **by our bus riders**, without whom there would be no reason for the stops and therefore no advertising opportunity. Therefore the revenue generated should NOT just cycle back into the general fund, but go directly to a set-aside "transit improvement fund" that would go towards improving the bus stops as well as the pedestrian experience in the surrounding area. Doing so would create a virtuous cycle where more ad revenue will be generated from better and more beautiful stops.

And while you are at it, you could get a head start on this process **by using some of our budget surplus as seed money for this transit improvement fund**, which next year would begin to be replenished from the redirected ad revenue.

**Westside School Fields/Harper Park.** My understanding was that the security guards should have been hired for the Westside school fields by the end of October, which would allow them to open to the public afterhours and on the weekends. To my knowledge this hasn't happened. Is there an update on that? And is the City going to do any advertising/education/explanation to the residents around the opening of the fields?

And of course, it would be very appreciated if we could get an update on the status of hiring a park ranger for Harper Park. **The fence is still cutting across this community resource** and, despite our vaunted relationship with NMUSD, we seem to be struggling to get this addressed in a timely fashion.

**Parks Director Vacancy.** What is the status of hiring a new Parks and Community Services Director? While Deputy City Manager Reyes is doing an admirable job, it can't be feasible long term to have her carry both her regular duties and the duties of an entire department. This is especially pressing given the multiple major grant projects relating to parks.

**Inclusionary Housing Ordinance.** The deadline for this in the Housing Element is December 2023. It seems almost certain now we won't hit this deadline if the IHO will not be discussed at this meeting, noting that it also has to get through the planning commission. What is the plan for compliance?

**Beekeeping Ordinance.** Last and comparatively small point: prior to its "refocusing" as part of the recent committee reforms, the Animal Services Committee put together a model beekeeping ordinance to allow residents in single family homes to operate 1-3 beehives in their backyards. This "backyard beekeeping" was supported by many members of the public interested in supporting our pollinator populations and trying out this hobby for themselves. The ASC approved the draft ordinance and a letter to City Council in September; I just wanted to highlight that work in case the Council would like to take up that issue at the proper time.

Best,  
Jenn Tanaka  
321 Broadway  
Costa Mesa, CA 92627

PS The bollards on Placentia and now W. 19th Street (!) look great. And the HAWK on Wilson looks like it is going in. Together with the bike education item on the consent calendar, the City is winning on the active transportation front. Thank you for your forward thinking and efforts there. I especially applaud the work of AT Coordinator Brett Atencio Thomas and Public Works Director Raja Sethuraman and his team for seeing these projects to the finish line, even in the face of some impatience and skepticism from the public.

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**From:** Russell Toler <russell.toler@gmail.com>  
**Sent:** Tuesday, November 7, 2023 11:00 AM  
**Subject:** West 19th St - Comments for the 11/7 CC Meeting

Mr. Mayor and Members of the City Council

I wanted to express my gratitude and support for the work that the city is doing all over to make our streets safer. While some streets have relatively easy solutions to the incessant threat of car violence, West 19th has always been tricky. I don't think the current condition of the street is anything like its final state or intended to be. Rather, we're making progress in the right direction.

A few weeks ago Charles Marohn, founder of Strong Towns, reached out to the Costa Mesa Alliance for Better Streets (CMABS), offering to visit and hold an event. With only a week's notice we were able to secure and pack a venue with about 75 people from Costa Mesa and neighboring cities. We were able to do this because many people respect and resonate with the Strong Towns message. I encourage you to explore the media that they've provided over the last 10 years. Here are some articles that I think are relevant to this discussion:

[Bollards as the solution](#)

[What is a Stroad](#)

[Humbly observe where people in the community struggle and address it right now](#)

Nothing enrages drivers more (myself included) than when we're forced to *slow down and pay attention* to the environment that we're steering our two-ton machines through. I expect that we'll hear a lot of that rage over the next few days or weeks. But I hope that we all remember that this rage comes from an unreasonable sense of entitlement to be able to zip through the neighborhoods of our city (people's "places") in our "living rooms on wheels" at the expense of everyone else's comfort and safety. Don't be fooled: keeping cars moving slowly in *shared urban environments* is the reasonable approach.

Russell Toler  
949-375-8682

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## NEWPORT BEACH ASSOCIATION OF REALTORS®

401 Old Newport Boulevard, Suite 100  
Newport Beach, California 92663  
Telephone (949) 722-2300  
www.nbaor.com

November 6, 2023

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CARI YOUNG

**CHIEF EXECUTIVE OFFICER**  
KIMBERLY FOREMAN

Dear Mayor John Stephens and Esteemed Members of the City Council,

I write to you on behalf of the Newport Beach Association of REALTORS®, expressing our concerns regarding the potential adoption of a local just cause eviction ordinance in Costa Mesa. We recommend considering adherence to the recently amended state law, Senate Bill 567 (SB 567), which encompasses critical elements including:

- Mandating disclosure and proper notice for substantial remodels.
- Establishing accountability for owner/family move-ins.
- Enabling enforcement by the attorney general, county counsel, or city attorney.
- Providing remedies such as injunctive relief, actual damages, punitive damages, and attorney's fees.

This approach promotes consistency for both tenants and rental housing providers, ensuring reliable legal frameworks. Local ordinances covering the same subject matter as state law can lead to complications, as demonstrated by the City of San Diego's experience in aligning their local just cause ordinance with the California Tenant Protect Act of 2019.

We believe the proposed ordinance in Costa Mesa presents two significant concerns. Firstly, it introduces an additional layer of notices to be submitted to the city. This requirement creates unnecessary bureaucracy for both city administrators and rental housing providers, leading to increased administrative burden and record-keeping challenges.

Secondly, the ordinance mandates owners to provide an additional month's rent (or two months' rent) as a cash settlement for no-fault evictions, including situations where the owner or their family members need to move into their own property or conduct substantial remodels at lease expiration.

While we understand the city's aim to update existing housing stock, we encourage a balanced approach. Allowing owners to plan substantial remodels without additional financial burdens improves the overall quality of rental homes and aligns with beautification goals. However, the proposed cash settlements beyond state law could potentially deter much-needed capital improvements.

In conclusion, we acknowledge the pressing need for increased housing production in Costa Mesa. Addressing this issue necessitates a focus on housing development rather than additional regulation on existing contracts.



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According to permit data, the city's current housing production levels may fall short of meeting the demands of residents and newcomers alike.

We appreciate your consideration of these concerns and hope for a collaborative approach that best serves the interests of both tenants and rental housing providers in Costa Mesa.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reuben Gylledge', written in a cursive style.

Reuben Gylledge

President

Newport Beach Association of REALTORS®

RG:kf

**From:** [kristin Cook](#)  
**To:** [CITY CLERK](#)  
**Subject:** JUST CAUSE RESIDENTIAL TENANT PROTECTIONS  
**Date:** Friday, November 3, 2023 10:09:01 AM

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Dear City Council,

I am an owner of a duplex in East side Costa Mesa. I am against any further laws to discriminate against landlords. Personally, in the last three years I had a tenant who didn't pay rent and damaged my unit to the cost of \$30,000. This was at one time, a well qualified tenant who changed over time. This happens a lot, people take advantage of the system ! The duplex is my only source of income and further laws would make owning rentals not worth it. It would also cause me to raise rents.

Additionally, I am in the real estate world. I know firsthand what this will do to the rental market. Raise rents and make it harder to "qualify" as a renter. Please reconsider not passing this bill/ law.

Kristi Cook

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**From:** HAUSER, JANET  
**Sent:** Tuesday, November 7, 2023 8:50 AM  
**To:** GREEN, BRENDA; TERAN, STACY  
**Subject:** FW: COSTA MESA TENNIS CENTER

Please see comment below.

Janet Hauser  
Executive Assistant to Costa Mesa City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
Desk: 714-754-5107  
Cell: 714-949-3693  
[Janet.hauser@costamesaca.gov](mailto:Janet.hauser@costamesaca.gov)

**Note: Using the "Reply All" option may inadvertently result in a Brown Act violation.**

Costa Mesa is launching a new permit and license processing system called TESSA in August. TESSA will replace our existing system and all land use, building and business license applications currently in process will be transferred to the new system. To learn more about TESSA, visit our FAQ page at <https://www.costamesaca.gov/tessa>.



**TESSA**  
TERRITORY ENHANCING SYSTEMS APPLICATIONS

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**From:** Laura O'Leary <olearyfam@sbcglobal.net>  
**Sent:** Monday, November 6, 2023 7:24 PM  
**To:** CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>  
**Subject:** COSTA MESA TENNIS CENTER

Dear Mayor and members of the Costa Mesa city council:

Regarding the city council meeting to be held on November 11, 2023:

I see that \$1.2 million is being allocated to the city's golf course and the Costa Mesa Tennis Center. I would like to request that an amount per each entity is allocated. Not just a lump sum to be divided between the two locations.

Additionally, when Hank Lloyd was running the CMTC, he had funds that were set aside for new lights in the courts. Those funds have never been released to the tennis center for new lights. The lights at the tennis center desperately need to be replaced.

Please consider these two requests.

Thank you!

Laura O'Leary  
262 Walnut Street  
Costa Mesa, CA 92627

# PEOPLE'S COSTA MESA, LLC

1848 Newport Blvd.  
Costa Mesa, CA 92627

Electronically Filed City of Costa Mesa  
City Council

Hon. Mayor and City Council,

We are writing to express our deep concern regarding the potential implementation of a Cannabis Application Moratorium. This moratorium, if applied to Conditional Use Permit applications like ours, which was submitted on January 10, 2022, could have a significant adverse impact on our investment and business operations in the City of Costa Mesa.

The City has rightfully established a rigorous application and vetting process, which, regrettably, has proven to be both lengthy and financially burdensome for us. We have already made substantial investments, endured costly delays, and invested in property acquisition, development planning, and retail design to ensure our project meets the high-quality standards expected in the City of Costa Mesa. Imposing a moratorium on our application at this stage would not only harm our business and reputation but also affect our standing as a publicly traded company, which has a fiduciary duty to disclose and report to shareholders who have been eagerly anticipating the consideration of our application by the Planning Commission.

Our dedicated team has diligently responded to Staff Comments and is on the verge of receiving an Application Status Letter indicating the completeness of our application, a crucial step toward scheduling a Planning Commission Public Hearing.

Considering our ongoing communication and nearly two-year wait, we firmly believe that our Cannabis Application is poised to be one of the next few to be placed on the Planning Commission's agenda. Per the staff report we are 1 of 10 Cannabis CUP Applications in the queue for the Planning Commission and we estimate that we are likely to be placed on one of the next Planning Commission Agendas. Deviating from this well-established process would have devastating consequences for our company, potential future employees eagerly awaiting job opportunities, and the construction jobs that would have stemmed from the creation of a modern retail store. Additionally, the process has already led to the Lifestyles lighting store incurring significant expenses and business disruptions associated with their relocation. If this moratorium were to proceed and impact existing planning applications, it could also pose a threat to other long-standing tenants that we are committed to retaining and not displacing.

# PEOPLE'S COSTA MESA, LLC

1848 Newport Blvd.  
Costa Mesa, CA 92627

We respectfully implore the City Council to maintain the current policy and process, allowing our project to move forward to the Planning Commission for a much-anticipated Public Hearing.

Signed

DocuSigned by:  
*Sabas Carrillo*

10BD719CEDD1470...  
Sabas Carrillo

CEO and Authorized Agent

Councilmembers, I am a homeowner in the freedom homes behind Talbert park. Up for your consideration is a moratorium/hold on processing CBP CUP applications. I request that you reject this moratorium of CBP processing or at the very least I am requesting they make an exception for current CM homeowners or CM business owners who are currently in the preapp que with all paperwork submitted.

Here is the background:

I am a long-time homeowner/business owner in CM (25+ years) and am very much looking forward to opening another business in my hometown with a Cannabis Business Permit.

In February of 2021, we secured a location at 1912 Harbor Blvd for a CBP for a retail cannabis store. It is properly zoned for cannabis, and we were very excited to apply for our retail license. We did not have any strawman/temporary/ measure X partners to be able to apply early (priority) in fact we played by the rules and applied 4 minutes after the portal opened at 8:04am on the day applications were accepted for nonpriority applicants. I am friends with several other CBP holders who have been approved and are building out their locations that did get priority applications. Most of the people who applied with priority applications no longer have those measure X people associated with their current entity structure however got to open their store with this priority application. This is patently unfair to the applicants who played by the rules and did not manipulate the priority system. I mentioned the possibility of this strawman scenario in a Zoom call when this was discussed, and the city /staff assured the would-be applicants that there were safeguards in place to prevent this priority system from being abused.

Many applicants in this queue for a CBP have been waiting years for the licenses. We have been waiting almost 2 years since our application was submitted and have been holding the lease on this property for almost 3 years in anticipation of opening a CBP location. According to the most recent staff letter received by all applicants, we are still looking at 8-10 months before a CUP hearing is likely. This is fiscally unreasonable! To



hold this property for almost 4 years before we are even able to open is financially bankrupting. We have spent over \$300,000 to date in leasehold money on this property and according to the 1 CUP per month, issuance will be in about \$500,000 in leasehold before we are able to get a CUP hearing. Doing one CUP per month is not equitable and creates an unreasonable burden on CBP applicants who did things the correct way, followed the rules, and didn't use a strawman partner to get a priority application. I would also like you to be made aware of residents who are being convinced to take this concentration fight on as they are receiving benefits from current open stores that do not want any more competition and are willing to give or do whatever is needed to prevent further stores opening.

As you know on Sept 5<sup>th</sup> a variety of issues were sent to the Planning Commission. With the looming possibility of a moratorium, I am very concerned about the possibility of me losing my life savings in the hopes of opening a shop in the city where I live. There are applicants who have purchased land and have expended millions of dollars in reliance on the ordinance passed by this city council June 15th 2021. It is inequitable for the city not to grant licenses and CUP hearings to the applicants currently in queue. The issue of concentration was addressed during the review, discussion, and voting on this ordinance and no recommendations were made at that time which led many applicants to purchase property and create leaseholds on reliance of this discussion and the passing of:

Ordinance No. 2021-08 (Title 9, Business Licenses)

Ordinance No. 2021-09 (Title 13, Zoning).

I am requesting you do not consider a moratorium for the CBP applicants in cue or at the least put a grandfather clause that would exclude people in preapp cue since day 1 and current RESIDENT/BUSINESS owners that are in the preapp cue. Most cities grant point systems anyway for residents which Costa Mesa did not but in this issue I think it is warranted as an exception.

Sincerely,

Keith Scheinberg ESQ

949-289-7467

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**From:** Andy Singh <asingh@nuvata.co>  
**Sent:** Monday, November 6, 2023 6:15 PM  
**To:** CITY CLERK  
**Subject:** Public Comment for City Council hearing 11/07

Dear City Council,

I understand as the agenda relates for cannabis retail in the city, there is potential consideration to put in place a moratorium or suspension of processing cannabis applications.

As project owner for 2424 Newport Blvd, I think this is a great idea to avoid market saturation for cannabis retailers within the city. This was one of the largest concerns for applicants, with fear of over concentration and being too close in proximity to other stores. The cannabis industry has been facing immense turmoil and is currently recessionary. It is evident how much market conditions have changed across the national economy overall as well. It would be extremely detrimental if all 53 applicants were to become operational. As an analog for reference, Santa Ana, a city that has a population three times the amount as Costa Mesa, has a license cap of 27 cannabis retail operators and there are still several retail operators struggling there given the current economic climate.

I strongly feel that the 22 CUP approved applicants should at least remain intact, as almost all projects are majority owned by Measure X operators in the City of Costa Mesa. Our project located at 2424 Newport Blvd has been in the plan check phase for a few months now, we have invested a lot of capital to date in this entire process and I sincerely implore you to at least not compromise the 13 applicants that have been issued an approved CUP that are working towards becoming operational.

I know this has been an exasperating process for the City, but I am extremely grateful and thankful to City Council for enabling an opportunity like this. I am also thankful to the Planning Commission, and the city staff personal involved in processing applications.

Thank you for taking the time to read this comment, we are immensely excited to invest in the City of Costa Mesa, and in the right environment we will be able to perform as a prosperous business for the city.

Sincerely,

**Andy Singh**  
Chief Executive Officer

562 412 3194

asingh@nuvata.co

www.nuvata.co



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**From:** Mike Getlin <m.getlin@nectarmarkets.com>  
**Sent:** Tuesday, November 7, 2023 11:59 AM  
**To:** CITY CLERK  
**Subject:** Written Public Testimony/Comments for New Business Item 3, Nov. 7th, 2023 - Cannabis License Moratorium

To whom it may concern,

My name is Michael Getlin and I am the Board Chair for the Cannabis Industry Alliance of Oregon, the largest industry trade association in the Pacific Northwest and Director of Licensing & Public Affairs for Nectar Markets, which operates a cannabis retail store on Newport Boulevard in Costa Mesa.

I would like to lend some perspective from our experience here in Oregon, where state laws originally allowed open licensure. Myself, my colleagues, and much of our legislature and regulators have been dealing with the negative externalities of those policies for many years, and continually trying to curtail the rate of licensure, especially for retailers.

Oregon currently has one retailer for approximately every 4000 residents, which places us at the top of the list nationwide for the number of stores per capita. In fact, the next closest state, has fewer than a third as many cannabis retailers per capita as does Oregon. As a long-time industry veteran and small business owner, I have seen the unimaginable financial destruction caused by open licensure, have personally successfully lobbied to pass two statewide license moratoria, and am currently working with legislators on a third bill to tie licensure to population and create a long-term fix.

When we first started to design our program here, we intended to rely on the market to create stability through competition. The problem is that cannabis is an extremely unique industry due to the interaction between investment interest and federal law. Normally, investment demand follows profitability. In cannabis however, investors will often capitalize any license they can get with no heed to potential profitability so they can continue showing growth and hopefully hold out for a sale when federal laws change and bring new investors into the market.

The result of this dynamic is that cannabis retailers in open markets very rarely achieve profitability, create stable living-wage jobs, and deliver strong community benefits as they simply cannot afford to do so. In Oregon, this has led to terrible results for business owners and communities alike. Several times a week, I drive by a dispensary owned by a colleague of mine, who has not been able to find the money to repair a broken window on the front of the store for nearly 6 months.

With a population of 110,000 people, Costa Mesa can support about 9 cannabis retailers if there is a hope to maintain economic viability for them. We are already seeing sales at our Newport Ave location at a small fraction of what our other California store achieves, simply due to the number of licenses in the city.

I strongly urge the city council to put a cork in this bottle, at least for the next couple years. You can always take it out again, but each week that goes by sees more and more pressure mount on the Costa Mesa cannabis market, and I believe we are close to a tipping point and a cascade of failing businesses. You can always grant more licenses in the future, but it's much harder to take them back.

I look forward to hearing your deliberations and wish you luck in navigating this issue. Thank you for your leadership.

Sincerely,

Mike Getlin  
Director of Licensing & Public Affairs  
Nectar Markets

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November 7, 2023

**VIA EMAIL**

Costa Mesa City Council  
cityclerk@costamesaca.gov

**Re: Support for Agenda Item No. 3 - Request for City Council  
Direction Regarding Cannabis Retail Applications Moratorium (File  
No. 23-1426)**

Dear Honorable City Council Members,

I write to you again as an attorney deeply invested in the welfare of the Eastside community of Costa Mesa. You may recall my prior appearances before this Council where I voiced the community's concerns regarding the risks associated with the oversaturation of cannabis retailers, particularly at the intersection of Broadway and Newport Boulevard.

In continuation of that dialogue, I strongly support Agenda Item number 3 on tonight's council agenda, which pertains to the staff's recommendation for a moratorium or the establishment of alternative procedures to suspend the processing of cannabis retail applications.

The overconcentration of cannabis retailers in one area is not merely a zoning issue—it is a matter that touches upon the well-being of families, the vitality of existing businesses, and the very character of our neighborhoods. As the legal representative of concerned homeowners and business operators on the Eastside, it is my duty to re-emphasize the urgent need for the City Council's intervention.

The crux of the matter is not the presence of cannabis retailers *per se* but the disproportionate concentration in a single locality which brings with it an array of detrimental impacts.

The potential preparation of a moratorium and/or alternative procedures to suspend the processing of cannabis retail applications, as proposed in the agenda item, is a prudent step toward addressing the concerns of overconcentration. It aligns with the sentiments of the Eastside community and provides a strategic pause, allowing for a more thorough assessment and recalibration of the cannabis retail landscape in Costa Mesa.

Let me reiterate the pivotal points that support the implementation of this moratorium:

Overconcentration: The prospect of transforming communities around Costa Mesa into what will effectively become “cannabis row” is alarming. It is counterintuitive to community diversity and stability to have such a clustering of identical businesses, particularly when less than 25 yards from residential homes and families, as they are proposed in many areas throughout the city.

Community Impact: Historical and empirical evidence suggests that areas with dense cannabis retail presence encounter heightened crime rates, deterioration in quality of life, and depreciation of residential property values. This potential reality is not aligned with the interests of the Eastside residents.

Business Displacement: The proposed addition of cannabis retailers threatens to displace established businesses. This is not a mere change in business type but a complete alteration of the economic and social fabric of the area.

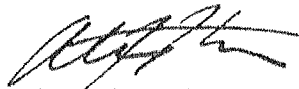
Legal Recourse: My clients are prepared to take legal action should the City Council not intervene effectively. It is within your esteemed powers to prevent the need for such measures and to avert the adverse effects of overconcentration.

The community has expressed its stance clearly, with 180 signatures already gathered on the Change.org petition entitled “Stop the Over-Saturation of Cannabis Shops on the Eastside of Costa Mesa.” Additionally, the Facebook group “Too Many Pot Shops on the Eastside of Costa Mesa” serves as a hub for concerned citizens to unite and express their opposition.

Given these points, I strongly urge you to consider the gravity of this issue as reflected in the community’s response and to take decisive action by providing direction for a moratorium or establishing alternative procedures as proposed in Agenda Item number 3.

Thank you for your attention to this matter and for your continued service to the City of Costa Mesa. I trust that you will act in the best interest of your constituents.

Sincerely,  
**Michel & Associates, P.C.**



Alexander Haberbush

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**From:** ocroof78@gmail.com  
**Sent:** Tuesday, November 7, 2023 1:55 PM  
**To:** CITY CLERK  
**Subject:** rent control and rent stabilization

as far as your city of Costa Mesa, rent control, and rent stabilization, the state of California rent control is bearable for the small mom and pop landlords, but if the city of Costa Mesa adds one or two more additional months of relocation cost as a small landlord I will be forced to increase my monthly rent on units by two or \$300 or more to cope with my losses. Please understand that after 10 to 15 years of a rental unit they are in need to be redone again, you cannot do this with a tenant in the unit. Also to pull a permit before the tenant is out, could cost us time to remove the tenant and we would lose our time on our permits. The city is discriminating against the class of landlords and our controlling private property and our businesses without any real compensation. The fifth and the 14th amendment.

David Miller

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