

**RESOLUTION NO. 2023-xx**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO UPHOLD THE PLANNING COMMISSION'S DECISION AND DENY PLANNING APPLICATION 22-21 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 2001 HARBOR BOULEVARD, SUITES 101-103 (SOUTH COAST SAFE ACCESS)**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 22-21 was filed by Randall Longwith with Costa Mesa Access, Inc. dba South Coast Safe Access, authorized agent for the property owner, Vaccher Family Trust, requesting approval of the following:

A Conditional Use Permit to operate a storefront retail cannabis business within a 3,720-square-foot tenant space within an existing commercial building located at 2001 Harbor Boulevard, Suites 101, 102, and 103. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, subject to conditions of approval and other City and State requirements;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 28, 2022 with all persons having the opportunity to speak for and against the proposal, and the project was denied by the Planning Commission on a 4-2 vote;

WHEREAS, an appeal of the Planning Commission's denial of the project was filed on December 5, 2022;

WHEREAS, a duly noticed public hearing was held by the City Council on February 21, 2023 with all persons having the opportunity to speak for and against the appeal;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15270(a) in that CEQA does not apply to projects which a public agency rejects or disapproves.

NOW, THEREFORE, based on evidence in the record and the findings contained in Exhibit A, the City Council hereby upholds the decision of the Planning Commission to DENY Planning Application 22-21.

**PASSED AND ADOPTED this 21<sup>st</sup> day of February, 2023.**

\_\_\_\_\_  
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. 2023-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 21st day of February 2023, 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 21<sup>st</sup> day of February 2023.

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

## EXHIBIT A

### FINDINGS

- A. Pursuant to CMMC Section 13-29(g), when granting an application for a conditional use permit, the review authority shall find that the evidence presented in the administrative record substantially meets required findings. The Applicant failed to meet its' burden to demonstrate that the proposed project would comply with all of the requirements of Section 13-29(g)(2) and therefore the City Council is unable to make all of the required findings to approve the proposed use as set forth herein below:

**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 Finding:** The proposed cannabis establishment would be located on the first floor of a two-story, multitenant commercial building. The business located on the same property and occupying the second floor suites directly above the proposed cannabis storefront is an individual and group counseling provider (i.e., Yellowstone Recovery) that specializes in alcohol and substance addiction recovery. After careful consideration of the evidence presented in the record the Planning Commission determined that the proposed cannabis retail storefront would not be substantially compatible with the existing onsite counseling use, which serves a clientele that is in recovery for alcohol and/or substance addiction and is located on the same site and in the second floor tenant suites directly above the proposed cannabis retail storefront. While the applicant provided a statement that Yellowstone Recovery was to leave the site by April 2023, Yellowstone Recovery is still in operation at the site and its departure cannot be guaranteed.

**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 the Finding:** The proposed cannabis establishment would potentially be materially detrimental to the general welfare of the public in that the proposed cannabis retail use is not substantially compatible with the existing addiction recovery use operating on the same site and in the second floor tenant suites directly above the proposed cannabis retail storefront.

**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 the Finding:** The proposed use is consistent with General Plan policies related to economic development and jobs. In addition,

the proposed cannabis retail storefront is consistent with the commercial General Plan land use designation for the site, and would not result in a density or intensity that is not in accordance with the General Plan.