



# **CITY OF COSTA MESA**

## **PLANNING COMMISSION**

### **Agenda**

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**Monday, August 14, 2023**

**6:00 PM**

**City Council Chambers  
77 Fair Drive**

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- 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.

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4. 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 [PCPublicComments@costamesaca.gov](mailto:PCPublicComments@costamesaca.gov). Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.

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

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].

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PLANNING COMMISSION REGULAR MEETING

AUGUST 14, 2023 – 6:00 P.M.

ADAM ERETH  
Chair

RUSSELL TOLER  
Vice Chair

JOHNNY ROJAS  
Planning Commissioner

ANGELY ANDRADE VALLARTA  
Planning Commissioner

Karen Klepack  
Planning Commissioner

JON ZICH  
Planning Commissioner

JENNIFER LE  
Director of Economic and  
Development Services

JIMMY VIVAR  
Planning Commissioner

TARQUIN PREZIOSI  
Assistant City Attorney

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**ANNOUNCEMENTS AND PRESENTATIONS**

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**  
Comments are limited to three (3) minutes, or as otherwise directed.

**COMMISSIONER COMMENTS AND SUGGESTIONS**

**CONSENT CALENDAR:**

- 1. [DECEMBER 12, 2022 UNOFFICIAL MEETING MINUTES](#) [23-1348](#)

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of December 12, 2022.

**Attachments:** [December 12, 2022 Unofficial Meeting Minutes](#)

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2. [APRIL 24, 2023 UNOFFICIAL MEETING MINUTES](#) [23-1349](#)

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of April 24, 2023.

**Attachments:** [April 24, 2023 Unofficial Meeting Minutes](#)

**PUBLIC HEARINGS:**

1. [PLANNING APPLICATION 22-12 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING LOCATED AT 141 E. 16TH STREET \(THE MERCANTILE\)](#) [23-1347](#)

RECOMMENDATION:

Staff recommends that the Planning Commission remove the CUP application from the August 14, 2023 Planning Commission public hearing agenda. The hearing on the CUP may be re-noticed to a future date and time as determined by staff.

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

2. [PLANNING APPLICATION 23-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A TATTOO AND BODY PIERCING \(BODY ART\) ESTABLISHMENT AT 1834 NEWPORT BLVD, UNITS C & D](#) [23-1350](#)

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 (Existing Facilities); and
2. Approve Planning Application 23-04, subject to conditions of approval.

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

[1. Draft Planning Commission Resolution](#)

[2. Applicant Letter](#)

[3. Vicinity Map](#)

[4. Zoning Map](#)

[5. Site Photos](#)

[6. Project Plans](#)

3. [PLANNING APPLICATION 22-05 FOR A CONDITIONAL USE PERMIT 23-1351 TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 1505 MESA VERDE DR. E. \(“C21+”\)](#)

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 22-05, subject to conditions of approval.

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

- [1. Draft Planning Commission Resolution](#)
- [2. Applicant Letter and Supplemental Information](#)
- [3. Vicinity Map](#)
- [4. Zoning Map](#)
- [5. Site Photos](#)
- [6. Project Plans](#)
- [7. Public Comments](#)
- [8. OCDE Comments](#)

**OLD BUSINESS: None.**

**NEW BUSINESS: None.**

**DEPARTMENT REPORTS:**

1. PUBLIC WORKS REPORT
2. DEVELOPMENT SERVICES REPORT

**CITY ATTORNEY REPORTS:**

1. CITY ATTORNEY

**ADJOURNMENT**

PLANNING COMMISSION MEETING:

Costa Mesa Planning Commission meets on the second and fourth Monday of each month at 6:00 p.m.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an affected party files an appeal to the City Council, or a member of City Council requests a review. Applications for appeals are available through the City Clerk's Office; please call (714) 754-5225 for additional information.

CONTACT CITY STAFF:

77 Fair Drive, Costa Mesa, CA 92626  
Planning Division (714) 754-5245  
[planninginfo@costamesaca.gov](mailto:planninginfo@costamesaca.gov)



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1348

**Meeting Date:** 8/14/2023

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**TITLE:**

DECEMBER 12, 2022 UNOFFICIAL MEETING MINUTES

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

**RECOMMENDATION:**

Planning Commission approve Minutes of a regular meeting of December 12, 2022.



UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF  
COSTA MESA PLANNING COMMISSION**

**December 12, 2022**

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Commissioner Russell led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Adam Ereth, Commissioner Dianne Russell, Commissioner Johnny Rojas, Commissioner Russell Toler, Commissioner Jimmy Vivar

Absent: None

Officials Present: Assistant Development Services Director Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Assistant Planner Gabriel Villalobos, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None

**PUBLIC COMMENTS:**

None

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Vivar thanked the public for attending the meeting and wished everyone a Happy Holiday. He thanked his fellow Commissioners for a great year serving on the Commission.

Commissioner Rojas thanked staff for the past year.

Commissioner Toler shared some interesting news items dealing with public transportation planning issues in Seattle and San Jose.

## UNOFFICIAL UNTIL APPROVED

Commissioner Russell expressed her appreciation to staff for their hard work this past year, she thanked the public for attending the Commission meetings and wished everyone a Happy Holiday.

Vice Chair Zich expressed his appreciation to staff and wished everyone a Merry Christmas.

Chair de Arakal thanked his fellow Commissioners and appreciated the commitment they have shown, as he comes to end of his tenure he wanted to express his appreciation to staff for all their hard work. He also wished everyone a Happy Holiday.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS:**

- 1. PLANNING APPLICATION 21-32 FOR A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A VETERINARY CLINIC (“MODERN ANIMAL”) WITH OFF-SITE EMPLOYEE PARKING, AND MINOR CONDITIONAL USE PERMIT FOR A REDUCTION IN PARKING BASED ON UNIQUE OPERATING CHARACTERISTICS IN THE C1 ZONE LOCATED AT 462 E. 17<sup>TH</sup> STREET**

**Project Description:** Planning Application 21-32 is a request for a Conditional Use Permit to operate a veterinary clinic (Modern Animal) within a 3,250-square-foot tenant space located at 462 E. 17<sup>th</sup> Street and a Minor Conditional Use Permit to allow for a deviation in parking requirements due to unique operating characteristics. The proposal will include interior tenant improvements to establish exam and surgery areas, as well as, office space and other incidental uses for the proposed veterinary clinic. Modern Animal will provide veterinary services to cats and dogs on an appointment-only basis for those subscribed to their membership program and there will be no overnight boarding of pets.

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

No ex-parte communications to report.

Assistant Planner Gabriel Villalobos, presented the staff report.

**Commission and Staff:**

## UNOFFICIAL UNTIL APPROVED

Commissioner Vivar asked why the vacant bank use was factored into the parking demand calculations and whether that establishment would be coming back into that unit.

Mr. Villalobos noted the bank still leases the unit, but has no plans to return. The bank's higher parking use was factored into calculations to show parking demand for a future use would not impact the veterinary site.

Discussion ensued regarding possible other future uses at the vacant suite, parking concerns and the vet clinics proposed partnership with a local animal hospital.

Vice Chair Zich asked whether the five-foot site setback was for the western edge of the building to the edge of the driveway as noted on page two of the staff report.

Mr. Villalobos noted there are two separate properties sharing the parking, so the site setback is counted at the western edge of the building.

Discussion ensued regarding the CUP request, off site parking request and parking impacts.

Vice Chair Zich asked whether the City would be notified if the off-site parking agreement is terminated.

Mr. Villalobos noted the project is conditioned that they have a yearly lease, but there is not a mechanism in place to notify the City if the off-site parking is terminated.

**The Chair opened Public Hearing.**

Joseph Pentano, authorized agent for the applicant, stated he read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Mr. Pentano thanked staff and provided an overview of the application.

**The Chair opened Public comments.****PUBLIC COMMENT:**

None.

**The Chair closed public comment.**

Chair de Arakal commented on the parking code requirements.

**The Chair closed the Public Hearing.**

## UNOFFICIAL UNTIL APPROVED

Vice Chair Zich made a motion, seconded by Commissioner Vivar.

Vice Chair Zich, Commissioner Vivar, and Chair de Arakal all spoke in favor of the motion.

**MOVED/SECOND:** Zich/Vivar

**MOTION:** Move staff's recommendation with additional language to Condition of Approval No. 13.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Rojas, Russell, Toler, Vivar

Nays: None

Absent: None

Recused: None

Motion carried: 7-0

**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) Section 15301 (Class 1), Existing Facilities and;
2. Approve Planning Application 21-32, subject to conditions of approval and additional language to Condition of Approval No. 13.

**MODIFIED CONDITION:**

**Conditions of Approval No. 13 to read:** Once operational, the business operators shall subsequently submit yearly on January 1<sup>st</sup>, written and documented confirmation to the Planning division that said lease is still in effect.

**RESOLUTION PC-2022-34 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-32 FOR A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A VETERINARY CLINIC (“MODERN ANIMAL”) WITH OFF-SITE EMPLOYEE PARKING, AND A MINOR CONDITIONAL USE PERMIT FOR A REDUCTION IN PARKING BASED ON UNIQUE OPERATING CHARACTERISTICS IN THE C1 ZONE LOCATED AT 462 E. 17<sup>TH</sup> STREET**

The Chair explained the appeal process.

The Commission took a break at 6:56 PM.

The Commission reconvened at 7:05 PM

2. **PLANNING APPLICATION 21-40 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2664 NEWPORT BOULEVARD (SECRET GARDEN)**

## UNOFFICIAL UNTIL APPROVED

**Project Description:** Planning Application 21-40 is a request for a Conditional Use Permit to operate a storefront retail cannabis business with delivery within an existing 3,403-square-foot suite within an existing commercial building located at 2664 Newport Boulevard. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and via delivery subject to conditions of approval and other City and State requirements.

**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 to report:

Commissioner Ereth exchanged emails and had a call with the authorized agent, Christopher Kopitch.

Vice Chair Zich had a telephone call with one of the consultants for the applicant.

Chair de Arakal received an email from the applicant's representative.

Contract Planner Michelle Halligan, presented the staff report.

**Commission and Staff:**

Commissioner Ereth asked how long the previous uses were in business.

Ms. Halligan noted the building was approved in 1999 and a business license history back to 2008.

Discussion ensued regarding the prior uses and hours of operation at the site.

Commissioner Ereth asked staff what may be the probable compatibility issues with the adjacent property that were noted in the staff report.

Ms. Halligan noted the proposed use would have extended hours of operation and have a higher turnover rate (customer traffic) at the site than prior uses.

Discussion ensued regarding the peak hours of customer traffic that would visit the site.

Commissioner Vivar asked whether the rolling gate on the property would only be open during the scheduled hours of operation for the business.

Ms. Halligan answered that the vehicle gate is existing and the Planning Commission can condition the hours of operation for the business and the gate.

## UNOFFICIAL UNTIL APPROVED

Discussion ensued regarding the previous business operations and hours of operation at the site, and how proposed parking at the site would be enforced so that employees would only park in the back after 5 p.m.

Commissioner Rojas noted mention of the multi-family units located on Lisa Lane at the back of the property and asked whether the City was contacted by any of the residents for any privacy concerns or requested any noise abatement at the site.

Ms. Halligan stated they had not, but received two letters of support for the applicant from the tenants at an address on Lisa Lane.

Commissioner Toler asked whether staff had received any correspondence in opposition to this application.

Ms. Halligan stated staff had not received any opposition comments to date.

Commissioner Russell asked how far the back wall of the property is located from the residential building.

Ms. Halligan noted it appears between five to seven feet from the residential building and that the second story is visible from the property.

Vice Chair Zich asked what the operating hours will be for the business.

Ms. Halligan noted the hours listed in the business plan are 7:00 a.m. to 10:00 p.m., which are the maximum hours allowed open per the City's municipal code. The use can be conditioned to have more restricted hours.

Discussion ensued regarding when the development on the Lisa Lane was built and hours of operation for the masonry business which is adjacent to the property.

**The Chair opened the Public Hearing.**

Mr. Jim Fitzpatrick, authorized agent for the applicant, stated he read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Mr. Fitzpatrick introduced Mike Feldman to the Commission who gave a brief overview of the application.

Mr. Fitzpatrick continued the presentation on the application.

Commissioner Ereth asked whether the applicant had reached out to the property owners behind them in versus the renters at the properties.

## UNOFFICIAL UNTIL APPROVED

Mr. Fitzpatrick stated they had reached out to both and sent invitations to the open houses.

Commissioner Vivar asked for clarification the hours of operation for the business.

Mr. Fitzpatrick noted the business will be open from 7:00 a.m. to 10:00 p.m.

Discussion ensued regarding resident comments at the Open House and outreach efforts to the adjoining businesses and neighboring residential properties.

Commissioner Vivar asked whether the applicant had spoken to the neighbors whose windows overlook the back-parking area of the property.

Mr. Fitzpatrick spoke on the window placement and stated they did receive a letter of support from the neighbors.

Discussion ensued regarding private security patrolling on public rights of way and security in and around the property.

Commissioner Toler asked whether the security gate was already in place on the property and not installed by the applicant.

Mr. Fitzpatrick answered that the gate was already in place on the property.

Discussion ensued regarding potential conditions of approval that the Commission may consider to ensure compatibility with nearby residential developments, as listed on page 13 of the staff report.

Commissioner Russell asked whether the business will be applying for a “M” license for cannabis.

Mr. Fitzpatrick answered in the affirmative.

Commissioner Russell asked the number of staff on site at any given time during business hours.

Mr. Fitzpatrick noted four staff on site with a security guard.

Discussion ensued regarding the customer peak hour visits to the business, customer counts per hour and lighting of the back-parking area.

Discussion also ensued regarding the security guard and the area of patrol in and around the business.

Vice Chair Zich asked for clarification on the mention of Measure X in one of the applicant’s presentation slides, which Mr. Fitzpatrick was able to answer.

## UNOFFICIAL UNTIL APPROVED

Chair de Arakal asked if all of the rear parking area will be within the view of security cameras.

Mr. Fitzpatrick answered in the affirmative.

The Chair opened Public Comments.

**PUBLIC COMMENT:**

Dr. Joseph Zappala, property owner, supported the application and affirmed that he had installed the gates on the property prior to this application and that the gates would be opened manually by staff during the open and close of business hours. He also noted that his prior business at the location was open seven days a week.

Neil Aher, representing the Star Inn, spoke on their support of the application and spoke in favor of the upgrades to the property and the implementation of a Neighborhood Watch program that the applicant is proposing.

Speaker 1, resident of Costa Mesa, spoke in favor of the application.

Speaker 2, resident of Costa Mesa, spoke in favor of the application.

Rose Liu, resident of Costa Mesa, spoke in favor of the application.

Speaker 4, resident of Costa Mesa, spoke in favor of the application.

Speaker 5, resident of Costa Mesa, spoke in favor of the application.

**The Chair closed Public Comment.**

The Chair closed the Public Hearing.

**The Chair re-opened the Public Hearing.**

Commissioner Ereth asked whether the support letters received from the neighbors behind the property were from the tenants or property owners.

Ms. Halligan received three support letters, two from tenants and she is unsure if the other was from a property owner.

**The Chair closed the Public Hearing.**

Chair de Arakal made a motion, seconded by Vice Chair Zich.

Chair de Arakal spoke on his motion and support of the application.



## UNOFFICIAL UNTIL APPROVED

Vice Chair Zich also spoke in favor of the motion.

Commissioner Ereth asked the maker of the motion if he would support augmenting the conditions of approval by replacing the landscaping in the back with mature trees.

Chair de Arakal declined the request.

Commissioner Vivar spoke on the application and the reasons he will not support the motion.

Commissioner Toler spoke in favor of the motion.

Vice Chair Zich commented on one of the concerns spoken by Commissioner Vivar.

Assistant City Attorney Tarquin Preziosi suggested the language for Condition of Approval No. 8 be modified to reflect more recent language used for Measure Q projects.

Chair de Arakal asked the applicant and property owner to affirm this modification in the language to Condition of Approval No. 8.

Both the applicant and property owner both affirmed the modification of the language in Condition of Approval No. 8.

The maker of the motion and second both affirmed the modification.

**MOVED/SECOND:** de Arakal/Zich

**MOTION:** Move staff's recommendation with modified language to Condition of Approval No. 8.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Ereth, Rojas, Russell, Toler

Nays: Vivar

Absent: None

Recused: None

Motion carried: 6-1

**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) Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-40, subject to conditions of approval, with modified language to Condition of Approval No. 8.

**MODIFIED CONDITION:**

**Condition of Approval No. 8 to read:** The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally

## UNOFFICIAL UNTIL APPROVED

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 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 not limited to, damages, fees and/or 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.

**RESOLUTION PC-2022-35– A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-40 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (SECRET GARDEN) IN THE C1 ZONE AT 2664 NEWPORT BOULEVARD**

The Chair explained the appeal process.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – Mr. Yang reported the public works department has continued the construction on Wilson Street with pavement construction between Newport Boulevard and Placentia Avenue starting on December 13. In addition, construction of the new Wilson Park monument sign is in progress with the foundation of the sign being set.
2. Development Services Report – Mr. Drapkin extended a Happy Holiday to the Commission on behalf of the department.

**CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – None.

**ADJOURNMENT AT 8:30 P.M.**

Submitted by:

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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1349

**Meeting Date:** 8/14/2023

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**TITLE:**

APRIL 24, 2023 UNOFFICIAL MEETING MINUTES

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

**RECOMMENDATION:**

Planning Commission approve Minutes of a regular meeting of April 24, 2023.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF  
COSTA MESA PLANNING COMMISSION****April 24, 2023****CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Vice Chair Toler led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Adam Ereth, Vice Chair Russell Toller, Commissioner Angely Andrade, Commissioner Jonny Rojas, Commissioner Tim Taber, Commissioner Vivar, Commissioner Jon Zich

Absent: None.

Staff Present: Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Associate Planner Chris Yeager, Assistant Planner Chris Aldana, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

Wendy Simo, spoke on Gym 12 and the sound the gym is producing in the early morning hours.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Vivar thanked the public commenters. He thanked staff for the Costa Mesa Earth day event.

Commissioner Zich asked staff for a copy of 12 Gym's CUP before next meeting.

**CONSENT CALENDAR:****1. APPROVAL OF MINUTES**

Minutes – Costa Mesa Planning Commission Meeting – April 24, 2023 - Page 1

## UNOFFICIAL UNTIL APPROVED

Commissioner Vivar made motion to approve minutes as written. Seconded by Vice Chair Toler.

**MOVED/SECOND:** Vivar/ Toler

**MOTION:** Moves staff recommendations.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade Rojas Vivar, Zich

Nays: None

Absent:

Abstained: Taber

Motion carried: 5-0-1

## PUBLIC HEARINGS

### 1. PLANNING APPLICATION 22-41 FOR A CANNABIS NON-STOREFRONT RETAIL (DELIVERY) FACILITY (“OCM VENTURES INC.”) AT 3505 CADILLAC AVENUE, UNIT M-102

**Project Description:** Planning Application 22-41 is a request for a Conditional Use Permit to allow a cannabis non-storefront retail (delivery) within an existing 1,833-square-foot tenant space at 3505 Cadillac Avenue, Unit M102. No cannabis distribution or manufacturing are proposed.

**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.

No ex-parte communications reported.

Patrick Achis, Assistant Planner, presented the staff report.

#### **The Chair opened Public Hearing.**

Annie Santillan, applicant, stated she read and agreed to the conditions of approval.

#### **Commission, Applicant and Staff:**

Discussion ensued on the applicants plan for marketing, the applicant’s decision to do a delivery only business, floor plan, employee relocation, reasons for choosing costa mesa for their delivery location,

The Chair opened Public Comments.

## UNOFFICIAL UNTIL APPROVED

**PUBLIC COMMENT:**

David Dywike, spoke in support of the item.

The Chair closed Public Comments.

The Chair closed the Public Hearing.

Chair Ereth made a motion to approve application PA-22-42 subject to conditions of approval. Seconded by Vivar.

Commissioner Vivar spoke in support of the motion.

Commissioner Ereth spoke on his motion.

**MOVED/SECOND:** Ereth/ Vivar

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Taber, Vivar, Zich

Nays: None

Absent: Andrade

Recused: None

Motion carried: 6-0

**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 22-42, subject to conditions of approval.

**RESOLUTION PC-2023-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-42 FOR A NON-STOREFRONT RETAIL BUSINESS ("A & D COURIERS") AT 2706 HARBOR BOULEVARD, SUITE 208**

The Chair explained the appeal process.

**2. PLANNING APPLICATION 22-27 FOR A RETAIL CANNABIS NON-STOREFRONT AND CANNABIS DISTRIBUTION FACILITY LOCATED AT 3505 CADILLAC AVE, UNIT O-209A (AK EXCLUSIVES)**

**Project Description:** Planning Application 22-27 is a request for a CUP to operate both a non-storefront retail and distribution facility within a 1,170-square-foot tenant space in a multi-tenant industrial office building located at 3505 Cadillac

## UNOFFICIAL UNTIL APPROVED

Avenue, Unit O-209A. (“Non-storefront” delivery refers to the delivery of pre-packaged goods from the storefront business to customers at private addresses.)

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

No ex-parte communications reported.

Gabriel Villalobos, Assistant Planner, presented the staff report.

**The Chair opened Public Hearing.**

Amin Kaun, applicant, stated that he had read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Discussion ensued on the different aspects of retail delivery verses distribution facilities.

The Chair opened Public Comments.

**PUBLIC COMMENT:**

No public comments.

The Chair closed the Public Comments.

The Chair closed the Public Hearing.

Vice Chair Toler made a motion to approve application PA-22-27 subject to conditions of approval. Seconded by Commissioner Rojas.

Vice Chair Toler spoke in his motion.

Commissioner Rojas spoke in support of the motion.

Chair Ereth spoke in support of the motion.

**MOVED/SECOND:** Toler/Rojas

**MOTION:** Move staff’s recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Taber, Vivar, Zich

Nays: None

## UNOFFICIAL UNTIL APPROVED

Absent: Andrade  
 Recused: None  
 Motion carried: 6-0

**ACTION:** The Planning Commission adopted a Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and

**RESOLUTION PC-2023-10 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-27 FOR A CANNABIS DISTRIBUTION AND NON-STOREFRONT RETAIL FACILITY (AK EXCLUSIVES) AT 3505 CADILLAC AVENUE, UNIT O-209A**

The Chair explained the appeal process.

**2. PLANNING APPLICATION 21-38 FOR A RETAIL CANNABIS 23-1167 STOREFRONT BUSINESS LOCATED AT 2424 NEWPORT BOULEVARD UNITS C AND F (GAIA WELLNESS)**

**Project Description:** Planning Application 21-38 is a request for a CUP to allow a 1,552-square-foot retail cannabis storefront in an existing multi-tenant commercial building at 2424 Newport Boulevard (Units C and F). The affiliated State license is a Type 10 “storefront retailer” license. If approved, the business would be allowed to sell pre-packaged cannabis and pre-packaged cannabis products to customers onsite, subject to conditions of approval and other City and State requirements.

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

Chair Ereth reported ex-parte communications.

Michelle Halligan, contract planner, presented staff report.

**Commission and Staff:**

Discussion ensued on the project site layout, letters of support received, wayfinding signage, prior occupant vacancies in the proposed building, associated restrictions with commercial residential, and the practical differences between commercial limited and commercial residential zoning.

**The Chair opened Public Hearing.**



## UNOFFICIAL UNTIL APPROVED

Sean Maddocks, applicant's representative, stated he read and agreed to the staff report.

**Commission, Applicant and Staff:**

Discussion ensued on signage, landscaping, noticing, previous tenants' relocation, applicant's discussion with the landlord, and incorporation and licensing of the company.

The Chair opened Public Comments

**Public Comments:**

None.

The Chair closed public comments.

The Chair closed the Public Hearing.

Commissioner Rojas made a motion to approve application PA-22-27 subject to conditions of approval. Seconded by Vice Chair Toler.

Commissioner Vivar spoke in support of the motion.

Chair Ereth spoke in support of the motion.

**MOVED/SECOND:** Rojas/Toler

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Vivar, Zich

Nays: None

Absent: Andrade

Abstain: Taber

Motion carried: 5-0-1-1

**ACTION:** The Planning Commission adopted a Resolution to:

1. Find that the project is 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 21-38, subject to conditions of approval.

**RESOLUTION PC-2023-11- A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-38 FOR A STOREFRONT RETAIL CANNABIS**

## UNOFFICIAL UNTIL APPROVED

**BUSINESS (GAIA WELLNESS) IN THE C1 ZONE AT 2424 NEWPORT BOULEVARD, UNITS C AND F**

The Chair explained the appeal process.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – Mr. Yang spoke on the West 19<sup>th</sup> Street Improvement Project. He informed the public on the City Councils upcoming Study Session with the Public Works staff giving a presentation.
2. Development Services Report – None.

**CITY ATTORNEY’S OFFICE REPORT(S)**

1. City Attorney – None.

**ADJOURNMENT AT 8:35 P.M.**

Submitted by:

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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1347

**Meeting Date:** 8/14/2023

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**TITLE:**

PLANNING APPLICATION 22-12 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING LOCATED AT 141 E. 16TH STREET (THE MERCANTILE)

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

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

**CONTACT INFORMATION:** MICHELLE HALLIGAN 714.754.5608  
Michelle.Halligan@costamesaca.gov

**RECOMMENDATION:**

Staff recommends that the Planning Commission remove the CUP application from the August 14, 2023 Planning Commission public hearing agenda. The hearing on the CUP may be re-noticed to a future date and time as determined by staff.



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: August 14, 2023

ITEM NUMBER: PH- 1

**SUBJECT: PLANNING APPLICATION 22-12 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY, AND A MINOR CONDITIONAL USE PERMIT FOR COMPACT PARKING LOCATED AT 141 E. 16<sup>TH</sup> STREET (THE MERCANTILE)**

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

**PRESENTATION BY: MICHELLE HALLIGAN, CONTRACT PLANNER**

**FOR FURTHER INFORMATION CONTACT: MICHELLE HALLIGAN  
714.754.5608  
Michelle.Halligan@costamesaca.gov**

This application was continued by the Planning Commission at the July 24, 2023 Planning Commission hearing. See the below link to the July 24, 2023 Planning Commission staff report and attachments for specific details of the application request:

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=6296463&GUID=DB0B6053-E417-4CF5-9EEF-AE153D94A731&Options=&Search=>

On August 9, 2023, the applicant's attorney submitted a request to remove the application from the August 14, 2023 Planning Commission public hearing agenda.

## **RECOMMENDATION**

Staff recommends that the Planning Commission remove the CUP application from the August 14, 2023 Planning Commission public hearing agenda. The hearing on the CUP may be re-noticed to a future date and time as determined by staff.

## **APPLICANT OR AUTHORIZED AGENT**

The applicant is Aaron Brower and the authorized agent is Jim Fitzpatrick, on behalf of the property owner, Boatyard Fund, LLC.



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1350

**Meeting Date:** 8/14/2023

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**TITLE:**

PLANNING APPLICATION 23-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A TATTOO AND BODY PIERCING (BODY ART) ESTABLISHMENT AT 1834 NEWPORT BLVD, UNITS C & D

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

**PRESENTED BY:** GABRIEL VILLALOBOS, ASSISTANT PLANNER

**CONTACT INFORMATION:** GABRIEL VILLALOBOS 714-754-5610  
GABRIEL.VILLALOBOS@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 15301 (Existing Facilities); and
2. Approve Planning Application 23-04, subject to conditions of approval.



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: August 14, 2023

ITEM NUMBER: PH-2

**SUBJECT: PLANNING APPLICATION 23-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A TATTOO AND BODY PIERCING (BODY ART) ESTABLISHMENT AT 1834 NEWPORT BLVD, UNITS C & D**

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

**PRESENTATION BY: GABRIEL VILLALOBOS, ASSISTANT PLANNER**

**FOR FURTHER INFORMATION CONTACT: GABRIEL VILLALOBOS  
714-754-5610  
GABRIEL.VILLALOBOS@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 (Existing Facilities); and
2. Approve Planning Application 23-04, subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT**

The authorized agent is Emil Allahverdiyev, on behalf of the property owner Mario Tambellini.

**PLANNING APPLICATION SUMMARY**

Location:	1834 Newport Blvd, Units C & D	Application Numbers:	PA-23-04
Request:	Planning Application 23-04 is a request for a Conditional Use Permit for the establishment of a new tattoo and body piercing (body art) establishment (Cleopatra Ink) at 1834 Newport Blvd, Units C & D. The proposed use will occupy an approximately 1,300-square-foot space located within a multi-tenant commercial building. Proposed hours of operation are 10 a.m. to 10 p.m., seven days a week.		

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone:	C2 (General Business District)	North:	C2 (General Business District)
General Plan:	General Commercial	South:	C2 (General Business District)
Lot Dimensions:	25 FT x 173 FT	East:	P (Off-Street Parking District); R2-HD (Multiple-Family Residential, High Density)
Lot Area:	4,337 SF	West:	PDC (Planned Development Commercial)
Existing Development:	Existing 3,400-square-foot, multi-tenant commercial building with no on-site parking stalls.		

**DEVELOPMENT STANDARDS COMPARISON**

Development Standard	Required/Allowed C2 Dev. Standard	Proposed/Provided
Building Height	2 stories/30 feet (maximum)	23' 4" provided
Setbacks:		
Front	20 ft. (minimum)	0 ft. provided
Side (left/ right)	15 ft. / 0 ft. (minimum)	0 ft. / 0 ft. provided
Rear	0 ft. (minimum)	24 ft. 11 in. provided
Landscape Setback – front	20 ft. (minimum)	0 ft. provided
Parking	14 spaces	0 provided
CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)	
Final Action	Planning Commission	

## **BACKGROUND**

The proposed project site is located at 1834 Newport Boulevard (Units C and D), between Broadway and East 18<sup>th</sup> Street. The applicant (“Cleopatra Ink”) own and operate over 90 body art establishments worldwide, with five more existing and/or proposed studios located in the United States.

The project site is zoned C2 (General Business District) and is surrounded by other properties zoned C2 to the north and south, PDC (Planned Development Commercial) to the west, and “P - Parking” (Off-Street Parking District) and R2-HD (Multi-Family Residential, High Density) to the east. The site has a General Plan land use designation of “General Commercial” and is surrounded by “General Commercial” designated parcels to the north and south, “Commercial Center” to the west, and “High Density Residential” to the east. Surrounding land uses include various retail to the north and west (including the “Triangle Square”), a bar (“Goat Hill Tavern”) and retail shops to the south, and a public alley, public parking lot and multi-family housing development generally located to the east.

The project site is developed with an existing, two-story, multi-tenant commercial building that is approximately 3,400 square feet. The leasable area on the first-floor is approximately 2,600 square feet and contains four tenant spaces, including the proposed body art establishment (Units C and D), and two spaces currently occupied by an aesthetician (Unit E) and salon (Unit F). The second-floor area is approximately 800 square feet and is comprised of two tenant spaces, both occupied by one barbershop (Units A and B). The existing building is developed to the property boundaries at the front and side property lines. The building is setback from the rear property line by approximately 25 feet, with an outdoor patio area currently occupying this space. City permit records for the project site indicate that the building was permitted as a commercial building in 1961, under Building Permit No. 13774.

### ***Nonconforming Development***

The existing development is legal nonconforming in terms of landscaping, setback, parking, and floor area ratio, and is therefore subject to the nonconforming provisions of the Costa Mesa Municipal Code (CMMC) Section 13-204. Pursuant to this Code Section, a conforming use may be located on a nonconforming property so long as any new site modifications do not result in greater site nonconformities, and such improvements bring the site into greater conformance with Code requirements. The City’s Nonconforming Provisions (CMMC Section 13-204) also indicate that “If the development has less parking than required for the existing conforming use, the existing use may not be replaced with a use requiring more parking unless the additional parking required for the new use is provided. Other uses on the same site may continue with the existing nonconforming parking.” Body art establishments are considered a “retail” service and therefore pursuant to CMMC Section 13-89, require four parking spaces per 1,000 square feet of floor area. Since the previous use in Units C and D (a vape shop) was also a retail use, the tattoo establishment is not considered



an intensification of use and therefore does not require additional parking to be provided (site parking conditions are further described below). No exterior site improvements or expansions are proposed, and, with the exception of future signage, the project is generally limited to an interior tenant improvement (TI).

## **DESCRIPTION**

Planning Application 23-04 is a request for a Conditional Use Permit (CUP) to allow a tattoo and body piercing (body art) establishment (“Cleopatra Ink”) to locate in an approximately 1,300-square-foot tenant space (Units C & D combined). The proposed land use would consist of tattooing and piercing (body art) with an ancillary retail component for branded merchandise. The layout of the establishment would consist of a reception area, five tattooing/piercing stations, one restroom, a waiting lounge area, and a pre-tattoo artist design/drawing area. The business proposes to operate from 10 a.m. to 10 p.m., seven days a week, and will employ a maximum of three employees on-site at any one time, including one designer and two tattoo artists. According to the applicant, body piercing is a very small component of the proposed body art operations, and when a body piercing service is requested, a specialized employee would be contracted for this service.

The tattooing sessions and piercings are provided by appointment-only, with customers scheduling appointments through the Cleopatra Ink website or by phone. The attached project description letter states that the applicant anticipates a daily average of five customer appointments, and anticipates no more than two stations in operation at any one time (including tattooing and body piercing). The appointments will be staggered throughout the day to avoid overlaps. The average duration of a tattoo appointment is two hours, depending on the size and complexity of the tattoo. Piercings typically take a significantly shorter amount of time than tattooing.

## **ANALYSIS**

### ***Conditional Use Permit (CUP)***

As indicated in Costa Mesa Municipal Code (CMMC) Land Use Table 13-30, tattoo (body art) establishments are conditionally permitted in the C2, General Commercial Business District, subject to the Planning Commission approval of a Conditional Use Permit. Pursuant to the CMMC, the intent of the C2 Zoning District is to “provide for those uses which offer a wide range of goods and services which are generally less compatible with more sensitive land uses of a residential or institutional nature”. The proposed project is located within the C2 Zone, and as such, is subject to the approval of the CUP. Pursuant to the CMMC Section 13-29, CUPs are subject to specific findings (described further below under “Findings”) and approval by the Planning Commission.

## ***Health and Sanitation***

Pursuant to Title 8 “Health and Sanitation”, Chapter VI “Tattooing Establishment and Operation Regulations” of the CMMC, the proposed business shall be required to maintain a high level of cleanliness and implement sanitary practices for health and safety issues related to tattooing and body art. Specific local regulations include, but are not limited to, the proper maintenance of the premises (Section 8-137), proper maintenance and sterilization of pigments, dyes and equipment (Section 8-139), and County Health Officer inspection protocols (Section 8-154). The proposed project is also conditioned to maintain compliance with County of Orange Environmental Health Department regulations and the applicable provisions of the California Health and Safety Code, Division 104, Part 15, Chapter 7 pertaining to “Body Art”.

Lastly, a condition of approval has also been included in the attached resolution, regarding the tattooing and piercing of “specific anatomical areas” as defined in Title 13, Chapter IX, Article 1 (Sexually Oriented Businesses) of the CMMC. This condition requires that all tattooing and piercing of “specific anatomical areas” as defined by the CMMC, shall be performed in a manner not visible to the public or other customers within the vicinity.

## ***Interior Improvements***

Proposed interior improvements for the subject property include the renovation of an approximately 1,300-square-foot tenant space. The existing tenant space is an open floor plan with an existing 55-square-foot restroom. The space was previously occupied by a vape shop and other various commercial/retail establishments. The space will be renovated by the applicants to include a new desk area for reception, five body art working stations divided by partitions, a new sink and countertop for the waiting lounge area and furniture for customer seating. As conditioned, the applicants will be required to apply for building permits for any electrical or plumbing work performed within the tenant space. Any proposed signage will be permitted through a separate sign permit and must be reviewed by the planning division for compliance with the City’s sign ordinance for approval.

## ***Parking***

The site is developed with an approximate 3,400-square-foot, multi-tenant commercial retail building currently occupied by an aesthetician, nail salon, and barbershop. Pursuant to the CMMC, the existing uses and the proposed body art establishment are required to provide off-street parking at a ratio of four spaces for every 1,000 square feet of gross floor area. Based on this parking ratio, the CMMC requires the site to be developed with 14 on-site parking spaces. As previously mentioned in the “nonconforming” section of this report, the project site is not developed with any on-site parking, and therefore the property is considered to be legal-nonconforming in regard to required parking. Pursuant to the nonconforming provisions of Section 13-204 of the CMMC, a new use can replace an existing use without compliance with parking requirements at a nonconforming site, as

long as the parking demand from the proposed use does not exceed the parking demand of the previous use. The proposed parking demand of the body art establishment is comparable with the previous retail tenant's parking demand, and therefore the use is allowed pursuant to the CMMC nonconforming provisions.

Additionally, although there are no parking spaces provided on-site, this commercial development and the surrounding retail establishments are served by adjacent City-owned off-street public parking. This City public parking area has served the adjacent retail corridor for many years and continues to provide for customer and/or employee parking demand.

## **GENERAL PLAN CONFORMANCE**

The property has a General Plan Land Use designation of "General Commercial". Pursuant to this General Plan designation, commercial/retail uses are allowed. As a result, the proposed body art establishment conforms to the City's General Plan. The following analysis evaluates the proposed project's consistency with the most relevant goals, objectives, and policies of the General Plan:

**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 needs of the business and residential segments of the community.*

**Consistency:** The site is located on a commercial corridor within a diverse commercial area that is located in close proximity to other retail, food and drinking establishments. The proposed project would provide a distinctive service and new employment opportunities for the community.

**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 site is located approximately 170 feet from the nearest residential use, separated by a public alley and a city-owned public parking area. Conditions of approval require that all uses shall be conducted within the building (underroof) and ensure the proposed use would operate with minimal impacts to adjacent properties. The use entrance is oriented towards Newport Boulevard.

## **FINDINGS**

Pursuant to Section 13-29 (g)(2), 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 meet specified findings as follows:

- 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.

As conditioned, the proposed body art establishment would be compatible with surrounding commercial uses and would not negatively impact nearby residential uses. The proposed body art establishment is located in a diverse commercial area including a variety of commercial, retail and dining/drinking establishments. The use is proposed approximately 170 feet from residential uses and therefore to prevent nuisances, conditions of approval have been included that limit hours of operation to be no later than 10 PM, and prohibiting signs/limiting lighting at the rear of the property facing the residences. Lastly, the proposed use will not substantially increase traffic or parking demand at the commercial site beyond existing/previous levels.

- 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.

The proposed body art operations will comply with Assembly Bill 300 (California Health and Safety Code, Division 104, Part 15, Chapter 17) which establishes State required health and safety standards for body art establishments. In addition, the proposed establishment is required to comply with City's health and safety standards established in Title 8 "Health and Sanitation", Chapter VI "Tattooing Establishment and Operation Regulations" of the CMMC.

- 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.

The proposed use is consistent with the "General Commercial" General Plan land use designation, and there are no Specific Plans applicable to the property. The proposed body art establishment does not include an expansion in floor area, and would not change existing site development density or intensity.

## **ENVIRONMENTAL DETERMINATION**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1) Existing Facilities. The exemption applies to the minor alteration of existing public or private structures involving negligible or no expansion of use. The proposed project requires interior improvements to Unit C and D to repurpose the space for a body art establishment, and the use is consistent with the applicable General Plan land use designation and applicable regulations. Furthermore, 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 significant 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 can consider the following decision alternatives:

1. Approve the project: The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. 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 hearing 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.
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 and this report have been 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 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 the date this report was circulated, no written public comments have been received. Any public comments received prior to the August 14, 2023 Planning Commission meeting will be provided separately to the Planning Commission.

## **CONCLUSION**

The proposed project is a request for a new body art establishment within a commercial zone that is located on one of the City's commercial corridor. The use is consistent with the City's Zoning Code and General Plan, and staff recommends that the Planning Commission approve the project, subject to the conditions of approval.

**RESOLUTION NO. PC-2023-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-04 FOR A CONDITIONAL USE PERMIT TO ALLOW A BODY ART ESTABLISHMENT AT 1834 NEWPORT BLVD, UNITS C & D**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application 23-04 was filed by Emil Allahverdiyev, authorized agent for the property owner, Mario Tambellini requesting approval of the following:

A new establishment (“Cleopatra Ink”) to be located at 1834 Newport Blvd, Units C & D within an approximate 1,300-square-foot tenant space located within a multi-tenant commercial building.

WHEREAS, a duly noticed public hearing held by the Planning Commission on August 14, 2023 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 23-04 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 23-04 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 14<sup>th</sup> day of August, 2023.**

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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-2022- \_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on August 14, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2023-\_\_

## EXHIBIT A

### FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

**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:** As conditioned, the proposed tattoo establishment would be compatible with surrounding commercial and residential uses. The proposed tattoo establishment is located in a diverse commercial area including a variety of commercial, retail and dining/drinking establishments. The use is proposed approximately 170 feet from residential uses and therefore to prevent nuisances, conditions of approval have been included that limit hours of operation to be no later than 10 PM and prohibiting signs and limiting lighting at the rear of the property facing the residences. Lastly, the proposed use will not substantially increase traffic or parking demand at the commercial site beyond existing/previous levels.

**Finding:** 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.

**Facts in Support of Finding:** The proposed body art operations will comply with Assembly Bill 300 (California Health and Safety Code, Division 104, Part 15, Chapter 17) which establishes State required health and safety standards for body art establishments. In addition, the proposed establishment is required to comply with City's health and safety standards established in Title 8 "Health and Sanitation", Chapter VI "Tattooing Establishment and Operation Regulations" of the CMMC. Because of the proximity of the proposed tattoo shop to residential uses, conditions of approval are also included to prevent neighbor impacts.

**Finding:** 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.

**Facts in Support of Finding:** The proposed use is consistent with the "General Commercial" General Plan land use designation, and there are no Specific Plans applicable to the property. The proposed body art establishment that does not include an expansion in floor area, if approved, would not affect site development density or intensity.

- B. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1) Existing

Facilities. The exemption applies to the minor alteration of existing public or private structures involving negligible or no expansion of use. The proposed project requires interior improvements to Unit C and D to repurpose the space for a body art establishment, and the use is consistent with the applicable General Plan land use designation and applicable regulations. Furthermore, 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 significant 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 not 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

- PIng.
1. The use shall be limited to the type of operation described in the staff report and applicant's letters dated May 19, 2023, subject to conditions. Any change in the operational characteristics including, but not limited to, hours of operation, number of employees, services provided, size of location, shall be subject to Planning Division review 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)].
  2. 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.
  3. 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.
  4. 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.

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 project is subject to compliance with all applicable federal, State, County and local laws.
7. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
8. Once the use is legally established, the planning/zoning application herein approved shall be valid unless revoked. The Director of Economic & Development or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
9. All work shall be conducted under-roof. Outdoor work or display is prohibited.
10. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(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 (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans.
11. The project shall be limited to the type of building as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Conditional Use Permit.
12. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or it, in the opinion of the development

services director or his designee, any of the findings upon which the approval was based are no longer applicable.

13. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
14. The conditions of approval, code requirements, and special district requirements of PA-23-04 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
15. The body art establishment shall operate on an appoint-only basis, there will be no walk-in appointments allowed and appointments shall be limited to a maximum of two clients scheduled at the same time at any point during the business operating hours.
16. The business shall be conducted in a manner so that it does not permit the observation by customers or the public of tattooing and/or piercing of "specific anatomical areas" as described in Title 13, Chapter IX, Article 1 (sexually oriented businesses) of the Costa Mesa Municipal Code.
17. The business 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 whatever security and operational measures that are necessary to comply with this requirement.
18. All uses of the body art establishment shall occur within the building.
19. The applicant shall submit a lighting plan to the Planning Division for review and approval for any proposed new lighting. As determined by the Director of Economic and Development Services or their designee, a photometric study may be required to demonstrate compliance with the following: (a) lighting levels on the property shall be adequate for safety and security purposes (generally, at least 1.0 foot candle), (b) lighting design and layout shall minimize light spill at the adjacent residential property line and at other light-sensitive uses (generally, no more than 0.5-footcandle at the property line), and (c) glare shields may be required to prevent light spill.
20. There shall be no signage visible from the residential properties at the rear of the building.
21. The tattoo establishment shall be open to customers no later than 10:00 p.m. seven days a week.
22. The use shall at all times comply with the applicable provisions of State law and regulation, including but not limited to Assembly Bill 300, the California Safe Body Art Act, set forth in California Health and Safety Code Sections 119300 through 119328, as may be amended.
23. The use shall at all times comply with the applicable provisions of the County of Orange Environmental Health Department regulations pertaining to "Body Art".

24. The use shall at all times comply with the applicable provisions of Title 8 “Health and Sanitation”, Chapter VI “Tattooing Establishment and Operation Regulations” of the Costa Mesa Municipal Code.
25. The applicant must obtain and post onsite, any and all required permits from city, county, and state agencies.
26. The applicant must obtain a Body Art Facility permit from the County of Orange Environmental Health Division prior to operation. Body Art Facility permit requires submittal of the construction plans, a copy of the facility’s Infection Prevention Plan, and current practitioner registration for all body art practitioners working on site. The owners must also provide Bloodborne Pathogen Control Training. Artist and facility registration must be renewed annually.
27. The applicant must obtain a City of Costa Mesa Business License prior to operation.
28. The suite is reserved for the approved use and subletting to uses not permitted by the City are prohibited.
29. Any activity not consistent with all of the terms and conditions of all applicable zoning approvals and approved plans granted by the City is considered a nuisance and will be required to be immediately abated.
30. Any illegal use of the space will constitute a breach in the CUP and it may result in the CUP being revoked in addition to the assessment of any other fines and citations as applied by the City.

**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.
  2. Approval of the planning application is valid for two 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 30 days or more than 60 days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Economic and 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.

3. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
4. 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.
- Bldg. 5. Comply with the requirements of the following adopted codes 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 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.

### **SPECIAL DISTRICT REQUIREMENTS**

The requirements of the following special districts are hereby forwarded to the applicant:

- AQMD 1. Applicants shall contact the Air Quality Management District (AQMD) at 1-(800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD



## **Project Description**

Cleopatra Ink Tattoo and Piercing Studio is located on 1834 Newport Boulevard, Unit C&D, Costa Mesa, CA 92627. The previous use of this tenant space was retail that is called Amor Dance Studio.

We are opening a high end tattoo studio with licensed artists. Cleopatra Ink Tattoo and Piercing is a corporation company brand that has over 90 stores worldwide. There is one already open in U.S. in Santa Monica on 3rd Promenade St.

The company offers tattoos and piercing services by appointment only. The appointments are to be scheduled through Cleopatra Ink website or by phone. Work hours are between 10 am to 10 pm and 7 days a week. We are anticipating to get on average 5 appointments a day. We will have maximum of 3 employees: 1 designer and 2 tattoo artists. We plan to have maximum of 2 stations in operation at once, depending on the size of tattoo, the average length of appointment will be around 2 hours. To avoid overlap in appointments, appointments will be staggered throughout the day or rescheduled for another available time. Mock schedule attached below

The studio's set up includes lounge bar used for tea, coffee and sodas to offer customers and employees free of charge. There will be two sofas for the purpose of designing tattoos for clients. There is one reception to charge clients after service is complete. There will be two displays, one for piercings and the other for hanging our brand's T-shirts. The rest of the set up includes tattoo chairs for clients and artists with dividers between each tattoo chair.

Rear patio area will not be demoed to establish ADA parking space. No ADA parking space required.

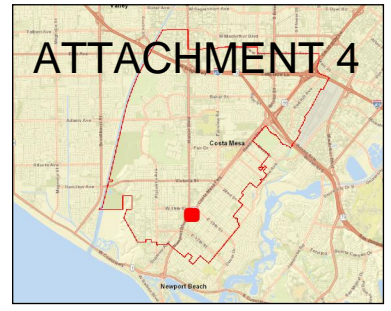
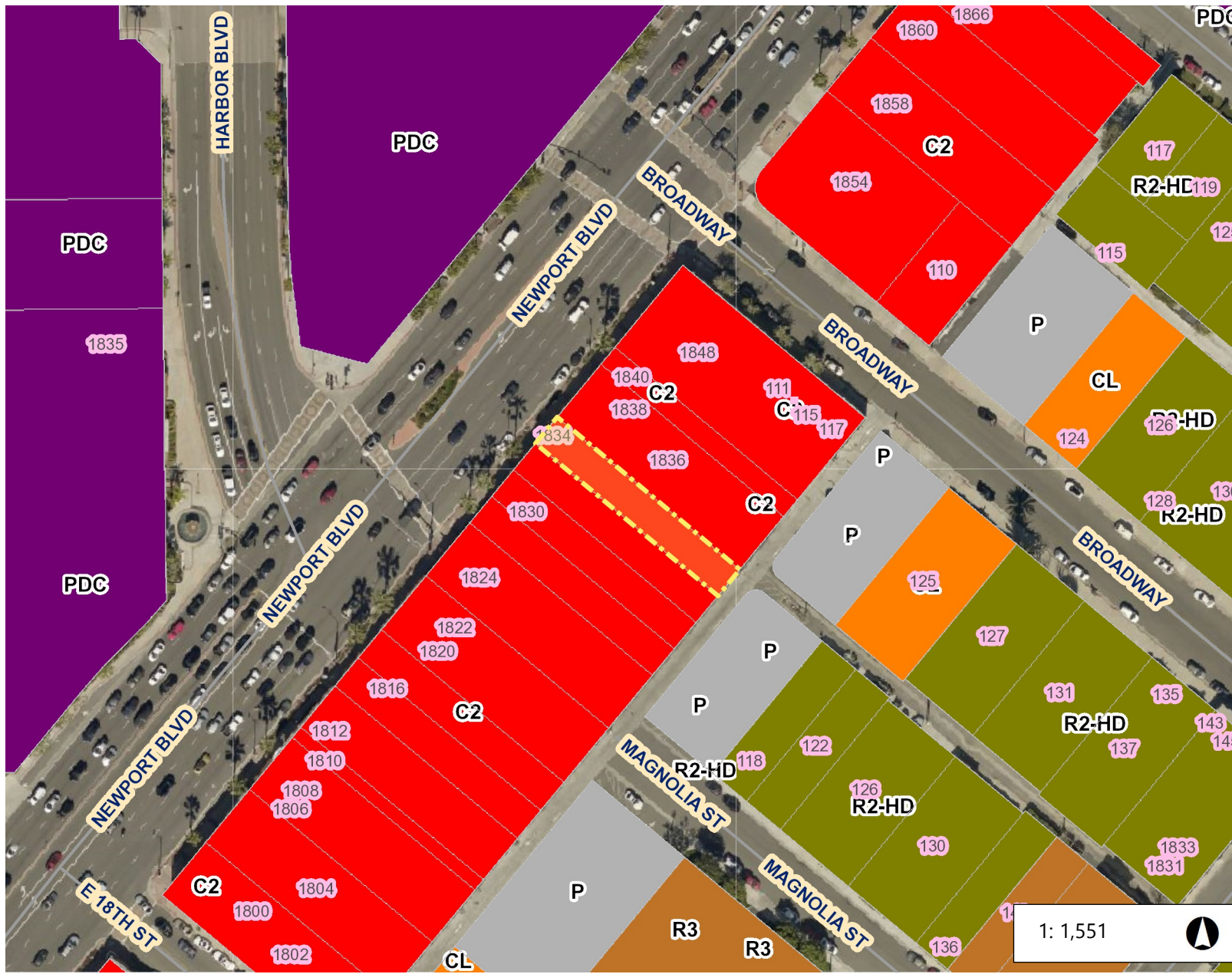
We have showed existing wood fencing on the plot plan on sheet A1.

Any signage must be permitted through a separate sign permit, including wall and window signs.

The total square footage of the building is 3,400 sq.ft. The other tenants that are currently occupying this address;

- Cleopatra Ink Tattoo and Piercing Studio, Suites C & D. Appx 1,300 sq ft.
- Ronin Barber, Suites A & B. Appx 800 sq. ft. (Upstairs)
- Ana Gonzalez Aesthetician, Suit E. Appx 800 sq. ft.
- Natalia - Co-Op Salon , Suit F. Appx 500 sq.ft.






**Legend**

**Zoning**

- AP - Administrative Professional
- IR-MLT - Institutional Recreational I
- R1 - Single-Family Residential
- R2-MD - Multiple-Family Residential
- R2-HD - Multiple-Family Residential
- R3 - Multiple Family Residential
- MG - General Industrial
- MP - Industrial Park
- PDI - Planned Development Industrial
- C1 - Local Business
- C2 - General Business
- C1-S - Shopping Center
- TC - Town Center
- PDR-NCM - Planned Development Mesa
- I&R - Institutional Recreational
- I&R-S - Institutional Recreational - S
- P - Parking
- CL - Commercial Limited
- PDC - Planned Development Commercial
- PDR-LD - Planned Development Residential Density
- PDR-MD - Planned Development Residential Medium Density
- PDR-HD - Planned Development Residential High Density

1: 1,551 



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© City of Costa Mesa

The City of Costa Mesa makes no guarantee as to the accuracy of any of the information provided and assumes no liability for any errors, omissions, or inaccuracies.

**Notes**



PA-23-04  
1834 Newport Blvd



PA-23-04  
1834 Newport Blvd



PA-23-04  
1834 Newport Blvd



PA-23-04  
1834 Newport Blvd















**GENERAL NOTES**

- This project shall comply with the state of California Title 24 and the following codes:
  - 2019 California Residential Code
  - 2019 California Electrical Code
  - 2019 California Plumbing Code
  - 2019 California Mechanical Code
  - 2019 California Green Building Standards Code
- Compliance with the City of LOS ANGELES Municipal Code Requirements
- Separate permits shall be obtained for fences, retaining walls, pools, and spas.
- Curb cuts, storage of materials, or work in the public right of way require a permit from the public works department or appropriate agency.
- All construction waste and debris to be contained at all times
- Contractor shall familiarize him/her self with the project and notify architect of any errors, omissions, or discrepancies in plans prior to commencement.
- Contractor shall notify architect of any changes in plans. Unauthorized changes to the plans are prohibited.
- Contractor shall verify all bearing conditions of existing walls to be removed and notify architect or engineer prior to removal.
- Excavations shall be made in compliance with California/ OSHA regulations.
- Conduct all water from roof and site away from building and adjoining properties to street.
- Verify electrical panel service and upgrade if applicable. Verify with local utility regarding meter and service location.
- An approved seismic gas shutoff valve shall be installed on the down stream side of the utility meter and be rigidly connected to the exterior of the building containing the fuel gas piping.
- Water heaters shall be strapped to the wall per code.
- Contractor shall provide state fire marshal approved smoke detectors in all installed in the following locations:
  - In each sleeping room.
  - Outside each separate sleeping area in the immediate vicinity of the bedrooms.
  - On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. (Ref CRC Section 314)
- All exterior materials and manufacturers are to be verified with owner.

**ROOF NOTES**

- Roof to be pitched roof with approx. 3:12 slope. Verify roof slope with the existing slope of the house and adjust the slope as necessary for framing and height compliance.
- Roofing materials shall comply with CRC 902.1
- A minimum Class A, B or C roofing shall be installed in areas designated by this section. Classes A, B and C roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108. The shingle pattern and color shall match the existing as close as possible.
- Roofing shall be installed per manufacturers written specifications.
- Flashings shall be installed in a manner that prevents moisture from entering the wall and roof through joints in copings, through moisture permeable materials and at intersections with parapet walls and other penetrations through the roof plane. Flashings saddles, valleys and drip edges shall be installed per CRC Section 903.
- Newly installed eaves shall have gutters as necessary to conduct water to street, and overhangs shall match existing.
- Fascia boards at gable ends, open rafter tails at horizontal overhangs.
- Starter board at eave overhangs to match existing house.

**SPECIAL HAZARD NOTES**

- Glazing in hazardous locations shall be tempered in the following locations:
  - At ingress and egress doors.
  - Panels in sliding doors or swinging doors
  - Doors and enclosures for hot tubs, bathtubs, and showers. Also glazing in walls enclosing these compartments within 5 feet of the standing surface.
  - If within 2 feet of vertical edges of closed doors and within 5 feet of standing surface.
  - In wall enclosing stairway landing.
- Smoke detectors shall be provided as follows:
  - In new construction, smoke detectors shall receive power from the existing house wiring and shall be equipped with battery back up and low battery signal. Smoke detectors shall be located in each sleeping room and hallway or area giving access to a sleeping room, and on each story and basement if present for dwellings with more than one story.
  - In existing construction, smoke detectors may be battery operated and installed in locations as noted above.
- An approved seismic gas shutoff valve shall be installed on the fuel gas line on the down stream side of the utility meter and be rigidly connected to the exterior of the building or structure containing the fuel gas piping.
- Water heaters must be strapped to the wall.

- Provide emergency egress from sleeping rooms. Where emergency escape and rescue openings are provided they shall have the bottom of the clear opening not greater than 44 inches (1118 mm) measured from the floor. (REF CRC R310.1)
- At least one exit doorway shall not be less than 36 inches wide and 80 inches high. The door shall be mounted that the clear width of 32 inches is maintained.
- The exterior door must open over a landing not more than 1.5 inches below the threshold. Exception: Providing the door does not swing over the landing, then the landing shall be not more than 7.75 inches below the threshold.
- The landing at a door shall have a length measured in the direction of travel of no less than 36".

**ELECTRICAL PROVISIONS**

- Electrical receptacles shall be install to service countertops 12" wide or wider. The receptacles shall be installed so that no point along a wall line is more than 24" horizontally from a receptacle outlet in that space. Counter spaces separated by range tops, refrigerators, or sinks shall be consider separate countertop spaces in applying the spacing requirements. (CEC Art. 210-52(1)).
  - Provide at least one GFCI protected wall receptacle outlet in bathrooms within 36 inches of the outside edge of each basin. The receptacle outlet shall be located on a wall that is adjacent to the basin location (CEC Art. 210-52(D)).
  - At least one 20-ampere branch circuit shall be provided to supply bathroom receptacles outlet(s). Such circuits shall have no other outlets.
  - At least one receptacle outlet shall be accessible and located at grade level and not more than 6 feet above grade level and shall be installed at the front and back of the dwelling.
  - Arc fault circuit- interruption shall be installed to provide protect of the branch circuit.
  - Tamper-resistant receptacles shall be installed in all areas specified in 210.52, all non-locking-type 12 volt; 15-and 20-ampere receptacles shall be listed as tamper -resistant receptacles.

**GFCI PROTECTED OUTLETS**

-Ground-Fault Circuit interrupters are required at each relocated or new receptacle outlets within bathrooms. When existing outlets are removed from their outlet box, the replacement shall also be GFCI protected. Non GFCI outlets shall not be reused. GFCI protection may be accomplished by use of either listed GFCI outlets or by listed GFCI breakers protecting the circuit associated with the outlets in the bathroom.

**NOTE:**  
All building additions must be adjusted to fit existing conditions. Dimensions, squareness, levelness, plumbness, and roof pitches may vary from that shown from various locations within the building.

**SPECIAL HAZARD NOTES**

- Glazing in hazardous locations shall be tempered in the following locations:
  - At ingress and egress doors.
  - Panels in sliding doors or swinging doors
  - Doors and enclosures for hot tubs, bathtubs, and showers. Also glazing in walls enclosing these compartments within 5 feet of the standing surface.
  - If within 2 feet of vertical edges of closed doors and within 5 feet of standing surface.
  - In wall enclosing stairway landing.

**SMOKE DETECTOR/CARBON MONOXIDE**

Smoke and Carbon Monoxide alarms may combined as multi purpose units or as part of a permanently installed household fire alarm system installed and maintained per NFPA 72. Each alarm type must be interconnected so that if on alarm is activated all alarms in the residence of the same type will sound.

City inspector shall check at final inspection that smoke alarms and carbon monoxide alarms have been installed throughout the dwelling in the locations required by code.

- Smoke detectors shall be provided as follows:
  - In new construction, smoke detectors shall receive power from the existing house wiring and shall be equipped with battery back up and low battery signal. Smoke detectors shall be located in each sleeping room and hallway or area giving access to a sleeping room, and on each story and basement if present for dwellings with more than one story.
  - In existing construction, smoke detectors may be battery operated and installed in locations as noted above./
- An approved seismic gas shutoff valve shall be installed on the fuel gas line on the down stream side of the utility meter and be rigidly connected to the exterior of the building or structure containing the fuel gas piping.
- Water heaters must be strapped to the wall.

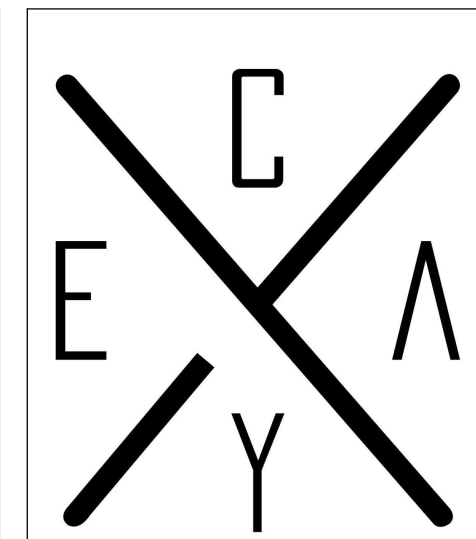
**PLUMBING NOTES**

- Kitchen sinks shall not use more than 1.8 gallons per minute (CPC 403.6)
- All lavatories are to use not more than 1.5 gallons per minute (CPC 403.7)
- Showers shall not use more than 2.0 gallons per minute (CPC 408.2)
- Where shower valves are replaced, or are new, they must be pressure balanced or shall be the thermostatic mixing valve type. Minimum clear finished inside clearance shall be 1024 sq. inches and capable of encompassing a 30 inch diameter circle from the top of threshold to 70 inches above the shower drain.
- Shower enclosure doors must be tempered sliding doors.
- New, relocated, or converted tubs or showers may cause a tempered glazing requirement to apply to glass windows with a bottom edge within 60 inches above tub or shower standing surfaces. Cement, fiber-cement, or glass mat gypsum backers shall be used as a base for wall tile in tub and shower areas and wall and ceiling panels in shower areas.
- Water closets shall consume not more than 1.28 gallons per flush

**INDOOR WATER USE EFFICIENCY ORDINANCE**

TOILETS- 1.28 GALLONS PER FLUSH OR LESS  
 SHOWERS- 2.0 GALLONS PER MINUTE OR LESS  
 BATHROOM FAUCETS- 1.5 GALLONS PER MINUTE OR LESS  
 KITCHEN FAUCETS- 2.2 GALLONS PER MINUTE OR LESS  
 CLOTHES WASHERS 6.0 WATER FACTOR OR LESS  
 DISHWASHERS- 6.5 GALLONS PER CYCLE OR LESS (OR ENERGY STAR UNIT)

**NOTICE TO OWNER/CLIENT, CONTRACTOR & SUBS.**  
 -ALL EXISTING STRUCTURE DIMENSIONS ON THE SET OF AND/OR HIS SUBS SHOULD REVIEW AND VERIFY IN FIELD BEFORE COMMENCEMENT OF ANY WORK AND/OR ORDERING OF ANY MATERIALS TO THE JOBSITE.  
 -ALL NEW STRUCTURE DIMENSIONS SHOULD BE VERIFIED IN FIELD BEFORE COMMENCEMENT OF CONSTRUCTION ANY DISCREPANCIES BETWEEN THE APPROVED SET OF PLANS AND THE CURRENT SITUATION IN THE FIELD WILL REQUIRE IMMEDIATE NOTIFICATION TO ALL PROJECT TEAM MEMBERS: OWNER/CLIENT, DESIGN OFFICE AND STRUCTURE ENGINEER ALL WORK SHOULD BE STOPPED IMMEDIATELY UNTIL THE ISSUE/ISSUES HAVE BEEN RESOLVED AND ONLY THEN CAN WORK CONTINUE ACCORDING TO APPROVED SET OF PLANS.



**ECAY DESIGN**  
 4250 Via Marina #108, Marina Del Rey, CA 90292  
 TEL: +1 650 825 0454

CITY OF LOS ANGELES

0	REMARKS

CONTRACTOR

**PROJECT DESCRIPTION:**  
 Interior Remodel

1834 Newport Boulevard, Costa Mesa, CA 92627

**HOME OWNER:**

THIS DRAWING IS SOLE PROPERTY OF BY ECAY DESIGN AND IS INTENDED FOR USE ONLY FOR THE PROJECT LISTED IN THE TITLE BLOCK. THIS DOCUMENT AND CONTENTS MAY NOT BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR ASSIGNED TO ANY THIRD PARTY WITHOUT A WRITTEN PERMISSION OF BY ECAY DESIGN.

NOTES:

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**DRAWN BY:**  
 A.Y.Y.

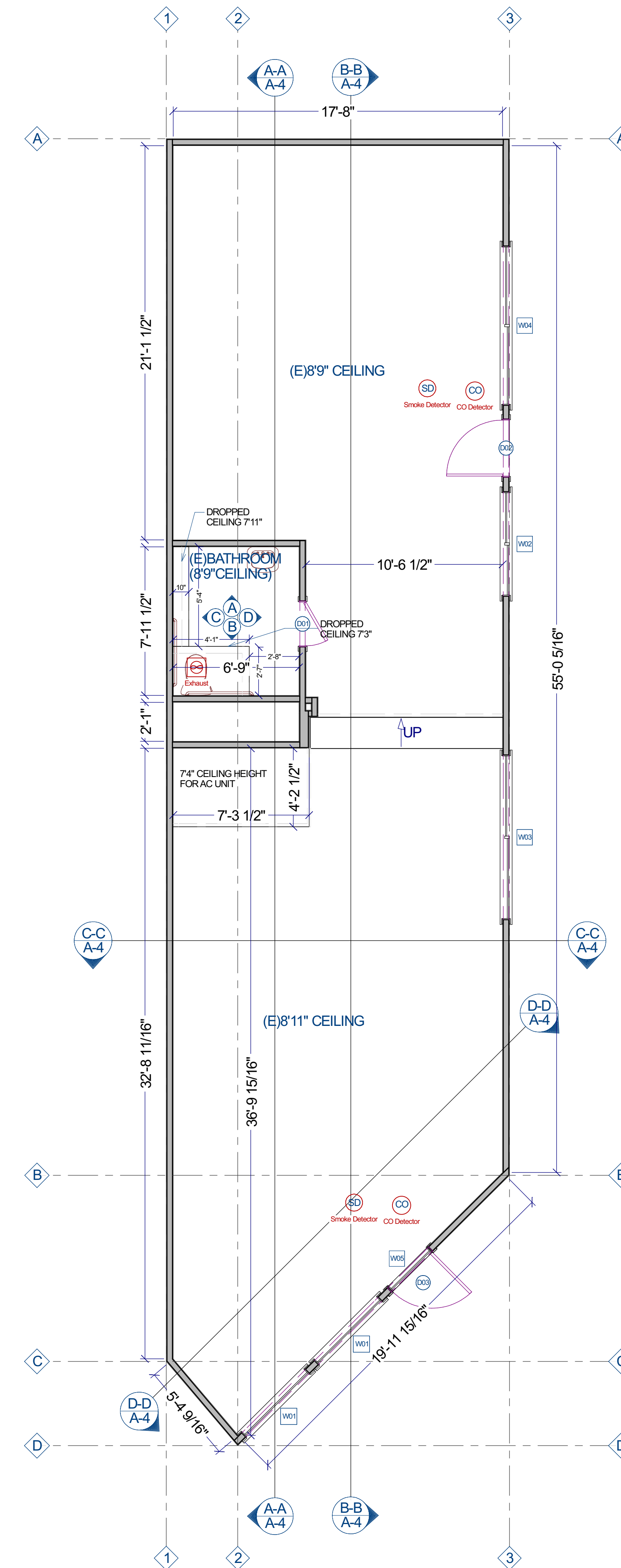
**1.19.2023**  
**SHEET TITLE:**  
 GENERAL  
**NOTES**  
**SHEET NUMBER:**

**A-2**

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WINDOW SCHEDULE									
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	TEMPERED
W01	410710FX	2	1	410710FX	58"	94"	60°X96°	FIXED GLASS	
W02	5737RS	1	1	5737RS	67 1/4"	43 1/4"	69 1/4°X45 1/4°	RIGHT SLIDING	
W03	810310RS	1	1	810310RS	106"	46"	108°X48°	RIGHT SLIDING	
W04	8738RS	1	1	8738RS	102 1/2"	44"	104 1/2°X46°	RIGHT SLIDING	
W05	3010FX	1	1	3010FX	36"	12"	38°X14°	FIXED GLASS	

DOOR SCHEDULE									
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	THICKNESS
D01	2468	1	1	2468 L EX	28 1/8"	80"	30 1/8°X83°	EXT. HINGED-DOOR P01	1 3/4"
D02	3068	1	1	3068 L IN	36"	80"	38°X82 1/2°	HINGED-GLASS PANEL	1 3/8"
D03	3070	1	1	3070 L EX	36"	84"	38°X87°	EXT. HINGED-GLASS PANEL	1 3/4"



— DENOTE EXISTING WALLS

# 1 EXISTING FLOOR PLAN

SCALE: 1/4"=1'-0"



**ECAY DESIGN**  
 4250 Via Marina #108, Marina  
 Del Rey, CA 90292  
 TEL: +1 650 825 0454

CITY OF LOS ANGELES

0	REMARKS

CONTRACTOR

**PROJECT DESCRIPTION:**  
 Interior Remodel

1834 Newport Boulevard, Costa  
 Mesa, CA 92627

HOME OWNER:

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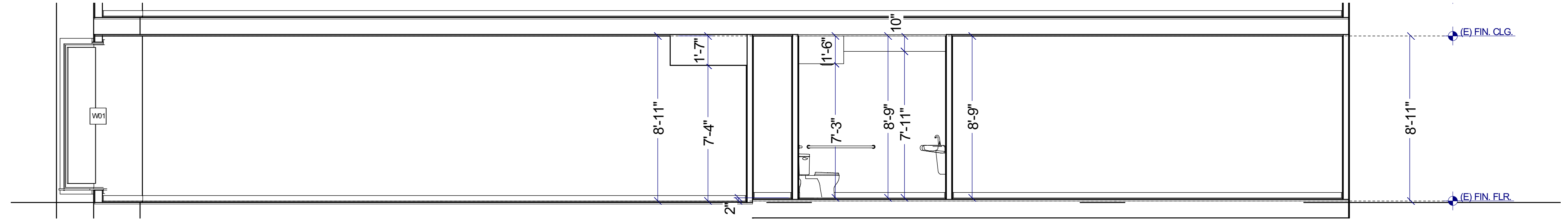
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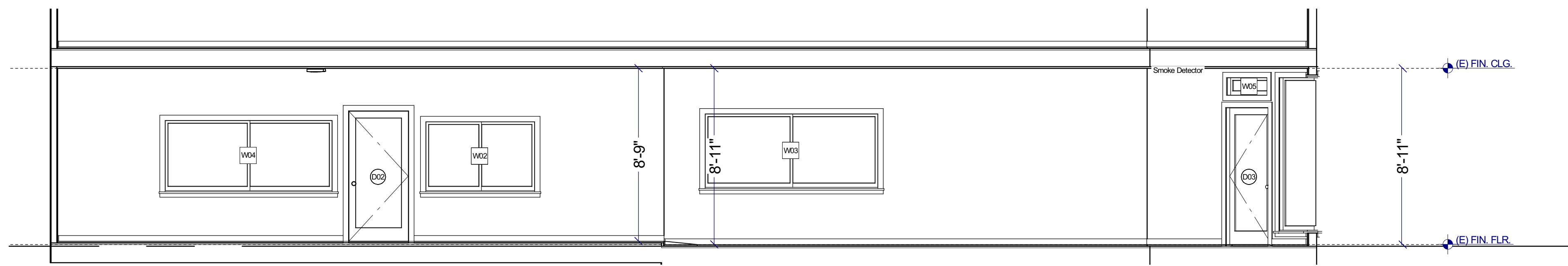
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 EXISTING PLAN

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**A-3**

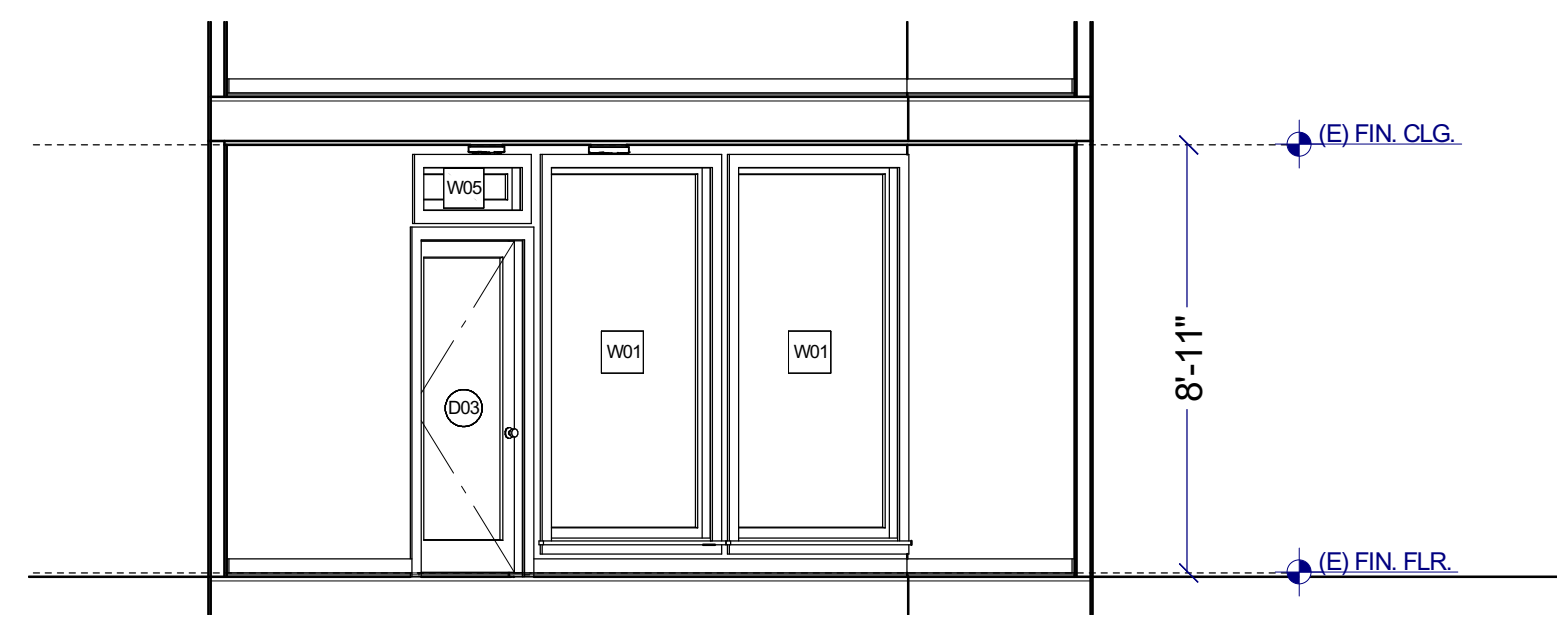
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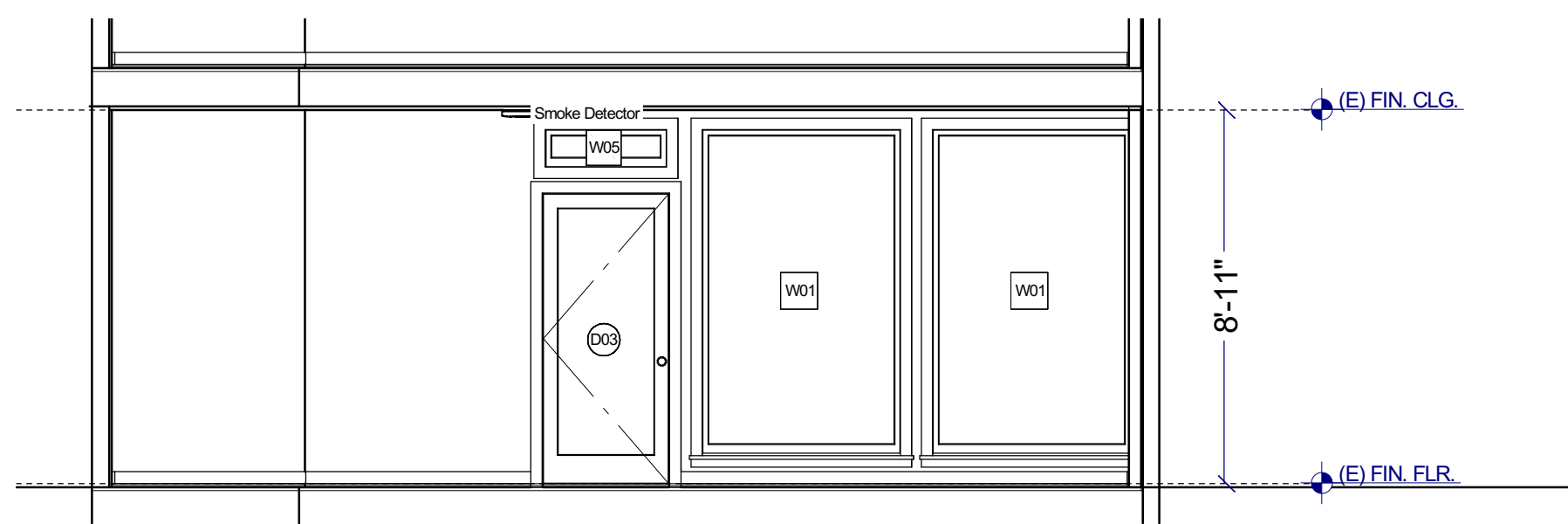
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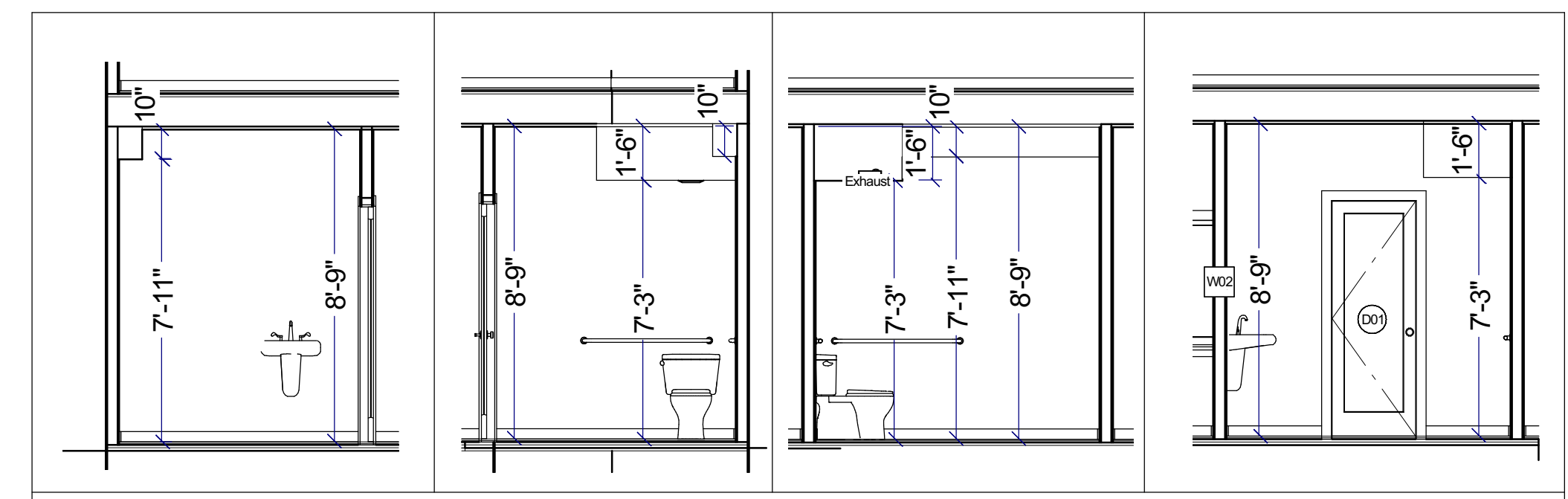
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**CROSS SECTION C-C**  
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**CROSS SECTION D-D**  
 SCALE: 1/4"=1'-0"



**BATHROOM CROSS SECTION A-B-C-D**  
 SCALE: 1/4"=1'-0"



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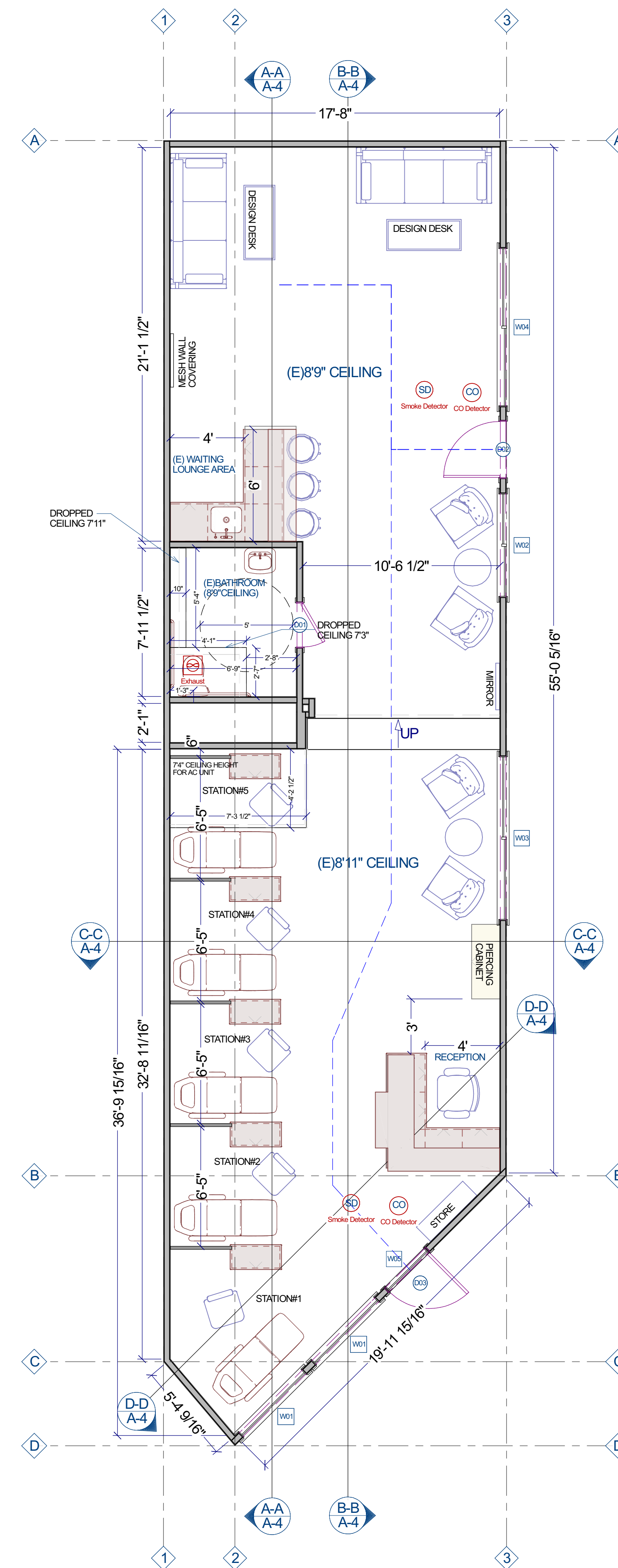
**A-4**



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WINDOW SCHEDULE									
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	TEMPERED
W01	410710FX	2	1	410710FX	58"	94"	60"X96"	FIXED GLASS	
W02	5737RS	1	1	5737RS	67 1/4"	43 1/4"	69 1/4"X45 1/4"	RIGHT SLIDING	
W03	810310RS	1	1	810310RS	106"	46"	108"X48"	RIGHT SLIDING	
W04	8738RS	1	1	8738RS	102 1/2"	44"	104 1/2"X46"	RIGHT SLIDING	
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DOOR SCHEDULE									
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	R/O	DESCRIPTION	THICKNESS
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D03	3070	1	1	3070 L EX	36"	84"	38"X87"	EXT. HINGED-GLASS PANEL	1 3/4"



**1 PROPOSED FLOOR PLAN**  
 SCALE: 1/4"=1'-0"



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CITY OF LOS ANGELES

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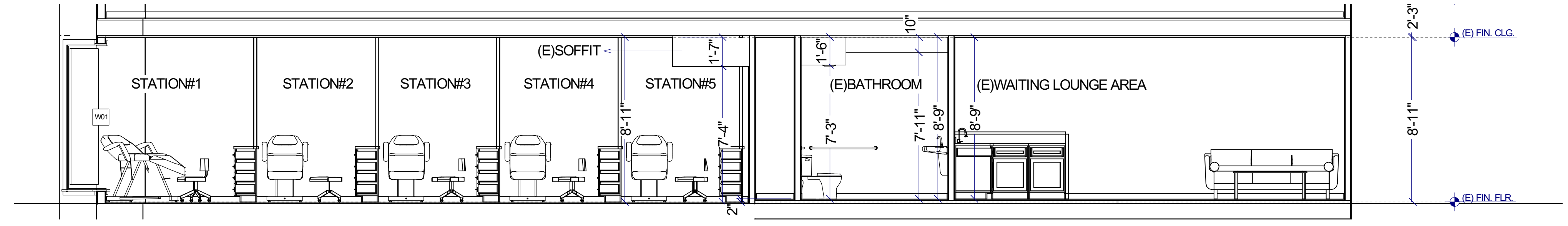
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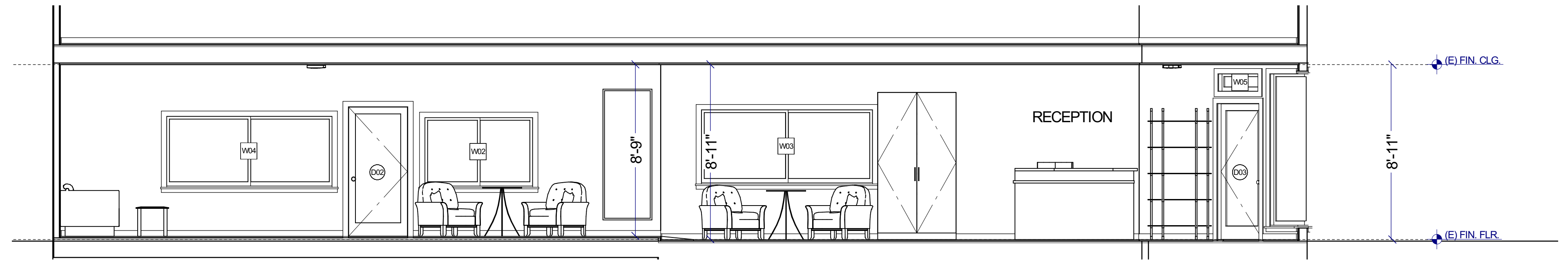
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 PROPOSED PLAN

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**A-5**

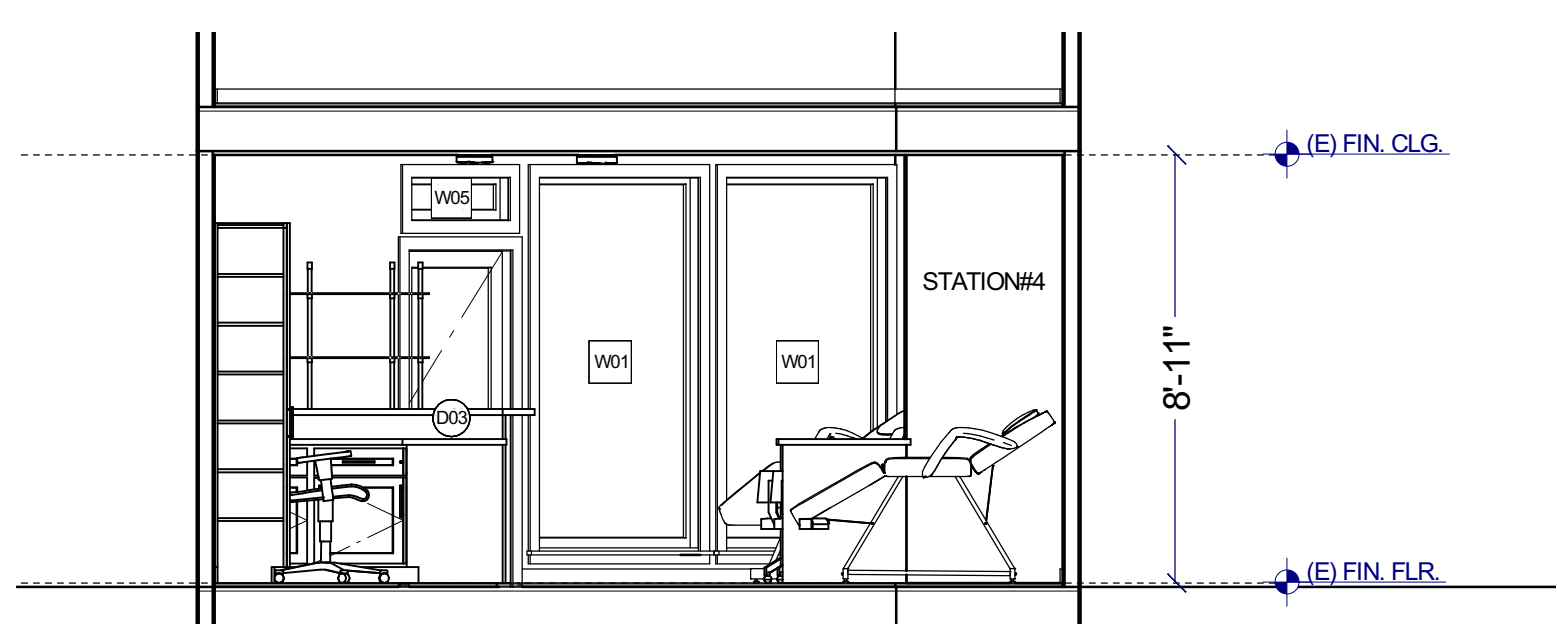
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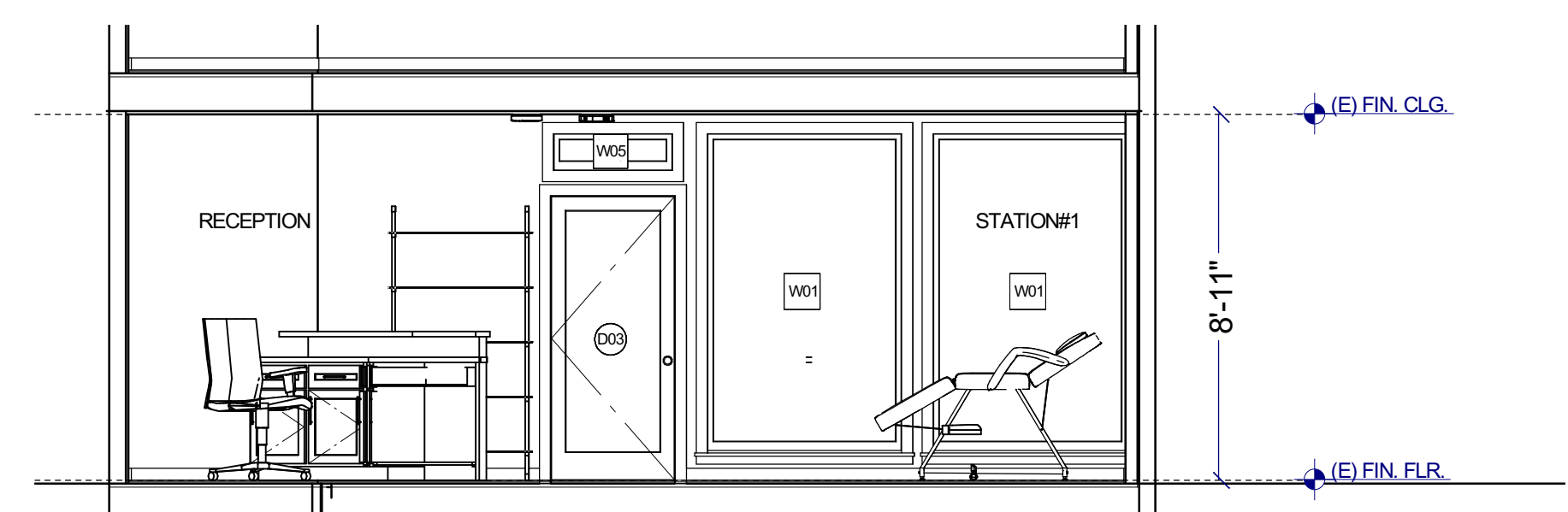
**CROSS SECTION A-A**  
 SCALE: 1/4"=1'-0"



**CROSS SECTION B-B**  
 SCALE: 1/4"=1'-0"



**CROSS SECTION C-C**  
 SCALE: 1/4"=1'-0"



**CROSS SECTION D-D**  
 SCALE: 1/4"=1'-0"



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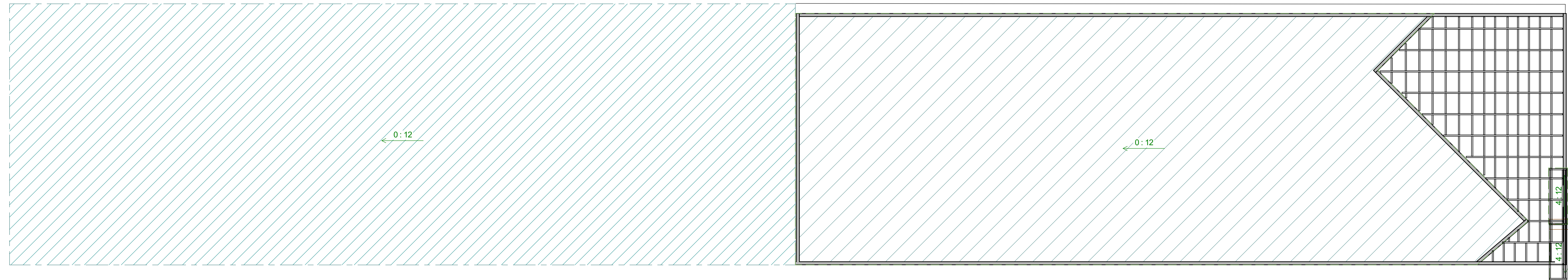
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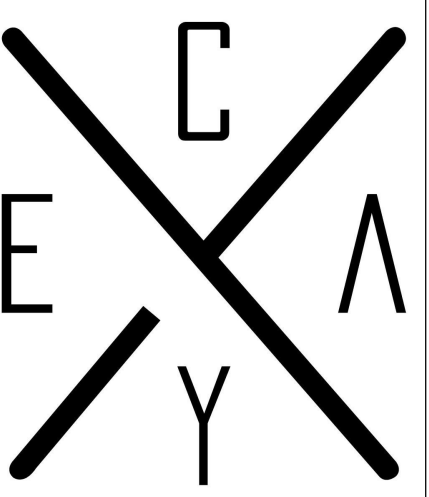
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**A-6**

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 FIRST FLOOR HATCH  
 SECOND FLOOR HATCH



**ROOF PLAN (NO CHANGE)**  
 SCALE: 1/8"=1'-0"



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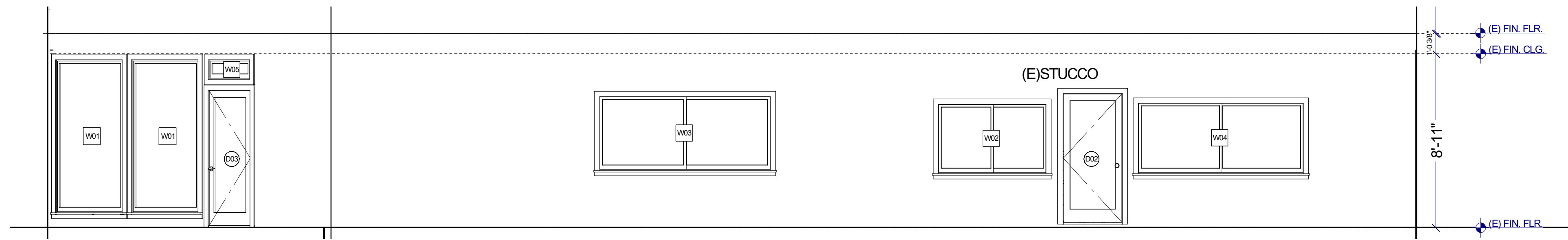
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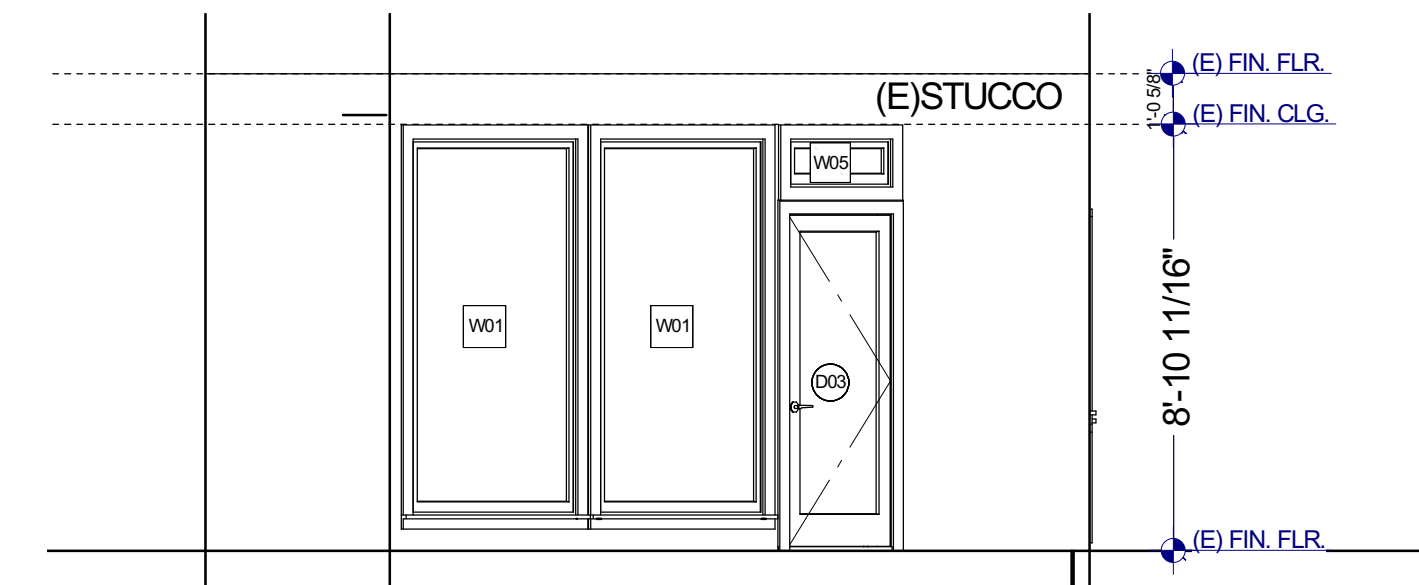
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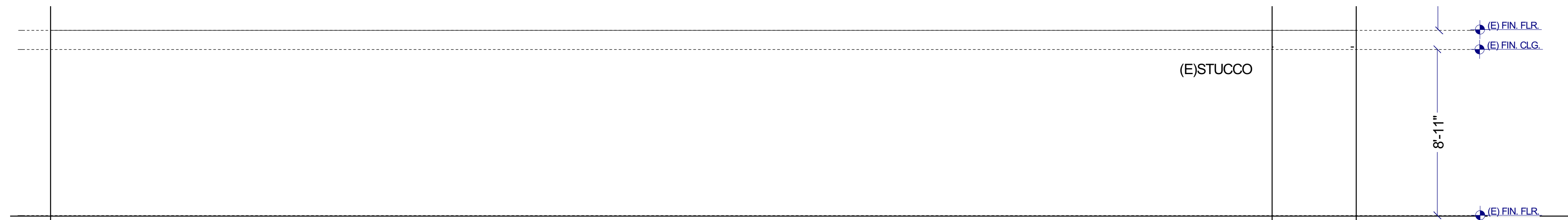
**RIGHT ELEVATION  
(NO CHANGE)**

SCALE: 1/4"=1'-0"



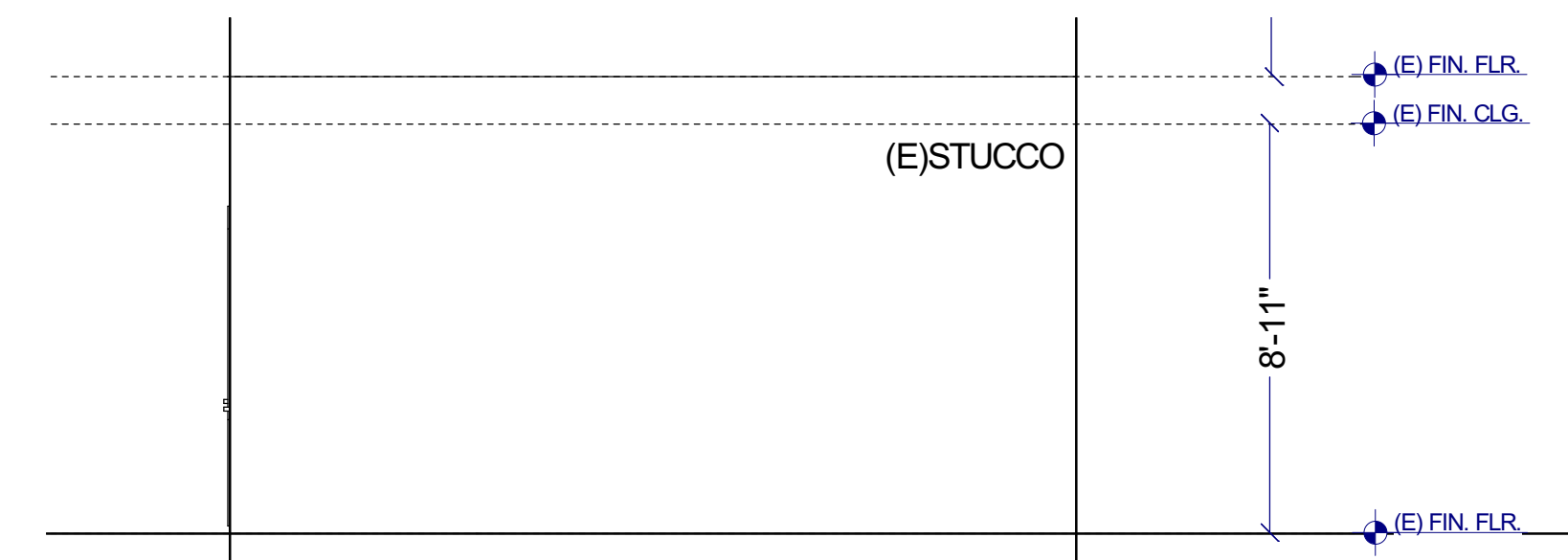
**FRONT ELEVATION  
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SCALE: 1/4"=1'-0"



**LEFT ELEVATION (NO CHANGE)**

SCALE: 1/4"=1'-0"



**REAR ELEVATION (NO CHANGE)**

SCALE: 1/4"=1'-0"



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 A.Y.Y.  
**1.19.2023**  
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**A-8**



# CITY OF COSTA MESA

## Agenda Report

77 Fair Drive  
Costa Mesa, CA 92626

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**File #:** 23-1351

**Meeting Date:** 8/14/2023

---

**TITLE:**

PLANNING APPLICATION 22-05 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 1505 MESA VERDE DR. E. ("C21+")

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

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

**CONTACT INFORMATION:** MICHELLE HALLIGAN 714.754.5608  
Michelle.Halligan@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 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-05, subject to conditions of approval.



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: August 14, 2023

ITEM NUMBER: PH-3

**SUBJECT: PLANNING APPLICATION 22-05 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 1505 MESA VERDE DR. E. ("C21+")**

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

**PRESENTATION BY: MICHELLE HALLIGAN, CONTRACT PLANNER**

**FOR FURTHER INFORMATION CONTACT: MICHELLE HALLIGAN  
714.754.5608  
Michelle.Halligan@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 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-05, subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT**

The applicant/authorized agent is Sean St. Peter, on behalf of the property owner, Onnyx Investments, LLC.

**PLANNING APPLICATION SUMMARY**

Location:	1505 Mesa Verde Dr. E	Application Number(s):	PA-22-05
Request:	Planning Application 22-05 is for a Conditional Use Permit to operate a retail cannabis storefront business with delivery.		

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

Zone:	C1 (Local Business District)	North:	C2 (General Business District)
General Plan:	General Commercial	South:	C1 (Local Business District)
Lot Dimensions:	Irregular	East:	C1 (Local Business District)
Lot Area:	22,458 SF	West:	C1 (Local Business District)
Existing Development:	The property is developed with an existing 5,941-square-foot single-story multi-tenant commercial building.		

**DEVELOPMENT STANDARDS COMPARISON**

Development Standard	Required/Allowed ZONE Dev. Standard	Proposed/Provided
Minimum Lot Size	12,000 SF	21,780 SF
Minimum Lot Width	60 ft.	54 ft.
Building Height	2 Stories / 30 ft.	1 story / 14 ft. -6 in.
Setbacks:		
Front	20 ft.	25 ft.
Side	15 ft. / 0 ft.	22 ft. / 0 ft.
Rear	0 ft.	155 ft.
Parking	24 spaces	28 spaces <sup>1</sup>
Floor area ratio (FAR)	0.20	0.26 <sup>2</sup>
1 The proposed parking space count includes one credit for bike racks.		
2 The floor area ratio is legal nonconforming.		
CEQA Status	Exempt per CEQA Guidelines Section 15301 (Class 1, Existing Facilities)	
Final Action	Planning Commission	

## **BACKGROUND**

The subject property is located at 1505 Mesa Verde Drive East and is an approximate half-acre property. The site is zoned C1 (Local Business District) and is surrounded by other commercially-zoned properties to the north, south, east, and west. The site has a General Plan Land Use Designation of "General Commercial". The surrounding uses include a 24-hour convenience store, multi-tenant commercial centers with offices, restaurants, services, a liquor store, a hotel, car dealership, and a 55+ apartment community ("Azulon at Mesa Verde"), that is located across Mesa Verde Drive East.

Existing development on the subject property consists of a 5,941-square-foot single-story multi-tenant commercial building. The property was originally developed in the mid-1960s. Parking spaces are provided in a surface parking lot which serves the commercial building and is not shared with any other properties. Access to the site is provided by two one-way driveways located along Mesa Verde Drive East. There are four tenant spaces in the existing building. "California Hairlines", "Classy Spa", and "M & K Salon" currently occupy three of the four existing tenant spaces. The fourth tenant space was previously occupied by a restaurant and ceased operations over a year ago. The proposed retail cannabis storefront use with delivery is proposed to occupy the entire building.

### ***Nonconforming Development***

The existing development is legal nonconforming in terms of the floor area ratio (FAR) and landscaping, and therefore is subject to the nonconforming provisions of the Costa Mesa Municipal Code (CMMC) Section 13-204. Pursuant to this Code section, a conforming use may be located on a nonconforming property so long as any new site modifications do not result in greater site nonconformities, and such improvements bring the site into greater conformance with Code requirements.

Improvements would be made to bring this structure into compliance with current building and safety codes; however, and as specifically allowed by the CMMC, the existing site nonconformities can remain pursuant to the City's legal nonconforming provisions. The applicant proposes to provide additional landscaping in the front and rear parking lots to bring the site into closer conformance with the minimum landscaping requirements. As proposed, the property complies with other applicable commercial zone development standards including the side and rear setbacks, building height, and lot width. Although parking is currently considered legal-nonconforming based on the existing/previous allowed uses; with the proposed cannabis retail operations, parking will be compliance.

### ***Previously Approved CUP***

On April 8, 2019, the Planning Commission approved PA-18-43, a CUP to allow the construction of a 10,244-square-foot below-grade parking structure at 2665 Harbor Boulevard and 1505 Mesa Verde Drive East. The parking structure was proposed to



provide vehicle storage for an existing car dealership at 2665 Harbor Boulevard (“Nash Auto”) and the required parking for 1505 Mesa Verde Drive East (the subject property). Both properties are under common ownership. According to the applicant, in anticipation of the construction of the parking structure, the current tenants of 1505 Mesa Verde Drive East in 2019 were advised that their occupancy was temporary until project construction started, that there would be no renewing of leases, and that the tenants could rent on a month-to-month basis at a reduced rate until construction started. However, in 2021, the property owner was presented with an opportunity to lease the entire building to a cannabis establishment which committed to making significant property investments. According to the applicant, after careful consideration, a lease agreement for the cannabis use was finalized and the property owner allowed the CUP for the subject parking structure construction project to expire (the CUP expired on April 15, 2022). (The Property Owner Letter is included with this report as Attachment 2.) During this time, the applicant indicated that the three remaining tenants were kept informed of their temporary tenancy, and that they would still receive their reduced monthly rates until construction activities proceed for the cannabis use. The former restaurant space was kept vacant.

***City of Costa Mesa Medical Marijuana Measure (Measure X) and Costa Mesa Retail Cannabis Tax and Regulation Measure (Measure Q)***

In November 2016, Costa Mesa voters approved Measure X, allowing medical cannabis manufacturing, packaging, distribution, research and development laboratories, and testing laboratories in “Industrial Park” (MP) and “Planned Development Industrial” (PDI) zoned properties north of South Coast Drive and west of Harbor Boulevard (“The Green Zone,” excluding the South Coast Collection property located at 3303 Hyland Avenue). Measure X is codified in Titles 9 and 13 of the CMMC.

In 2018, non-medical adult use cannabis became legal in California under the State’s Medicinal and Adult-Use Cannabis Regulation and Safety Act (Proposition 64). On April 3, 2018, the City Council adopted Ordinance No. 18-04 to allow non-medical use cannabis facilities in the same manner and within the same geographic area as were previously allowed pursuant to Measure X.

On November 3, 2020, Costa Mesa voters approved Measure Q, the Costa Mesa Retail Cannabis Tax and Regulation Measure. This measure allowed the City to adopt regulations permitting cannabis storefront retail (dispensaries) and non-storefront retail (delivery) within the City subject to certain requirements. On June 15, 2021, the City Council adopted Ordinances No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the CMMC to establish regulations for legal cannabis storefront and non-storefront uses. A “non-storefront” retailer sells packaged cannabis goods to customers through direct delivery.

***Cannabis Business Permit (CBP) Application Process***

The process to establish a retail cannabis business is subject to an extensive submittal and application review procedure. Retail cannabis applicants must obtain the following City approvals and obtain State approval before conducting business in Costa Mesa:

- Pre-Application Determination;
- CBP Notice to Proceed;
- Conditional Use Permit (CUP);
- Building Permit(s);
- Final City Inspections;
- CBP Issuance; and
- City Business License.

The “Pre-Application Determination” includes staff review of a detailed applicant letter that describes the proposed business, an existing site plan, statement attesting that there is/has been no unpermitted cannabis activity at the site within one year, and a detailed map demonstrating the proposed storefront’s distance from sensitive uses. Staff also visits the site at this time. Planning staff has completed the aforementioned pre-application review, visited the site, and issued a letter indicating that the application complies with the City’s required separation distances from sensitive uses and may proceed to submittal of a CBP.

Following completion of the pre-application review, the applicant submitted a CBP application for the initial phase of the CBP process. Staff’s initial CBP review includes:

- A background check of the business owner(s)/operator(s);
- An evaluation of the proposed business plan (including a capitalization analysis); and
- An evaluation of the proposed security plan by the City’s cannabis security consultant, HdL Companies (HdL).

The applicant successfully passed these evaluations and staff issued a “CBP Notice to Proceed,” which allows the applicant to submit a CUP application.

The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public Works Department (including Transportation and Engineering Divisions), Fire Department, and Police Department.

If the Planning Commission approves the CUP, the applicant may then begin the remaining steps of the CBP process, which include:

- Obtaining building permits;
- Completing tenant improvements; and

- Demonstrating through various City reviews/inspections that all conditions of approval have been satisfied, and that all other requirements of the CMMC have been met.

After passing the final City and HdL inspections, the CBP would be issued. CBP approval is valid for a two-year period and must be renewed (every two-years) prior to expiration. During the two-year CBP period, the Community Improvement Division (CID), along with other City staff, will conduct site inspections to verify that the business is operating in compliance with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

After obtaining the CBP, the applicant would apply for and obtain a City Business License through the Finance Department. Lastly, the applicant must obtain the appropriate license from the State Department of Cannabis Control (DCC) prior to operating.

Cannabis retail businesses are subject to a City-established seven-percent gross receipts tax, which must be paid to the City of Costa Mesa's Finance Department. Records and revenues are audited annually by the Finance Department and HdL Companies.

## **DESCRIPTION**

Planning Application 22-05 is a request for a CUP to allow a retail cannabis use within an existing 5,941-square-foot commercial building located at 1505 Mesa Verde Drive East. The affiliated State license is Type 10 "storefront retailer" which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

## **ANALYSIS**

### ***Conditional Use Permit Required***

Pursuant to CMMC Sections 13-28(B) and 13-200.93(c)(1), subject to the approval of the Planning Commission, a CUP is required for the establishment of cannabis retail storefronts and non-storefronts (delivery) in a commercial zone. To obtain a CUP, 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 (C1 – Local Business District) where commercial development is specifically allowed to include cannabis retail storefronts subject to a conditional use permit. The property is surrounded by other commercial uses on three sides. 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, cannabis retail

storefronts and non-storefronts are subject to extensive regulation (as further described in this report) which are adopted to prevent land use inconsistencies with adjacent properties. Pursuant to the CMMC, the approval of a CUP requires that the Planning Commission make specific findings related to neighborhood compatibility, health and safety, and land use compatibility. The analysis regarding CUP findings is provided below in this report.

### **Separation Requirements**

CMMC Section 13-200.93(e) stipulates that no cannabis retail storefront use shall be located within 1,000 feet from a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet from a youth center as defined in CMMC Title 9, Chapter VI, Section 9-485, that is in operation at the time of submission of a completed cannabis business permit application. All separation distances are measured in a straight line (“as the crow flies”) from the “premises” where the cannabis retail use is to be located to the closest property line of the sensitive use(s) (with the exception of playgrounds). (For playgrounds, the required separation distance is measured from a 30-foot radius from the exterior physical boundaries of the playground equipment area.) Premises is as defined in the State’s Business and Professions Code Section 26001 as *the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.* Therefore, the premises only include the retail cannabis activity areas (including sales, storage, back-of-house and/or other ancillary areas) and excludes the parking lot and other areas that are not part of the area licensed by the State for commercial cannabis activity. The subject site complies with the required separation from sensitive uses.

On May 8, 2023, staff received a written correspondence from the Orange County Department of Education (see Attachment 8). The letter indicates that the Orange County Department of Education (OCDE) “College and Career Preparatory Academy” (CCPA) is located in an adjacent multi-tenant commercial complex (1525 Mesa Verde Drive East, Suite 109), and that the OCDE has concerns with the proposed retail cannabis storefront being located in close proximity to their education program. Staff was not aware of the CCPA because the Orange County Department of Education website page that lists all of their schools, specifically by city, did not identify CCPA as being located in the City of Costa Mesa. Instead, the website listed the CCPA as being located in Santa Ana. However, and soon after, staff received another correspondence from the OCDE’s General Counsel which indicated that the CCPA location in Costa Mesa will be ceasing operation on August 31, 2023 (see Attachment 8). Based on the CCPA ceasing operation before the proposed cannabis retail establishment would operate, staff allowed the application to proceed for Planning Commission review. Condition of Approval No. 8 has been added to the Resolution under “Prior to Issuance of a Cannabis Business Permit Section” to prohibit the issuance of a CBP for the proposed cannabis retail establishment until after the CCPA has been confirmed to have ceased operation.

## ***Exterior Tenant Improvements***

The applicant proposes to update the building façade with new siding, paint, and awnings to modernize the exterior. Other proposed exterior improvements include:

- Improve the site landscaping to bring the property into closer conformance with the CMMC landscape requirements. New landscaping planters would be installed along parking stalls in the front and rear towards the parking lot. Landscaping in the rear parking lot would include at least four 24-inch box trees, a variety of drought tolerant shrubs, and live groundcover. The applicant provided a conceptual landscaping plan as part of their CUP plan submittal. A detailed landscaping plan would be reviewed during the building plan check process for consistency with the conceptual plan as conditioned, should the CUP be approved;
- Restriping the surface parking lots to comply with the City's Parking Design Standards;
- Adding two electric vehicle charging stations;
- Modifying exterior fenestrations to be consistent with the new use;
- Adding a bicycle rack to encourage multi-modal transportation;
- Constructing a new trash enclosure;
- New rooftop screening to screen mechanical equipment; and
- Installation of security lighting and surveillance cameras. A preliminary lighting/photometric plan has been provided and will be further reviewed during the building plan check process, as conditioned.

Proposed business signs would be reviewed and permitted separately per the City's sign code requirements. Pursuant to Condition of Approval No. 6 (Prior to Issuance of Building Permits), business signage shall not include references to cannabis, whether in words or symbols.

## ***Interior Tenant Improvements***

The proposed interior improvements involve removing demising walls to create one tenant space as well as the construction of new demising walls to create rooms for the specific use, including a product receiving room, office, employee break room, restrooms, and a delivery staging room. The proposed retail sales area is an open floor plan including a check-in/lobby area located next to the customer entrance. A floor area summary of the proposed 5,941-square-foot tenant space is provided on the following page.

**Table 1 – Floor Plan Summary**

<b>Operational Area</b>	<b>Square Feet</b>
Entryway	184
Retail Sales Area	3,968
Check-In	80
Storage	437
Office	134
Delivery	170
Receiving	242
Employee Break Room	123
Restrooms	112
Hallways	491
<b>Total</b>	<b>5,941</b>

### ***Customer and Employee Access***

Customer access is limited to the entryway and retail sales area. Customer circulation into the proposed establishment includes entering the licensed premise through the main entrance doors that connects directly into an entryway with a check-in window. A greeter employee would verify the customer's identity and age before allowing the customer to enter the retail sales area. After a customer's identity and age is verified and their transaction is completed, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

All other areas of the premises would be accessible only to employees with the proper security credentials. Employees would enter through the customer entrance or an employee only access-controlled entrance that leads directly into the back-of-house areas.

### ***Delivery Operations and Vendor Access***

During business hours, delivery and vendor vehicles would use the loading/unloading area proposed in front of the building that is directly adjacent to an access-controlled door. An existing one-way drive aisle provides vehicular access to the loading/unloading area. This designated area would only be used for delivery and vendor vehicle loading/unloading purposes.

The distance from the nearest access-controlled door to the loading/unloading area is less than five feet. When loading/unloading vehicles, delivery employees would enter/exit through the access-controlled door, while vendors would only be allowed to enter the premise while accompanied by an employee. As conditioned, the access-controlled doors, path of travel, and vehicle loading/unloading area would be under camera surveillance at all times, and the required on-site security guard would also monitor the delivery and vendor operations.

## **Storefront/Delivery Operations**

The proposed business is required to comply with retail storefront and operational conditions/requirements as follows:

- Display State license, CBP, and City business license in a conspicuous building location;
- Hours of operations are limited to 9:00 AM to 9:00 PM Monday through Thursday, and 9 AM to 10 PM Friday through Sunday (as requested by the applicant);
- Shipments of cannabis goods may only be accepted during regular business hours;
- Cannabis inventory shall be secured using a lockable storage system during non-business hours;
- At least one licensed security guard shall be on premises 24-hours a day;
- The premises and the vicinity must be monitored by security and/or other staff to ensure that patrons immediately leave and do not consume cannabis onsite or within close proximity. The CMMC prohibits the consumption of cannabis or cannabis products in public areas; cannabis consumption is limited to non-public areas, such as within a private residence. State law further prohibits cannabis consumption and open container possession within 1,000 feet of sensitive uses and while riding in or driving a vehicle;
- There must be continuous video monitoring and recording of the interior and exterior of the premises;
- Adequate security lighting shall be provided and shall be designed to prevent offsite light spill;
- Onsite sales of alcohol or tobacco products and on-site consumption of alcohol, cannabis, and tobacco products is prohibited;
- No one under the age of 21 is allowed to enter the premises. If the business holds a retail medical cannabis license (M-license) issued by the State, persons over the age of 18 may be allowed with the proper medical approvals i.e. physician's recommendation or medical card pursuant to CMMC Section 9-495(h)(6);
- Prior to employment, all prospective employees must successfully pass a background check conducted by the City, and the employee must obtain a City issued identification badge;
- Customers are only granted access to the retail area after their age and identity has been confirmed by an employee;
- Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information:
  - Date and time of transaction;
  - Name and employee number/identification of the employee who processed the sale;
  - List of all cannabis goods purchased including quantity; and
  - Total transaction amount paid.
- There must be video surveillance of the point-of-sale area and where cannabis goods are displayed and/or stored;
- Cannabis products shall not be visible from the exterior of the building;

- Free samples of cannabis goods are prohibited;
- When receiving new inventory from licensed distributors, employees will verify the distributor's identity and license prior to allowing them to enter the facility through an access-controlled door. After distributor's credentials have been confirmed, an employee will escort the distributor to the shipping and receiving area and remain with them throughout the process.
- Cannabis goods to be sold at this establishment (either storefront or delivery) must be obtained by a licensed cannabis distributor and have passed laboratory testing;
- Cannabis product packaging must be labeled with required test results and batch number;
- Packaging containing cannabis goods shall be tamper-resistant; if packaging contains multiple servings, the package must also be re-sealable;
- When processing orders for cannabis delivery, employees will collect the pre-packaged materials, load products into a secured container and transport the containers to delivery vehicles outside the building. Video surveillance cameras will be installed with direct views of the path of travel and loading and unloading area. All loading and unloading of delivery vehicles will be monitored by the required security guard;
- Cannabis deliveries must be made in-person by an employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered employed by the licensed retailer;
- The applicant shall maintain proof of vehicle insurance for any and all vehicles being used to deliver cannabis goods;
- During delivery, the 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;
- A delivery employee shall not leave the State of California while possessing cannabis products and while performing their duties for the cannabis retailer;
- The 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;
- Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated global positioning system (GPS) device for identifying the location of the vehicle (cell phones and tablets are insufficient);
- Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
- Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and
- A cannabis 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.



## ***Business Plan***

The applicant has submitted a detailed business plan that was evaluated by the City's cannabis consultant (HdL). The business plan described the owners' experience, proof of capitalization, start-up budget, a three-year pro forma, target customers, key software, and daily operations. The business plan contains proprietary details and is therefore not included as an attachment to this staff report. The City's cannabis consultant determined that the applicant's business plan was appropriate for the proposed retail operations.

## ***Security Plan***

The applicant has submitted a professionally prepared security plan for the proposed retail cannabis establishment. The City's cannabis consultant reviewed the security plan and determined that appropriate security measures were included to address the City's security requirements pursuant to CMMC Title 9, Chapter VI, and State law. Since the security plan contains sensitive operational details that require limited public exposure to remain effective, the plan is not included as an attachment. However, the following is a list of general security measures that are required for the proposed cannabis retail establishment:

- At least one security guard will be on-site 24-hours a day;
- All employees, including drivers, must pass a "Live Scan" background check;
- City-issued identification badges are required for employees;
- An inventory control system shall be maintained;
- Exterior and interior surveillance cameras shall be monitored and professionally installed;
- An alarm system shall be professionally installed, maintained, and monitored;
- Surveillance footage must be maintained for a minimum of 90 days;
- Cash, cannabis, and cannabis products shall be kept in secured storage areas;
- Sensors shall be installed that detect entry and exit from all secured areas;
- Security lighting (interior and exterior) shall be installed;
- Emergency power supply shall be installed;
- Employees shall be trained for use with any/all emergency equipment;
- Delivery drivers shall be trained on delivery safety protocols;
- Employees and vendors will be trained regarding cash and product transportation protocol;
- Visitor/customer specific security measures shall be required;
- All facility entry and exit points and locations where cash or cannabis products are handled or stored shall be under camera surveillance;
- The applicant shall submit a list of all vehicles to be used for retail delivery purposes to the Costa Mesa Police Department. The list shall identify the make, model, color, license plate number, and registered owner of each vehicle. The applicant shall submit an updated vehicle list each quarter with the required quarterly update to the employee roster pursuant to the CBP.

- Delivery vehicle drivers shall be at least age 21, have a current driver's license, successfully complete a live scan, and have a City-issued badge; and
- The business operator shall ensure that all delivery vehicles are properly maintained, all delivery drivers have a good driving record, and each driver conducts a visual inspection of the vehicle at the beginning of a shift.

### ***Parking and Circulation***

Currently, the property is developed with approximately 42 parking spaces; however, the current striping of these spaces is not designed to City parking standards. Therefore, the applicant proposes to reconfigure the parking lot and striping to comply current City's design standards.

Retail cannabis uses are subject to the same parking ratio requirement as other retail establishments in the City (four spaces per 1,000 square feet of gross floor area). Based on this ratio, the 5,941-square-foot facility would be required to provide 24 onsite parking spaces. As proposed, the property would provide 28 parking spaces (including a one-space credit for a bicycle rack), which would exceed the minimum required parking by four spaces. The applicant is also proposing to install one electric vehicle (EV) charging station in an accessible space, and one EV station in a standard parking space (the EV stations are not required by Code for the proposed development).

During the last approximate nine-months, staff has randomly monitored the seven cannabis retail operations that are presently operating. Based on staff observations, parking demand for cannabis operations generally appear to be similar to other retail type operations; however, if parking shortages or other parking-related problems occur, the business owner or operator will be required to monitor the parking lot and institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services (see "Operational Conditions" of Approval No. 7 in the attached Resolution). Examples of parking demand management techniques include, but are not limited to, offsite parking for employees, reducing operating hours of the business, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, encouraging delivery services to reduce in person store visits, and incentivizing employee carpooling/cycling/walking.

The property has one point of ingress (entrance) along Mesa Verde Drive East and one point of egress (exit) along the same street. Both access points are provided by existing one-way only driveways. There is an existing public sidewalk at the front of the property along Mesa Verde Drive East, which provides access to the site for pedestrians and bicyclists. As conditioned pursuant to the City's Public Works Department, the easterly driveway approach on Mesa Verde Drive East would be redesigned and reconstructed to serve as a "right-turn exit-only." This Public Works condition is intended to improve safety by reducing turning movements/conflicts located near Harbor Boulevard.

## **Traffic**

CMMC Section 13-275(e) indicates that any increase in traffic generation by a change of use that is required to obtain a discretionary permit, shall be subject to review by the appropriate reviewing authority, which may impose fees to address increased trip generation. If required, the fee collected is used to fund the City's comprehensive transportation system improvement program. The purpose of the program is to ensure that the City's transportation system has the capacity to accommodate additional trips. The Citywide Traffic Impact Fee related to new and expanding developments is determined using estimated Average Daily Trips (ADT), which is the combined total number of vehicular trips both in and out of a development generated throughout an average weekday. The Transportation Services Division determined that the appropriate ADT for a cannabis retail establishment is approximately 108 trips per 1,000 square feet based on the Institute of Transportation Engineers (ITE) 11<sup>th</sup> Edition Trip Generation Manual for the most similar use "pharmacy/drug store with drive-through". The City's traffic engineering review focuses on net trip increase for both the ADT and peak hour trips. Therefore, the trip generation is estimated for the previous/existing use(s) and is credited (subtracted) from the proposed use to estimate potential changes in trip generation for ADT and peak hour trips. The proposed use would be subject to a traffic impact fee based on net ADT. The estimated traffic impact fee is approximately \$44,650. The fee calculation would be finalized during the building permit plan check process and must be paid prior to building permit issuance.

CMMC Section 13-275(a), specifies that "a traffic impact study shall be required for all development projects estimated by the Public Works Department to generate one hundred (100) or more vehicle trip ends during a peak hour." The highest peak hour trips in either the AM or PM is used to estimate the number of vehicular trips generated both in and out of a new or expanded development known as vehicle trip-ends during a peak hour. Staff reviewed and determined that the proposed use does not meet the threshold of 100 peak hour trips requiring a traffic study based on the net peak hour trips.

## **Odor Attenuation**

Cannabis products would arrive in State compliant packaging that is sealed and odor-resistant, and remain unopened while on the premises. However, a minimal amount of cannabis product would be removed from packaging for display purposes and would be placed in display containers. The proposed facility would feature an air filtration system with a "Minimum Efficiency Reporting Value" (MERV) rating of 16, which is a highly effective rating. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. Further, as conditioned, if cannabis odor is detected outside of the building or off-site, the business owner/operator will be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services. Cannabis products are not allowed to be disposed of in the exterior trash area.

### ***Proximity to Residential***

Azulon at Mesa Verde was constructed in 2014 and is located approximately 150 feet from the proposed storefront entrance, across Mesa Verde Drive East. Azulon is an age restricted (55+) residential community that is located on a commercially zoned parcel. The applicant has conducted outreach to the surrounding properties including this housing community. To ensure neighborhood compatibility, proposed project conditions and requirements include the following:

- Business hours are limited from 9 AM to 9 PM Monday through Thursday, and 9 AM to 10 PM Friday through Sunday;
- Security lighting is shielded and directed down/away from residential properties to prevent light spill. As conditioned, a photometric study would be required to be submitted during plan check to demonstrate that light levels at the residential property are minimal;
- Signage posted within the parking lot to require customers and vendors to keep noise levels to a minimum (the security guard shall also be responsible for noise enforcement); and
- A staff person or the required 24-hour security guard will monitor the site's parking areas to ensure that customers are quiet, turn off vehicle engines promptly, do not play loud music, and generally do not create excessive neighbor disturbances. The parking lot monitoring will be especially diligent to prevent noise and other neighbor disturbance during morning and evening business hours.

### **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.

**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 use would provide a new entrepreneurial business in Costa Mesa located within a commercial area as allowed under Measure Q, and provides goods and services and employment opportunities in the community.

**Objective LU-6B:** *Encourage and facilitate activities that expand the City's revenue base.*

**Consistency:** Retail cannabis uses are expected to generate increased tax revenues in that cannabis sales are subject to a seven-percent local tax on gross receipts. Approval of the proposed cannabis retail storefront with delivery would allow business operations that would expand the City's revenue base. This revenue can then be used for community services and infrastructure improvements that serve the community.

**Policy LU-6.15:** *Promote unique and specialized commercial and industrial districts within the City which allow for incubation of new or growing businesses and industries.*

**Consistency:** The proposed use is part of the specialized and growing cannabis industry that is limited in the surrounding region. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry.

**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 located across Mesa Verde Drive East from an age restricted housing community. As conditioned, the proposed use would operate during limited hours, be required to control odor, noise, and provide 24-hour onsite security at all times to ensure compatibility between uses.

**Policy N-2.9:** *Limit hours and/or attenuation of commercial/entertainment operations adjacent to resident and other noise sensitive uses in order to minimize excessive noise to these receptors.*

**Consistency:** Conditions of approval requiring 24-hour onsite security, signage regarding noise, and limiting the hours of operation are intended to ensure compatibility between the proposed use and nearby residential uses. The adjacent commercial uses are a multi-tenant commercial center with restaurants, offices, services, and a liquor store, and a 24-hour convenience store.

## **REQUIRED 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:

- *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 subject site is located within a commercial zone (C1 – Local Business District) where commercial development is specifically allowed. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City’s commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof, no outdoor storage or sales are proposed nor would be allowed, and operations would be conditioned to be compliant with applicable local and State laws, as well as to minimize potential impacts. Staff does not anticipate that the proposed retail cannabis use would be materially detrimental to the adjacent uses that include a convenience store, multi-tenant commercial center with restaurants, offices, services, and a liquor store, car dealership, hotel, and multiple-family housing. To ensure neighborhood compatibility, especially with residential uses, proposed project conditions and requirements have been included such as posting parking lot signs to remind customers to keep noise levels to a minimum, shielding security lighting down/away from neighboring properties, and limiting business hours from 9 AM to 10 PM. Therefore, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

- *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.*

The proposed cannabis retail storefront use with delivery would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City’s cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, at least one security guard would be onsite at all times and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. In addition, the business employees, including delivery drivers and part-

time staff, must pass a live scan background check and obtain an identification badge from the City. The conditions of approval include, but are not limited to, the aforementioned security measures to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood.

- 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.

The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of “General Commercial.” No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. As stated in the General Plan Land Use Element, the City’s commercial designations “accommodate a full range of commercial activity present and desired in Costa Mesa.” The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City’s tax base; and promoting the incubation of unique and specialized businesses.

## **ENVIRONMENTAL DETERMINATION**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing or prior use. This project site contains an existing commercial building that has been used continuously for commercial activities. The application does not propose an increase in commercial floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations. Furthermore, 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 can consider the following decision alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. 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 hearing 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.

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 and this report have been 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 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 the date this report was circulated, five written public comments have been received (See Attachment 7). Any additional public comments received prior to the August 14, 2023 Planning Commission meeting will be provided separately.

## **CONCLUSION**

The proposed project is a retail cannabis storefront business with delivery at a developed commercial property that meets separation requirements established in CMMC 13-200.93(e). Staff and the City's cannabis consultant completed the Pre-application Determination, Business Plan and Security Plan evaluations, owner background checks, and thoroughly reviewed the CUP materials. If approved, the operation would be required to comply with all conditions of approval and extensive City and State regulations.

If the Planning Commission approves the project, the applicant would next obtain building permits, complete tenant improvements, and pass City inspections prior to obtaining a CBP and City Business License. The CBP is valid for two years and must be continuously renewed, including inspections, prior to expiration. During each two-year CBP period, the Community Improvement Division, along with other City staff, will



conduct site inspections to verify that the operation complies with CUP and CBP requirements.

As proposed and conditioned, the use would be consistent with other commercial uses in the C1 zone, the Zoning Code, and the City's General Plan. The required findings for the CUP can be made, as described above, and therefore, staff recommends approval of Planning Application 22-05 subject to conditions of approval.

**RESOLUTION NO. PC-2023-\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-05 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (C21+) IN THE C1 ZONE AT 1505 MESA VERDE DRIVE EAST**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

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

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

WHEREAS, Planning Application 22-05 was filed by Sean St. Peter, the authorized agent for the property owner, Onnyx Investments, LLC, requesting approval of the following:

A Conditional Use Permit to operate a storefront retail and cannabis delivery business within an existing 5,941-square-foot commercial building located at 1505 Mesa Verde Drive East. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and through delivery, subject to conditions of approval and other City and State requirements;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 14, 2023 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 CEQA per Section 15301 (Class 1), for Existing Facilities, as described specifically in the staff report;

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 22-05 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 22-05 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable 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 14th day of August, 2023.**

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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-2023-\_\_ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on August 14, 2023 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Scott Drapkin, Secretary  
Costa Mesa Planning Commission

Resolution No. PC-2023-\_\_

## EXHIBIT A

### FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

**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:** The subject site is located within a commercial zone (C1 – Local Business District) where commercial development is specifically allowed. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City’s commercial zones and are subject to extensive regulation (as specifically described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof, no outdoor storage or sales are proposed nor would be allowed, and operations would be conditioned to be compliant with applicable local and State laws as well as to minimize potential impacts. Staff does not anticipate that the proposed retail cannabis use would be materially detrimental to the adjacent uses that include a convenience store, multi-tenant commercial center with restaurants, offices, services, and a liquor store, car dealership, hotel, and multiple-family housing. To ensure neighborhood compatibility, especially with residential uses, proposed project conditions and requirements have been included such as posting parking lot signs to remind customers to keep noise levels to a minimum, shielding security lighting down/away from neighboring properties, and limiting business hours from 9 AM to 10 PM. Therefore, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

**Finding:** 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.

**Facts in Support of Finding:** The proposed cannabis retail storefront use with delivery would follow safety measures detailed in a professionally-prepared security plan. The security plan was evaluated for compliance by the City’s cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, at least one security guard would be onsite at all

times and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. In addition, the business employees, including delivery drivers and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The conditions of approval include, but are not limited to, the aforementioned security measures to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood.

**Finding:** 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.

**Facts in Support of Finding:** The proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate a full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

- B. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing or prior use. This project site contains an existing commercial building that has been used continuously for commercial activities. The application does not propose an increase in commercial floor area or otherwise expand the prior commercial use. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations. Furthermore, 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.
- 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

#### General

- P1ng.
1. The use of this property as a cannabis storefront business shall comply with the approved plans and terms described in the resolution, these conditions of approval, and applicable sections of the Costa Mesa Municipal Code (CMMC). The Planning Commission may 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)].
  2. Approval of the planning/zoning application is valid for two years from the effective date of this approval and will expire at the end of that period unless the applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 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.
  3. No person may engage in any cannabis business or in any cannabis activity within the City including delivery or sale of cannabis or a cannabis product unless the person:
    - a. Has a valid Cannabis Business Permit from the City;
    - b. Has paid all Cannabis Business Permit and all application fees and deposits established by resolution of the City Council, including annual Community Improvement Division inspection deposits;
    - c. Has obtained 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;
    - d. Has obtained a City business license pursuant to Chapter I of the Municipal Code;
    - e. Is in compliance with all requirements of the Community Improvement Division regarding the property;
    - f. Has obtained any and all licenses required by State law and/or regulations; and
    - g. Has satisfied all CUP conditions of approval.

4. Any change in the operational characteristics of the use shall be subject to Planning Division review 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.
5. No cultivation of cannabis is allowed anywhere on the premises.
6. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
7. Except for operations allowed by this Conditional Use Permit and under an active Cannabis Business Permit and State Type 10 license, no permit holder or any of its employees shall sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product to any person, firm, corporation, group or any other entity, unless that person or entity is a lawful, bona fide customer, or it possesses all currently valid permits and/or licenses required by both the State of California and applicable local governmental entity to lawfully receive such cannabis and to engage in a "cannabis activity" as defined by Costa Mesa Municipal Code sec. 9-485. The permit holder shall verify that the recipient, regardless of where it is located, of any cannabis or cannabis product sold, distributed, furnished, and/or otherwise provided by or on behalf of the permit holder, possesses all required permits and/or licenses therefor.
8. 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.
9. If any section, division, sentence, clause, phrase or portion of this approval 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.
10. The use shall operate in accordance with the approved Security Plan. Any changes to the Security Plan must be submitted to the Planning Division with



a written explanation of the changes. If the Director determines that changes are substantial, a modification to the Cannabis Business Permit and/or amendment to the CUP may be required.

11. A parking and security management plan, including techniques described in Operational Condition of Approval No. 7, must be approved by the Director of Economic and Development Services or designee prior to any grand opening or other high-volume event on the subject property.
- Bldg. 12. Development shall 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.
- CBP 13. The operator shall maintain a valid Cannabis Business Permit and a valid Business License at all times. The Cannabis Business Permit application number associated with this address is MQ-21-34. Upon issuance, the Cannabis Business Permit will be valid for a two-year period and must be renewed with the City prior to its expiration date, including the payment of permit renewal fees. No more than one Cannabis Business Permit may be issued to this property.
14. The use shall operate in accordance with the approved Business Plan. Any changes to the Business Plan must be submitted to the Planning Division with a written explanation of the changes. If the Director determines that changes are substantial, a modification to the Cannabis Business Permit and/or amendment to the CUP may be required.
15. A Cannabis Business Permit may be revoked upon a hearing by the Director of Economic and Development Services or designee pursuant to Section 9-120 of the CMMC for failing to comply with the terms of the permit, the applicable provisions of the CMMC, State law or regulation and/or any condition of any other permit issued pursuant to this code. Revocation of the Cannabis Business Permit shall trigger the City's proceedings to revoke the Conditional Use Permit and its amendments. The Conditional Use Permit granted herein shall not be construed to allow any subsequent owner/operator to continue operating under PA-22-05 until a valid new Cannabis Business Permit is received from the City of Costa Mesa.
16. A change in ownership affecting an interest of 51 or more percent, or an incremental change in ownership that will result in a change of 51 or more percent over a three year period, shall require submittal and approval of a

new Cannabis Business Permit. A change in ownership that affects an interest of less than 51 percent shall require approval of a minor modification to the Cannabis Business Permit.

- State
17. The business must obtain any and all licenses required by State law and/or regulation prior to engaging in any cannabis activity at the property.
  18. The applicant shall obtain State License Type 10 prior to operating. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
  19. 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 department or division, reinstates or reissues the State license. 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 cannabis business to operate within the City. This Conditional Use Permit will expire and be of no further force and effect if any State issued license remains suspended for a period exceeding six (6) months. Documentation of three violations during routine inspections or investigations of complaints shall result in the Community Improvement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
  20. Third parties are prohibited from providing delivery services for non-storefront retail.
  21. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business, except as otherwise specifically provided for by state law and CMMC Section 9-495(h)(6). It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.
- PD
22. Every manager, supervisor, employee or volunteer of the cannabis business must submit fingerprints and other information specified on the Cannabis Business Permit for a background check by the Costa Mesa Police Department to verify that person's criminal history. No employee or volunteer may commence paid or unpaid work for the business until the background checks have been approved. No cannabis business or owner thereof may employ any person who has been convicted of a felony within the past 7 years, unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code sections 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance.
- CID
23. Should any employee, volunteer or other person who possesses an identification badge be terminated or cease their employment with the

business, the applicant shall return such identification badge to the City of Costa Mesa Community Improvement Division within 24 hours, not including weekends and holidays.

24. The property owner and applicant shall use “Crime Prevention Through Environmental Design” techniques to reduce opportunities for crime, loitering and encampments on the property as deemed appropriate by the Community Improvement Manager and Director of Economic and Development Services.
- Finance 25. This business operator shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under State and local law. This business operator shall cooperate with the City with respect to any reasonable request to audit the cannabis business’ books and records for the purpose of verifying compliance with the CMMC and this CUP, including but not limited to a verification of the amount of taxes required to be paid during any period.
26. The following records and recordkeeping shall be maintained/conducted:
  - a. The owner/operator of this 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 an annual basis, or at any time upon reasonable request of the City, the owner/operator shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve 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.
  - b. The owner/operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) 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 condition shall be provided to the City Manager upon a reasonable request.
  - c. The owner/operator 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 retail sale process. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA), the owner/operator 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.
  - d. The owner/operator 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 owner/operator 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 or designees.

- Insp.
27. The City Manager or designees may enter this business at any time during the hours of operation without notice, and inspect the location of this business as well as any recordings and records required to be maintained pursuant to Title 9, Chapter VI or under applicable provisions of State law. If the any areas are deemed by the City Manager or designee to be not accessible during an inspection, not providing such access is cause for the City to begin a cannabis business permit (CBP) and/or conditional use permit (CUP) and/or business license revocation process as prescribed by the applicable Municipal Code revocation procedures.
  28. Inspections of this cannabis business by the City will be conducted, at a minimum, on a quarterly basis. The applicant will pay for the inspections according to the adopted Fee Schedule.
  29. Quarterly Fire & Life Safety Inspections will be conducted by the Community Risk Reduction Division to verify compliance with the approved operation. The applicant will pay for the inspection according to the Additional Required Inspections as adopted in the Fee Schedule.
  30. Annual Fire & Life Safety Inspections will be conducted by the Fire Station Crew for emergency response pre-planning and site access familiarization. The applicant will pay for the inspection according to the adopted Fee Schedule.
  31. Pursuant to Title 9, Chapter VI, 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.

**Prior to Issuance of Building Permits**

1. Plans shall be prepared, stamped and signed by a California licensed Architect or Engineer.
2. The conditions of approval and ordinance or code provisions of Planning Application 22-05 shall be blueprinted on the face of the site plan as part of the plan check submittal package.

3. Prior to the Building Division issuing a demolition permit, the applicant shall contact the South Coast Air Quality Management District (AQMD) located at:  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178  
Tel: 909- 396-2000  
Or visit its website:  
<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.
4. Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not detected outside the property, anywhere on adjacent property or public right-of-way. Building and mechanical permits must be obtained from the Building Division prior to work commencing on any part of the odor control system.
5. Plan check submittal shall include air quality/odor control device specification sheets. Plan check submittal shall also include a landscape and irrigation plan that includes drought-tolerant plants and/or California native plants, living ground cover, shrubs, and at least four 24-inch box size shade trees in the parking lot, bike racks, and parking space design and striping in conformance with CMMC and Transportation Division requirements.
6. No signage shall be installed until the owner/operator or its designated contractor has obtained permits required from the City. Business identification signage shall be limited to that needed for identification only. Business identification signage shall not include any references to cannabis, whether in words or symbols. All signs shall comply with the CMMC.
7. The plans and business operator shall comply with the requirements of the applicable California Fire Code, including any referenced standards as amended by the City of Costa Mesa.
8. The Traffic Impact Fee as calculated by the Transportation Services Division shall be paid in full.
9. Construction documents shall include a temporary fencing and temporary security lighting exhibit to ensure the site is secured during construction and to discourage crime, vandalism, and illegal encampments.
10. The applicant shall submit a lighting plan to the Planning Division for review and approval. The lighting plan shall show locations of all security lighting. As determined by the Director of Economic and Development Services or their designee, a photometric study may be required to demonstrate compliance with the following: (a) lighting levels on the property including the parking lot shall be adequate for safety and security purposes (generally, at least 1.0 foot candle), (b) lighting design and layout shall minimize light spill at the adjacent residential property line and at other light-sensitive uses (generally, no more than 0.5-footcandle at the property line), and (c) glare shields may be required to prevent light spill.

11. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.
12. The easterly site driveway on Mesa Verde Drive East shall be redesigned to serve as a right turn exit only. Striping and convenience signs shall be installed to support this movement. Plans shall be reviewed and approved by the City's Public Works Director or designee.

**Prior to Issuance of a Certificate of Use/Occupancy**

1. The operator, contractors, and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final occupancy and utility releases will not be granted until all such licenses have been obtained.

**Prior to Issuance of Cannabis Business Permit**

1. The applicant shall contact the Planning Division for a facility inspection and provide a matrix of conditions of approval explaining how each was met prior to issuance of a Cannabis Business Permit.
2. The applicant shall pay the Planning Commission public notice fee (\$1 per notice post card) and the newspaper ad publishing cost.
3. The final Security Plan shall be consistent with the approved building plans.
4. Each entrance to the business shall be visibly posted with a clear and legible notice stating the following:
  - a. That smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited;
  - b. That no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis business unless the business holds a retail medical cannabis license (M-license) issued by the state;
  - c. That loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises is prohibited; and
  - d. The premise is a licensed cannabis operation approved by the City of Costa Mesa. The City may also issue a window/door sticker, which shall be visibly posted.
5. The owner/operator 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 two million dollars (\$2,000,000.00) per occurrence, combined single limit, including bodily injury and property damage and not less than two million dollars (\$2,000,000.00) aggregate for each personal injury liability, products-completed operations and each accident, issued by an insurance provider admitted and authorized to do business in California and

shall be rated at least A-:viii in A.M. Best & Company's Insurance Guide. Such policies of insurance shall be endorsed to name the City of Costa Mesa as an additional insured. Proof of said insurance must be provided to the Planning Division before the business commences operations. Any changes to the insurance policy must be submitted to the Planning Division within 10 days of the date the change is effective.

6. The applicant shall submit an executed Retail Cannabis Business Permit Defense and Indemnity Agreement on a form to be provided by the City.
7. The applicant shall post signs within the parking lot directing the use of consideration such as no loud voices, loud music, revving car engines, etc. The language of the parking lot signs shall be reviewed and approved by the Planning Division prior to installation.
8. The proposed cannabis retail establishment shall not be issued a CBP and no cannabis activity may be allowed under the CUP unless and until the existing College and Career Preparatory Academy located at 1525 Mesa Verde Drive East ceases use and occupancy of the site.

### **Operational Conditions**

1. No product deliveries to the facility shall occur after 10:00 PM and before 7:00 AM.
2. Onsite sales hours of operations are limited to 9:00 AM to 9:00 PM Monday through Thursday, and 9 AM to 10 PM Friday through Sunday.
3. The applicant shall submit an updated delivery vehicle list each quarter with the quarterly update to the employee roster which is required pursuant to the CBP. The number of delivery vehicles parked onsite shall not exceed the number of available onsite surplus parking spaces. Delivery vehicles shall not be parked on City streets.
4. At least one licensed security guard shall be onsite at all times.
5. The operator shall maintain free of litter all areas of the property under which applicant has control.
6. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute appropriate security and operational measures as necessary to comply with this requirement.
7. If parking shortages or other parking-related problems develop, the business owner or operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services or designee. Temporary or permanent parking management strategies include, but are not limited to, reducing operating hours of the business, hiring an additional employee trained in traffic control to monitor parking lot use and assist with customer parking lot circulation, and offering discounts for online and phone orders.
8. While working, employees shall not park on residential streets unless doing so temporarily to make a cannabis delivery.

9. All employees must wear an identification badge while on the premises of the business, in a format prescribed by the City Manager or designee. When on the premises, badges must be clearly visible and worn on outermost clothing and above the waist in a visible location.
10. The operator shall ensure that all vehicles are properly maintained, all delivery drivers have a good driving record, and each driver conducts a visual inspection of the vehicle at the beginning of each shift.
11. The operator shall ensure that deliveries are grouped to minimize total vehicle trips.
12. During each delivery stop, the delivery vehicle shall be parked in a safe manner (i.e., not impeding traffic circulation), the engine shall be turned off and the vehicle shall be locked.
13. Delivery/vendor vehicle loading and unloading shall only take place within direct unobstructed view of surveillance cameras, located in close proximity to the vendor entry door, as shown on an exhibit approved by the Director of Economic and Development Services or designee. No loading and unloading of cannabis products into or from the vehicles shall take place outside of camera view. The security guard shall monitor all on-site loading and unloading of vehicles. Video surveillance cameras shall be installed on the exterior of the building with direct views of the vendor entry door and the entire parking lot. Any modifications or additional vehicle loading and unloading areas shall be submitted to the Director of Economic and Development Services or designee for approval.
14. Delivery/vendor vehicle standing, loading and unloading shall be conducted so as not to interfere with normal use of streets, sidewalks, driveways and on-site parking.
15. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
16. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
17. Cannabis shall not be consumed on the property at any time, in any form.
18. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
19. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the property, or on any of the vehicles owned or used as part of the cannabis business.
20. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
21. If cannabis odor is detected outside the building, the business owner or operator shall institute corrective measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services.
22. Cannabis liquid or solid waste must be made unusable and unrecognizable prior to leaving a secured storage area and shall be disposed of at facility approved to receive such waste.



23. No cannabis products shall be disposed in the onsite trash enclosure. If any damaged or expired cannabis products must be disposed, the owner or operator shall return the damaged or expired cannabis products to the original licensed distributor or vendor and follow all applicable State and City regulations.
24. Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information: (1) Date and time of transaction; (2) Name and employee number/identification of the employee who processed the sale; (3) List of all cannabis goods purchased including quantity; and (4) Total transaction amount paid.
25. All cannabis products shall be secured in a locked container during transportation between the facility and delivery and vendor vehicles. Prior to a vendor's arrival, vendors are required to give notice to facility personnel. Upon arrival, authorized facility personnel shall escort the vendor to the facility.



August 1, 2023

City of Costa Mesa  
Development Services Department  
Cannabis Business Permitting  
77 Fair Drive  
Costa Mesa, CA 92626

Dear City of Costa Mesa Leadership & Staff,

On behalf of SCCC Group Holdings, LLC, we are honored and excited to broaden our impact in the City of Costa Mesa, expanding our footprint beyond Measure X with this Storefront Retail Application. As we take this significant stride, we are thrilled to announce our partnership with C21+, one of California's premier cannabis retailers, to maximize our success in this venture. Our joint mission is to transform this property into a distinguished, licensed Cannabis Storefront Retailer equipped with a Delivery capability.

We are eager to present our project, C21+ Costa Mesa, to you, an innovative undertaking that blends traditional retail with a personalized medicinal cannabis approach. Our experienced leadership team, with roots in responsible cannabis retail and biotechnological advancements in cannabis, is at the heart of this pioneering initiative. C21+ Costa Mesa is set to be more than just a traditional dispensary. We aspire to offer patients grappling with treatment-resistant depression and other conditions access to unique, personalized cannabis solutions. This is made possible through CANNERALL's 'cannatropic' compounds, a pioneering fusion of cannabinoids and nootropics, delivering a novel approach to medicinal cannabis.

To ensure transparency, we have detailed our project specifics, leadership team, operational plan, and our commitment to the residents of Costa Mesa through our Responsible Corporate Citizen program. We are eager to delve deeper into these components during our meeting on August 14th, hoping this information grants you a vivid understanding of our mission and vision for the future.

We want to reassure the City of Costa Mesa and the Planning Commission that any concerns raised by the current tenants of the property have been satisfactorily addressed. Our landlord, Nash Salah of Onnyx Investment, LLC, is an active stakeholder in the City of Costa Mesa, with ownership of multiple properties. In 2017, Nash Salah acquired 1505 Mesa Verde Plaza with the intention of expanding his established business, Nash Auto, situated at 2665 Harbor Blvd. At the time of acquisition, the property, spanning approximately 5900 square feet, was already occupied by four tenants. Nash Salah promptly communicated his expansion plans to the existing tenants, clearly explaining the eventual necessity for them to relocate. In a gesture of goodwill, he extended a two-year lease offer to all occupants at a below-market rate. This accommodation allowed them ample time to secure alternative business locations while he pursued the development of the Mesa Verde property.

Progressing into 2019, Nash Salah obtained preliminary approval from the City of Costa Mesa for his expansion initiative. Unfortunately, unforeseen delays during the approval process coincided with the expiration of the leases for the four tenants. Demonstrating his dedication to their well-being, he offered a month-to-month rental option at the same reduced rate. In due course, he reevaluated the expansion project due to significant capital requirements.

Subsequently, in 2021, a compelling opportunity emerged – the prospect of leasing the entire building to a cannabis enterprise. In October of 2021, our company, SCCC Group Holdings, LLC, successfully completed the CBP pre-application review. By December of the same year, we received our CBP notice to proceed letter for the CUP application.



In response to a second radius mailer, one tenant sought clarification and walked over to Nash Auto. As soon as Nash Salah became aware of this situation, he promptly intervened to address the tenant's concerns. He accommodated the tenant's request, offering a 90-day notice period before any modifications would commence.

It's worth noting that in 2022, one of the building's occupants, occupying half of the space, opted to vacate. This action underscores Nash Salah's commitment to transparency and collaboration. Despite the associated financial implications, he chose to keep the location unoccupied, aligning with the anticipated C21+ Costa Mesa project pending approval from the Commission.

We are confident that our unique approach to cannabis retail, one that fuses commercial and medicinal cannabis aspects harmoniously, will result in a positive influence on the local economy, other businesses in the area, and the community at large.

Thank you for considering our proposal, and we eagerly anticipate the opportunity to serve and contribute to the health and wellness of the residents of Costa Mesa.

Respectfully Submitted,

SCCC GROUP HOLDINGS, LLC

SCCC Group Services, Inc. – 51% Owner

*Hazelina Belladora*  
\_\_\_\_\_  
Hazelina Belladora, CEO

C21 Costa Mesa – 49% Owner

  
\_\_\_\_\_  
By Sean St. Peter, CEO



### **C21+ Costa Mesa**

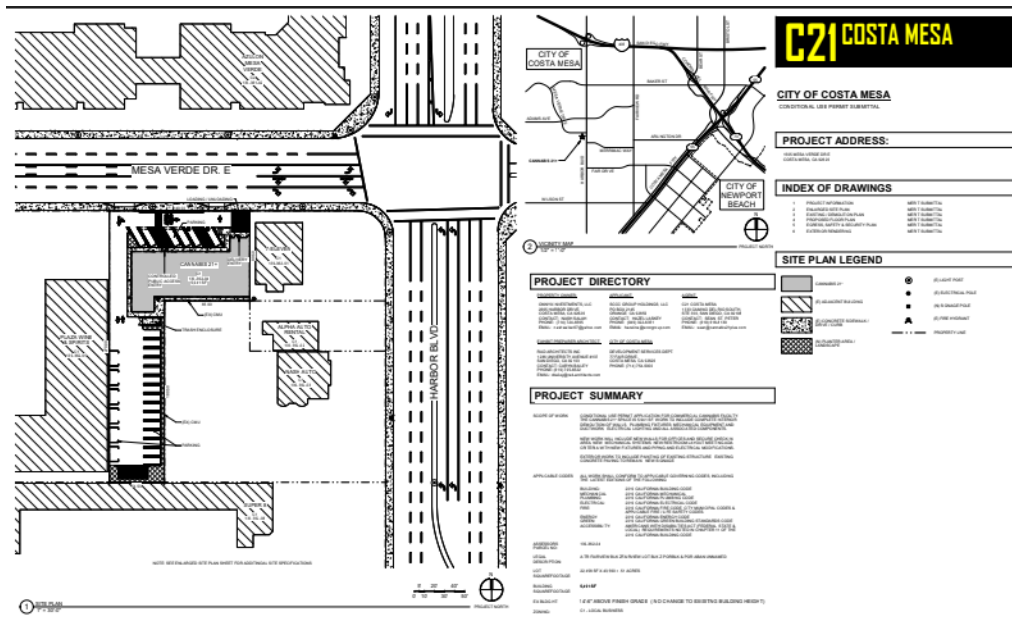
- Project Overview
- Pioneering True Medicinal Cannabis
- Experienced Leadership
- Operational Plan
  - Store Front
  - Hours of Operation: Storefront and Delivery
  - Customer Served
  - Security
  - Retail Access
  - Inventory Controls
  - Storage and Waste
  - Odor Control
  - Lighting
  - Parking and Traffic Management
- Responsible Corporate Citizens
  - Labor and Employment
  - Outreach

## Project Overview

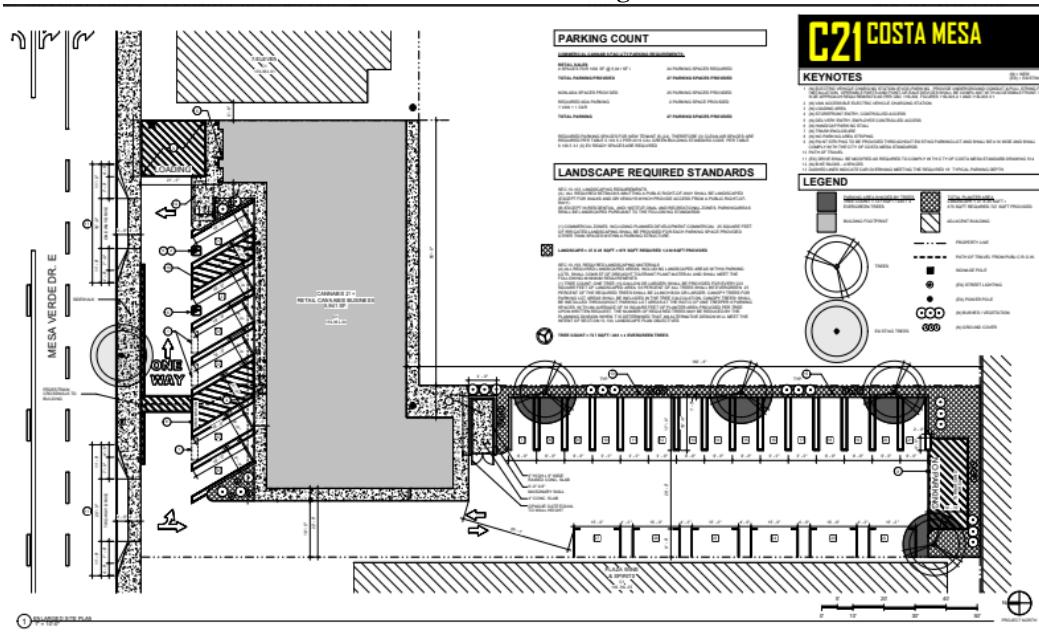
Our project, branded C21+, will be located at 1505 Mesa Verde Drive, just west of Harbor Drive. We will convert the entire parcel of 20,723 sq feet that currently holds four different tenants which combine to fill the 5,916 square feet under one roof, into our state-of-the-art dispensary and delivery dispatch center.

This parcel contains numerous and very secure parking areas which will help to ensure that we maximize the tax, employment, and growth opportunities.

## Overall Site

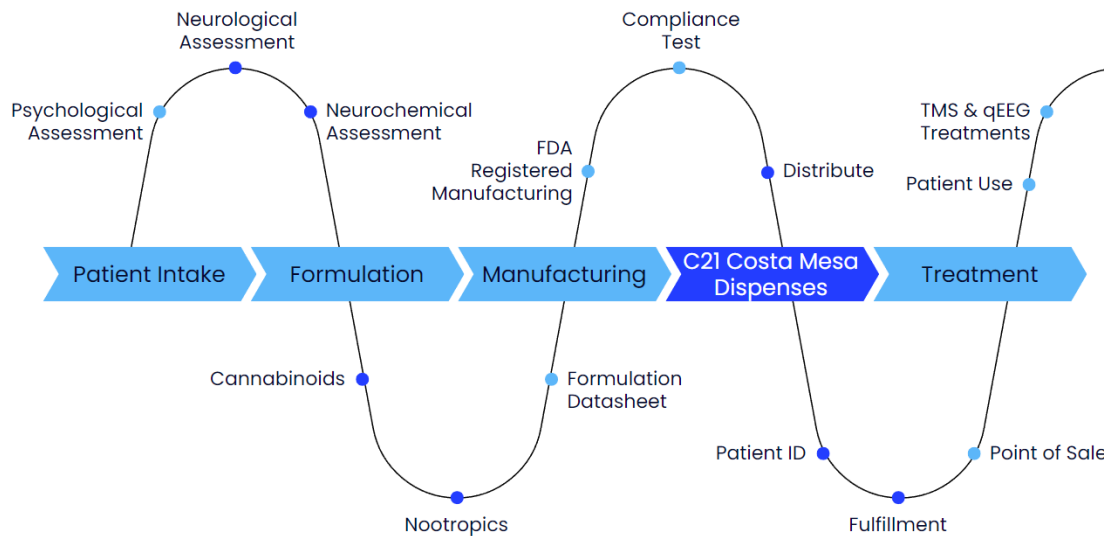


## Site with Parking





## Pioneering True Medicinal Cannabis: C21 Costa Mesa and CANNERALL



C21 Costa Mesa envisions to be a dispensary that synergistically blends conventional cannabis retail with innovative, personalized medicinal solutions. This ambitious endeavor seeks to reimagine cannabis utilization and its potential roles within health and individual well-being sectors. Our point-of-sale partnership with CANNERALL, an innovator in the medicinal cannabis domain, is initiating an integrative approach that holds enormous promise for individuals grappling with the challenges of treatment-resistant depression and similar afflictions.

CANNERALL represents the world's first 'cannatropic', a novel class of compounds that fuses cannabinoids and nootropics that disrupts the traditional approaches towards enhancing cognitive function, anxiety alleviation, and mental clarity, elements frequently impaired in treatment-resistant depression and related conditions such as neurodegenerative diseases and PTSD.

At the cornerstone of CANNERALL's strategy is the Abstract to Clarity Treatment Protocol, an approach developed in conjunction with Dr. Gus Alva, a Distinguished Fellow of the American Psychiatric Association and Deputy Director of Clinical Research at the University of California, Irvine. Dr. Alva, renowned in the field of psychiatry, brings his expertise and influences the scientifically grounded nature of CANNERALL's approach. The Abstract to Clarity Treatment Protocol integrates CANNERALL with the precision of Transcranial Magnetic Stimulation (TMS) and qEEG biofeedback, both FDA-approved therapies for depression. Dr. Alva's involvement assures a meticulously developed and clinically sound treatment pathway, paving the way for a personalized and scientifically validated approach to medicinal cannabis use.

Transcranial Magnetic Stimulation (TMS) is a non-invasive technique utilizing magnetic fields to invigorate nerve cells in the brain, offering a promising treatment for depression cases resistant to conventional therapies. qEEG biofeedback, on the other hand, harnesses the brain's self-regulation capabilities by mapping brain activity, identifying areas requiring optimization, and providing real-time feedback for improved brain performance.

When harmonized with CANNERALL's bespoke formulation of cannabinoids and nootropics, these therapeutic interventions form a comprehensive treatment modality that addresses the neurochemical, neurophysiological, and neuropsychological aspects of the brain. Our scientific rigor and precision underpin our commitment to usher in a new era of truly personalized medicinal cannabis to our retail space.

C21 Costa Mesa envisages becoming a dispensing location for CANNERALL products, laying the groundwork for an invaluable local resource for Costa Mesa residents. Our vision transcends conventional product offerings; we aim to create a community-focused approach to cannabis retail that advocates for transparency, responsibility, and an unyielding dedication to patient wellness.



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Our extensive experience and commitment to responsible retailing of commercial cannabis instills in us the confidence that C21 Costa Mesa will foster positive economic growth, augment local businesses, and most importantly, uplift the community at large. The future of cannabis retail is unfolding, and we're thrilled to pioneer this transformation in Costa Mesa.

### **C21+ Costa Mesa Leadership**

C21+ Costa Mesa represents a collaborative venture between SCCC Group Services Inc., an approved Measure X applicant, and Cannabis 21+, a prominent figure in California's cannabis retail sector helmed by owners Sean St. Peter and Tara St. Peter. The guiding forces behind SCCC's Measure X retail delivery are founders Hazelina Belladora, Matthew Priess, and Dan Ha. As part of our mission to excel in Costa Mesa, this exceptional team forms a significant segment of the overarching C21+ Costa Mesa entity.

#### *Hazelina Belladora*

Hazelina Belladora is the Founder and Chief Executive Officer of SCCC Group Services, Inc., a licensed microbusiness vertically integrated across all commercial cannabis channels.

Hazelina is the Founder of Cannatropic, LLC, where she is pioneering the development of cannatropics, a novel class of compounds that synergize the benefits of cannabinoids and nootropics to enhance the function of the human body and mind. Her extensive background in pathology, toxicology, addiction therapy, and patient wellness treatment plans serve as a strong foundation for her leadership in the strategic direction of the company.

She has held board positions in several non-profit organizations and is a founding board member of Women Executive and Entrepreneurs, National Latina Businesswomen's Association, and its Orange County Chapter.

#### *Dan C. Ha*

Dan C. Ha is a serial entrepreneur and the Chief Financial Officer of SCCC Group Services, Inc., a vertically integrated California cannabis company licensed for cultivation, manufacturing, distribution, and retail. Drawing on his financial expertise, he aids the company in navigating the strategic inflection point within the cannabis industry.

With 20 years of experience in asset management, Dan previously acquired Meridian Asset Management and Compass Financial Advisors, where he managed \$300 Million in assets. Dan also brings 10 years of experience in private equity and investment banking, further enriching his understanding of company dynamics, portfolio development, and strategic market approaches.

Dan is a Co-Founder of Cannatropic, LLC, a pioneering functional medicine and biotechnology company where he leads the development and commercialization of a novel class of compounds that synergize the benefits of cannabinoids and nootropics to enhance the function of the human body and mind. In this role, he is responsible for setting research priorities, overseeing scientific operations, and representing the company's scientific interests.

Dan was a founding board member and sponsor of Native American Mixed Martial Arts Foundation and Foster Youth in Action.

#### *Matthew W. Priess*

Matthew W. Priess is the Chief Engineer and Chief Operating Officer for SCCC Group Services, Inc. With a successful track record in launching startups, team leadership, technical advice, and strategic input into long-term business alliances, Matthew's extensive experience has been honed through his work as a professional engineer,



former baseball player for the San Francisco Giants, and successful entrepreneur. His background in professional sports has given him a competitive edge in business, as it has honed his discipline, teamwork, and perseverance under pressure.

As a co-founder of Cannatropic, LLC, Matthew contributes his expertise in navigating complex projects successfully and innovative thinking to the development of novel cannatropic compounds that synergize the benefits of cannabinoids and nootropics for enhanced human body and mind function.

Matthew is an active Member of the Fellowship of Christian Athletes, a prominent organization that serves local communities worldwide by engaging and equipping young athletes and their coaches. He utilizes his passion for sports to contribute to the organization's mission by designing tournaments, creating athletic strategies, and developing scoring systems for various sporting events.

The other arm of this powerful partnership are the co-founders and co-owners of one of the largest commercial retail cannabis businesses in California, Cannabis 21+. As a family-owned, Veteran-owned, and woman-owned business, *Sean and Tara St. Peter* have put their blood, sweat, and tears into developing a successful and unique approach to the cannabis retail market.

They are both excited to bring their expertise to operating cannabis retail locations to Costa Mesa. As co-owners and Co-CEO, Sean and Tara bring over 20 years of experience as cannabis operators, currently managing five high-volume retail locations throughout California. Their first location, Cannabis 21+ Mission Valley (formerly SDRC), is among the top-producing commercial cannabis retail businesses in California.

#### *Sean St. Peter*

Sean is a Co-Founder of Cannabis 21+, a premier commercial cannabis retailer operating five dispensaries across California. Their San Diego Mission Valley store is the largest volume recreational cannabis operation in California, currently seeing over 1000 customers per day. Sean specializes in permitting and creating facilities designed for high-volume sales focusing on regulation compliance while directly working with local and state authorities.

Sean is a California native born in Anaheim, CA, joined the Navy out of high school and served for 5 years as an engineer and land surveyor including tours in Iraq, Kuwait, Guam, and Spain. Leaving the military, Sean then worked in the private sector as a Land Surveyor until 2008.

Over the next 10 years, Sean focused his attention on the legal, city, and state-approved cannabis industry, creating and operating multiple successful businesses, including the first and most successful medical marijuana dispensaries in San Diego. The St. Peter's relocated and focused on the newly licensed recreational cannabis market in Washington state. Once recreational cannabis became eligible for licensing in California, Sean moved back home. Since 2016 he has been operating Cannabis 21+ (formerly known as SDRC) including operations, licensing, and business development.

#### *Tara St. Peter*

Tara is an equal partner and Co-Founder of Cannabis 21+. With her background in HR, Payroll, and operations, she specializes in the staffing and career development of high-volume retail facilities. This expertise makes her an industry titan in strategy. With planning and forecasting and a current revenue rate of over \$30,000,000, Tara knows how to make the most of a great location like the one secured in Costa Mesa.

As a senior leader in the payroll and data management systems for Cricket Communications, and the University of San Diego, Tara's highly organized managerial experience provides critical structure to every business she has been involved in. During her time operating three prior dispensaries, she has implemented numerous employee training, data management, and record-keeping systems that streamline compliance with State and local laws and regulations. As C21 Costa Mesa's Operations Officer, Tara will ensure that our business operates with maximum efficiency and productivity.





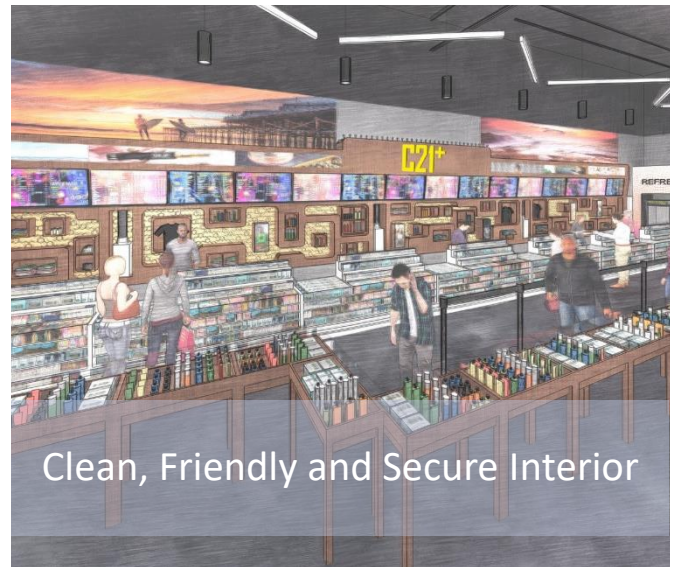
## Operational Plan

### *Store Front*

C21+ Costa Mesa is committed to offering a retail space that promotes both comfort and security. Our storefront's design allows for a safe, relaxed and efficient browsing experience. The welcoming ambiance, coupled with a warm, friendly, and clean environment, further enhances our commitment to ensuring an exceptional visit for each customer.



Store Front with Ample Parking



Clean, Friendly and Secure Interior

### *Hours of Operation*

C21+ Costa Mesa retail operation will be open to the public between:

- Monday through Thursday 9 am to 9 pm Pacific Time
- Friday through Sunday 9 am to 10 pm Pacific Time

The retail operation will offer customer delivery service daily between the hours of 9am and 9pm Pacific Time.

Deliveries to the C21+ Costa Mesa operation (e.g.: FedEx, equipment, etc.) will be made no earlier than 8 am Monday through Sunday.

### *Customers*

We anticipate the C21+ Costa Mesa to be reflective of the market as well as what we've seen at our other locations. Over half our customers preferred to “not get high” from the products they purchased in our stores. Instead, they prefer items that contain small doses of THC, often balanced with CBD for pain relief, CBN for help sleeping, that are packaged and to be consumed in a very discreet manner.

Our customers tend to be approximately 65% male but many report that they are shopping for their spouse or girlfriend. While not the majority, a large part of our customer base, does prefer to smoke cannabis and buy either flower or in highly increasing amount, pre-rolls for the convenience and price point. C21+ shoppers choose us for a



couple of key reasons, which include:

- Extremely efficient purchasing and order fulfillment process thanks to our unique visitor queue and multi-station workflow,
- Great value at all price points as C21+ will not be undersold,
- Highly trained and compassionate budtender/educators,
- Large, well-rounded curation of products for every situation. Compared to the industry average customer age in the late thirties per Headset, which itself is hard for many to believe, C21 customers as a group, would measure much older, approaching their late 40s.

Our practical and pragmatic branding, store layout (no “chilling” in the store) and efficient workflow coupled with our ethical stance to not serve anyone under 21 tend to limit our appeal to the younger flower-centric crowd.

From a daily projection standpoint, we would anticipate between 300 to 320 Adults 21+ per day.

#### *Delivery*

C21+ Costa Mesa plans to deliver Cannabis and Cannabis Products in line with all California state, city, and county ordinances. A delivery employee of the retailer’s fuel-efficient vehicles will perform all deliveries of cannabis goods. Employees delivering cannabis will carry a copy of the retailer’s current license, the employee’s government-issued identification, and an identification badge. Delivery will only be offered to a physical address, not to an address located on publicly owned land or any address on land or in a building leased by a public agency.

Delivery employees will ensure the cannabis goods are not visible to the public. The vehicle(s) used for the delivery of cannabis goods will be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle. The device will be affixed to the delivery vehicle and will remain active and inside of the delivery vehicle during delivery.

While making deliveries, C21+ Costa Mesa delivery employees will not carry cannabis goods worth more than \$3,000 at any time. The delivery service will have a menu available on the website, so customers can place orders over the phone or online. The customer will send all necessary information and will have a profile created within the point-of-sale system. The order will go into the system and be pulled by an employee at the retail facility. Once the order is filled it will be placed in an exit bag with a receipt affixed to the bag. The receipt will include, the name of the customer, their assigned ID number, delivery address, description of the cannabis items, the total amount paid by the customer including all taxes, name and address of the facility making the delivery, the name and id number of the employee making the delivery, and the name and id number of the employee who prepared the delivery. The driver will retain an additional copy of the receipt to be signed by the customer upon receipt of the delivery. There will be space provided to have the date and time written in of the specific time the delivery was made.

While making deliveries of cannabis goods, employees will only travel from the licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to C21+ Costa Mesa’s licensed premises. Delivery employee(s) will not deviate from the delivery paths described in this section, except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route unsafe, impossible, or impracticable. When receiving delivery goods at the proposed dispensary the vehicle will pull into a parking spot with security present, unload delivery items onto a pull cart, and enter the facility with an employee to complete the transaction. All deliveries will be made before the dispensary opening.

#### *Security*

Security and safety are always a top priority for all C21+ locations and C21+ Costa Mesa’s plan is intended to



prevent theft or diversion of any cannabis or currently, as well as to discourage loitering, crime, and illegal or nuisance activities.

The site security plan consists of several layers of systems and protocols, which are discussed in detail below. All security systems will remain fully operational during a power outage. No weapons or firearms will be permitted on the property. All security measures are designed to ensure emergency access is available in compliance with California Fire Code and Costa Mesa City Fire Codes.

C21+ Costa Mesa will take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys, and areas surrounding the premises and adjacent properties during business hours. Reasonable steps include calling the police promptly and requesting those engaging in nuisance activities to cease those activities.

Additionally, components of C21+ Costa Mesa's multi-tiered approach to security are outlined below:

- **Surveillance:** Security surveillance video cameras will be installed and maintained in good working order to provide coverage on a twenty-four-hour basis of all internal and exterior areas where Cannabis is stored, sold, and transferred. The security surveillance cameras will be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras will remain active and operate under any lighting condition. Security videos will use standard industry format and will be stored for ninety (90) days. All recordings will be easily accessed for viewing.
- **Alarm System:** C21+ Costa Mesa will install a professionally monitored alarm system, which provides Green Pen with notification of any unauthorized access to the premises. The alarm system will be registered with the city and an alarm permit will be kept in good standing.
- **Access Controls:** The proposed floor plan includes commercial security doors at all entrances, exits, and access points to restricted areas. Upon entering the facility, all customers will be verified for age before entering the retail floor.
- **Security Personnel:** In compliance with state law (CAL. CODE REGS. tit. 16 § 5045), security personnel will always be present at the location during business hours. In addition to ensuring all customers meet age requirements, security personnel will also monitor the site and adjacent alleyway to prevent nuisance activity and report any criminal activities to law enforcement. For added security, C21+ will have roving security personnel check on the business every few hours during non-business hours.
- **Store Layout:** The C21+ shop flow is designed to allow for browsing, but no product is in reach of any customer which presents theft and serves as an added deterrent.
- **Enhanced Currency Security:** Currency storage is contained in the basement and requires passage through the management office to access. Two UL rated TL30 safes will contain bulk currency pending armored carrier transfer to a bank. Currency will be distributed across these two safes to limit the potential loss relative to a break of any single safe. The vault room will be reinforced against intrusion by way of 1/2 inch plywood sheeting beneath drywall of the walls and lid.

#### *Retail Access*

Access to the retail area will be limited pursuant to Cal. Code Regs. tit. 16 § 5400. Access to the retail area will be limited to individuals who are at least 21 years of age and have a bona fide business reason for entering the premises.



Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. C21+ Costa Mesa's employees will be physically present in the retail area while individuals who are not employees of the retailer are in the retail area. An individual in the retailer's limited-access area who is not employed by the retailer will be escorted by a C21+ Costa Mesa employee within the retailer's limited-access area.

C21+ Costa Mesa will keep a log of all authorized individuals who are not employees that enter the limited access area. Individuals will be granted access to the retail area only to purchase cannabis goods after the retailer or an employee of the retailer has verified that the individual is at least 21 years of age and has valid proof of identification. Acceptable forms of identification include the following:

- A document issued by a federal, state, county, or municipal government, or a political subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, which contains the name, date of birth, physical description, and picture of the person.
- A valid identification card issued to a member of the Armed Forces that includes a date of birth and a picture of the person; or
- A valid passport issued by the United States or by a foreign government that indicates the age or birthdate of the individual.

#### *Inventory Controls*

C21+ Costa Mesa will operate in a manner to prevent the diversion of cannabis and complies with all tracking and trading programs. As an organization, we utilize the Proteus420 point-of-sale system and adhere to all METRC requirements.

In the event of any inventory discrepancies, C21+ will immediately notify regulators and law enforcement within the required time periods. In addition, C21+ Costa Mesa will perform a reconciliation of its inventory at least once every 14 days and will be made available to the California Cannabis Bureau upon request.

C21+ proposes to maintain an accurate record of sale for every transaction made to a customer and include the information required (CAL. CODE REGS. tit. 16 § 5426) and will only display cannabis goods for inspection and sale in the retail area, and not be visible from outside the licensed premises.

C21+ Costa Mesa will not make any cannabis goods available for sale or delivery to a customer unless: The cannabis goods were received from a licensed distributor, the retailer has verified that the cannabis goods have not exceeded their expiration or sell-by date if one is provided; and in the case of manufactured cannabis products, the product complies with all requirements of Business and Professions Code section 26130 and all other relevant laws.

C21+ will operate according to CAL. CODE REGS. tit. 16 § 5408, and sell only live, immature cannabis plants that are not flowering, purchased from a nursery that holds a valid Type-4 license, and has a label affixed to the plant or package containing any seeds which states "This product has not been tested pursuant to Medicinal and Adult-Use Cannabis Regulation and Safety Act."

C21+ Costa Mesa will also strictly follow the daily limits of not more than six plants per customer, 28.5 grams of non-concentrated cannabis, and 8 grams of concentrated cannabis with no exceptions except as permitted by state regulations (CAL. CODE REGS. tit. 16 § 5409). These limits will be tracked through the facilities point of sale system which will attribute each sale to the individual customer.

#### *Storage and Waste*

All cannabis products and any cannabis waste will be stored in an area secured with commercial-grade non-



residential locks, which are not visible to the public and that prevent diversion, theft, loss, hazards, and nuisance according to all state and city codes. All storage and handling of hazardous materials will occur in code-compliant control areas. All vendors will be pre-scheduled in advance and must present valid identification. Vendors will only be granted access to the areas required for the removal of waste. All waste removal vendors will be required to document and track all waste materials removed from the site.

#### *Odor Control*

C21+ Costa Mesa will maintain odor control measures consistent with accepted and best available cannabis industry-specific technologies designed to mitigate cannabis odors. Applying these concepts will effectively mitigate cannabis odor detection from outside the structure in which the proposed business is to operate.

System to include pre-filters, HEPA filters, and carbon filters so no odors will be detectable outside of the operation's facility, anywhere on adjacent lots or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public. HVAC with negative air pressure to help contain odors generated inside from escaping the building and being detectable outside or by neighboring establishments.

Our current locations and our facility in Costa Mesa will deliver state-of-the-art odor control to ensure safety and comfort for all visiting customers, employees, and neighbors.

#### *Lighting*

Interior and exterior lighting will utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:

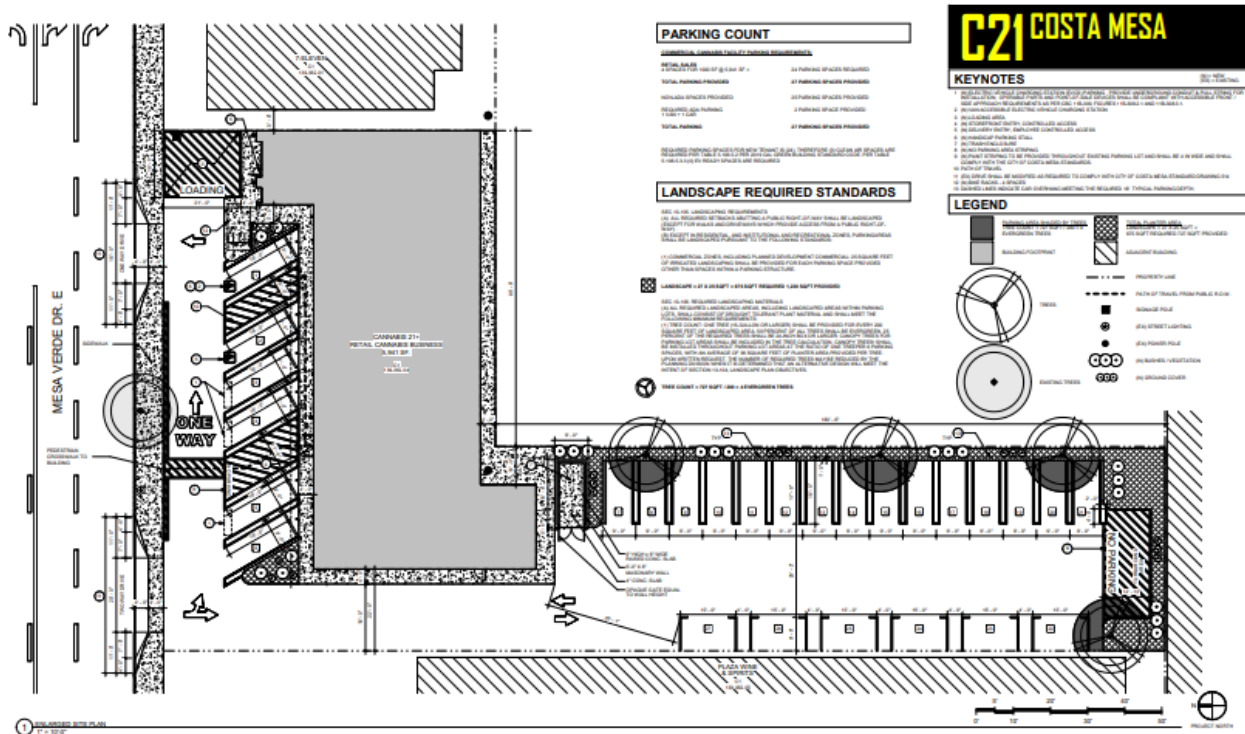
- **Exterior:** Exterior lighting systems will be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress.

Exterior lighting will be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting will be Building Code compliant.

- **Interior:** Interior light systems will be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.

#### *Parking/Traffic Management*

The current retail footprint has a total of 27 parking spots available with 25 of these spots being non-ADA and 2 being ADA compliant. The traffic pattern has been identified to ensure easy and seamless traffic flow and the parking area will include clear signage to ensure compliance.



**Responsible Corporate Citizens**

At C21+ Costa Mesa, we believe that being a responsible member of the community is just as important as being a successful business. While we are a business, we believe that our success is linked to the well-being of the local community. Enhancing the community is not just a part of our business, it is a fundamental aspect of who we are and what we aim to achieve at C21+ Costa Mesa.

*Labor and Employment*

When C21+ enters a market, we prioritize hiring locally from within the community. We are committed to promoting residency as a factor in our hiring decisions, promoting job postings locally, and leveraging local industry relationships to identify new talent.

Our store will offer a range of great job opportunities, including living wages and benefits, with full- and part-time positions available to provide flexibility for workers at all stages of life. We are dedicated to training and promoting from within, ensuring that our local staff have opportunities to grow and develop within the company.

All of our employees will be listed on an employee register, which will contain all necessary information and be kept up to date with required state agencies. We will provide comprehensive training on workplace safety, operations, compliant track-and-trace, and security protocols to ensure that our team is well-prepared and equipped to provide exceptional service to our customers. All employees hired by C21+ Costa Mesa will be over 21 years of age.

*Customer Education*



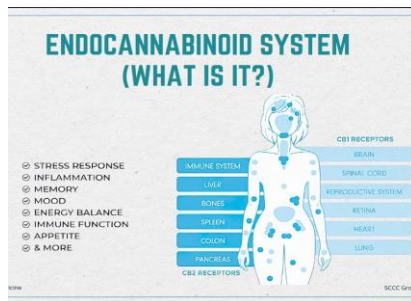
We believe that an informed customer is a happy customer. We have developed a proven and unique approach to cannabis retailing that allows every customer to receive one-on-one consultations with our knowledgeable budtenders in every transaction. This approach ensures that customers can ask questions and receive tailored recommendations based on their individual needs and preferences.

Our store layout has been designed with customer safety and convenience in mind, allowing for the safe viewing of products while mitigating the risk of theft. Additionally, we provide printed materials and have informational videos and displays throughout the store to further educate customers about the products we offer.

*Community Outreach*



Promoted by Azulon at Costa Mesa



In Market Presentation



Positive Community Response

C21+ Costa Mesa is more than just a cannabis retail store, we are dedicated to improving the lives of our customers and being good neighbors to the surrounding community. In our efforts to connect with the local community, we hosted an on-site outreach event at Azulon at Costa Mesa, a prominent 55+ community with approximately 400 residents located across the street from our proposed retail store.

As we engaged with the Azulon residents, we were pleased to find that their interest in cannabis centered mainly on its potential for pain relief. Consistent with our retail observations that not everyone is looking to get high, we focused our outreach efforts on educating them about the potential medicinal benefits of cannabis. We explained how cannabis interacts with the endocannabinoid system and provided anecdotal reports of how some have experienced relief from chronic pain through the use of cannabis.

Our outreach event was a resounding success, as we were able to promote an open dialogue and foster a welcoming and inclusive environment for all. By breaking down the stigma surrounding cannabis and providing education on its potential benefits, we hope to create a more informed and accepting community.

At C21+ Costa Mesa, we are committed to being responsible members of the community and promoting the safe and legal use of cannabis. We are open to feedback and suggestions and believe that through collaboration, we can build a thriving and successful cannabis industry in Costa Mesa that benefits everyone.

We are excited about the opportunity to bring our business to Costa Mesa and to become a valued member of the community. Thank you for your consideration, and we look forward to serving the residents of Costa Mesa.

# Applicant Supplemental Information



## Property Owner Letter

My name is Nash Salah and I am the president of Onnyx Investment, LLC. Onnyx is heavily invested in the City of Costa Mesa, owning properties at 2665 Harbor Blvd, 2673 Harbor Blvd, & 2640 Harbor Blvd. In 2017, we acquired 1505 Mesa Verde Plaza with the purpose of expanding our existing business operations of Nash Auto located at 2665 Harbor Blvd.

The building, which was approximately 5900 square feet in size, was already occupied by four tenants at the time of purchase. Upon acquiring the property, we immediately communicated our plans for the building to the existing tenants, making it clear that they would eventually need to vacate to allow for our expansion project. To ensure a smooth transition, we offered all the tenants a two-year lease at a below-market rate to give them sufficient time to find suitable alternative locations for their businesses while we developed the Mesa Verde property.

In 2019, we received preliminary approval for our project from the city of Costa Mesa. However, due to unexpected delays in the approval process, the leases for all four tenants expired. We decided to offer the tenants a month-to-month rental option at the same reduced rate to accommodate the ongoing uncertainty surrounding our expansion project. In the end, we decided against the expansion due to the high capital costs needed to complete the project.

Subsequently, in 2021, we were presented with an opportunity to lease the entire building to a cannabis company, who had plans to make significant improvements to the property. After careful consideration, we agreed to the terms and finalized a lease agreement with them.

In 2022, one of our tenants, who had been occupying half of the building, chose to vacate the premises. Rather than filling the space with a short-term tenant, we chose to keep the location unoccupied despite the financial impact of this vacancy as the proposed cannabis project waited to be approved by the Planning Commission.

Throughout this entire process, we have maintained transparency with all our tenants regarding our plans for the building and the temporary nature of their tenancy. When the initial lease contracts expired in 2019, we made it unequivocally clear that we would not be renewing any leases, and that the tenants were renting on a month-to-month basis until we could proceed with our expansion project.

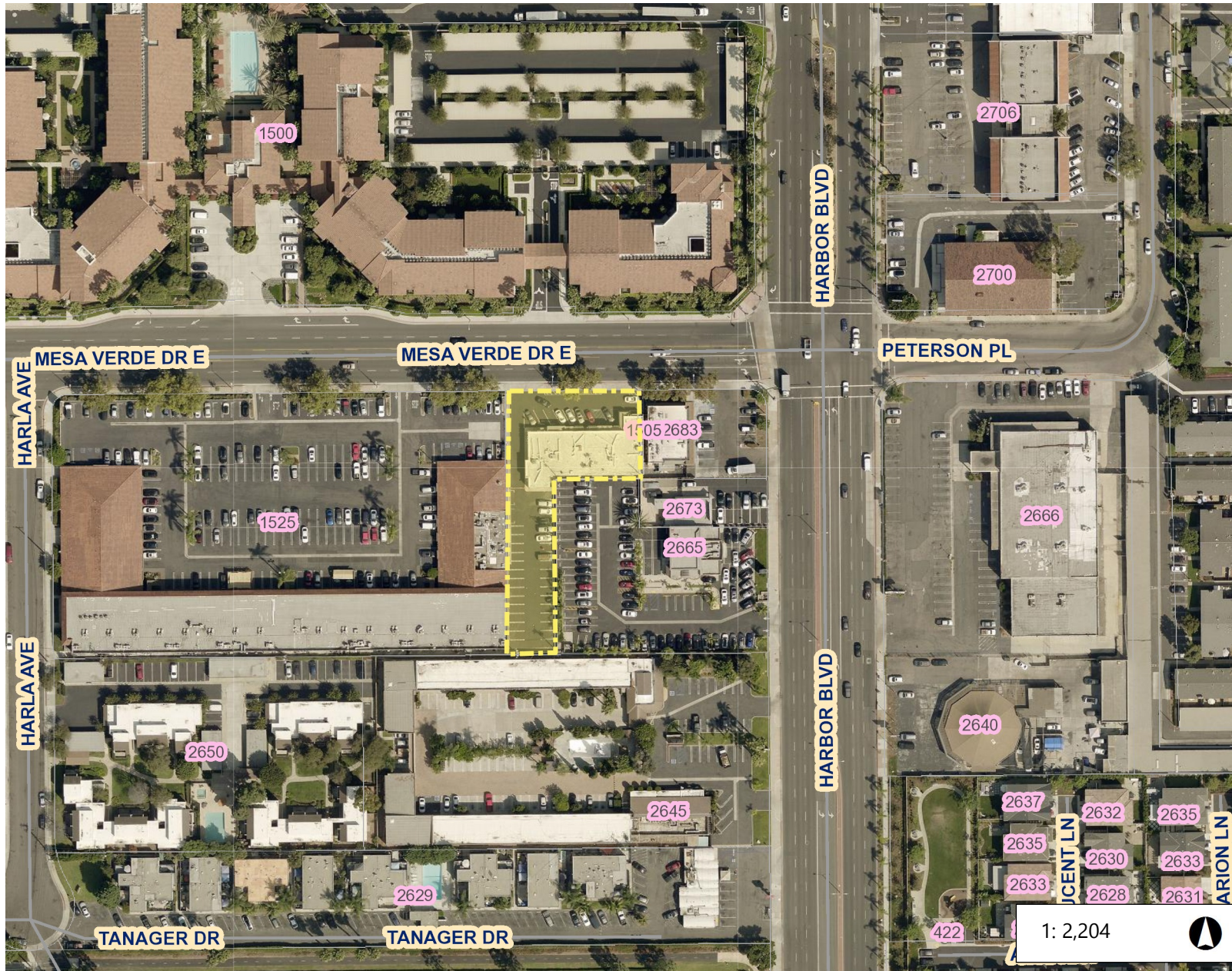
To assist our remaining tenants during this period of transition, we have engaged in conversations with them to offer any support they may require. As part of our commitment to helping them find new locations, we have promised to provide them with a 60-day notice, giving them ample time to secure suitable spaces for their businesses. Additionally, as a gesture of appreciation for their cooperation and tenure, we are prepared to offer each tenant a stipend to assist in covering their moving costs to their new locations.

We truly believe that we have acted in good faith and done everything possible as responsible business owners to support our tenants throughout this time of change. If you have any further questions or require additional information, please do not hesitate to contact us.

Sincerely,  
Nash Salah  
[President]  
[Onnyx Investment, LLC]  
CELL:714-724-6565  
EMAIL: Nashwalker007@yahoo.com



ATTACHMENT 3



Legend

 Costa Mesa

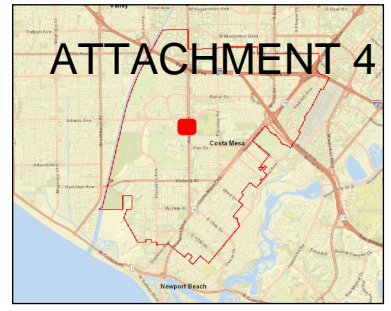
Notes

PA-22-05

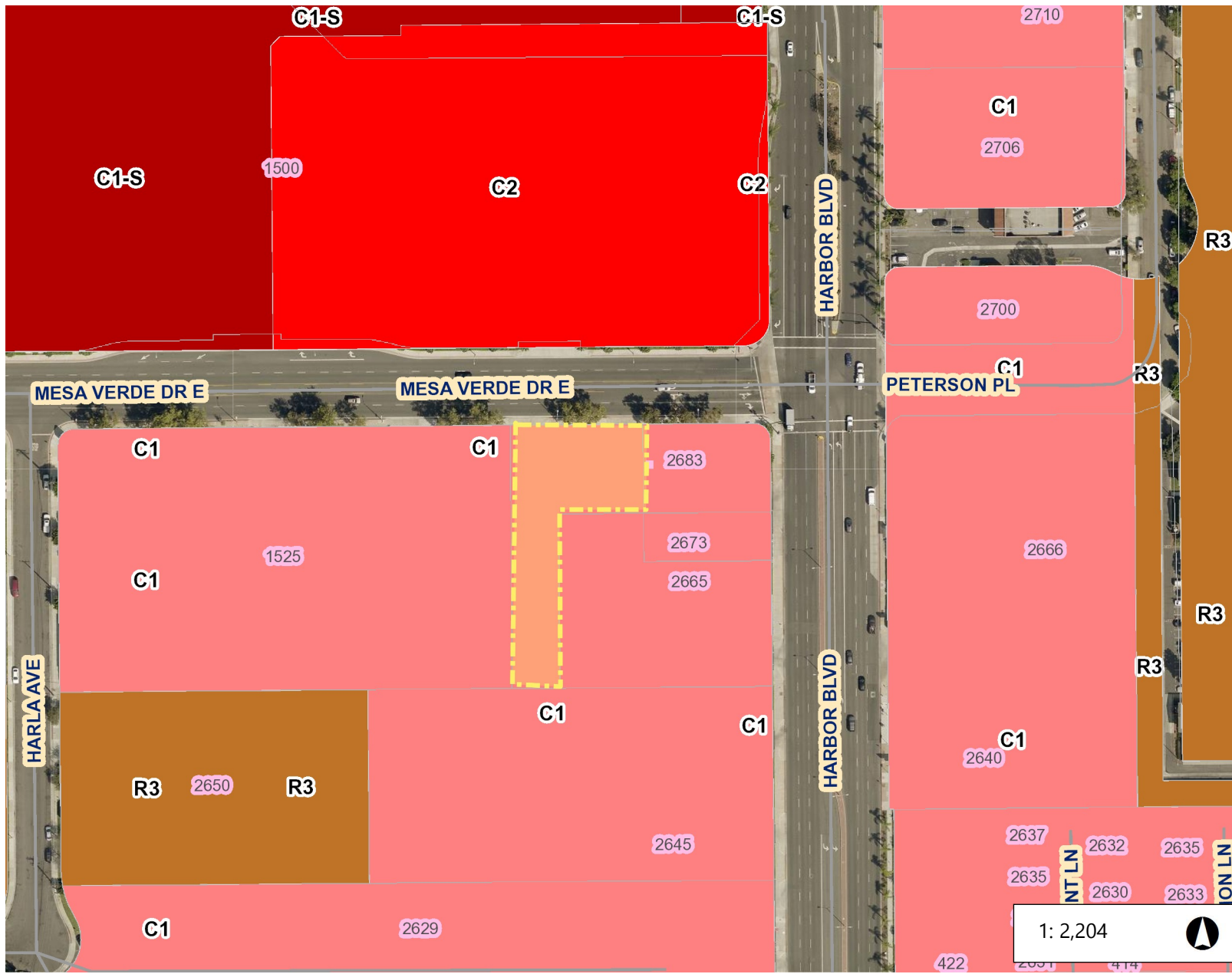
0.1 0 0.03 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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ATTACHMENT 4



**Legend**

Costa Mesa

**Zoning**

- AP - Administrative Professional
- IR-MLT - Institutional Recreational I
- R1 - Single-Family Residential
- R2-MD - Multiple-Family Residential
- R2-HD - Multiple-Family Residential
- R3 - Multiple Family Residential
- MG - General Industrial
- MP - Industrial Park
- PDI - Planned Development Industrial
- C1 - Local Business
- C2 - General Business
- C1-S - Shopping Center
- TC - Town Center
- PDR-NCM - Planned Development Mesa
- I&R - Institutional Recreational
- I&R-S - Institutional Recreational - S
- P - Parking
- CL - Commercial Limited
- PDC - Planned Development Commercial
- PDR-LD - Planned Development Residential
- PDR-MD - Planned Development Residential Density
- PDR-HD - Planned Development Residential

**Notes**


PA-22-05



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1: 2,204



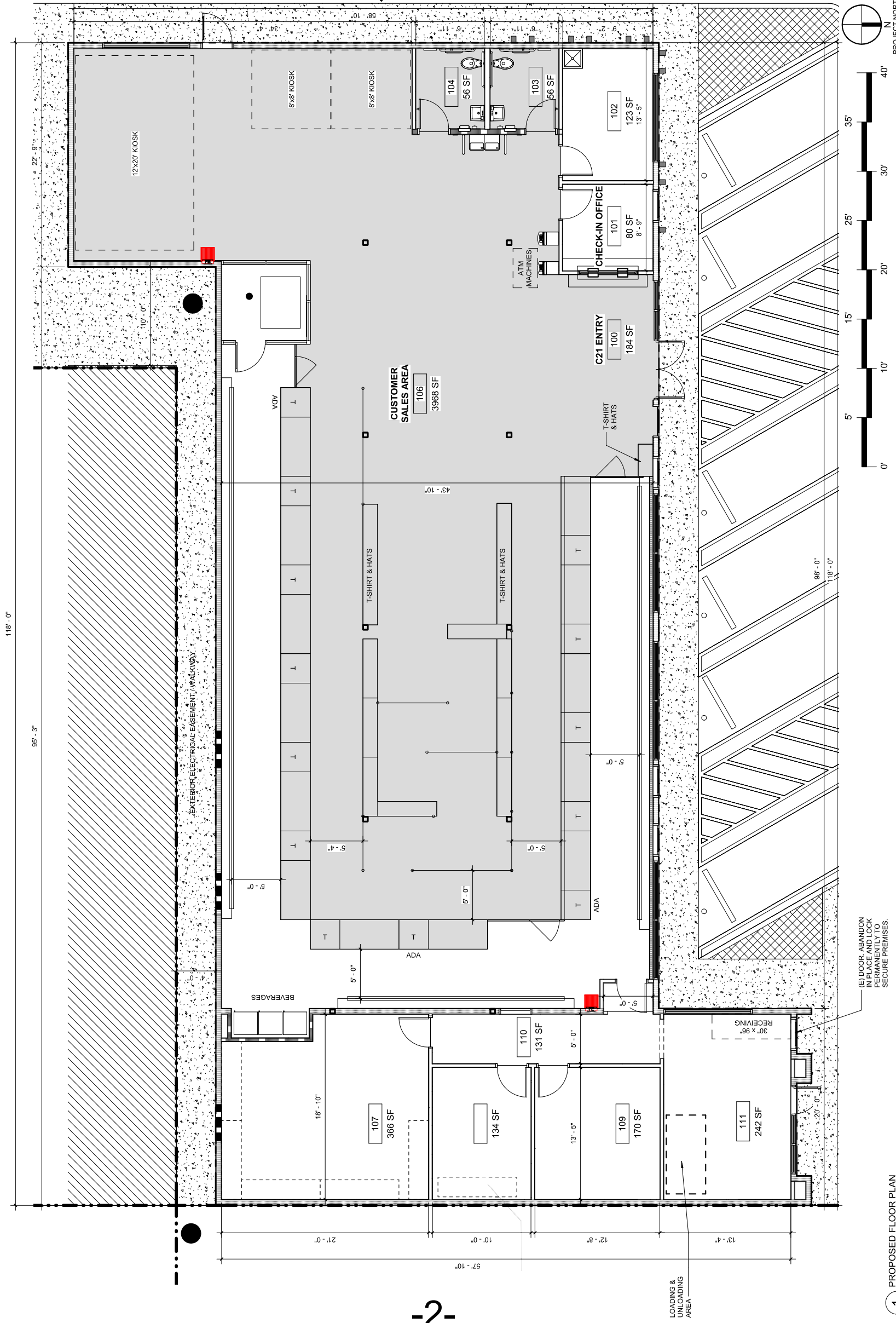
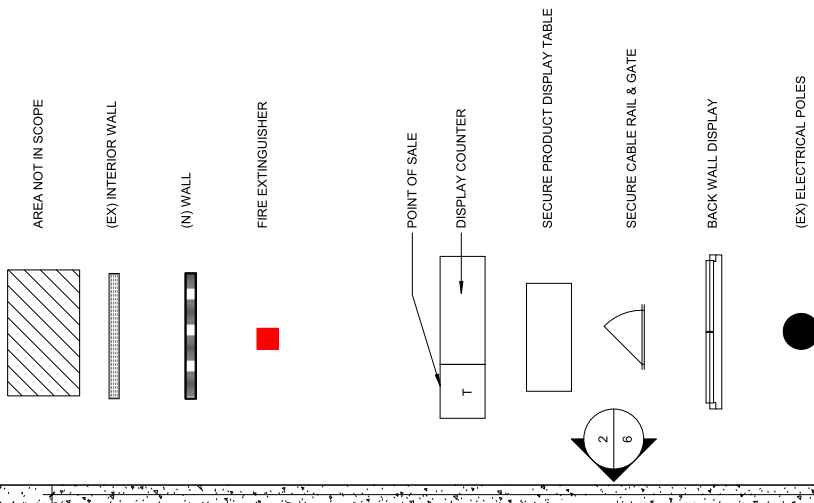
**EXISTING SITE PHOTOS 1505 MESA VERDE DRIVE EAST**





(N) = NEW  
(EX) = EXISTING

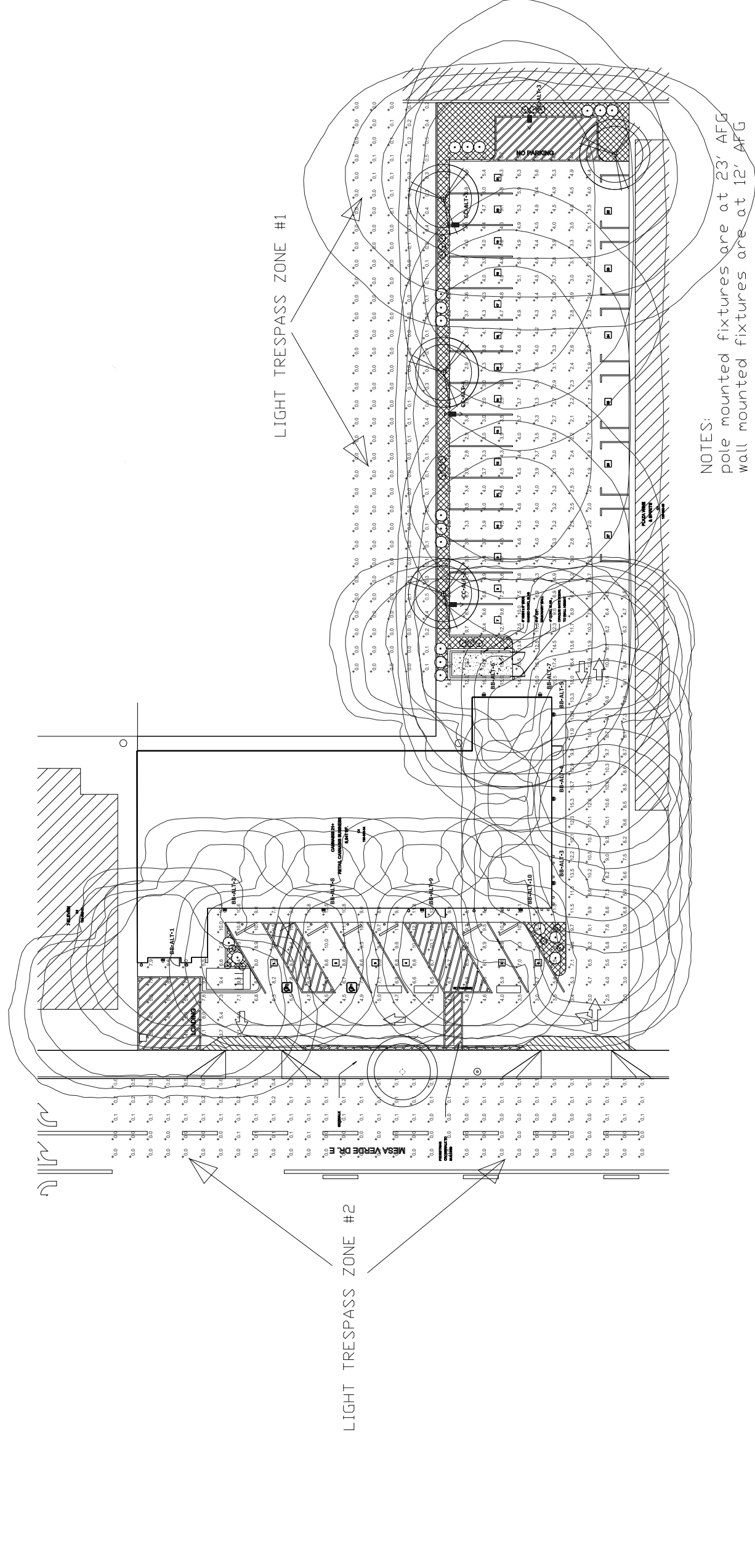
## EXTERIOR FINISH LEGEND



1 PROPOSED FLOOR PLAN  
3/16" = 1'-0"

(E) DOOR ABANDON  
IN PLACE AND LOCK  
PERMANENTLY TO  
SECURE PREMISES.

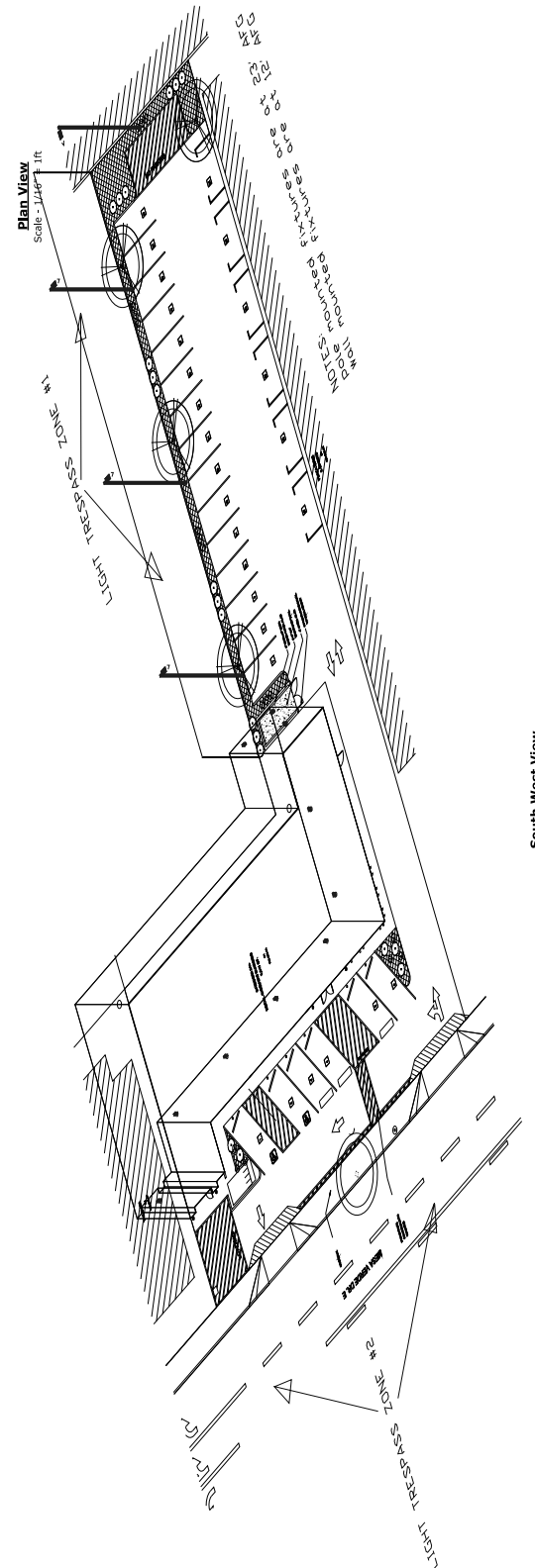




NOTES:  
pole mounted fixtures are at 23' AFG  
wall mounted fixtures are at 12' AFG

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
LIGHT TRESPASS ZONE #1	+	0.1 fc	0.5 fc	0.0 fc	N/A	N/A
LIGHT TRESPASS ZONE #2	+	0.1 fc	0.6 fc	0.0 fc	N/A	N/A
AREA	+	6.5 fc	20.5 fc	1.7 fc	12.1:1	3.8:1

Schedule	Label	QTY	Manufacturer	Catalog	Number Lamps	Lamp Output	Description	Input Power	Polar Plot
CC-ALT	⊙	4	Lithonia Lighting	CSWV ESK1 LED P2 40K R1 NS	1	11298	ESK1 Series, Size 1.05 Luminaire Package 4000K CCT Type R3 Distribution with House-side shield	97.585W	Max: 7603cd
BB-ALT	◻	10	Lithonia Lighting	CEDMA CSWV LED 3BC 1080 40K T4H	1	10854	CONTOUR SERIES LED WALL-MOUNT WITH HOUSE-SIDE SHIELD AND PRECISION MOLDED ACRYLIC TYPE IV LENS	104	Max: 7322cd



South West View



**HALLIGAN, MICHELLE**

---

**From:** PARTIDA, ANNA  
**Sent:** Monday, May 8, 2023 9:41 AM  
**To:** HALLIGAN, MICHELLE  
**Subject:** FW: Opposition to the Proposed Cannabis Storefront in Our Community at 1505 Mesa Verde Dr. E.

---

**From:** C. Lesgas <cogolesgas@gmail.com>  
**Sent:** Sunday, May 7, 2023 10:13 PM  
**To:** PC Public Comments <PCPublicComments@costamesaca.gov>  
**Subject:** Opposition to the Proposed Cannabis Storefront in Our Community at 1505 Mesa Verde Dr. E.

Dear Planning Commission,

I hope this letter finds you well. I am writing to express my opposition to the Conditional Use Permit to allow a cannabis storefront to operate in our community. As a resident of Costa Mesa, raising my kids and family, I believe that allowing a cannabis storefront to operate in a family friendly neighbors, could jeopardize the overall well-being in our community. To put this matter in context, the location of the store is in very close proximity to schools, pre-schools, child-friendly public space, senior living community and thriving independently owned small businesses.

While I understand that cannabis has been legalized in our state for both medicinal and recreational purposes, it is essential to consider the potential negative consequences such a store may have on our community.

Firstly, I am concerned about the potential increase in crime rates that may come with the presence of a cannabis storefront. Despite its legality, there is still a significant stigma associated with cannabis use, and this may attract criminal elements to our community. Moreover, the cash-intensive nature of these businesses presents a higher risk of robberies and other crimes, which could threaten the safety of our residents and local businesses.

Secondly, I am concerned about the potential impact on our children's education and well-being. With a cannabis storefront in close proximity, it may be easier for minors to access the drug, leading to increased usage among our youth. Studies have shown that cannabis use during adolescence can have long-term effects on cognitive function, memory, and learning abilities. We must prioritize the educational success and well-being of our children and consider how the presence of a cannabis store could potentially harm their future.

In addition, the potential normalization of cannabis use within our community may have unintended consequences on public health. While there are documented health benefits for certain medical conditions, regular recreational use can lead to increased risk of mental health issues, such as anxiety, depression, and even psychosis. As a community, we should strive to promote healthy lifestyles and choices for our residents, and the opening of a cannabis storefront could potentially send the wrong message.

Furthermore, I believe that the opening of a cannabis store may have a negative impact on the overall image and reputation of our community. Our town has always been known for its strong sense of community, excellent schools, and safe neighborhoods. The presence of a cannabis storefront may deter potential residents and businesses from settling in our area and could ultimately lead to a decline in property values.

In conclusion, I urge you to carefully consider the potential negative consequences of allowing a cannabis storefront in our community. While I understand the potential economic benefits that such a business may bring, we must weigh

these against the potential risks to our residents' safety, our children's education, public health, and our community's overall reputation.

Thank you for your time and attention to this important matter. I hope that you will take my concerns and those of our community members into account when making your decision on this proposal.

Sincerely,

Charles Lesgas, Costa Mesa Resident.

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## HALLIGAN, MICHELLE

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**From:** PARTIDA, ANNA  
**Sent:** Monday, May 8, 2023 10:05 AM  
**To:** HALLIGAN, MICHELLE  
**Subject:** FW: Application No. PA-22-05

---

**From:** Roxy Guzman <outlook\_E2F5F618ED139F27@outlook.com>  
**Sent:** Monday, May 8, 2023 9:58 AM  
**To:** PC Public Comments <PCPublicComments@costamesaca.gov>  
**Subject:** Application No. PA-22-05

Regarding this request for this business.

The idea of permitting another cannabis store in this neighbor is absolutely no need or wanted.

1. A new cannabis store just opening at Harbor and Mesa Verde "Stiiizy".
2. This location "Onnyx" proposing is a known area for homeless to gather.
3. Parking is already a problem.

Thank you for your attention in this matter.  
Concerned Neighbor

Sent from [Mail](#) for Windows

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## HALLIGAN, MICHELLE

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**From:** PARTIDA, ANNA  
**Sent:** Monday, May 8, 2023 10:57 AM  
**To:** HALLIGAN, MICHELLE  
**Subject:** FW: PA-22-05

---

**From:** John . Kathy Holden <john.kathleen.holden@gmail.com>  
**Sent:** Monday, May 8, 2023 10:56 AM  
**To:** PC Public Comments <PCPublicComments@costamesaca.gov>  
**Subject:** PA-22-05

To the Costa Mesa Planning Commission:

My wife and I are writing to respectfully request that you decline this cannabis application PA-22-05. On April 8, 2023 you approved application PA-22-42 which is another cannabis retail located around the corner just 200 yards away. Both are across the street from Azulon (1500 Mesa Verde East) a senior residential community.

Mesa Verde East at Harbor is becoming a major gathering point for homeless as well a street where reckless motorcycle and speeding cars show off. This application location is also next door to a liquor store and could possibly increase the abuse of drugs and alcohol.

My wife and I have lived at Azulon for over six years and strongly oppose this application. We are concerned for the hair salons that would be displaced and the employees that would lose their source of income if this application is approved. Many of the senior residents at Azulon utilize these hair salons.

Thank you for your consideration,

May the grace of our Lord Jesus Christ, the love of God our Father and the Peace of His Holy Spirit be with you always



John and Kathy Holden  
John 3:16  
Ephesians 1:3-8

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## HALLIGAN, MICHELLE

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**From:** PARTIDA, ANNA  
**Sent:** Tuesday, August 8, 2023 1:21 PM  
**To:** HALLIGAN, MICHELLE  
**Subject:** FW: Application PA-22-05

---

**From:** John and Kathy Holden <john.kathleen.holden@gmail.com>  
**Sent:** Tuesday, August 8, 2023 12:55 PM  
**To:** PC Public Comments <PCPublicComments@costamesaca.gov>  
**Subject:** Application PA-22-05

Planning Commission

Firstl, thank you all for your public service. We know you are trying your best to do what is right for the people in our community. I love this quote from Jannette Oke "Those who are employed in public stations ought to be very sensible of the weight and importance of their work and their own insufficiency for it, and then they are qualified for receiving divine instruction by seeking wisdom from God. Please take a minute to consider this.

My wife Kathy and I live in Azulon senior apartments across the street for this proposed location. We do not want this application to be approved. We are blessed to live in a city focused on public safety. We never received notification of this proposal or the previous one that was tabled in June and has now appeared again. We understand this is a legal business in California and are dismayed by the number of young adults using Vape Pipes and cannabis edibles coming in and out of the current business (STIIIZY) just around the around the corner from the proposed location and getting into their cars. One in particular appeared to be in an altered state of mind.

This seems to have become an epidemic with people doing what they think is right in their own mind without consideration for anyone else. It is a very sad state of affairs when our first responders must carry Narcan to offset the opioids that are often laced in the cannabis. Considering Public Safety, it doesn't seem reasonable to have a cannabis shop on every block in Costa Mesa. Weighing the cities need for additional tax revenue with the detrimental impact to its citizens is paramount. When considering the approval of application PA-22-05 please evaluate the following regarding serving the public and keeping the public safe.

1. This location is directly across the street from approximately 400 senior citizens.
2. This location currently has businesses that will be displaced or shuttered.
3. The proposed location is approximately 500 yards from another Cannabis business (STIIIZY) which the planning Commission just approved in April of 2023.
4. Location is next to a liquor store - Plaza Wine and Spirits.
5. There are homeless and mentally impaired population in the area.
6. Reckless driving and motor cycles showing off at night on Mesa Verde East.
7. Irrational behaviors of drivers who are using cannabis with potential addiction and use of other drugs.

Thank you for your consideration and we pray for Gods leading you to do what is right.

John and Kathy Holden

May the God of Peace equip

you for every good work,  
Heb 13:20

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SCHOOLS LEGAL SERVICE

AL. MUJARES, Ph.D.  
County Superintendent of Schools

200 Kalmus Drive - P.O. Box 9050  
Costa Mesa, CA 92628-9050

(714) 966-4220  
(714) 434-4945 FAX

JEFFREY J. RIEL  
General Counsel

CLAIRE Y. MOREY  
LYSA M. SALTZMAN  
RUTH D. BREWDA  
CARL J. PIPER  
Counsel

NORMA GARCIA  
Paralegal

July 6, 2023

23-105

Re: Conditional Use Permit Number PA-22-05  
Onyx Investments, LLC/Sean St. Peter  
1505 Mesa Verde Drive East, Costa Mesa, CA 92626

To Whom It May Concern,

At the May 8, 2023, Planning Commission Hearing regarding the above-referenced project, the Orange County Department of Education (OCDE) submitted a letter opposing the above-referenced project. Since submitting its opposition, OCDE determined that the leased facility located at 1525 Mesa Verde Drive East, Costa Mesa, California 92626 was no longer needed for College and Career Preparatory Academy. Therefore, OCDE terminated its lease effective August 31, 2023. After that date, OCDE will not operate any student programs at that location.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J.J. Riel".

Jeffrey J. Riel  
General Counsel

JJR:bjf  
Enclosure: Letter dated May 8, 2023

cc: Ramon Miramontes, Ed.D.  
Deputy Superintendent, Educational Services



May 8, 2023

City of Costa Mesa  
Planning Commission

**ORANGE COUNTY  
DEPARTMENT  
OF EDUCATION**  
200 KALMUS DRIVE  
P.O. BOX 9050  
COSTA MESA, CA  
92628-9050  
  
(714) 966-4000  
FAX (714) 432-1916  
www.ocde.us

**AL MIJARES, Ph.D.**  
County Superintendent  
of Schools

Re: Public Comments: Hearing Date May 8, 2023  
CUP Application Number: PA-22-05  
Applicant/Agent: Onnyx Investments, LLC/Sean St. Peter  
Site Address: 1505 Mesa Verde Drive, East

The Orange County Superintendent of Schools, operating as the Orange County Department of Education (OCDE) is a public education organization with primary administrative offices located at 200 Kalmus Drive, Costa Mesa. We provide supportive services to 27 school districts and more than 600 schools and 20,000 educators serving over 500,000 students throughout Orange County offering professional development, and student programs through our Administrative Services, Alternative Education, Business Services, Career and Technical Education, Information Technology, Instructional Services, Legal Services, Community and Student Support Services, and Special Education Departments.

We lease office space located at 1525 Mesa Verde Drive, East, Suite 109 for our College and Career Preparatory Academy (CCPA). We have leased this space since September 14, 2006 to operate our Alternative, Community, and Correctional Education Schools and Services (ACCESS) Program and currently using the space for our CCPA program.

Our College and Career Preparatory Academy (CCPA) is a charter school year-round independent study program for students ages 16-25 seeking to complete their high school requirements. Students meet one-on-one with their teacher for a minimum of 60 minutes per week and are required to complete 20 hours of homework weekly. Our CCPA program offers flexible scheduling, Monday through Saturday, with day and evening appointments 244 days per year.

We are concerned with having a retail cannabis storefront (distributor) so near where we operate our education program. Costa Mesa City Council Ordinance No. 2021-18 and Ordinance No. 2021-09 both require retail cannabis businesses to be a minimum of 1,000 feet separation distance from sensitive uses such as schools, childcare centers, playgrounds and homeless shelters. We believe the 1505 Mesa Verde Drive, East address is less than 1,000 feet from our leased space. We ask that you do not approve the Request for a Conditional Use Permit by Onnyx Investments, LLC/Sean St. Peter.

Thank you in advance for your consideration.

Respectfully,

Patricia McCaughey

Administrator, Business Operations

Office: 714-966-4085 Email: [pmccaughey@ocde.us](mailto:pmccaughey@ocde.us)

**ORANGE COUNTY  
BOARD OF EDUCATION**

MARI BARKE

TIM SHAW

LISA SPARKS, PH.D.

JORGE VALDES, Esq.

KEN L. WILLIAMS, D.O.