

PARTIDA, ANNA

PH -1

From: Jennifer Tanaka <jletanaka@gmail.com>
Sent: Monday, December 11, 2023 8:49 AM
To: PC Public Comments; LE, JENNIFER; HUYNH, NANCY
Cc: CITY CLERK
Subject: Public Comments for Planning Commission PH Item #1
Attachments: IHO - PC Dec 11 2023.pdf

Dear Planning Commissioners, Director Le and Principal Planner Huynh:

Please find enclosed my public comment for Public Hearing Item #1, the inclusionary housing ordinance, which will be considered this evening at the planning commission meeting.

Best,
Jenn Tanaka

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December 11, 2023

Via Email

Planning Commission of the City of Costa Mesa
Jennifer Le, Director of Economic and Development Services
Nancy Huynh, Principal Planner
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Costa Mesa, CA 92626
PCPublicComments@costamesaca.gov
jennifer.le@costamesaca.gov
nancy.huynh@costamesaca.gov

Dear Planning Commissioners, Director Le and Principal Planner Huynh:

Thank you for providing the updated draft of the City's inclusionary housing ordinance (IHO), especially on such a short timeframe.

I have the following comments on the updated draft:

Minimum Project Size

I recognize the Staff's reluctance to recommend that we set a threshold that is outside of accepted practice by other cities with IHOs. That said, most cities with IHOs have used consultants (as KMA as noted, many of them have used KMA specifically) and part of the value of such consultants is that they can easily provide cross-jurisdictional comparisons. Unfortunately this can lead to a "hall of mirrors" effect where a city adopts a policy simply because other cities have done so, which in turn creates even more momentum for such policy regardless of whether the policy actually achieves the desired results in practice. Frankly, such policy "bootstrapping" is not a substitute for careful, context-specific analysis.

Speaking of which, looking at projects from 2014-2021 is not indicative of the kinds of projects that would have been built under a more typical zoning scheme, as the adoption of Measure Y in 2016 looms large and may be warping the data toward smaller projects from 2016-2021. For example, some projects larger than 10 units but under the 40-unit Measure Y threshold may have instead approached its traffic impact threshold, and these projects may not have moved forward in light of the risk of triggering Measure Y. Therefore, it would be worth taking the time to understand the size, scope and number of development proposals during this period that did *not* proceed to the building phase, and whether those projects were withdrawn because of Measure Y. This data may suggest that bigger projects *would* have been built if Measure Y hadn't passed, which in turn would mean that more projects would benefit from the exemption than Staff estimates.

Besides, the entire point of Measure K and the City Council's pro-housing agenda is to break from the "residential development patterns in the last decade in the City". Therefore, the IHO's minimum project size being "appropriate" to this pattern of, frankly, policy failure *is a bug*, not a feature.

Stakeholder Engagement

I continue to be frustrated by the City's lack of outreach to smaller developers. The "stakeholders" listed in the Agenda Report include "[one of the largest private homebuilders in the Western United States](#)" (City Ventures), "[one of California's largest landowners](#)" (The Irvine Company), a real estate firm that develops multifamily properties "[throughout the United States](#)" and recently boasted of opening a new building with

"eye-popping rents" over the border in Santa Ana (Legacy Partners), and a developer that has only built gated communities thus far within Orange County (The Olson Company). Unless the intent of the City is to court only the largest out-of-town developers for our Measure K sites, I would think reaching out to smaller, more local residential developers would be important to determine both the minimum project size and the thresholds. *It hopefully does not escape the Staff's notice that larger developers have a vested interest in minimizing competition from smaller developers, and that smaller developers have fewer resources and economies of scale to allow them to shoulder heavy regulatory burdens.* While I'm sure the developers spoken to have communicated their needs in good faith, this conflict of interest can only really be addressed by broadening the scope of stakeholders and bringing more voices to the table.

Local Preference

Though well-meaning, I have some questions regarding prioritizing affordable units for "existing Costa Mesa residents". First, something about the program feels off in terms of fair housing; for example, such a preference would likely mirror the City's existing racial and economic demographics, potentially undermining secular changes to both over time. Second, logically speaking, existing residents already *have* a place they can afford in the city (albeit not comfortably); this raises the question of whether the purpose of the IHO is to improve the amount of affordable housing available to the metropolitan area as a whole (inclusive of parts of Santa Ana, Irvine, Newport Beach, Huntington Beach and Costa Mesa) or to *literally* bring down the housing costs of select, current Costa Mesans? The former looks more like economic development policy; the latter looks more like social welfare. Which are we trying to do?

And third, I wonder how such a rule would interact with the long waiting lists for these units: would we measure a resident's address (or job) from when she signed up for affordable housing? From when her name is pulled off the list? Which serves the interest of the city? On the one hand, measuring from the date the resident applied would capture individuals who had to move out due to high housing costs while they waited for an affordable unit to come available. On the other hand, only the applicant's residence at the time they are selected for the unit will be easily verifiable, as past residences may be difficult to track. As the difference between time of application and time of selection could be *years*, we should think this issue through before we adopt a local preference and give the City Manager a blank mandate.

Applicability

I strongly believe the IHO should only apply to the Measure K sites, and not also to future upzonings elsewhere in the City. While I understand the *logic* of applying the IHO to all future upzonings, practically speaking, it simply heaps more impossibility on top of an existing impossibility (thanks to Measure Y). Therefore, given the major changes to demographics, politics and/or collective vision for the City that would be required for Measure Y to be further curtailed, in whole or even in tiny part, it seems only fair in a democratic society that the *City as it exists at that future point in time* decide whether to extend the IHO to the upzoned parcel(s). The Measure K sites are in our hands now. Let's not tie the hands of future leaders and voters who may view, in time, the IHO differently, for better or for worse.

I really do think a better ordinance is available than the one that has been proposed, but I am also very appreciative of the time and resources that have been devoted to this matter so far. Thank you for your consideration of my comments and the comments of other members of the public.

Happy Holidays and I hope you all have a restful and joyous December and a Happy New Year!

Best,
Jenn Tanaka
321 Broadway, Costa Mesa

PARTIDA, ANNA

PH-1

Subject: FW: Public comment on Affordable Housing Ordinance for tonight's planning commission meeting
Attachments: 12.10.23 PC letter re AHO final.docx

From: Kathy Esfahani <kathy.esfahani@gmail.com>

Sent: Monday, December 11, 2023 11:56 AM

To: ERETH, ADAM <ADAM.ERETH@costamesaca.gov>; TOLER, RUSSELL <RUSSELL.TOLER@costamesaca.gov>; Karen.klepak@costamesaca.gov; ZICH, JON <JON.ZICH@costamesaca.gov>; ROJAS, JOHNNY <JOHNNY.ROJAS@costamesaca.gov>; VALLARTA, ANGELY <ANGELY.VALLARTA@costamesaca.gov>; VIVAR, JIMMY <JIMMY.VIVAR@costamesaca.gov>; DRAPKIN, SCOTT <SCOTT.DRAPKIN@costamesaca.gov>; CITY CLERK <CITYCLERK@costamesaca.gov>

Cc: LE, JENNIFER <JENNIFER.LE@costamesaca.gov>; HUYNH, NANCY <NANCY.HUYNH@costamesaca.gov>

Subject: Public comment on Affordable Housing Ordinance for tonight's planning commission meeting

Attached please see the public comment of the Costa Mesa Affordable Housing Coalition on the Affordable Housing Ordinance set for discussion on tonight's Planning Commission agenda.

Thank you,
Kathy Esfahani,
Chair of the CM Affordable Housing Coalition

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December 10, 2023

Chair Adam Ereth and Members of the Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA

RE: Concerns about the Proposed Inclusionary Housing Ordinance

Dear Chair Ereth and Members of the Planning Commission,

I write on behalf of the Costa Mesa Affordable Housing Coalition (the Coalition), a grass roots organization that has been advocating (since 2006!) for affordable homes for Costa Mesa's lower-income families. We are, of course, delighted Costa Mesa is on the verge of adopting an inclusionary housing ordinance (IHO). While no panacea for today's housing affordability crisis, in time, the IHO can significantly increase the supply of lower-income affordable homes in our community. But only if it is done right.

We are troubled by recent downward revisions to the affordability requirements in the draft ordinance under consideration. **In sum, we believe the new set-aside requirements for densities both above and below 60 units per acre (DU/A) are *too low* and are based on faulty assumptions that conflict with facts on the ground as stated in the city's recently adopted Housing Element (2021-2029).**

We hope to convince you (and ultimately city council) to increase the set-aside requirements to ensure Costa Mesa adopts the most effective IHO possible. Our housing affordability crisis demands nothing less. We further urge the city to include in the IHO valuable additional incentives which will substantially offset the financial impact of the higher set-aside requirements.

1 The Set-Aside Requirements for Developments with Densities Above 60 DU/A should be increased to 15% low- or 10% very low-income.

The opportunity sites identified in the Housing Element as appropriate for the highest levels of density (60+ DU/A) are all in the North Costa Mesa Specific Plan (NCMSP) area. Based on KMA's July 2023 Financial Evaluation, the initial affordability requirements proposed for these very high-density developments were **19% low-** or **12% very low-income**. (See KMA's "Inclusionary Housing: Financial Evaluation," 7/11/23, p. 21.) Unfortunately, these set-aside requirements have been lowered significantly in the current proposal.

This downward revision of the set-aside requirements for densities above 60 DU/A first appeared in the staff report for the November 13, 2023 Planning Commission meeting on the IHO. As first suggested then and still proposed now, the set-aside requirements for very dense developments above 60 DU/A would be reduced to just **11% low-** or **7% very-low-income**. These reduced requirements are based on faulty assumptions about the opportunity sites in the NCMSP area.

The November 13, 2023 staff report justified this downward revision of affordability requirements with the assertion that most NCMSP sites are already developed for valuable commercial or office uses.¹ Consequently, the November 13th staff report assumed, these landowners have little motivation to sell or redevelop the sites for residential or mixed use, and any prospects for redevelopment would be squelched by a larger inclusionary requirement. Careful review of Appendix B of the Housing Element – the "Sites Analysis" – reveals the error of these assumptions.

A. South Coast Metro Sites

Much of Appendix B's discussion of the opportunity sites in the South Coast Metro area directly conflicts with the discouraging assumptions in the November 13th staff report. (See H.E., Appendix B, pp. B-18 – B-19, B-53 – B-55.) For example, the largest sites, Sakioka Lot 2 (30 acres!) and Home Ranch, both comprise many acres of vacant land, rather than improved commercial or office properties. Moreover, according to the Housing Element, both landowners have expressed interest in high density residential development on these sites, and Home Ranch already has a development agreement allowing that use. Additionally, the 15-acre Segerstrom-owned site within South Coast Plaza comprises parking lots and a long-empty big box store, hardly the most profitable uses for the property. As for Pacific Arts Plaza and Town Center, its owner, the Irvine Company, has also expressed interest in developing high density housing on that site, and

¹ The 11/13/23 Planning Commission agenda report states: "[N]early all of the potential housing opportunity sites identified in the Housing Element are existing improved commercial or industrial properties with existing office, warehouse, and other existing land uses (especially north of the I-405 freeway." (PC Agenda report 11/13/23, p. 6.)

that developer has a long history of thriving while complying with Irvine's robust inclusionary requirements.

For more **evidence of the existing strong interest** in high density residential development in South Coast Metro, just consider Irvine-based Related California's recently unveiled plans for a huge, new mixed-use development virtually across the street from South Coast Plaza. The new development will replace existing commercial uses along Bristol, between Sunflower and MacArthur. Significantly, **Santa Ana has a robust Housing Opportunity Ordinance** that mandates the minimum inclusion of either **15% low-, 10% very low-, or 5% extremely low-**income units, or the payment of in-lieu fees commensurate with those set-asides, in exchange for zoning or other land use changes. **Santa Ana's inclusionary requirements are not deterring this significant redevelopment project in South Coast Metro.**

In fact, despite the mandates of its Housing Opportunity Ordinance, the City of Santa Ana has produced over **4,800 new housing units**, greatly exceeding its 5th cycle RHNA goals for **market rate housing** and creating significant **new affordable housing** in the lower-income categories. Likewise, the city is well on its way to meeting and exceeding its current RHNA goals in the 6th cycle in the same balanced manner.

It stands to reason that across the street from Related California's planned project, the owners of *less-developed* large opportunity sites (vacant lots, parking lots) with highly prized Costa Mesa addresses will be similarly motivated to profit from entering South Coast Metro's high density residential and mixed-use market. **Given these facts on the ground, Costa Mesa should adopt the same percentage requirements that Santa Ana has used so effectively—15% low or 10% very low-income units—for developments of over 60 DU/A.**

B. Sites in SOCCO and Other Parts of NCMSP

This same rationale applies with equal force to the other opportunity sites in the NCMSP area. Remember, the NCMSP allows for very high-density development - **90 DU/A**. Moreover, this area includes numerous opportunity sites of **significant size with large surface parking lots and failed or underperforming current uses**, all of which make these sites ripe for high density residential development **according to the Housing Element**.

Below are just a few examples from Appendix B, with excerpted site commentary. (Commentary common to all these sites: "The City has received interest in the potential future redevelopment of the site for residential uses.")

1575 Sunflower Ave: large 8-acre site with existing single-story light industrial/office uses. The site is considered very large with extensive areas for residential development. (Appdx B, pg. B-52.)

3333 Harbor Blvd. --Former Whittier Law School site: 10-acre site with large surface parking lot and largely underdeveloped land. (pg. B-52.)

3390 Harbor Blvd -- former National University site – two adjoining sites comprise 7.5 acres of unused buildings and surface parking. National University has vacated the existing lease. (p. B-53.)

Because the passage of **Measure K** opens these NCMSP sites to redevelopment, landowners will realize **significant profits** from selling or redeveloping these underperforming sites into very high-density residential or mixed uses. That windfall easily justifies requiring an inclusionary requirement of at least **15% low- or 10% very low-income** in exchange for the very high-density development that will come.²

2 The Set-Aside Requirements for Developments with Densities between 50 and 60 DU/A should be increased to 12% low- or 7% very low-income.

The opportunity sites identified in the Housing Element as appropriate for **upzoning** to high densities of between **50 and 60 DU/A** are all located in the Harbor Mixed Use overlay or the 19 West or SoBECA urban plans. (See Appdx B, pp. B-25 – B-39, B-55 – B-66.) Based on KMA’s July 2023 Financial Evaluation, the **initial affordability requirements** proposed for high-density developments of between **40 and 59 DU/A** were **11% low- or 7% very low-income**. (See KMA’s “Inclusionary Housing: Financial Evaluation,” 7/11/23, p. 21.) Unfortunately, these set-aside requirements also have been lowered significantly in the current proposal to the inappropriately meager requirements of **6% low or 4% very low-income**.

Importantly, the City’s Housing Element commitment to **dramatically upzone** these urban plans, overlays, and specific plans will eventually transform countless underperforming commercial and industrial properties into **significantly more valuable** high-density residential or mixed uses. This upzoning will create substantial windfall profits for current land owners. With high densities of **50 DU/A to 60 DU/A**, these future redevelopment properties can absorb the cost of a **12% low- or 7% very low-** requirement.

Time and letter length deter me from citing individual examples of the **large sites, significant redevelopment potential** and accompanying future **windfall profits** for landowners that support our argument for **increasing the inclusionary requirements** for

² Notably, One Metro West was able to absorb the cost of a voluntary inclusionary commitment of 10% lower income (approximately 6% very low and 4% low) in its redevelopment of a large light industrial site north of the 405.

these dense developments. But we urge you to **look at the relevant pages of Appendix B to see the facts for yourselves.**

Here's just one example from the **19 West** area:

1710 Pomona, 660 and 670 W. 17th Street: three adjoining properties (#16, 17, 18) owned by one entity, comprising 4.4 acres, “in close proximity to new residential uses and major transportation corridor (17th Street) . . . This Plan Area has seen significant past ownership interest in conversion of existing commercial/light industrial/office into residential development with similar previous existing sites (including more than one-hundred multi-story residential loft units located immediately across 17th Street).” (Appdx B, pp. B-25 – B-27.)

Surely consolidation and redevelopment of these underperforming lots into valuable high density residential housing of 50 DU/A will not be deterred by an inclusionary requirement of 12% low- or 7% very low-income.

3 Limited Higher Density Sites Make the Stakes for the IHO Even Higher

With the passage of **Measure K**, a few selected areas in the city are now slated for higher density residential or mixed-use development. This makes these few, designated sites more valuable because of the lack of alternative sites and, of course, the higher development potential and uses these lucky sites now possess. Like Santa Ana and Irvine, **Costa Mesa should get deeper affordability in exchange for the higher density development** that is allowed in these few areas.

Higher inclusionary housing requirements are essential to ensuring the City has a realistic opportunity to create affordable housing at the low-, very low- and extremely low-income levels on these identified opportunity sites.³ Given that *no other sites with appropriate density may be available for affordable housing* due to Measure Y's persisting no growth constraints, the City faces a dire possibility: If affordable housing is not built on these identified sites to meet RHNA goals for lower income categories, the City may face **no net loss** without adequate sites for affordable housing in the planning period.

4 The Ordinance Should Include Additional Incentives to Offset the Financial Impact of the Higher Set-Aside Requirements

Costa Mesa can soften the financial impact of complying with higher inclusionary requirements by offering additional valuable incentives that **reduce uncertainty and delay** in the development process, decrease parking requirements, and defer the payment of development fees.

³ Appropriately-set in lieu fees can support extremely low-income developments.

More specifically, the IHO should provide that residential developments with densities **above 60 DU/A** that include a minimum of **15% low-income or 10% very low-income** units, or developments with densities between **50 and 60 DU/A** that set-aside at least **12% low- or 7% very low-income** units, are entitled to the following incentives:

- Expedited processing, including streamlined, ministerial approval based on objective standards
- Reduced parking requirements
- Reduced or waived set-back requirements
- Delayed payment of development (and other) fees for two to five years

5 Conclusion

The Coalition recommends:

For developments with densities **over 60 DU/A**, Costa Mesa should adopt the same percentage set aside requirements that Santa Ana has used so effectively – **15% low- or 10% very low-income**.

For developments with densities **between 50 and 60 DU/A**, Costa Mesa should require **12% low or 7% very low-income**.⁴

⁴ Additional support for these higher set-aside requirements comes from the same national study of inclusionary housing policies as is cited at p. 4 of the current staff report. Based on a **large-scale data collection effort** conducted between 2018 and 2019, the Grounded Solutions Network study identified 1,019 inclusionary programs in 734 jurisdictions across the country. According to the study, the majority of programs have a minimum set-aside of 10% of units. Only 5% of programs have a minimum set-aside of less than 10% of units, while nearly a third of programs—29%—have a minimum set-aside of 20% of units. **The average minimum set-aside for affordable units is 16%**. Moreover, “affordable units” here means lower income units, with the maximum income eligibility set between 51% percent and 80% of AMI. (<https://shelterforce.org/2021/03/10/inclusionary-housing-secrets-to-success/>)

The study cited another creative approach which Costa Mesa should consider: “[R]equire inclusionary units to accept Section 8 Housing Choice Vouchers, as Minneapolis does. This can be a win-win for the community and property owners, since owners can receive fair market rent for units rented to voucher holders, and fair market rent may be higher than the maximum rent permitted under the inclusionary housing policy.”

While we would like to increase the inclusionary requirements for developments with densities **below 50 DU/A**, we can support the proposed set-aside of **6% low or 4% very-low-income** for these developments.

Failing to raise the affordability requirements above those currently proposed would be a terrible mistake for Costa Mesa. **The proposed low set-aside requirements will deeply disappoint the community.** They will not yield the affordable housing our lower-income residents desperately need. Moreover, all residents will feel cheated when they discover that the coming flood of high-density apartments will contain very few affordable units – not at all what Measure K promised. Under the current proposal, very little of this new housing will be affordable.

Please make sure Costa Mesa gets its IHO right. Raise the inclusionary requirements to the more rational levels suggested here.

Respectfully,

[Kathy Esfahani](#)

Kathy Esfahani,

On behalf of the Costa Mesa Affordable Housing Coalition

PH-1

PARTIDA, ANNA

From: GREEN, BRENDA
Sent: Monday, December 11, 2023 2:24 PM
To: PARTIDA, ANNA; DRAPKIN, SCOTT; LE, JENNIFER
Subject: FW: Public Hearing Item 1: An ordinance amending Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code to establish affordable housing requirements for new residential development projects
Attachments: CP&DR_Nov_2023_Report (4) - Does density lead to affordability.pdf; HCD costa-mesa-group-home-TA-112923-1.pdf

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

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From: cmcdonald.home@gmail.com <cmcdonald.home@gmail.com>
Sent: Monday, December 11, 2023 11:21 AM
To: ERETH, ADAM <ADAM.ERETH@costamesaca.gov>; TOLER, RUSSELL <RUSSELL.TOLER@costamesaca.gov>; ZICH, JON <JON.ZICH@costamesaca.gov>; ROJAS, JOHNNY <JOHNNY.ROJAS@costamesaca.gov>; KLEPACK, KAREN <KAREN.KLEPACK@costamesaca.gov>; VALLARTA, ANGELY <ANGELY.VALLARTA@costamesaca.gov>; VIVAR, JIMMY <JIMMY.VIVAR@costamesaca.gov>
Cc: CITY CLERK <CITYCLERK@costamesaca.gov>
Subject: Public Hearing Item 1: An ordinance amending Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code to establish affordable housing requirements for new residential development projects

Commissioners:

There were numerous changes made from the prior draft of inclusionary housing ordinance (IHO). It would have been more transparent if the City provided you and the public with a redline of the changes (additions, deletions and moves). It is troubling that Staff did not specifically point out in its Agenda Report the addition of language in Section 13-300(a)(1)(b), which reduces the set aside percentage to 4% on a majority of the parcels to which this ordinance applies. This change puts those parcels in Costa Mesa in a tie with San Clemente for the lowest set aside percentage in Orange County.

The IHO, as currently structured, is a good start. However, I believe the ordinance could be strengthened by increasing the percentages of affordable units required in a project, decreasing the threshold number to less than ten units, and raising in-lieu fees to discourage developers from avoiding building affordable units. In addition, the draft ordinance does not apply to projects that comply with the current General Plan. For example, a developer could build a

conforming residential project in one of the overlay zones on property not selected for rezoning by the City, and none of the units would have to be affordable. The City must look at closing that loophole in all the overlay zones.

At the November 13 meeting, after the close of public comment, the consultant mentioned that Costa Mesa is trying to incentivize developers with high-density bonuses to build in Costa Mesa. Incentivization is an important tool, but it must be mixed with mandates for affordable housing programs to be successful. Developers are in the business of making money. They want to make as much money as possible, and unless you require them to build housing that is affordable to a range of income levels, they will thumb their noses at the less fortunate and build a product designed for those who can pay the highest price.

Attached is a blog post from the California Planning and Development Report (which you should all be reading) about the impact of densification on reducing housing costs. “Many YIMBYs would acknowledge that increased density is not necessarily intended to lower housing costs.” In other words, you need laws, incentives, and funding programs, like an IHO, to assure developers build more than just market rate units, despite how dense its project may be.

Watering down the ordinance contradicts the purpose of adopting an IHO stated in the draft ordinance itself, which is to “establish an affordable housing program that facilitates the development and availability of housing affordable to a broad range of households with varying income levels within the City to meet current and future affordable housing needs.” By reducing the set aside percentages for projects of 60 or more units from 19% low-income and 12% very low-income down to 11% Low Income and 7% Very Low Income, the possibility that enough affordable units will be built to make a dent in housing affordability crisis in Costa Mesa becomes practically nil.

As noted in the first paragraph, the changes to Section 13-300(a)(1)(b) further dilutes the set aside percentage to 4% on certain parcels. The areas to be rezoned as depicted on Figure 13-200.106, the Measure K Map, should be for a higher percentage of low- and very low-income levels than 4%. Measure K was sold to the voters as the only way to promote “future opportunities for additional affordable housing for working and middle-class families.” Councilmember Marr stated, “It’s our duty to provide an opportunity for current and future generations to find housing in the community they grew up in”. If it is our duty, then the set aside percentages need to be closer to the 19%/12% levels.

As currently drafted, any affordable units built would just be a sprinkling around town in what otherwise are market rate housing projects. Further, by minimizing the number of affordable units, the City makes the chances of a resident winning the lottery for one of the affordable units less than winning the Powerball.

Costa Mesa needs to be more aggressive in its IHO to make a good faith effort towards satisfying its RHNA numbers. The recent letter from the California Department of Housing and Community Development (HCD) concerning our sober living ordinance (see attached) makes it

very clear that the HCD has Costa Mesa in its gunsight. If the HCD perceives that we are putting forth a poor effort to require affordable units be included in any new projects, it may send a similar “repeal and replace” letter with respect to the IHO, which would put our Housing Element into a perpetual state of noncompliance, subjecting the City to denial of funding, the “builders remedy,” disciplinary action, etc.

Restoring the set aside percentages for projects greater than 60 dwelling units to 19%/12% and raising the percentage of low- and very low-income units for projects located on the Measure K map to align with those percentages is necessary to show that good faith effort.

Near the end of the November 13 meeting, a commissioner commented that “our customers are very skittish; they're very sensitive and interest rates are very high, and there is competition all around us, and if you can get hotcakes next door for cheaper . . .” By customers, he means developers. Developers are educated and skilled in the art of real estate development. Most of them have MBAs. Every project typically gets a pro forma analysis and a timeline of critical events before entering into any agreements, so the risks are known and allowances made.

It is not the job of the City to make certain that developers’ and builders’ projects are profitable. While I recognize that business and development play a major role in our city, the very most important part is the residents. The City, including the Planning Commission and the City Council, should focus on the fact that its primary customers are its residents. It needs to keep the City economically healthy while serving the needs of the residents first. Policy decisions need to be based on what is best for the city as a whole, not just what makes developers wealthier.

Thank you for your consideration. If you have any questions, please feel free to contact me.

Cynthia McDonald

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Does Density Lead To Affordability?

Among the 200-odd housing-related laws that the California has enacted since 2015, many – if not most -- were designed to increase density in one way or another. Some laws encourage housing units where now there are only big boxes and offices. Some encourage developers to build higher in exchange for housing lower-income residents. Others literally put new housing in people's backyards, by way of accessory dwelling units. The entire RHNA process is, essentially, an exercise in densification.

To an extent, this is the YIMBY dream writ large.

At last this weekend's annual Journalists Forum at the [Lincoln Institute of Land Policy](#), David Garcia, policy director for the UC Berkeley Turner Center for Housing Innovation, had the burden of summarizing all these laws. But he was joined by, among other panelists, [Patrick Condon](#), a Vancouver-based planner and professor who predicted, provocatively, these laws may simply lead to more expensive housing.

For at least as long as the YIMBY movement has been around -- calling for, broadly speaking, as much upzoning in as many places as possible -- Condon has questioned the orthodoxy of density.

Condon has lived in Vancouver long enough to see high rise condo and apartment buildings rise on a peninsula--which includes its central business district--like the redwood trees that covered it a century ago. Vancouver also encourages duplexes, fourplexes, "lane houses" and other forms of suburban upzoning. Since 1970, Vancouver's population has increased by more than 50%, from around 420,000 to nearly 665,000; thanks in part to pro-density zoning, its number of housing units has doubled, according to Condon's numbers. Its density is over 14,000 persons per square mile--fourth highest in North America.

And what happened to its housing prices? They are, according to Condon, among the highest in North America, with the average house costing 24 times the average annual salary.

So Condon cautions that increased density does essentially

nothing for housing costs.

"Land prices absorbed all the benefit of that new supply," said Condon. "Because the capacity of those parcels was increased in terms of the financial return on it, it's reflected in this tremendous rise in land value."

To explain: If upzoning, say, doubles the number of units allowed on a given piece of land, the seller will calculate the upzoned value and raise the asking price accordingly,

thus sticking it to the buyer, who must, as a matter of necessity, pass on the added cost to residents. In Vancouver, Condon says 40% of the rent or price -- at whatever density -- goes right into the land.

Anybody who's been involved in a transaction involving a piece of newly upzoned land will understand this. It's the reason, why, say, prices for a tract of modest homes near my home in West Los Angeles shot up after the adoption of the city's TOC ordinance. Enticed by the possibility of density bonuses, developers were willing

to accept inflated prices in order to build a multi-hundred unit building. On a micro-scale, there's no doubt that the potential to build an ADU or duplex in place of an existing single-unit home can raise the price buyers are willing to pay (a phenomenon I personally felt in a recent, unsuccessful, quest to buy a house in Los Angeles).

Condon insisted that, absent a policy mechanism to moderate land prices--such as, perhaps, a Henry George-style land value tax -- this pattern is almost inevitable. He suggested that the only way to ensure that upzoning does not raise housing costs is to require aggressive inclusionary provisions so that the cost of below-market-rate units substantially counteract, on average, those of "luxury units." He pointed to none other than Cambridge's recently adopted 100% inclusionary requirement. (He did not, though, explain how these projects would pencil out, though he might argue that land sellers would have to settle for less and, thereby, enable developers to break even.)

As Condon repeated several times, his argument spells bad news for anyone, especially YIMBYs, who hopes

"Land prices absorbed all the benefit of that new supply."

Does Density Lead To Affordability?

– CONTINUED FROM PAGE 19

that upzoning will reduce housing costs. To his credit, though, Condon is not nearly as much of a curmudgeon as certain venerable density scolds who favor Valencia over Vancouver. Emphasizing that “adding density is a good thing,” Condon acknowledged that density may embody other, nontrivial benefits that outweigh--or at least offset--whatever its costs might be. He cited reductions in greenhouse gas emissions, increases in transit ridership, and diversity of housing types.

What, then, does all of this mean for California and its 5 bazillion new housing laws?

At a glance, it doesn't bode well. California's coastal cities, at least, share a lot in common with Vancouver. And yet, there's reason to believe that, even if Condon is right about Vancouver, he may yet be wrong about California.

Most obviously, Condon's argument is arguably a straw man. Many YIMBYs would acknowledge that increased density is not necessarily intended to lower housing costs. YIMBYs might be satisfied if the density simply reduces the rate at which housing costs increase. That's where Condon's analysis is incomplete: might Vancouver's costs be even higher in the absence of upzoning? Is it possible that Vancouver did not upzone enough? Or, is it possible that *British Columbia* did not upzone enough?

Whatever Vancouver has done, its housing market still exists alongside those of Burnaby, North Vancouver, and even Victoria. As the Turner Center's Garcia pointed out, jurisdictional inconsistencies in California have often kept housing supply constrained and costs high. Even if Emeryville or Oakland says “build, baby, build,” its new units do next to nothing to counteract the reticence of Lafayette, Walnut Creek, and all of Marin County. “Oakland is pulling its weight, but suburbs prop up housing costs,” said Garcia.

Rather than focus growth on one small peninsula, as the upzoning in Vancouver has done, most of California's new upzoning laws apply statewide. Notwithstanding cities that complain about (and sometimes sue over) Sacramento's incursion on their sacred right to self-determination, if every housing-constrained region and jurisdiction in the state has to upzone, then we might actually get an economy of scale, and we might actually meet aggregate demand.

Of course, the demand for deed-restricted affordable housing will always outstrip the market's ability to supply it. This is where Condon's admonishment really comes into play. Roughly speaking, most cities' RHNA numbers require zoning for roughly equal amounts of market-rate and affordable housing. But, of course, there are no laws, incentives, or funding programs -- locally or statewide -- that approach the 100% density bonus in Cambridge that Condon touts.

Whether you're Cambridge or Canada or anyplace in between, urban economics will always involve combinations of alchemy, soothsaying, and dead reckoning. We can't predict the future, and we can't control for every variable. Whether Condon is right, wrong, or somewhere in between, his analysis is crucial for at least one reason: it compels us to define our goals and acknowledge that reaching some goals may be at cross-purposes with reaching others.

Then again, given the number of new housing policies in California, it's hard to keep track of all the goals. And, maybe that's the point. If this goes well, California might just stumble its way into affordability *and* abundance. And, really, we're going to have to. At those prices, we can't all move to Canada.

– JOSH STEPHENS | NOV 21, 2023 ■



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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November 29, 2023

Lori Ann Farrell Harrison, City Manager
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Lori Ann Farrell Harrison:

RE: Group Home Ordinances – Letter of Technical Assistance

In the attached May 9, 2023, findings letter, the California Department of Housing and Community Development (HCD) offered to provide additional technical assistance regarding, among other things, implementation of Costa Mesa's (City) 6th cycle housing element programs to review its group home and related policies. This letter provides that technical assistance for the City's review of its group home ordinances, including Ordinance Nos. 14-13, 15-11, and 17-05, which amended Title 13 of the City's Municipal Code (MC 13), as well as related City policies, such as its reasonable accommodations procedures.

HCD has reviewed the City's group home ordinances and related policies under its authority pursuant to Government Code section 65585, which includes authority to review cities' compliance with the Land Use Discrimination Law (Gov. Code, § 65008), Affirmatively Furthering Fair Housing (AFFH) Law (Gov. Code, §§ 8899.50, 65583), and State Housing Element Law (Gov. Code, § 65580 et seq.). HCD finds that the City's group home ordinances and related policies violate Government Code sections 65008, 65583, and 8899.50 by failing to meet the City's obligations to affirmatively further, protect, and remove constraints on housing for persons with disabilities, and also by discriminating against this housing.

To comply with state law, the City must, among other things, immediately stop enforcing its group home ordinances, repeal them, and revise its reasonable accommodations policies. These actions are also necessary to timely and effectively implement the programs in the 6th cycle housing element that the City adopted on November 15, 2022, which are required for the City's housing element to substantially comply with State Housing Element Law. These include Program 2J (Transitional and Supportive Housing), 2N (Reasonable Accommodation), Program 2O (Definition of Single Housekeeping Unit), Program 2P (Group Homes), and 4A (Fair Housing).

Definitions

Various laws use the term “group homes” to refer to different types of housing for different populations. For the purposes of state fair housing and planning and zoning laws, the following terms refer to various types of residences in which unrelated persons share the residence:

- **Shared Living Residences**—any housing shared by unrelated persons, including, for example, group homes, recovery residences, some community care residential facilities, some supportive and transitional housing, emergency shelters, boardinghouses, and dormitories.
- **Group Homes**—housing shared by unrelated persons with disabilities that provide peer and other support for their residents’ disability-related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities and that do not provide services that require licenses under state law.
- **Licensed Facilities**—shared living residences that provide services that require licenses under state law.
- **Recovery Residences or Sober Living Homes**—group homes for persons recovering from alcoholism or drug addiction in which the residents mutually support each other’s recovery and sobriety and that do not require state licenses because they do not provide alcoholism or drug addiction recovery and treatment services.¹
- **Alcohol or Other Drug (AOD) Facilities**—residential facilities that must obtain state licenses because they provide alcoholism or drug addiction recovery and treatment services.

¹ Individuals recovering from alcoholism or addiction are recognized as people with disabilities (see Gov. Code, § 12926, subd. (j)), and “sober living homes and other dwellings intended for occupancy by persons recovering from alcoholism and drug addiction are protected from illegal discrimination against the disabled.” *SoCal Recovery, LLC v. City of Costa Mesa* (“*SoCal Recovery*”) (9th Cir. 2023) 56 F.4th 802, 814.

Statutory Background

Land Use Discrimination Law

California's Planning and Zoning Law (Gov. Code, § 65000 et seq.) prohibits jurisdictions from engaging in discriminatory land use and planning activities. Specifically, Government Code section 65008, subdivision (a)(1), deems any action taken by a city to be null and void if it denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in the state due to illegal discrimination. Section 65008 prohibits discrimination based on any characteristic, including disabilities, protected by other state or federal laws, while adding its own prohibitions of discrimination against individuals or households who have very low, low, moderate, or middle incomes.² The law further recites multiple categories of actions that are determined to be discriminatory, including enactment or administration of ordinances that prohibit or discriminate based on a protected characteristic³ and imposition of requirements on a residential use for persons with protected characteristics that are not generally imposed upon other residential uses.⁴

AFFH Law

Government Code section 8899.50 requires all California public agencies, including cities, "to administer their programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with [this] obligation"⁵ AFFH means:

taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.⁶

Moreover, the "duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development."⁷

² Gov. Code, § 65008, subds. (a)(1)(A), (b)(1)(B)-(C), (2)(B), (3).

³ *Id.* at subd. (b)(1)(B).

⁴ *Id.* at subd. (d)(2)(A).

⁵ Gov. Code, § 8899.50, subds. (a)(2)(B), (b)(1), (2).

⁶ *Id.* at subd. (a)(1).

⁷ *Id.*

Housing Element Law

In addition to the general AFFH requirements in Government Code section 8899.50, State Housing Element Law includes more specific AFFH requirements for cities. Government Code section 65583 requires cities to thoroughly analyze fair housing issues related to housing for people with disabilities and set forth a program of actions that protect and promote such housing. Through their housing elements, cities must “remove governmental constraints that hinder . . . meeting the need for housing for persons with disabilities,” which requires “remov[ing] constraints to, and provid[ing] reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.”⁸ Section 65583 also requires cities to “promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities all persons regardless of . . . disability” or “other protected characteristics.”⁹ And cities’ housing elements must include a fair housing assessment with specific goals, implementation strategies, and “metrics and milestones” for evaluating results.¹⁰ In complying with these AFFH duties, cities are required to analyze data and set measurable objectives and milestones.¹¹

Resource Materials

In revising its policies, amending its ordinances, and implementing its housing element programs, the City should consider HCD’s Group Home Technical Advisory (Group Home TA)¹² and its AFFH Guidance Memorandum (AFFH Memo).¹³ The City should also consider, among other things, the analysis in the amicus brief that HCD and CRD filed in the pending appeal in *The Ohio House, LLC v. City of Costa Mesa*, 9th Cir. Case No. 22-56181, Docket No. 25-2 (Amicus Brief). The guidance documents and Amicus Brief discuss relevant statutes, regulations, and case law, as well as HCD’s and other government agencies’ earlier guidance documents, academic papers, and demographic and statistical analyses.

⁸ Gov. Code, § 65583, subds. (a)(6), (c)(3).

⁹ *Id.* at subd. (c)(5).

¹⁰ *Id.* at subd. (c)(10)(A)(iv).

¹¹ See, e.g., Gov. Code, § 65583, subds. (a)(5), (a)(7), (b)(1), (c)(10)(A)(ii).

¹² Available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

¹³ Available at https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf.

Findings

HCD's findings include, but are not necessarily limited to, those described below.

Permitting Requirements

Ordinance Nos. 14-13, 15-11, and 17-05 establish permitting requirements for group homes.

- MC 13-311(a) requires a special use permit for unpermitted group homes of six or fewer occupants located in R1 (single-family) zones and prohibits group homes with seven or more occupants in these zones.
- MC Title 9, Chapter II, Article 23, 9-372 requires group homes of six or less to apply for an operator's permit, regardless of licensure status.
- MC 13-322 requires a Conditional Use Permit (CUP) for group homes of six or less in R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones) Zones.
- MC 13-323 requires a CUP for group homes in the R2-MD, R2-HD and R3 residential zones and the PDR-LD, PDR-MD, PDR-HD, PDR-NCM, PDC, and PDI (Planned Development Zones) with seven or more occupants.

The City's permitting requirements for group homes and its application and enforcement of these requirements violate Government Code sections 65008, 65583, and 8899.50 by, among other things, discriminating against housing for persons with disabilities, constraining and failing to promote this housing, and restricting the fair housing choices of persons with disabilities (their right to housing of their choice and the housing they find most suitable for their disability-related needs).

The ordinances do not impose similar restrictions on other dwellings located in the zones listed above. The discriminatory effects and constraints these permitting requirements impose on group homes are evident through, among other things, the City's own data showing how severely the permitting requirements have curtailed group homes in Costa Mesa. And there are considerable other discriminatory effects, including, and among other things, the costs and burdens imposed on group homes, the displacement of persons with disabilities from housing of their choice and the disruptions of their lives, and the City's efforts to deter new group homes from opening in Costa Mesa.¹⁴

¹⁴ See, e.g., Amicus Brief at pp. 27-28; *SoCal Recovery*, *supra*, 56 F.4th at p. 806 (finding that Costa Mesa engaged in "an explicit effort to reduce the number of sober living homes operating within the City.").

Furthermore, the City should not continue attempting to justify its group home restrictions by comparing them to its treatment of boardinghouses. Group homes are designed to provide communal living environments with peer and other support for their occupants' disability-related needs and to help integrate their residents into local communities. Boardinghouses do not serve these same goals. Government Code sections 65008, 65882, and 8899.50 also impose specific and unique duties on cities to affirmatively promote and protect housing for persons with disabilities that do not similarly apply to all boardinghouses.

The overall problems with the City's permitting system require the City to immediately stop enforcing its group home ordinances and repeal them. To provide additional guidance, this letter discusses below further examples of how specific provisions in these ordinances conflict with the City's duties under Government Code sections 65008, 65583, and 8899.50.

Definition of Single Housekeeping Unit

MC 13-06 defines a single housekeeping unit as follows:

- **Single housekeeping unit.** The occupants of a dwelling unit have established ties and familiarity with each other, jointly use common areas, interact with each other, share meals, household activities, and expenses and responsibilities; membership in the single housekeeping unit is fairly stable as opposed to transient, members have some control over who becomes a member of the household, and the residential activities of the household are conducted on a nonprofit basis. There is a rebuttable presumption that integral facilities do not constitute single housekeeping units. Additional indicia that a household is not operating as a single housekeeping unit include, but are not limited to: the occupants do not share a lease agreement or ownership of the property; members of the household have separate, private entrances from other members; members of the household have locks on their bedroom doors; members of the household have separate food storage facilities, such as separate refrigerators.

HCD encourages the City to review pages 24-25 of the HCD Group Home Technical Advisory for policies to avoid when creating a definition of a single housekeeping unit. These problematic policies include requiring all residents to share a common lease or deed, excluding for-profit group homes and overly scrutinizing living arrangements (e.g., not allowing for locks on rooms or having separate entrances).

Lack of Grandfathering

Typically, when a zoning code changes, preexisting, nonconforming uses are “grandfathered” in and allowed to continue operating under the requirements that were in place before the amendments.¹⁵ Costa Mesa’s zoning code follows this well-established practice by allowing preexisting, nonconforming residential uses to continue operating unless they are abandoned, the dwellings they are in are declared physically unsafe, or the owner proposes structural alterations. (MC 13-203(b), 13-204.) But the City departs both from general grandfathering practices and its own grandfathering code provisions by requiring preexisting group homes to apply for permits in the same fashion as new ones to remain operational. (MC 13-311, 13-322, and 13-323.) This imposes discriminatory and constraining conditions on preexisting group homes, while creating displacement impacts that AFFH duties and State Housing Element Law require the City to consider and avoid.¹⁶ The City should apply its generally applicable grandfathering provisions to preexisting group homes, subject to reasonable accommodations requirements.

Occupancy Limits

The City sets special occupancy limits on group homes that prohibit group homes of seven or more occupants in R-1 single family zones, require group homes with seven or more occupants to obtain permits to operate in other zones, and require group homes with six or fewer occupants to obtain permits to operate in any residential zone. (MC 9-372, 13-311)(a), 13-322, 13-323.) This is another example of the City imposing discriminatory and constraining restrictions on group homes. Concerns about overcrowding should be addressed through applying the generally applicable occupancy limits that apply to all residences instead of singling out specific types of housing based on occupants’ disabilities.¹⁷

Costa Mesa’s ordinances appear to be based on a faulty application of Health and Safety Code statutes that allow local governments to subject licensed group homes with more than six residents to conditional use or other discretionary approval processes but require local governments to treat many types of licensed group homes with six or fewer residents the same as single-family homes and prohibit requiring these small, licensed group homes to obtain conditional use permits or other special approvals to locate in single-family zones.¹⁸ The City, however, cannot justify its restrictions on group homes

¹⁵ See, e.g., *Edmonds v. Los Angeles County* (1953) 40 Cal.2d 642, 651 (“The rights of users of property as those rights existed at the time of the adoption of a zoning ordinance are well recognized and have always been protected.”).

¹⁶ Gov. Code, § 65583, subds. (c)(10)(A)(ii), (v).

¹⁷ See Uniform Housing Code, § 503.2; see also *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123, 133.

¹⁸ See, e.g., Health & Saf. Code, §§ 1566.3, 1569.85, 11834.23.

through statutes designed to protect small licensed facilities, which provide higher levels of support and care that require state licenses.¹⁹ These statutes specifically apply to licensed facilities, not to unlicensed group homes. In effect, the City is inappropriately transforming state laws designed to prevent local constraints on small, licensed facilities into constraints on group homes that do not provide services requiring state licenses. Moreover, the City is imposing more restrictions on group homes with six or fewer residents than state law allows it to impose on licensed facilities with similar numbers of residents. To avoid imposing overly costly and burdensome constraints on group homes, the best practice is to apply the same general building, fire, and other health and safety codes that apply to other residences, subject to state health and safety code provisions specific to certain types of licensed facilities and to reasonable accommodations requirements.²⁰

Separation Requirement

MC 13-322, 13-323, and 13-324 require 650 feet of separation between group homes, sober living homes, or state-licensed drug and alcohol treatment facilities, new and existing.

These spacing requirements have a particularly severe impact on group homes, severely limiting where they can locate, causing group homes to close, and preventing others from opening. Yet the City has not shown that these spacing requirements are necessary or that there are health, safety, or similar justifications for the spacing requirements, or that if these were actual issues, that the City could not address them through less restrictive and discriminatory policies.

Pages 27-29 of the Group Home TA provides additional guidance illustrating why the City's spacing requirements conflict with its duties under state housing law (e.g., Gov. Code, §§ 8899.50, 65008, 65583, subds. (c), (1), (5), (10)), as does the Amicus Brief.

Vehicle and Parking Requirements

The City imposes special vehicle and parking requirements on group homes. MC 13-311(a)(5) states that each dwelling resident is limited to one vehicle that must be used as the resident's primary form of transportation. MC 13-311(a)(5) requires each dwelling resident to park their vehicle on dwelling premises or within 500 feet of the dwelling.

Concerns about parking and traffic should be addressed through generally applicable rules instead of restrictions that target housing for persons with disabilities.²¹

¹⁹ See Group Home TA at pp. 25-26.

²⁰ See, e.g., Health & Saf. Code, § 13113 (requiring sprinkler systems in certain licensed facilities).

²¹ See *Adamson*, *supra*, 27 Cal.3d at 133; Group Home TA at p 31.

Examples of Other Permitting and Operational Requirements

The City imposes the following restrictions on group homes but not on other residences:

- MC 13-311(a)(4) requires a manager to be present during all hours, seven days a week.
- MC 13-311(a)(14)(vi) requires that the operator must have a good neighbor policy directing residents "to be considerate of neighbors, including refraining from engaging in excessively loud, profane or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit."
- MC 13-311(b) requires group homes applying for a permit to provide notice to the owner of record and all occupants within 500 feet of the group home.

Singling out group homes for restrictions like these can burden group homes with additional, unjustified costs, while perpetuating fears and stereotypes about persons with disabilities. Pages 30-33 of the Group Home TA provide additional guidance on how to avoid these and other restrictions in Costa Mesa's group home ordinances that conflict with the City's duties under Government Code sections 8899.50, 65008, 65583, subds. (c)(1), (c)(5) and (10), among others.²²

Reasonable Accommodations

Failing to make reasonable accommodations to rules or policies, in order to allow persons with disabilities the opportunity to access housing, is a form of discrimination.²³ Making reasonable accommodations is also necessary to fulfill the City's AFFH duties and its duties to remove constraints on housing for persons with disabilities.²⁴

The City should review its reasonable accommodation policies in Municipal Code section 13-200.62, along with its application of these policies, to ensure compliance with state law.²⁵ For example, the City: (i) must avoid denying requested accommodations based on fears or prejudicial assumptions about people with disabilities, such as that group home residents somehow uniquely cause problematic traffic, noise, or activity; (ii)

²² See also *Oconomowoc Residential Programs, Inc. v. City of Milwaukee* (7th Cir. 2002) 300 F.3d 775, 783 (finding that house manager requirement is discriminatory because it effectively mandates an "institutional" arrangement that is not "on par with" housing policies for those who are not disabled); *Potomac Group Home Corp. v. Montgomery County, Md.* (D. Md. 1993) 823 F.Supp. 1285, 1296 (finding that notice requirements discriminate against and stigmatize persons with disabilities).

²³ See, e.g., Gov. Code, § 12927, subd. (c)(1).

²⁴ See, e.g., Gov. Code, §§ 8899.50, 65583, subds. (a)(6), (c)(3), (5).

²⁵ See, e.g., Cal. Code Regs., tit. 2, §§ 12176-12185; Group Home TA at pp. 18-20; Amicus Brief at pp. 21-25.

may not place the burden on reasonable accommodation applicants to demonstrate that their requested accommodations would not create undue burdens on the City or fundamental alterations to its zoning code; (iii) may not require applicants to show that they could not find any other housing within the city that would meet their disability-related needs; and (iv) must engage in good faith with reasonable accommodation requests and avoid delay or burdensome procedural requirements.²⁶

Costa Mesa May Still Address Problems that Might Arise at Individual Group Homes

The City has resources to legally address problems that might occur at individual group homes. If group home operators are engaging in activities that constitute public nuisances; violating generally applicable building, housing, or other health and safety laws; committing fraud; or engaging in other illegal activities, the City can address these issues through the same code enforcement and other legal processes it applies to others who violate municipal codes and other laws. If the City has evidence that a group home operator is providing services that require a license without obtaining one, it can contact the state's Department of Social Services or Department of Health Care Services, which can initiate investigations and take remedial action if appropriate.²⁷

This may still require considering if reasonable accommodations are appropriate in some circumstances. And the City should avoid overbroad or discriminatory applications of nuisance laws, such as those basing civil nuisance actions on 911 calls for emergency services.²⁸ But if a group home is found to have violated local or state law, the City may, for example, seek equitable relief that could include more stringent oversight and other affirmative relief to prevent further violations.

Focusing on individual group homes that are actually causing problems is a better practice than adopting overly broad, constraining, and unlawful regulations for all group homes.

²⁶ See, e.g., Cal. Code Regs., tit. 2, §§ 12177-12179; 28. C.F.R. § 35.150(a)(3).

²⁷ See Group Home TA at pp. 33-36, 37.

²⁸ See, e.g., Cal. Code Regs., tit. 2, § 12162, subd. (a); see also California Attorney General Rob Bonta letter to all Cities and Counties in California re Crime Free Housing Policies (Apr. 21, 2023), available at https://oag.ca.gov/system/files/attachments/press-docs/Crime%20Free%20Housing%20Guidance_4.21.23.pdf.

Conclusion

Costa Mesa's ordinances are blocking new group homes from opening, forcing existing ones to close, and imposing costs, administrative burdens, and fees that make it difficult for group homes to operate, while displacing persons with disabilities and disrupting their lives. The City is creating these restrictions and problems in the context of a shortage of adequate housing for persons with disabilities, which is a particularly acute issue within California's broader housing crisis.

HCD has reviewed the City's group home ordinances and found that they violate Government Code sections 65008, 65583, and 8899.50. The City must stop enforcing these ordinances, repeal them, change its reasonable accommodation policies and practices, and review other zoning practices in light of HCD's guidance to ensure that the City is complying with state law. These actions are necessary for the City to comply with its duties under Government Code sections 65008, 65583, and 8899.50, and are among the things that the City must do to bring its 6th cycle housing element into substantial compliance with State Housing Element Law.

For technical assistance regarding the City's 6th Cycle housing element, please contact Jose Armando Jauregui at jose.jauregui@hcd.ca.gov. If you have any questions regarding the content of this letter, please contact Bentley Regehr at bentley.regehr@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a stylized flourish extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

Enclosures: Letter from HCD regarding City of Costa Mesa's 6th Cycle (2021-2029)
Adopted Housing Element (May 9, 2023)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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May 9, 2023

Lori Ann Farrell Harrison, City Manager
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Dear Lori Ann Farrell Harrison:

RE: City of Costa Mesa's 6th Cycle (2021-2029) Adopted Housing Element

Thank you for submitting the City of Costa Mesa's (City) housing element that was adopted on November 15, 2022 and received for review on March 10, 2023. In addition, the California Department of Housing and Community Development (HCD) considered technical modifications from its prior review authorized by Resolution Number 2022-67. Pursuant to Government Code section 65585, subdivision (h), HCD is reporting the results of its review. In addition, HCD considered comments from Costa Mesa First pursuant to Government Code section 65588, subdivision (c).

The adopted housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). However, the housing element cannot be found in substantial compliance until the City has completed necessary rezones to make prior identified sites available and address the shortfall of sites to accommodate the RHNA pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021) as described below.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until rezones to make prior identified sites available or accommodate a shortfall of sites, pursuant to Government Code section 65583, subdivision (c) (1) (A) and Government Code section 65583.2, subdivision (c), are completed. As this year has passed and Programs 3B (Fairview Development Center), 3C (North Costa Mesa Specific Plan), 3D (Urban plans and Overlays), and 3N (Reused sites) have not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning has been completed. Once the City completes the rezone, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 2A (Inclusionary Housing Ordinance)
- Program 2B (Affordable Housing Development)
- Program 2I (State Density Bonus Incentives)
- Program 2J (Transitional and Supportive Housing)
- Program 2M (Parking Standards for Residential Development)
- Program 2N (Reasonable Accommodation)
- Program 2O (Definition of Single Housekeeping Unit)
- Program 2P (Group Homes): Please note, HCD may follow up with additional technical assistance. Please see HCD's Group Home Technical Advisory at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.
- Program 3B (Fairview Development Center)
- Program 3G (City-wide Vote Requirements)
- Program 3R (Development of Large Sites)
- Program 4A (Fair Housing)

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i), grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or State Housing Element Law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the dedication and cooperation of the City's housing element team provided during the review and update. HCD particularly applauds the efforts of Jennifer Le and Scott Drapkin whose collaboration, communication, expertise and public service is truly commendable. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If you have any questions or need additional technical assistance, please contact Jose Armando Jauregui of our staff, at Jose.jauregui@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

PH-3

PARTIDA, ANNA

From: Kelly Normandin <kmn021@gmail.com>
Sent: Thursday, December 7, 2023 8:03 PM
To: PC Public Comments; ALDANA, CHRISTOPHER
Subject: Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Chairman Ereth and Planning Commission:

I have worked on the Westside of Costa Mesa for more than two decades. In that time a lot has changed, a lot has improved, and some areas still need work. With the proposed Raising Cane's along Newport Blvd., you have an opportunity to spruce up a corner that "still needs work." This would be a great addition to the area and a great community partner for the city. Please consider this application and I hope you will support their request.

Thank you for your time.

Sincerely,

Kelly Normandin
741 Schenley Bay
costa mesa ca
92626

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From: Stacy Mason <stacycmason@gmail.com>
Sent: Friday, December 8, 2023 11:25 AM
To: PC Public Comments
Subject: Re: 1595 Newport Blvd

Dear Costa Mesa Planning Division:

I am writing in response to an Official Public Notice I received in the mail regarding application number ZA-22-11, PDVR-23-003 & PMND-23-003. The affected address is 1595 Newport Boulevard. I am a neighbor and homeowner in the Level1 community (cross streets Newport Frontage Road/Industrial), and I strongly ask that this proposal not be approved.

Currently, the 1500 block of Newport Boulevard is quiet. It is located on Frontage Road, which is narrow and winding, and 16th Street, which is also not very large. Right now (even without such a busy business like Raising Cane's), the traffic backs up on 16th street during evening rush hour, and there are times it is impossible for me to turn right onto 16th from south-bound Newport Boulevard and then make the left onto Newport Frontage Road because cars are already there. Adding a Raising Cane's will guarantee that I will never be able to use that intersection to go home again.

The proposed hours of Raising Cain's are 9am until the wee hours of the morning (2am or 3am). This would guarantee additional traffic to what can already be a congested intersection. It would also bring unwanted noise and trash.

In addition, the application is asking for exceptions. It deviates from required parking by seven stalls, the drive-through will be 10 feet wide instead of the normal 11 feet, and it will be 20% closer to the street than what is normally required. If a vehicle is too large for the drive-through, they would need to park and walk in. If there are fewer parking spaces, where will they park to do so? There are already parking issues with people illegally parking on the east side of Newport Frontage Road, making a narrow road even narrower. Where will the drive through lane go? If the building is closer to the road and has a smaller parking lot, the drive-through will likely spill onto 16th street and/or wind onto the Newport Frontage Road or even Newport Boulevard.

For the above reasons, please do not approve this business proposal. We have plenty of fast-food restaurants on 17th Street and Harbor Boulevard. We do not need a Raising Cane's outside of those areas, especially when it cannot abide by current building requirements, disrupting our neighborhood.

Thank you for your consideration. Please contact me via email with any questions.

Stacy Mason

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From: Jonathan Mason <jonathandavidmason@gmail.com>
Sent: Sunday, December 10, 2023 4:52 PM
To: PC Public Comments
Subject: Public Comments against Raising Cane's at 1595 Newport Boulevard

To whom it may concern,

I am an owner and resident at the Level 1 community, less than an 1/8th of a mile from the proposed location for a new Raising Cane's at 1595 Newport Boulevard. The growth of new restaurants is usually a positive development in our community, but there are too large a number of issues with this proposition.

The small roads between Newport Boulevard and Superior (with the exception of 17th St.), as well as the Newport Boulevard frontage roads are very narrow and already tight passing spaces against oncoming traffic. Adding a busy restaurant (known to have exceptionally long drive through lines, similar to In N Out and Chick-fil-A) will only cause more congestion. As it stands, northbound on the West Newport Boulevard Frontage Road gets backed up at 16th St., trying to turn onto or cross Newport Boulevard.

The traffic and customer noise, with the operation hours ending at 2 or 3:30 in the morning, is inappropriate with the housing just feet to the West on 16th Street. And the multiple building exceptions speak to the inadequate site conditions for this project. These include building deviation requests of an overly narrow drive-through lane, truncated parking space counts, and erecting the structure closer to the street than normal commission requirements.

For all the above reasons listed above, I strongly urge this project to not be approved.

Thank you,
Jonathan Mason

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From: Lester Tucker <lestertucker@gmail.com>
Sent: Monday, December 11, 2023 8:29 AM
To: PC Public Comments
Subject: PLEASE APPROVE Raising Canes!

I am writing to let you know I strongly urge you to approve a Raising Canes on Newport Blvd. This company is OUTSTANDING. They are very proactive in managing their properties which are always very well kept (e.g. no homeless vagrants, graphitti,dead plants, etc.) I know people are going to say no because of traffic but if people in costa mesa/newport are worried about traffic then they should move. Its a fact of life here, its the beach and its crowded. A new drive thru restaurant isn't going to make a lick of difference in the traffic. What should we cancel the newport boat parade because too many people drive on newport blvd? of course not. this company really promotes the right things about business entrepreneurship, trains their employees well and gives back to the community. they are also very proactive in managing the drive thru cars so PLEASE SAY YES! Food is sooo good.

Jon Tucker
west side

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From: Laura Whitcher <laura.whitcher@ukg.com>
Sent: Monday, December 11, 2023 8:52 AM
To: PC Public Comments
Subject: Raising Cane's

Hello,

I wanted to send a note in support of putting in Raising Cane's where the old Grant's for Guns is located. Their food is great, and I think a lot of us locals would love having a Cane's closer than we have now. I know for sure that my two teenage sons would be thrilled.

This should also bring some great revenue to the city of Costa Mesa.

From a local in NB:)

Laura Whitcher
UKG Strategic Account Manager
(310) 779-7766

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From: Ethen Thacher <ethen.thacher@gmail.com>
Sent: Monday, December 11, 2023 9:12 AM
To: PC Public Comments
Subject: Raising Cane's

Hello Costa Meas Planning Commission -

I work in the City of Costa Mesa and I'm emailing the Planning Commission to request approval of Zoning Application 22-11, Development Review PDVR-23-0003, and Minor Modification PMND-23-0003 for the demolition of an existing 25,159-square-foot furniture store and the construction of a new 2,913-square-foot drive-through restaurant (Raising Cane's) with a drive-thru, and 1,303 square feet of outdoor patio area.

Thank you, Ethen

--
Ethen Thacher
(714) 914-5616
ethen.thacher@gmail.com
www.linkedin.com/in/ethenthacher

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PARTIDA, ANNA

PH-3

From: Brad Kelly <brad@makenaprop.com>
Sent: Monday, December 11, 2023 9:39 AM
To: PC Public Comments
Cc: ALDANA, CHRISTOPHER; gkelly57@pacbell.net
Subject: Raisin Canes Application ZA-22-11
Attachments: Canes Planning Commission.pdf

Please see attached comments related to the above project to be included in the package for the planning commission tonight December 11, 2023.

Cc: Christopher Aldana

Brad Kelly
President

M a k e n a P r o p e r t i e s

Office (949) 348-3333
Cell (949) 533-5722

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December 11, 2024

Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Re: Application No. ZA-22-11, Site Address 1595 Newport Blvd

Dear Chairman Ereth and Planning Commission:

As a resident of Costa Mesa, I am concerned with the plan referenced above for the following reasons:

- **These high-volume drive through food service business really stretch the standard of traffic** and often miss the mark resulting in:
 - Back up to traffic on adjacent streets
 - In N Out on 19th
 - Canes on Harbor Boulevard
 - Chick Fillet on Harbor Boulevard
 - Goop Kitchen Costa Mesa
 - On site traffic flow impacting neighboring properties
 - Denny's on harbor Blvd (Canes)
 - Seiwa Market (Chic Fillet)
 - Home Depot (Northgate Mercado)
- **The project didn't address any impacts or offer any accommodations to the neighbors.**
 - How can a project that increases traffic and intensity of use **NOT** have an impact?
- **The project seemed to avoid any improvements of the adjacent street** as no consideration was evident of:
 - Widening the street
 - Improving the existing sidewalk
 - Providing more on street parking for the neighborhood
 - Getting rid of the overnight RV/Homeless parking

The City of Costa Mesa is considering being more lenient on their own standards (parking, residential proximity, traffic, landscape) although these types of uses have demonstrated repeatedly to being a problem and warrant a more strict application of standards.

Sincerely,


Brad Kelly

From: Cyndie Williams <cyndie@infinitigroupllc.com>
Sent: Monday, December 11, 2023 10:44 AM
To: PC Public Comments
Cc: ALDANA, CHRISTOPHER
Subject: Raising Canes ZA-22-11

Hello Planning Commission Members,

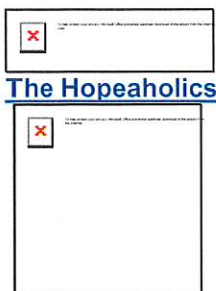
Thank you for considering my comments. I work out of 1545 Old Newport Blvd in Costa Mesa and am writing in opposition to the proposed site with the current plans for traffic and parking. I reviewed the traffic study and it is apparent that the traffic engineers agree there will be a deficit in drive through queuing space during peak times resulting in either parking spaces, sidewalks, or streets being blocked with cars. What is the solution here? The main driveway proposed with block cars passing on Old Newport Blvd during business hours and this must be considered. This will cause issues with the surrounding businesses including, but not limited to 1545 Old Newport.

Additionally, if I understood this correctly, these numbers of potential cars passing through Raising Canes proposed by the traffic study are increased by 1% each year. What happens with the potential growth of the city of Costa Mesa with the current residential development project? Has that been calculated into the planning and development of Raising Canes? Surely, this will be more than a 1% increase in traffic and I would like to hear solutions and outcomes based on the culmination of both projects as they affect this part of Costa Mesa greatly.

Finally, the homeless issue on Old Newport Blvd is vast and we continuously need to employ the local law enforcement to aid in removing homeless people from the property at 1545. I share a concern about this problem growing with the census created by Raising Canes and the residential development project.

I believe there needs to be further thought and study before deciding or approving the CUP as written. I would only ask that the thoughts and comments from the surrounding businesses should have a louder voice in the planning commission's consideration in this matter

Again, thank you for your time today.



Cyndie Dunkerson Williams, CATCIII
VP of Legal

w: www.infinitigroupllc.com
e: cyndie@infinitigroupllc.com
m: (949) 254-2727 | p: (949) 715-7773 | f: (949) 606-9220
[Hope by the Sea](#) | [Hope Lodge](#) |
[Ken Seeley Communities](#) | [Mental Wellness](#) |
[N.E.M. Recovery Centers](#) | [Serene Behavioral Health](#) |

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PH-3

PARTIDA, ANNA

From: Gregg Kelly <gkelly57@pacbell.net>
Sent: Monday, December 11, 2023 11:01 AM
To: PC Public Comments
Subject: Public Comments to ZA-22-11
Attachments: RaisingCanes.pdf

December 11, 2023

Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Chairman Ereth and Planning Commission:

Re: Application No. ZA-22-11, Site Address 1595 Newport Blvd

My name is Gregg Kelly and I own the property at 1555 Newport Blvd, which is adjacent to the proposed Raising Cane's development. As the property owner along with my tenant West Coast Marine Service, we may be the most impacted by this project. I ask for your serious consideration to my concerns.

1. I would like more time to review the project. I just received the details of the plan 3 days ago, and it seems unfair to only allow a weekend during the holidays to review and comment on the potential impact to our business. Contrary to Raising Cane's claim of outreach to the adjacent neighbors in their letter to the City dated November 6, 2023, no such outreach was ever made to me as the property owner or my tenant. I suspect this lack of outreach and communication is true for many in the neighborhood.
2. Parking is a significant issue in this area of Costa Mesa. The street parking spaces are full and every business has restricted parking signs. Raising Cane's in this neighborhood will only make parking worse. Allowing them a variance for a reduced number of spots is irresponsible.
3. Traffic caused by cars in the drive-through queue could be a serious issue. I visited the Cane's on Harbor Blvd twice this last week, and both times the queue of cars fully consumed the parking lot and extended onto and blocked the right lane of Harbor Blvd. I took a picture, which I have included as Exhibit A. The Cane's on Harbor Blvd has a longer drive-through queue than what is proposed, and it leads me to believe the flow of traffic in front of my property will be greatly impacted. It only takes one car waiting to make a left hand turn into a full queue of cars to completely stop traffic on Newport Blvd.
4. Commercial Way between Newport Blvd and Superior Ave. is a private street. Repaving and cleaning this street is the financial responsibility of the property owners along this road. The additional traffic and litter from Raising Cane's will make it more expensive for me and the other property owners.

I respectfully ask the Planning Commission to not approve this Application No. ZA-22-11 as presented, and at the very least give us more time to research possible solutions to my concerns and the concerns of the community.

Sincerely,

Gregg Kelly

EXHIBIT A

Raising Cane's Harbor Blvd, Costa Mesa

Picture taken December 8, 2024 approx 6:10 PM



From: Dan <dkang68@gmail.com>
Sent: Monday, December 11, 2023 11:24 AM
To: PC Public Comments
Subject: ZA-22-11 Raising Cane's

I am the property owner next door to the proposed Raising Cane's.

A few general concerns of the planning of Costa Mesa City and specific to my property:

As it is more a function of what the Community and City of Costa Mesa wish to envision as how the future of the balance in live and work opportunities, I'm concerned that we are developing around a commercial fast food corridor that does not serve the community at this time.

Some of the key points in particular of this development:

- 1) A drive through use that intends to be open till 3:30 am which we have seen the effects on Harbor Blvd.
- 2) GOOP has already created a traffic back up on Newport Blvd, with no alternative corrections.

Some comments and notes from surrounding interested parties and myself:

- 1-The current buildings at 1595 Newport Blvd are below grade without a permit, and proper drainage at grade needs to be addressed by the city on the next use.
- 2 - The current buildings and improvements at 1595 Newport Blvd have buried the adjacent neighbor's front building up to the window and built into the utility easement - the city needs to consider the impacts to the adjacent property as they approve drawings for the project.
- 3 - The proposed project should not be allowed a variance on parking requirements as Westside Costa Mesa already has a parking shortage since the city has approved multiple conversions of mfg zoning to C2 type uses without addressing the increased demand on street parking.
- 4- The city is aware that members of the community do not want more high traffic impact to Newport Blvd - Starbucks and Chick Fillet's planning applications were denied for this reason and Raising Cane on Harbor has regularly created a dangerous traffic backup and it will be worse at this location
- 5-The 19 West Mixed Use and Mesa West Plans encourage architectural appeal, small business and entrepreneurialism...national fast food chains, such as this project, are not consistent with the type of local Main Street businesses that are cultivating Westside Costa Mesa.
- 6-The city approved high density housing in 2021-22 for the adjacent properties between 16th and Placentia, how shortsighted is this project's traffic impact to future development of housing that will also impact traffic.

PARTIDA, ANNA

PH-3

From: nick@wcmservice.com
Sent: Monday, December 11, 2023 11:26 AM
To: PC Public Comments
Subject: No. ZA-22-11
Attachments: Dec 11, Doc 1.pdf

Please review attached document in regards to Application number: ZA-22-11
Site Address 1595 Newport BLVD.

Thank you,
Nick Kelly
949-698-0550
Nick@wcmservice.com
West Coast Marine Service
1555 Newport BLVD.
Costa Mesa, CA. 92627

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Sent from my iPhone



www.westcoastmarine.com

December 11, 2023

Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Chairman Ereth and Planning Commission:

RE: Application No. ZA-22-11, Site Address 1595 Newport Blvd.

My Name is Nick Kelly and I own West Coast Marine Service, adjacent to the proposed Raising Cane's development. I have operated this business in this location for 13 years.

1. I have not had sufficient time to review this potential development. I only received the plans Friday the 8th. I feel this has not given me enough time to consider all potential impacts. I am on my property every day and available, however, neither Raising Cane's nor the property owner at Von Hemert have contacted me to discuss the impact of this decision. In the short amount of time I have had over the weekend these are a few of my initial concerns.
2. Parking: Parking in this area is severely restricted. I currently sublet a private curb side on Commercial way across from my property for my employees. The curbside parking in front Von Hemert is currently almost 100% occupied by vagrants who live in their cars or are taken up by other businesses in our area. Having a Raising Cane's with added traffic and a need for parking will certainly cause more Parking issues.
3. Traffic: The intersection of 16th and Newport Blvd is already dangerous enough. I witness multiple car accidents in this intersection every year. I have personally almost been hit by a driver running a red light in this intersection. 16th and Newport Blvd is a thorough fair for students heading to and from school from West side Costa Mesa to Newport Mesa Unified school districts. We currently have great examples of



www.westcoastmarine.com

traffic congestion in Costa Mesa. The Raising Cane's on Harbor Blvd., Chick fil A on Harbor and In' N out on 19th street. In my business we cater to the local boating community. Again, having extra traffic congestion with a Raising Canes will make access to my facility much more difficult and hurt the profitability of the business.

4. See attached Exhibit A aerial photo for the following:

Intersection A with a Raising Cane's in my attached aerial photo is going to negatively affect my business. This intersection is our primary intersection we use to conduct business. We serve the local boating community and customers trailer their boats through this East 16th street intersection to us for service. This intersection is the safest and easiest point to access our business. We have not been able to utilize intersection B because the city constructed a curbed island. Visiting truck and trailers cannot maneuver around this curbed island. I must educate our customers bringing boats to not use intersection B. If intersection A, and B become problematic we will be forced to use intersection C at Commercial Way and Superior. Intersection C does not have a signal and is more dangerous to use with large truck and trailers. Commercial way is a private street, and I would be at the mercy of the other business owners to make sure we can get through with our truck and trailers. We also have deliveries of new engines and new boats continuously coming throughout the year. Large semi-trucks will have major problems accessing our property to deliver our merchandise that we sell. This will negatively impact sales and service of my business.

I sincerely ask the Planning Commission to issue a continuance at the very least because we have not had enough time to consider all the potential impacts of this decision.

Thank you,

Nick Kelly



PARTIDA, ANNA

PH-4

From: Karen Torell Hoffman <ktorell@ca.rr.com>
Sent: Thursday, December 7, 2023 2:49 PM
To: PC Public Comments
Subject: Over concentration of cannabis stores

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Commission Members,

Please block any further or pending Cannabis sales establishments on Newport Blvd. It appears two shops are already approved and in my estimation that is enough. I would not like to think that the only reason for businesses on the main drag through Costa Mesa is as a mecca for folks seeking Marijuana and other drug items. The map outlines a total of 4 stores in almost a row, that's total over-saturation!

Please do not approve any more than the two shops shown on the flyer I received from my neighbors.

Sincerely,

John P. Hoffman
Karen Torell Hoffman
249 Magnolia St. Costa Mesa, 92627

Costa Mesa, Eastside Home owners and Residents for over 55+ years

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PARTIDA, ANNA

PH-4

From: Mary Gray <graycustom@aol.com>
Sent: Thursday, December 7, 2023 2:05 PM
To: PC Public Comments
Subject: Please Deny Cannabis Store at Newport Blvd. Costa Mesa

Please Deny Cannabis Store at Newport Blvd. Costa Mesa

1848 Newport Blvd is the corner of my historical residential street Broadway. We already lost our donut shop.

Please Deny Cannabis Store at 1858 Newport Blvd. Costa Mesa.

I am honestly already shocked the city has allowed 2 Cannabis locations 1860 Newport Blvd and 1854 Newport Blvd. so close together.

We live on Broadway Street and would love to see the city be mindful of a family friendly walkable neighborhood for its residents.

Thank you for your consideration,

Mary Gray

231 Broadway

949-378-6260

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PARTIDA, ANNA

PH-4

From: Nolan Hopper <nolanhopper@yahoo.com>
Sent: Friday, December 8, 2023 9:14 AM
To: PC Public Comments
Subject: Cannabis stores ...

As a veteran who needs medical marijuana i am thankful for the shops.

Why does Eastside Costa Mesa have to crap on everything that's not a restaurant? WHY IS IT OK FOR LIQUOR STORES AND BARS TO BE SIDE BY SIDE BY SIDE!?

WE NEED THESE STORES IN THE COMMUNITY. DONT STOP PROGRESS. STOP FEARING WHAT YOU DONT KNOW!

-Nolan H
37 year resident

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From: Kylie Shockey <kyliemugg@gmail.com>
Sent: Friday, December 8, 2023 9:38 AM
To: PC Public Comments
Cc: John Shockey
Subject: Cannabis Store at 1858 Newport Blvd, Costa Mesa

Hello,

I'm writing about the cannabis store potentially opening at 1858 Newport Blvd in Costa Mesa. I am **AGAINST** the opening of this store. It will potentially increase crime to the area and is not the type of business we want in Costa Mesa. Since the cannabis store on the corner of Broadway and Newport Blvd has opened, we've seen an increase transient people on our street, and have had our front yard vandalized. We **DO NOT** want to see additional cannabis stores open on Newport Blvd.

Thank you,

Kylie Shockey

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From: Chris T Lambert <lambertchrist76@gmail.com>
Sent: Friday, December 8, 2023 11:33 AM
To: PC Public Comments
Subject: 1858 Newport Blvd - Cannabis Store

Dear Members of the Planning Commission,

As a concerned resident of Costa Mesa, I would like to express my opposition to the cannabis retail stores expanding on Newport Blvd. There are already two approved shops on Newport Blvd and Broadway. We do not need more shops opening right next to each other. It'll cause too many traffic jams on a street that's already busy with parking concerns. It'll also ruin our reputation as a city and we'll be known as the city with a street strip of just cannabis shops. I don't understand why we need so many right next to each other. Generally, there wouldn't be four liquor stores neighboring each other or four bars right next to each other, so why is there going to be four cannabis shops right next to each other? They sell the same exact product! Please stop this increase of weed shops from happening on the same street!

Thank you,

Chris Lambert

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From: Donovan McNamer <mcnamerdonavan@gmail.com>
Sent: Friday, December 8, 2023 12:38 PM
To: PC Public Comments
Subject: Cannabis Shop on Newport and Broadway

Dear Planning Commission Committee,

As an active member of the Costa Mesa community, I am deeply concerned about the proposed opening of the cannabis retail shops located on Newport Blvd and Broadway. I am not against opening cannabis retail stores in our city, but opening four shops right next to each other will not be a good look for our city. I cannot wrap my head around why there would be a plan to have four cannabis shops right next to each other. One or two cannabis shops next to each other is more than enough. We do not need to be known as a street that only accepts cannabis stores as a business. I've been a resident here for over 10 years and do not like the idea of our main street being taken over with cannabis shops opening right next to each other. Please retract this plan and put an end to this!

Regards,

Donavan McNamer

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From: Jime Chuck Neider <jcngolf@yahoo.com>
Sent: Friday, December 8, 2023 1:53 PM
To: PC Public Comments
Subject: Deny Dispensary at 1858 Newport Blvd, Costa Mesa

Dear Planning Commission,

I am a concerned resident of Costa Mesa and I am urging you to reconsider the cannabis retail expansion on Newport Blvd and Broadway. I've seen cannabis shops opening in every corner, but this is on another level. The expansion plan on Newport Blvd does not make any sense because we already have one open. We do not need four cannabis shops right next to each other. It will cause a lot of traffic concerns and parking issues in our area. We already face high traffic concerns in our area, this will just add more issues along the way. Not to mention, they're selling the same products! We don't need more than two of these cannabis businesses right next to each other.

Please reject expanding more cannabis shops on Newport Blvd. I strongly believe that this will just create a bad image for our city.

Sincerely,
Jim Neider

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From: Keith Cohen <pjsal13@yahoo.com>
Sent: Friday, December 8, 2023 3:15 PM
To: PC Public Comments
Subject: Stop this opening! 1858 Newport Blvd Costa Mesa

Hello Planning Commission of Costa Mesa,

I was infuriated when I found out a new cannabis shop is planning to open without any outreach by applicant. I live very close to the cannabis store that's planning to open at 1858 Newport Blvd and I did not get a notice from the applicant that will be occupying this business. Why are the applicants not telling the surrounding residents of their future occupancy? This is outrageous and we need you to reconsider allowing this business to open. This will be causing so much stress to myself and the residents around this new store.

Please protect our community and deny this dispensary to open!

Best regards,
Keith Cohen

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From: Marc Dorris <marcaineutube@gmail.com>
Sent: Friday, December 8, 2023 4:55 PM
To: PC Public Comments
Subject: 1858 Newport Boulevard

Dear Planning Commission,

There are many concerns with the plan of opening four cannabis retail stores next to each other on Newport Blvd and Broadway. As a resident in this area, I am particularly concerned about traffic safety. To access the business parking, cars would have to drive towards the back and there's a very small/narrow alleyway. It's already hard to get in and out of this alleyway and adding more traffic flow will cause a great deal to the residents that need access to go home. This in turn will cause a dramatic change to our quality of life.

Another concern of mine are the pedestrians in our neighborhood. There's always residents walking around in the neighborhood. So when car traffic is heavily directed to where people generally walk it's a big concern of safety.

Please don't disrupt our quality of life by attracting traffic into our neighborhoods. We hope that you reconsider opening more cannabis shops in an area that already has a couple of shops existing. Please consider these shops elsewhere besides the neighborhood I'm residing in. By voicing our concerns, we hope you will oppose this plan of adding more cannabis shops.

Thank you,

Marc Dorris

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From: Karen Sas-Arnold <ksasarnold@gmail.com>
Sent: Friday, December 8, 2023 6:54 PM
To: PC Public Comments
Subject: Deny - Cannabis Store @ 1858 Newport Blvd. Costa Mesa

Attention City Council:

We are totally against another Cannabis Store in our neighborhood. We are trying to understand why there are so many Cannabis Stores in a row down Newport Blvd! 1858 Newport Blvd would make three in a row (1860, 1854) with another pending at 1848 Newport Blvd. Four Cannabis Stores on Newport Blvd!! This is absolutely crazy! Is this what our City has becomea destination for pot!!

Please do not let anymore Cannabis shops in our neighborhood.

Respectfully,

Fred & Karen Arnold
279 E. 19th St
Costa Mesa

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From: Kyllian Rue <ruekyllian@gmail.com>
Sent: Friday, December 8, 2023 7:29 PM
To: PC Public Comments
Subject: Please reject this business from opening - 1858 Newport Blvd Costa Mesa

Dear Planning Commission Members,

This email is in regards to Cannabis Store 1858 Newport Blvd, Costa Mesa. I would like to voice my concerns towards this dispensary that's planning to open up. As a resident, I am hoping you will take our concerns into consideration and reject this opening.

We do not need another cannabis store opening next to each other. This will definitely cause traffic stops from people who are driving that's not from the area. Every time I drive on Newport Blvd, a lot of people are making sudden stops trying to find their destination already. Adding this cannabis shop on a full street will definitely cause more issues. This store will also cause major distractions for many drivers and affect many people who use this road as a commute to work.

I understand that recreational drugs are legal and have no problem with shops opening but please do not approve it for this area. It's already a challenge to drive on Newport Blvd already, don't add on more traffic and stress to the residents here. Please protect your residents and say NO to the opening of this shop.

Thank you for your time.

Best Regards,

Kyllian Rue

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PARTIDA, ANNA

PH-4

From: Byron Wineke <byronwineke@gmail.com>
Sent: Saturday, December 9, 2023 8:39 AM
To: PC Public Comments
Subject: Cannabis Store at 1858 Newport Blvd. Costa Mesa

To whom it may concern, I am a 58 year resident of Costa Mesa. I don,t believe there is a need for another cannabis dispensary in our city, and having 4 in such close proximity, is an overkill. We shouldn't become a center for this type of environment, as we are the rehab capital for Orange County. The city of Costa Mesa, can't possibly be desperate for revenues, and it should not allow another dispensary in the city. I stand completely against permitting another cannabis in the city, and this neighborhood in particular.

Thank you

Byron Wineke
299 Broadway
Costa Mesa
Sent from my iPad

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From: Patricia Windsor <leanbeefpatty932@yahoo.com>
Sent: Saturday, December 9, 2023 10:43 AM
To: PC Public Comments
Subject: Cannabis Store - Please reject this plan!

Dear Planning Commission Members,

Please stop the expansion of cannabis shops from happening! There's already a cannabis store on Newport Blvd and Broadway. We do not need a whole block to be filled with cannabis stores only! This will just attract the wrong idea for our city and disrupt the residents that will be affected by this expansion. Reject this plan of adding more shops on Newport Blvd, please!

Regards,
Patricia Windsor

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From: Anne Newland <amnewlan@sbcglobal.net>
Sent: Saturday, December 9, 2023 11:09 AM
To: PC Public Comments
Subject: Deny Cannabis store at 1858 Newport Blvd

I have been a resident of COSTA MESA since 1977 and I want to voice my concern about the excessive approval of cannabis stores in this city.

When I drive in and around COSTA MESA, the smell of cannabis being smoked by some other drivers is often noticeable, creating unsafe conditions on the roads, danger to pedestrians and drivers. When I walk in parks in Costa Mesa, same thing, some people are smoking cannabis everywhere. Is drinking alcohol allowed everywhere? I don't think so. But there is no control that I can see on smoking cannabis wherever they want to.

The city government may think it is going to get a lot of revenue from approving all these stores... But the problems stemming from having all of these stores is going to cost the city much more than the revenue they will produce ... Obviously, the city Council is unaware of the law of unintended consequences.

Just because 65% of voters approved opening cannabis stores in 2020 doesn't mean that the city should grant unlimited requests to open a multitude of these stores.

And I want to know who is voting to approve the cannabis stores so I can make sure never to vote for them. . They clearly do not have the best interest of COSTA MESA or COSTA MESA residents in mind.

Anne Newland

Sent from my iPad

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From: Clara King <cking82047@aol.com>
Sent: Saturday, December 9, 2023 11:23 AM
To: PC Public Comments
Subject: Deny-Cannabis Store at 1858 Newport Blvd

As a resident of Costa Mesa I am writing to let you know of my concerns with regards to having too many cannabis dispensary stores located next to one another, the latest being the approval for another store currently proposed at 1858 Newport Blvd. I am not against having dispensaries, but feel that having two or more in the same general location may lead to too many people disrupting the general environment in the neighborhood that about the dispensaries.

Just as in any business, I wouldn't want to have the same type of store clustered together, but especially cannabis dispensaries where people may have a tendency to "hang around" the outside of the stores more than others. It's not an environment that residents would want who live nearby.

The dispensaries should be scattered throughout the city and not bunched in one area. Please consider the surrounding environment and the residents who live nearby and please take their concerns into consideration.

Clara King
2139 Santa Ana Avenue
Costa Mesa, CA 92627

Sent from my iPhone

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PARTIDA, ANNA

PH-4

From: Malik Pacheco <angelsever5@proton.me>
Sent: Saturday, December 9, 2023 12:02 PM
To: PC Public Comments
Subject: Dispensary/Weed store at 1858 Newport Blvd, Costa Mesa CA

Hello Planning Commission,

It is unbelievable that I have to voice my concerns about the expansion of cannabis shops on Newport Blvd and Broadway. There are already a couple of cannabis stores approved on the same street, we do not need one store right next to another that sells the same concept of products. As a resident in the area, I don't like that our city is promoting itself as a strip mall of just weed shops. Please stop this expansion from happening! Move these shops elsewhere and allow our streets to be filled with more family friendly businesses rather than a strip mall of marijuana businesses.

Best Regards,
Malik Pecheko

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From: Marc Abelowitz <marcabelowitz@gmail.com>
Sent: Saturday, December 9, 2023 4:38 PM
To: PC Public Comments
Subject: Weed Shop at 1858 Newport Blvd

To: Planning Commission

Please oppose adding more cannabis dispensary shops on Newport Blvd and Broadway. I am urging you to protect our community's image by not approving this plan. I've been living in Costa Mesa for over 20 years and this plan to increase more cannabis shops in the same block is probably the worst proposal I've seen living in this city. We do not need any more cannabis shops in this area. We already have one that's open and this is more than enough. Our reputation will be ruined if we allow these cannabis businesses to take over our whole block. If this happens, what will be next? Will the whole triangle square be converted to a cannabis only retail shopping center? Please don't turn our street and beautiful beach city into a recreational only street. Please diversify our block with more than just cannabis stores!

Sincerely,

Marc Abelowitz

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From: Connie Renfro <clrenfro@hotmail.com>
Sent: Saturday, December 9, 2023 5:10 PM
To: PC Public Comments
Subject: Cannabis Store at 1858 Newport Blvd

I have been a resident of Costa Mesa since 1963 and have been dismayed at the changes I've seen in just the past few years, especially the proliferation of cannabis stores. The proposed concentration of three such stores side by side is disturbing, as it brings increased traffic and undesirable trade. The proposed area is surrounded by residents who have already been impacted by the stores already in business.

I urge you to deny the application.

Connie Renfro
2139 Iris Pl
Costa Mesa, CA 92627

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From: steve klaustermeier <klausto@att.net>
Sent: Saturday, December 9, 2023 6:30 PM
To: PC Public Comments
Subject: Planning Action 22-22

We live in the house right behind the property at 1860, 1858, 1854. We had no say when the Nice Guys got their ok to move in. We have lived here 10+years & saw our beloved donut shop shut down & then a pot shop came. The only notice we got was a postcard from Nice Guys that said, "coming soon". We smell & have witnessed & taken photos of patrons smoking in the parking lot next to our house, even though they have "so-called security".

That said, we are good neighbors with the Jewelry store at 1860 since we moved in. We discussed the upcoming pot shop merger with their property and with the people that want to move in. The new tenants made it seem like no problem...lots of security...etc. It seemed like it might work ok, they promised 24-hour security, minimum lighting that won't shine in our windows & minimum traffic as they plan to have the front door on Newport Blvd. But it seems that even though they got the approval, it's moving super slow. This has been going on nearly a year. This was before the Nice Guys moved in. Now we are looking at 2 pot shops a 25+ yards away from each other.

Now we get another planning commission notice of another pot shop at the palm reader at 1858...3 shops all next to each other??? Wow...we really feel like we are in the Twilight Zone!

We think that this is getting out of hand with 3 stores on the main street through Costa Mesa. Not just locals but lots of visitors drive this corridor. We call this stretch of road from 19th to Harbor as "The Costa Mesa Strip"! What do you think the visitors will think about our city when they see this? I guess that the zoning laws seem to be the what's driving this decision & many of us think that the city may be on the take for some reason we can't understand. We think that the increased traffic in the alley with delivery service, more patrons smoking before they hit the road does not bode well. Our neighbors have a child...how will this affect her & her family going forward?

We are not political activists nor those that protest or disagree with everything for the principal. We are just really concerned about the safety of our little neighborhood & most importantly, our property value. Please tell me honestly, if you lived here, would you really agree to let this happen? I think not as you know what the impact will be for those of us in this neighborhood.

I hope you consider our words & think hard about what is right...thank you for listening.

Janis Bromberg
Steve Klaustermeier
115 Flower St.
Costa Mesa, CA
949.646.7025
klausto@att.net

PARTIDA, ANNA

PH-4

From: Moe Althani <summitseven82@outlook.com>
Sent: Sunday, December 10, 2023 8:30 AM
To: PC Public Comments
Subject: NO MORE CANNABIS SHOPS!

Hello Planning Commission,

This email is about a dispensary that's planning to open at 1858 Newport Blvd in Costa Mesa. Newport Blvd is already a very busy street. I am pleading with you to stop the expansion of cannabis stores in this area that already has an existing cannabis store and another that's been approved. We do not need any more shops added to this particular area! Traffic and parking are already horrible in this area, having four cannabis stores in a row does not resolve anything but cause more issues. We do not need to be known as a city with a whole street dedicated to weed shops.

Please hear my concerns and take it in to consideration. STOP the expansion of cannabis retail shops on Newport Blvd!

-Moe Althani

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From: Lilia Wilkes <wilkeslilia@gmail.com>
Sent: Sunday, December 10, 2023 1:49 PM
To: PC Public Comments
Subject: Fwd: Deny cannabis store at 1858 Newport Blvd.

City Planning Commission,

I agree with the rest of my neighbors that three retail cannabis shops and perhaps four are **too many** to have within a two block area. There is no reason to have "high density" location cannabis shops at all. Unless, of course, it's for the tax revenues for the City. But for those who will purchase cannabis, the City will get that one way or another. Please deny this cannabis store at 1858 Newport Blvd. and any other applicant within a three block area on Newport Blvd. No one needs more than one retail cannabis shop per City block.

Lilia V. Wilkes

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PARTIDA, ANNA

PH-4

From: Britta Doostmard <brittalynn87@gmail.com>
Sent: Sunday, December 10, 2023 8:45 AM
To: PC Public Comments
Subject: Cannabis store - proposed at 1858 Newport Blvd.

Hi there,

I'm writing to express my concern over how many cannabis stores are popping up in Costa Mesa. I'm 100% okay with a couple of them but all the sudden it seems they're everywhere along Newport Blvd. and surely we don't need 3-4 all in a row? We live in Eastside with our school aged children and also own a rental in the same area. I'm very concerned about the safety of Costa Mesa. I don't think this is the image the city is trying to pursue and I doubt it's helping our property values either. Please consider the families of Costa Mesa when you make your decisions on these approvals. I would love to see more family friendly small-businesses in their place. Thank you!

Best,

Britta Doostmard

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From: Barbara Les <barbarales@aol.com>
Sent: Sunday, December 10, 2023 3:04 PM
To: PC Public Comments
Subject: stop the proliferation of retail cannabis

With few restrictions for retail cannabis place in Costa Mesa our city will sadly decline. Look at the few other cities in Orange County that approved retail cannabis: Santa Ana, Fullerton and La Habra. All have more strict restrictions for the number of, location and size. Why take a beautiful family oriented city like Costa Mesa and CRAM so many retail cannabis stores inside the city limits? For the license fees? PLEASE reconsider this decision and don't say this is what the voters wanted b/c it truly is not the case.

I have been in front of you before on this topic. Planning commission points the finger at the city council and in turn they point to the voters. There are too many, too concentrated and besmirch the character of our city. Barbara Les

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From: Michelle West <mwest@robinsonfirm.com>
Sent: Sunday, December 10, 2023 5:10 PM
To: PC Public Comments
Subject: DENY CANNABIS STORE at 1858 Newport Blvd., Costa Mesa

I am a long-time resident of Orange County and a lawyer in Newport Beach. In Costa Mesa, we have a lot of drug-addicted homeless people wandering the streets, engaging in property crimes and urinating and doing drugs on the sidewalk on Newport Blvd.

I understand that weed dispensaries do not necessarily mean that these people will frequent these business and I understand that these are legal businesses. I also know, from doing litigation for 20 years, that these businesses have security issues. I do not want 4 week dispensaries within 2 blocks of my house with the already problematic homeless and drug-addict situation in the area and with the lack of law enforcement addressing this. I do not see the need for so many cannabis dispensaries right next to each other in this area. Why? What is the need? There are plenty of dispensaries everywhere. I know that these businesses will increase crime, increase the number of homeless loitering and hanging out in the area and will only increase crime and bring down home values in the area.

This entire area will become a garbage dump and it is not fair to the schools in the area, the reputable establishments in the area and the homeowners.

Please STOP ALLOWING ALL THESE CANNABIS DISPENSARIES.

Michelle M. West, Esq.

Partner

ROBINSON CALCAGNIE, INC.

19 Corporate Plaza Drive

Newport Beach, CA 92660

Tel: (949) 720-1288

Fax: (949) 720-1292

mwest@robinsonfirm.com

www.robinsonfirm.com

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PARTIDA, ANNA

PH-4

From: Lupe Cleavinger <lupecleavinger@sbcglobal.net>
Sent: Sunday, December 10, 2023 10:36 PM
To: PC Public Comments
Subject: Deny Pot Shop At 1858 Newport Blvd

Enough is enough! No more cannabis stores in our saturated city. We live in the 200 block of Broadway and we already have a cannabis store on our street at Newport and 17th nearby.

Sent from MRC's iPhone :0)

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From: Thien Pham <tphamoc@gmail.com>
Sent: Sunday, December 10, 2023 10:59 PM
To: PC Public Comments
Subject: Broadway/Newport Blvd - Deny Weed Shop trying to open

Planning Commission,

Its very concerning to hear that there is a plan in place to add more weed shops next to my house. I feel like the two stores are more then enough. We already have one open on Broadway/Newport Blvd and one approved to be open. Why is there a plan to open two more shops in the same exact vicinity, literally right next door to each other?! My concern is the increase in crime rates it'll bring to our city. It might attract the wrong clients to our neighborhood. I hope that you would reconsider this plan to open more weed shops. Please reach out to me if you have any questions.

Thien Pham

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From: Sofia Lopez <lopez.sofia8020@gmail.com>
Sent: Monday, December 11, 2023 9:15 AM
To: PC Public Comments
Subject: Tienda de Cannabis 1858 Newport Blvd Costa Mesa

Hola Comisión de Planificación,

Hay una tienda de cannabis que planea abrir en 1858 Newport Blvd en Costa Mesa. No hubo comunicación del solicitante indicando que se abrirá una tienda de cannabis. ¿Por qué abren tantas tiendas de cannabis en la misma cuadra? ¿Puedes hacer algo al respecto y negar su plan de abrir una tienda? No queremos que nuestro barrio esté lleno de tiendas de cannabis.

Gracias,
Sofia Lopez

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From: Monika Vu <mrsmonikavu@gmail.com>
Sent: Monday, December 11, 2023 9:31 AM
To: PC Public Comments
Subject: DENY Cannabis Store at 1858 Newport Blvd, Costa Mesa

Dear Planning Commission,

I urge you to DENY permitting the cannibas dispensary located at 1858 Newport Blvd, Costa Mesa.

I live on Broadway street and I strongly believe that having this many dispensaries especially right up against a residential neighborhood is a really bad idea.

I am not against cannabis, but I believe that dispensary locations should be away from neighborhoods. Just like I am not against alcohol, I certainly would not want a liquor store, nor 4 liquor stores side by side to be down the street from my house. EastSide Costa Mesa is a beautiful neighborhood and having 4 cannabis stores doesn't send a good message that we are a family friendly neighborhood that we have all worked so hard to create. I don't even want to walk down the street so my baby boy can avoid seeing it.

I have seen firsthand the crowd that has been drawn to the Mr. Guy dispensary located next door and it concerns me to have more as I have personally seen strange crowds increase there as well as drunk people from the bars heading there as well. The biggest concern is increased crime. Crime has already increased significantly in our area and we don't know yet how much crime can increase as a result of this. Please don't let it be too late and then we have to fix the problem later or worse that my family and neighbors have to move. If you want to approve a permit then please make it in an area without homes like High Seas on the other side of Triangle Square.

Adding these dispensaries would only make more of us in the neighborhood not want to bring business to Triangle Square as a result since we have seen strange crowds hanging outside these dispensaries. Please think twice and don't approve the permits.

Thank you,
Monika Vu

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PARTIDA, ANNA

PH-4

From: Kathryn Rollins <plumblines@hotmail.com>
Sent: Monday, December 11, 2023 11:27 AM
To: PC Public Comments
Subject: Cannabis Store at 1858 Newport Blvd, Costa Mesa - DENY

To whom it may concern,

I understand the tax dollars a cannabis store bring may be enticing to the City of Costa Mesa. But, I'm asking as a concerned parent and long time homeowner of Eastside Costa Mesa that we not approve another store. We have Catalyst, Mr Nice Guy and Nector. We don't need more.

It's not good for the safety of our community, for our kids or for the positive growth of this City. It's not happening in Newport Beach or in Corona del Mar.

Thank you,
Kathryn

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PARTIDA, ANNA

PH - 4

From: Harper williams <williams.harper4@yahoo.com>
Sent: Monday, December 11, 2023 11:33 AM
To: PC Public Comments
Subject: STOP/REJECT Cannabis Companies from taking over our city! - 1858 Newport Blvd

Hi Planning Commission Members,

Please do not approve this new cannabis store (1858 Newport Blvd, Costa Mesa CA) that's trying to open. We do not need another marijuana shop next door to each other or saturating our neighborhood. Do not let them overtake our peaceful neighborhood. This is getting out of control, and we need you to reject this plan!

Regards,
Harper Williams

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PARTIDA, ANNA

PH-4

From: Sully JW <8manzanilla76.12@gmail.com>
Sent: Monday, December 11, 2023 11:48 AM
To: PC Public Comments
Subject: Address to DENY : Cannabis Store 1858 Newport Blvd , Costa Mesa

Attention: Planning Commission of Costa Mesa

December 11, 2023

To Whom It May Concern:

I am a longtime resident of Eastside Costa Mesa and am writing in reference to the proposed Cannabis Store at 1858 Newport Blvd., Costa Mesa.

I implore the planning commission to DENY this cannabis store be opened at this address, or anywhere in Eastside Costa Mesa. I have no interest in drugs being sold and distributed in my neighborhood. There are already TWO approved cannabis shops within a few blocks of one another - one at 1854 Newport Blvd which is open, and another at 1860 Newport Blvd - which is approved. There is a FOURTH cannabis shop pending at 1848 Newport Blvd. This is excessive, unnecessary and potentially unsafe for residents. I am also not interested in diminishing my property value.

As a concerned resident I am not interested in Eastside Costa Mesa becoming a gateway for drug distribution and the clientele and traffic it will attract in my neighborhood. This is a family friendly area, that has up until now been safe. I URGE THE PLANNING COMMISSION TO DENY approval for the CANNABIS store at 1858 Newport Blvd. in Costa Mesa.

Sincerely,

Sully Jacome
Walnut St., Costa Mesa

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PARTIDA, ANNA

PH-4

From: W Lewis <woodcowoodie@gmail.com>
Sent: Monday, December 11, 2023 11:52 AM
To: PC Public Comments
Subject: Pa-22-22

I own 126 Broadway and 130 Broadway and I oppose the pot shop at 1858 Newport Blvd. Glenda Lewis

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PARTIDA, ANNA

PH-4

From: Stephanie.abel808 <Stephanie.abel808@proton.me>
Sent: Monday, December 11, 2023 12:01 PM
To: PC Public Comments
Subject: STOP THIS PLAN FROM GETTING APPROVED!!!!

Stop the opening of 1858 Newport Blvd in Costa Mesa. What have our city become? I feel like greed is taking over if you're allowing more weed shops to open in an area that has weed shops. Stop this opening from happening! It's insane why this is even a plan in place

Stephanie Abel

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Correspondents
received after the 12-
noon deadline.

From: TORRES, IVIS
Sent: Monday, December 11, 2023 3:10 PM
To: GREEN, BRENDA
Cc: TERAN, STACY; CONSTITUENT SERVICES; PARTIDA, ANNA
Subject: FW: Retail Cannabis

Hi Brenda,

Please see the public comment below regarding retail cannabis.

Thank you,

Ivis D. Torres

Management Aide | Constituent Services Team

(714) 754-4867 (office) | (949) 629-5032 (cellphone)

77 Fair Drive | Costa Mesa | CA 92626



PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL. THANK YOU!

Appointments can be made at www.costamesaca.gov/appointments.

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



TESSA
TOTALLY ELECTRONIC SELF SERVICE APPLICATION

From: Philip Mock <Pmock@wwtco.com>
Sent: Monday, December 11, 2023 1:41 PM
To: CONSTITUENT SERVICES <constituentservices@costamesaca.gov>
Subject: Retail Cannabis

This letter is in regard to the planned Cannabis storefront at 1858 Newport Blvd. There is not a need to amend any measures to allow additional storefronts in any areas. The new location is extremely close to residential housing as are other new storefronts. We should change the definition of minimum separation from sensitive uses to include residential areas. Childcare facilities, K-12 schools, playgrounds and all major

thorough fares leading to these areas are sensitive. Homeless shelters should not be considered a sensitive use area - this makes no sense. **Our children are the most vulnerable population of our city, and we need to look out for THEM (not the homeless)!** We don't need more drugs!! **Stop allowing additional retail shops, there are enough already.** I was walking down Broadway the other night with my son and witnessed a confrontation in front of the store already there. This will just bring more delinquent behavior. **Stop this madness!!**

Jeff Harlan - you remember what it was like living on our block. Why do this to the entire city!

Regards,
Phil Mock

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From: Kristin Berkenfield <kberkenfield@yahoo.com>
Sent: Monday, December 11, 2023 12:25 PM
To: PC Public Comments
Cc: Dan Berkenfield
Subject: Deny cannabis shop 1858 Newport Blvd.

Dear Costa Mesa Planning Commission,

I am writing to request that you deny licensing for yet another cannabis store to be located at 1858 Newport Blvd. With 1854 Newport Blvd already approved and open and 1860 Newport Blvd already approved, This is complete over saturation in this area. This is a residential access point to our neighborhood and enough is enough. We look forward to you standing up for and preserving our residential community and denying this location.

Sincerely,

Kristin and Dan Berkenfield
391 Broadway

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PARTIDA, ANNA

PH-4

From: Victoria Swigart <victoriaswigart@gmail.com>
Sent: Monday, December 11, 2023 2:29 PM
To: PC Public Comments
Subject: Cannabis store at 1858 Newport Blvd

To whom it may concern,

I wanted to express my concerns about another cannabis shop going in on newport blvd. I am not opposed to legal cannabis, by any means, but 3 stores side by side is completely unnecessary, and I want to express my opposition to this new store.

Thank you,

Victoria Swigart

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