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**From:** David Haithcock <dhaithcock@costamesachamber.com>  
**Sent:** Tuesday, February 21, 2023 11:54 AM  
**To:** CITY CLERK  
**Subject:** CM Chamber Comment Letter RE Agenda Item 10  
**Attachments:** CM Chamber Comments RE Agenda Item 10.pdf

Please see attached a comment letter regarding agenda item 10, refunding of application fees

Thank you



**David Haithcock**  
President & CEO  
**Direct Ph** 714-885-9090 **Cell** 949-400-0694  
**Web** [costamesachamber.com](http://costamesachamber.com)  
1870 Harbor Blvd Ste 105 Costa Mesa, CA  
92627



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February 21, 2023

The Honorable John Stephens  
Mayor, City of Costa Mesa  
77 Fairview Drive  
Costa Mesa, CA 92626

RE: Agenda Item 10

Dear Mayor Stephens and City Council Members,

On behalf of the Costa Mesa Chamber of Commerce, I respectfully request that the City Council defer from acting on Item 10 until a comprehensive review of all applications currently pending in the Planning Department is provided to the City Council. This includes, but is not limited to cannabis, restaurant openings/expansions, construction/remodeling, and all other business-related applications.

The agenda item provided to you relates to cannabis business applications and fees already submitted to the city and fails to indicate what corrective actions can be taken in order to address the delays in processing the required services. We believe to merely approve the refunding of business application fees will only exacerbate the processing delays being experienced by the business community.

In addition to the voter-approved cannabis business initiative (Measure Q) that passed over two years ago, Costa Mesa voters recently approved a housing initiative (Measure K) that will require staff processing of additional applications.

We encourage the City Council to review options that would allow the Planning Department to take corrective action and begin to address the backlog of pending applications. We believe that merely allowing staff to refund business application fees because they are unable to process business applications will have a negative impact on the business community.

The Chamber is eager to work with staff and the City Council on this and other issues of importance to our community. We value the positive working relationship we enjoy with city staff and look forward to working together to address this issue and enhance the quality of life for all residents, visitors, and businesses in Costa Mesa.

Sincerely,

David Haithcock  
President & CEO

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**From:** Jim Fitzpatrick <jimfitzeco@gmail.com>  
**Sent:** Tuesday, February 21, 2023 11:28 AM  
**To:** CITY CLERK  
**Subject:** Request to Pull Consent Calendar Item #10 and Continue to March Cannabis Policy Discussion  
**Attachments:** City Council Letter - Continue Consent Item #10 2.21.2023.pdf

Please see attached request and comments

Cheers,

Jim Fitzpatrick  
Solutioneer

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City Council Letter – Request to pull Consent Item #10 and continue 2.21.2023

**Request:** Pull Consent Calendar Item #10, and continue the item until March City council discussion on Cannabis Policy

Cannabis Policy needs to be considered all together and not piecemeal.

At last weeks City Council Study Session, we heard Council clear direction to schedule a properly azenized item to discuss Cannabis Policies. There was no clear consensus of direction given to Staff. Given this, and the direction by City Council to Staff, postpone this item

The City needs to determine how many Cannabis Applications are still being actively pursued. So this policy can be part of a larger push to get accurate information.

The City has not published an Application Status document since January 14, 2022. That is no communication in over a year. After the City collected \$2.5 million of toll booth fees ... Stop! Pay! Note, Measure K will not have these upfront fees to handle the entitlement process.

The number is not 63 Cannabis Retail Applications as several have stopped actively pursuing the Application. And others will take the City up on a Refund of Fees.

Funds to process Applications expeditiously have been collected to enable City Staff to process Applications consistent with The Land Use Element -6.8 : ... **Provide efficient and timely review of development proposals while maintaining quality customer service standards for the business, development, and residential community.**

How can the City give an Application Status without first understand why the Entitlement Process is not working?

In the City Council Study Session, no data was offered to demonstrate cannabis is the culprit for causing such low productivity as evidenced by the few Applications processed at the Planning Commission.

**Here are good facts to evaluate the Entitlement Process:**

- City gave guidance they would process Cannabis Applications at the rate of 4-5 per month
  - That is 32-40 Applications over the processing of Cannabis Applications
  - City has delivered 16 Projects to Planning Commission
  - That is half the number the City planned to deliver
- City Budget contains \$2.5 million in Cannabis tax revenue, by the end of June
  - Comments by Council indicate only \$15,000 in cannabis tax revenue has been collected

**City Council Letter – Request to pull Consent Item #10 and continue 2.21.2023**

- That is a significant budget shortfall
- Measure X Entitlement Processing Timeline
  - 15 times, I worked with Staff to process each Application in only 4 months
  - That was the benchmark
  - We had good communication and efficiency in processing Applications
- Measure Q Entitlement Processing Time
  - Currently, the Entitlement Process take about a year
  - That is way too long
  - City is not addressing the process issues
  - Pivoting from Cannabis does not solve the underlying process issues
- This is not just a Cannabis Entitlement processing issue
  - ALL APPLICATIONS ARE DELAYED

**Policy Topics to discuss in March:**

1. How will the City process the Social Equity Application?
2. How will the City process the last few Measure X partnered Applications?
3. The City Council is the Policy making body of the City
  - The City Council can manage one and only one Employee – The City Manager
  - To avoid costly law suits, City Council needs to make formal Policy decision
4. The Entitlement Process is not working
  - In order to bring about a solution, the problem must be properly stated
  - City needs to add resources and tech support to assist Staff
  - You cannot managed what you do not measure
  - If all the City does is “Pivot” away from
5. Instill a culture of Customer Service
  - There is widespread evidence that cannabis and non cannabis applications believe there is a lack of communication between Staff and Applicants
  - Put a Policy in place where Staff must respond in a specific period of time
6. What does this say to Measure K Developers
  - There have been no discussion on the underlying entitlement processing issues
  - Potential Applicants are aware of the customer service and communication issues

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**From:** Evan Spencer <evan@swretail.co>  
**Sent:** Tuesday, February 21, 2023 11:10 AM  
**To:** CITY CLERK  
**Cc:** Evan Spencer; Jim Fitzpatrick  
**Subject:** City Council Comments - Retail Cannabis Application - 2037 Harbor Blvd.  
**Attachments:** City\_Council\_Comments\_-\_Cannabis\_Application\_-\_2037\_Harbor\_Blvd.docx.pdf

Dear Council Members-  
Please see formal letter attached for your review regarding our project.

Regards,  
Evan Spencer  
SW Retail Ventures  
SW Ventures.

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**2037 Harbor – The Drop City Council Comments 2.21.2023**

To: Cost Mesa City Council Members.  
Re: Costa Mesa Retail Cannabis Application Status.  
CC: Christopher Reeder; Paul Toor, Jim Fitzpatrick.

Dear Council Members.

My name is Evan Spencer, I am a Measure Q Retail Cannabis Applicant at 2037 Harbor Blvd. I need your help and assistance.

In January, in response to our constant inquiry to our project status, Staff responded with a devastating statement that our application was not in the next “15 Actively Processing” group. Now we hear the city is trying to “Pivot”?

Between the Measure X Operation and Measure Q Application, I have spent a significant amount of capital here in Costa Mesa. Our Property Owner has also been significantly harmed by the extended period of not having a current tenant. **The \$40,000 refund is not an option for our application.** What we need is our application deemed complete and a Planning Commission Public Hearing scheduled. There is no reason our application is not being processed with the same timing of other Phase 1 Applications.

To give background, In 2021, The City of Costa Mesa developed an application process to favor Measure X Operators with a priority status. To gain this status, we partnered with a Measure X operator. On August 12, the very first day, we submitted our Application for Phase 1. Since, we responded expeditiously at every step of the process only to be told we are still not being processed.

In response to this, our team went through our application history to document the many mistakes made by the city which has caused undue delay to our application.

Timeline:

1. We have an Email from Staff confirming **all** our CUP Application Files were received and forwarded to HdL.
2. We noticed it was taking longer than others for the review, so we persisted in inquiring on the status with Staff.
3. December, when other Phase 1 Applications were receiving their “Notice to Proceed”, we received Staff Comments from HdL that indicated each and every element of the Security Plan was missing. HdL did not in fact have the file of our Security Plan. The very next day, we submitted the original Security Plan, again.
4. From the middle of December, we inquired with Staff as to the status, asking for help so we could submit our CUP in December, before the holidays.
5. HdL did not respond.
6. In January, we received notice that our excellent Security Plan was approved, without any comments.
7. Staff notifies us HdL could not issue the Notice to Proceed because of a Background Check issue with one of the Owners, Ray Chacon. Ray Chacon had passed 7 other background checks and was an active owner of a cannabis company.
8. We later receive an email from Staff indicating HdL made a mistake by inserting the wrong owner information. When the correct information was submitted the Owner passed the background Check.
9. On Feb 2, 2022 (+60 days) we finally received the delayed “Notice to Proceed” and submitted our CUP shortly after.
10. After no contact for many months, we walk the floor at City Hall. Our planner Gabe tells us he is waiting on Comments from Transportation. We ride the elevator to Transportation. Transportation tells us they never received anything from planning.
11. We directly e-mail transportation and they respond to planning 1 day later with no comments.
12. Gabe tells us there are no further comments for our application.

## 2037 Harbor – The Drop City Council Comments 2.21.2023


My attorney is in the final stages of sending a formal letter, with documentation of these harmful mistakes.

### We have 2 asks of the City:

1. Process this Application in the same timing as other Phase 1 Applicants , with Measure X Partners
  - The Applicant was harmed by the processing mistakes, through no fault of their own
  - **The simple remedy is to “Deem the Application Complete” and schedule the Public Hearing**
2. Schedule discussion of Fee Refunds in March, so the City Council can make policy decisions as a whole
  - **Remove Consent Calendar item #10, and reschedule in the March City Council Cannabis Item**
  - To pivot now, and further delay the processing of Priority Applications is not a good policy
  - These Policy decisions need to be made by the City Council, as directed to Staff at the February 15 city Council Study Session
  - The City Council needs to discuss and ultimately honor the promises made to Measure C partnered Measure Q Retail Cannabis Application and the Social Equity Application.

Our intention is to quickly address the mistakes, and get our Application processed with other Phase 1 Applicants.

Thank you for taking the time to read our letter.

DocuSigned by:  
  
0F572B6D29FB4E2...

Warm regards,

Evan Spencer

2037 Harbor Blvd

SW Retail Ventures (Measure X partner SW Ventures 3505 Cadillac Ave, Unit 5)

Evan@swretail.co



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**From:** vivian nguyen <vivian@themerchantileoc.com>  
**Sent:** Tuesday, February 21, 2023 10:47 AM  
**To:** CITY CLERK  
**Subject:** Letter to City Council- Cannabis Application

**Mercantile Cannabis Social Equity Application – 141 E 16<sup>th</sup> St – City Council Letter 2.21.2023**

My name is Vivian Nguyen, and I am an owner and applicant for a Measure Q Cannabis Retail Store.

This is Costa Mesa's only Social Equity Application, based on a special and unique application status and process, as developed intentionally by Costa Mesa.

**We have the following request:**

**Continue Consent Item #10 to March, so the City Council can discuss Cannabis Policy all together.**

We are concerned that current discussions on Cannabis Policy by City Staff does not respect the intent of Costa Mesa's Social Equity application process.

We believe this is an important and necessary consideration for Cannabis Policy discussions.

Our Application is in the final stages, and close to being "Deemed Complete". We had been given guidance by City Staff of an expected Spring date at the Planning Commission.

It is important to recognize and respect the process established by the City, and please support our Social Equity Application.

We have Plans ready to significantly improve a 100 year old Boat Yard, with an elegant, modern site that creates quality jobs and significant tax revenue generation for the City.

For our Project, considering all the time and money we have spent based on the Social Equity Application status and process, a refunding of fees is not for our Project.

We respectfully request the City process our Social Equity Application expeditiously.

Respectfully,

Vivian Nguyen  
Owner  
Mercantile  
141 E 16<sup>th</sup> St

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**From:** Munoz, Patrick <pmunoz@rutan.com>  
**Sent:** Monday, February 20, 2023 5:19 PM  
**To:** STEPHENS, JOHN; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARLAN, JEFFREY; HARPER, DON; REYNOLDS, ARLIS; CITY CLERK  
**Cc:** GREEN, BRENDA; FARRELL HARRISON, LORI ANN; Kimberly Hall Barlow - City Attorney; 'jenniferle@costamesaca.gov'; Slobodien, Mia R.; Farrell, Jennifer J.  
**Subject:** Council Meeting on February 21, 2023 - Denial of Planning Application 22-21 for a Conditional Use Permit (CUP) - Response to suggestion that matter may be referred back to Planning Commission  
**Attachments:** Ltr to Costa Mesa City Council dated 02.17.23(18840626.1).pdf

Mayor and members of the Council,

Attached please find another letter from our office related to the above project, this one addressing the suggestion in your Staff Report that our client's matter could be referred back to the Planning Commission. For the reasons noted in the attached letter, it is our view that you cannot remand the letter to the Commission.

On a separate, albeit related topic, in reviewing the Staff Report and otherwise preparing for the Appeal Hearing, we noted a written public comment was provided by Grant McNiff in opposition to our client's appeal. Mr. McNiff apparently is well known to you, as the operator of a sober living home. His email claims that Charle Street is a homeless shelter and that our client's project would be prohibited by the City's sensitive use restrictions. Since, as you are aware, Charle Street is a sober living home, not a homeless shelter, Mr. McNiff's assertion is patently false and legally inaccurate. To the contrary, as correctly noted in the Staff Report, our client's proposal complies with all sensitive use restrictions.

Thank you for your ongoing consideration of our client's appeal, and the time you have dedicated to reviewing the various letters we have provided. We, and our client, very much appreciate the effort that you have put into this issue. Patrick Munoz

**A. Patrick Muñoz**

18575 Jamboree Road, 9<sup>th</sup> Floor | Irvine, CA 92612

O. (714) 641-5100 | D. (714) 662-4628

[pmunoz@rutan.com](mailto:pmunoz@rutan.com) | [www.rutan.com](http://www.rutan.com)



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February 19, 2023

**VIA E-MAIL**

Mayor John Stephens and  
Members of the City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

john.stephens@costamesaca.gov  
andrea.marr@costamesaca.gov  
manuel.chavez@costamesaca.gov  
loren.gameros@costamesaca.gov  
jeffrey.harlan@costamesaca.gov  
don.harper@costamesaca.gov  
arlis.reynolds@costamesaca.gov  
cityclerk@costamesaca.gov

Re: Meeting on February 21, 2023  
Denial of Planning Application 22-21 for a Conditional Use Permit (CUP)  
Appeal Hearing for Access Costa Mesa dba South Coast Safe Access  
Follow-Up to February 16 and 6, 2023 Correspondence

Dear Honorable Mayor and Councilmembers:

This office represents the applicant, Access Costa Mesa dba South Coast Safe Access (“Safe Access” or “Applicant”), who applied for a Conditional Use Permit (“CUP”) for the establishment of a retail cannabis storefront business located at 2001 Harbor Boulevard, Suites 101-103, in the C-2 (General Business District) zone. The property is owned by Vaccher Family Trust (“Property Owner”).

Our office previously sent correspondence to you on February 6<sup>th</sup> and 16<sup>th</sup>, 2023. Among other items, that correspondence noted multiple instances of procedural due process rights violations and Brown Act violations by the City in the course of processing my client’s appeal (“Appeal”) of the Planning Commission’s 4-2 denial of Planning Application 22-21 (“PA-22-21” or “Project”).

Since our prior correspondence, the City’s Staff Report related to the Appeal (“Staff Report”) has been published. The Staff Report indicates that the City Council has the option to take three actions: (1) upholding the Appeal (and thus, denying the Project); (2) denying the appeal (and thus, approving the Project); and (3) remand the item back to the Planning Commission for further consideration and review. The purpose of this letter is to inform the City Council that, despite the language contained in the Staff Report, ***the City Council does not have the authority to remand the item back to the Planning Commission for further review.***

As the Council is aware, and as highlighted in the Staff Report, the City’s Municipal Code lays out a host of rules and procedures by which appeals are to be processed. For instance, the Code provides that a city council member or other individual who qualifies as an “affected person”

Mayor John Stephens and  
Members of the City Council  
February 19, 2023  
Page 2

may appeal decisions of the Planning Commission within a certain timeframe (7 days). (CMMC §§ X.) It provides that a fee must be paid in order for the appeal to be processed. (CMMC §§ 2-307.) And it likewise provides that an appeal of the planning Commission’s decision “*shall*” be scheduled for a de novo hearing before the City Council within a certain timeframe. (CMMC §§ 2-303.) With respect to that *mandatory* de novo hearing, the Code provides that the City Council can consider: “(a) Any relevant evidence, including staff reports, etc., submitted at the time of the prior decision and at the appeal hearing, and ~conjunction~ (b) Findings, if any, and decision of the person or body whose decision is being appealed.” (See, CMMC § 2-303(4); Black’s Law Dictionary (11<sup>th</sup> ed., 2019) [defining “hearing, de novo”].) The Code further provides that the process and procedures laid out in Title II, Chapter IX are “...the *exclusive methods* by which appeals and reviews may be pursued and none of the steps set forth herein may be waived or omitted.” (CMMC §§ 2-311, *emph. added.*)

Notably, while the Title II, Chapter IX provides a process for the City Council to hear, and thus issue a decision on an appeal of certain Planning Commission decisions, it does *not* provide a process by which an item on appeal could be remanded to the Planning Commission. Given that these procedures are the “exclusive” means by which appeals must be processed, it follows that remanding the item to the Commission is *not* one of the permissible actions that the City Council can take with respect to the Appeal.

*Woody’s Group Inc. v. City of Newport Beach* (2015) 233 Cal. App. 4th 1012 is directly on point. In that case, the City of Newport Beach also adopted a Municipal Code that laid out specific procedures for processing Planning Commission appeals. (*Id.* at 1025.) The Code also contained a provision, similar to Costa Mesa’s, that “...no person “shall” seek “judicial review of a City decision” until “all appeals to the Commission and Council have been first exhausted in compliance with this chapter.” (*Id.* at 1026-1027.) Newport Beach attempted to argue that, even though the Code did not by its plain language allow for a council members to appeal Planning Commission decisions to the City Council, such appeals were nevertheless permissible as a result of its policy and practice. The Court rejected the City’s arguments, holding:

The Newport Beach Municipal Code clearly does not allow for city council members bringing appeals from city planning commission decisions to—literally—themselves. There is absolutely no provision in the code for an exception for city council members to the code’s rules requiring appellants be “interested,” post a fee, and use the right form. The city’s response—that it has been violating this rule for a long time—is not convincing here. . . . And that restriction is doubly emphasized by the provision at the end of the section saying that no attack is to be made on a decision in the courts unless there has been “compliance” with the chapter in the municipal code concerning appeals. ***Obvious implication: There is no room for unwritten rules, policies or customs outside the municipal code or for the city council to give its members privileges to appeal not “in compliance with this chapter.”*** (*Id.* at 1027, citations omitted, *emphasis added.*)

Mayor John Stephens and  
Members of the City Council  
February 19, 2023  
Page 3

Such is the case here. Like *Newport Beach*, the Costa Mesa Municipal Code contains strong language that the appeal procedures set out are the “exclusive” means by which appeals shall be processed. Moreover, like *Newport Beach*, whose Code lacked a provision allowing for councilmember appeals, Costa Mesa’s Municipal Code similarly lacks any provision allowing for appeals to be remanded back to the body from which they came. As such, any attempt to do so with respect to the Appeal at issue here would be a violation of the City’s code and procedures, and would constitute yet another procedural due process violation.

In addition to the obvious legal ramifications of a remand, it cannot go unmentioned that there are considerable financial consequences of continuing to delay the resolution of this matter, particularly given City Staff’s recent proclamation that it desires to slow down the pace of cannabis application processing (despite Council authorization to do so). In this regard, Safe Access has spent the past two years trying to navigate the bureaucratic red tape put in place by City Staff. When, after two years, it finally came time for a hearing on its Application, the Planning Commission denied its Project on grounds that are not laid forth in the Municipal Code. Then, after filing the instant Appeal, Safe Access was again placed the backburner and not scheduled for an appeal hearing for not one – but three City Council meetings. Indeed, it was only scheduled for February 21<sup>st</sup> after pointed threats of litigation from our office. If the City Council were to remand the appeal, there is no doubt that (particularly given City Staff’s new “policy”), Safe Access will be placed on the same bureaucratic hamster wheel, with no real end in sight. That is not the outcome envisioned by the City’s Municipal Code (which clearly aims to resolve appeals at the next regular City Council meeting), and it should not be the outcome tolerated by a City Council that has a stated policy that it desires “to attract, retain and expand businesses within the City.”

The City Council cannot – and should not – remand this action to the Planning Commission. Rather, and for the reasons set forth in our various correspondence on this topic, the City Council should overturn the Planning Commission’s denial of the PA-22-21, and approve the CUP.

RUTAN & TUCKER, LLP



A. Patrick Muñoz

APM:mrs

cc: Brenda Green, City Clerk ([brenda.green@costamesaca.gov](mailto:brenda.green@costamesaca.gov))  
Lori Ann Farrell Harrison, City Manager ([loriann.farrellharrison@costamesaca.gov](mailto:loriann.farrellharrison@costamesaca.gov))  
Kimberly Hall Barlow, Esq. ([khb@jones-mayer.com](mailto:khb@jones-mayer.com))  
Jennifer Le, Director of Economic and  
Development Services ([JenniferLe@costamesaca.gov](mailto:JenniferLe@costamesaca.gov))  
Client

---

**From:** Jacob Azizi <jacob@avantrealstate.com>  
**Sent:** Monday, February 20, 2023 4:09 PM  
**To:** CITY CLERK  
**Cc:** Ara Tchaghlassian; Zyra Daluz; Michelle Sanchez  
**Subject:** CUP hearing2001 Harbor Blvd

**Importance:** High

Hi City Clerk

Im writing this letter to state my comment about the upcoming CUP meeting to take place tomorrow.

Im against any cannabis business opening up near our business at 2015 harbor blvd and believe this will affect our business and the surrounding neighborhood

Please let me know what can be done to stop this from happening.

Thanks



**Jacob Azizi**

Commercial Property Manager/Broker

Cell: 562-371-4364

Office: 562-977-8565 Ext 31086

4490 Ayers Ave Vernon, CA 90058

Email: [jacob@avantrealstate.com](mailto:jacob@avantrealstate.com)

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**From:** cj hunter <prudershime1@gmail.com>  
**Sent:** Monday, February 20, 2023 2:00 PM  
**To:** CITY CLERK  
**Subject:** public comment re: application PA-22-21

I'm writing today to ask that the members of City Council vote to uphold the planning commission's decision to deny Planning Application 22-21 for a retail cannabis storefront business that would be located at 2001 Harbor Blvd.

In the November 2020 election Costa Mesa voters voted to approve Cannabis dispensaries in commercial zones, AS LONG AS they were not located within 1,000 feet of K-12 schools, playgrounds and/or homeless shelters. Though Rhutan-Tucker in their appeal letter to the counsel claims that separation requirements are met for Measure Q, the proposed location of this new dispensary would be located directly across the street from the First Step House of Orange County, a homeless shelter that has been serving adult men in this community since 1952. This would clearly violate the terms of measure Q voted on by the citizens of Costa Mesa, being that it does not have 1,000 feet of separation.

The planning commission has already erred once by approving a dispensary at 1990 Harbor Blvd., (located across the street from the location of the new proposed dispensary) overlooking the fact that it too is located within 1,000 feet of a homeless shelter. I urge the council to uphold the decision made by the Planning Commission to deny Planning Application 22-21. If we are going to vote to pass measures to allow certain types of businesses to operate within the city, I believe we should hold said businesses to the standards and rules held within the measures that were voted on, just like we would with any other ordinance or measure.

Casey Hunter

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**From:** Derek Smith <dsmith@ufcw324.org>  
**Sent:** Thursday, February 16, 2023 1:36 PM  
**To:** CITY CLERK  
**Cc:** CITY COUNCIL; Matt Bell; Joe Hernandez  
**Subject:** Support letter for Access Costa Mesa from UFCW Local 324  
**Attachments:** UFCW 324 Support Letter Access Costa Mesa 021623.docx

Brenda

I am attaching this letter of support for Access Costa Mesa for a Council item that I believe will be considered at the City Council meeting of February 21<sup>st</sup>. Please distribute this to the Council and appropriate staff with all other relevant materials pursuant to the applicant's appeal of the denial of its Conditional Use Permit.

Thank you,

Derek Smith  
Political Director  
UFCW Local 324

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February 16, 2023

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

To Costa Mesa Council and City Staff:

On behalf of the 21,000 members of the United Food and Commercial Workers (UFCW) Local 324, we would like to communicate our strong support for the Access Costa Mesa planning application (22-21) for a cannabis retail storefront business at 2001 Harbor Blvd. The applicant currently operates a retail cannabis operation in Santa Ana and has been a partner with UFCW Local 324 since 2016.

Since the implementation of cannabis in Costa Mesa, the city has been consistent in demanding that this new economy be built on quality jobs, and that all applicants demonstrate a track record of working with labor to ensure this important goal. We view our relationship with Costa Mesa Access to be a model for a successful labor/industry collaboration. Furthermore, we attest to their proven track record of operation cannabis retail in Orange County, and to their commitment to ensure the welfare of their employees.

It is our understanding that the application was denied by the Planning Commission despite a recommendation from the Staff. It is also our understanding that Access Costa Mesa has demonstrated a willingness to mitigate the stated concerns of some of the Commissioners. Should the City Council or the Staff have any doubts of the sincerity of these assurances, we hope that our long history of collaboration will allay any of those concerns.

Thank you for your time and consideration.

Regards,



Matthew Bell  
Secretary Treasurer  
UFCW Local 324

---

**From:** Slobodien, Mia R. <MSlobodien@rutan.com>  
**Sent:** Thursday, February 16, 2023 10:40 AM  
**To:** STEPHENS, JOHN; MARR, ANDREA; CHAVEZ, MANUEL; GAMEROS, LOREN; HARLAN, JEFFREY; HARPER, DON; REYNOLDS, ARLIS; CITY CLERK  
**Cc:** GREEN, BRENDA; FARRELL HARRISON, LORI ANN; Kimberly Hall Barlow - City Attorney; 'jenniferle@costamesaca.gov'; Munoz, Patrick  
**Subject:** Council Meeting on February 21, 2023 - Denial of Planning Application 22-21 for a Conditional Use Permit (CUP)  
**Attachments:** Ltr to Costa Mesa City Council re PC Feb 13, 2023 mtg.pdf

Dear Mayor Stephens and Members of the City Council:

Attorney A. Patrick Muñoz requested that I forward the attached letter dated 02/16/2023 to your attention.

If you have any questions, comments or concerns, please do not hesitate to contact Attorney Muñoz directly at (714) 662-4628 or [pmunoz@rutan.com](mailto:pmunoz@rutan.com). Thank you.

**Mia R. Slobodien**

Legal Secretary

18575 Jamboree Road, 9<sup>th</sup> Floor | Irvine, CA 92612

O. (714) 641-5100 | D. (714) 641-5100 x1341

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February 16, 2023

**VIA E-MAIL**

Mayor John Stephens and  
Members of the City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

john.stephens@costamesaca.gov  
andrea.marr@costamesaca.gov  
manuel.chavez@costamesaca.gov  
loren.gameros@costamesaca.gov  
jeffrey.harlan@costamesaca.gov  
don.harper@costamesaca.gov  
arlis.reynolds@costamesaca.gov  
cityclerk@costamesaca.gov

Re: Meeting on February 21, 2023  
Denial of Planning Application 22-21 for a Conditional Use Permit (CUP)  
Appeal Hearing for Access Costa Mesa dba South Coast Safe Access  
Follow-Up to February 6, 2023 Correspondence

Dear Honorable Mayor and Councilmembers:

This office represents the applicant, Access Costa Mesa dba South Coast Safe Access (“Safe Access” or “Applicant”), who applied for a Conditional Use Permit (“CUP”) for the establishment of a retail cannabis storefront business located at 2001 Harbor Boulevard, Suites 101-103, in the C-2 (General Business District) zone. The property is owned by Vaccher Family Trust (“Property Owner”).

Our office previously sent correspondence to you on February 6, 2023. Among other items, that correspondence noted multiple instances where our client’s procedural due process rights were violated by the City. This correspondence is to bring your attention to *even more due process violations*.

As you will recall, on November 28, 2022, the Costa Mesa Planning Commission, in a split 4-2 vote, denied Application 22-21 (“PA-22-21” or “Project”) for a CUP without any written findings in support of the denial. Because staff has recommended approval of the project, there was no draft resolution of denial as part of the agenda packet, and as such, there was no resolution of denial considered or adopted at that meeting. Moreover, since that meeting, the Planning Commission has not considered or adopted any resolution of denial related to this Project at any agenda meeting.

Most recently, the February 13, 2023, agenda for the Planning Commission states the following as the title for Consent Calendar Item 1: “November 28, 2022.” The title of the item contains no indication as to why that date is on the agenda. More specifically, the agenda title

Mayor John Stephens and  
Members of the City Council  
February 16, 2023  
Page 2

does not refer to “minutes” or “transcript” or otherwise refer to PA-22-21, our client’s proposed Project, or its property.

Despite the lack of an adequate description of the item, during its February 13, 2023, meeting, the Planning Commission voted to approve the minutes of its November 28, 2022, meeting -- solely as to Public Hearing Item No. 3, which was the Planning Commission’s consideration of PA-22-21. The description of the item would not notify a reasonable person, and did not notify our client of the action the Planning Commission was considering. As such, it constitutes a violation of the Brown Act. (*See, Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196, 200 [holding that an agenda title of “Continuation School site change” was “entirely misleading and inadequate” and thus insufficient to allow for board’s discussion and vote to discontinue school services and transfer students to a new school because it “show the whole scope of the board's intended plans” and “[i]t would have taken relatively little effort to add to the agenda that this “school site change” also included the discontinuance of [school services] and the transfer of [students].”].)

In addition to the inadequate description of “November 28, 2022,” the Planning Commission also committed a Brown Act violation when it adopted “Resolution PC-2022-33 – A Resolution of the Planning Commission of the City of Costa Mesa, California Denying Planning Application 22-21 for a Retail Cannabis Storefront Business Located at 2001 Harbor Boulevard, Suites 101-103 (South Coast Safe Access).” Notably, Resolution PC 2022-33 was not listed on the February 13, 2023, Planning Commission agenda (and likewise was not contained as an attachment to a staff report) – and it was not listed (or otherwise provided) at the November 28, 2022, Planning Commission meeting, at which Staff only provided the Commission with a draft resolution to approve the Project. Indeed, after reviewing each and every Planning Commission agenda between November 28, 2022, to today’s date, it is apparent that neither Planning Commission (nor the public) has ever been provided a copy of Resolution 2022-33.

Despite this obvious fact, in the minutes, the “Action” for Public Hearing Item No. 3 is listed as “Planning Commission adopted a Resolution to deny Planning Application 22-21.” Further, after recording the motion to deny the Project (not adopt a resolution), the minutes refer to “Resolution PC-2022-33 – A Resolution of the Planning Commission of the City of Costa Mesa, California Denying Planning Application 22-21 for a Retail Cannabis Storefront Business Located at 2001 Harbor Boulevard, Suites 101-103 (South Coast Safe Access).”

Again -- the only resolution included as part of the agenda packet for the November 28, 2022, Planning Commission was a draft resolution approving the Project. As a result, the only resolution the Planning Commission could consider at that meeting was one to approve the Project. The Planning Commission was not provided with – and thus, could not vote upon – a resolution denying the Project.

Mayor John Stephens and  
Members of the City Council  
February 16, 2023  
Page 3

***Complicating matters further, since this Resolution PC 2022-33 was revealed on Monday, our office has attempted on three different occasions to obtain a copy of it from at least four different staff members – and to date, those staff members have either been unable or unwilling to provide us with a copy. If Resolution PC-2022-33 exists, and was in fact adopted, that adoption was in violation of the Brown Act because Resolution PC-2022-33 was never listed – yet alone considered – by the Planning Commission at an agenda meeting. (*G.I. Industries v. City of Thousand Oaks* (2022) 84 Cal. App. 5th 814, 823 [“The Brown Act clearly and unambiguously states that an agenda shall describe ‘each item of business to be transacted or discussed’ at the meeting.”]), citing § 54954.2, subd. (a)(1).) Moreover, if in fact the Resolution exists, our client should have been promptly provided with a copy of it in line with the requirements set forth CMCC Sections 13-29(h)(i), and 13-29(i)(2). The failure to provide our client with a copy of the Resolution is particularly problematic given his upcoming appeal (now, less than 5 days away) and the obvious prejudice that results – that is, the deprivation of his ability to meaningfully prepare for his upcoming hearing.***

If Resolution PC-2022-33 does not exist, the question arises as to what exactly the Planning Commission believes it approved as part of its November 28, 2022, minutes. Did the Planning Commission (who acts as a whole body, not individual commissioners) agree on any of the findings to deny the Project? Or did the four “no” votes each have their own reasons for which a finding could or could not be made? Perhaps more troubling, how could the Planning Commission approve minutes (that were discussed at length), knowing that they had never been provided, let alone considered the non-existent Resolution? This so-called “approval” calls into question the validity of the entire administrative record related to PA-22-21 and is, therefore, yet another reason our client’s due process rights have been violated by the City.

It is fundamental to due process that our client have knowledge of factual findings leading to the denial of its CUP application. As we noted in our February 6, 2023, correspondence, without written findings or notification as to the circumstances of denial, our client has been left to infer the bases for denial. Now, our client’s due process rights have been dealt another blow regarding the cloud of uncertainty regarding the existence and approval of Resolution PC-2022-33.

Mayor John Stephens and  
Members of the City Council  
February 16, 2023  
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For the reasons set forth in our February 6, 2023, correspondence and herein, the Applicant respectfully requests that the City Council overturn the Planning Commission's denial of the PA-22-21, and approve the CUP.

RUTAN & TUCKER, LLP



A. Patrick Muñoz

APM:mrs

cc: Brenda Green, City Clerk ([brenda.green@costamesaca.gov](mailto:brenda.green@costamesaca.gov))  
Lori Ann Farrell Harrison, City Manager ([loriann.farrellharrison@costamesaca.gov](mailto:loriann.farrellharrison@costamesaca.gov))  
Kimberly Hall Barlow, Esq. ([khb@jones-mayer.com](mailto:khb@jones-mayer.com))  
Jennifer Le, Director of Economic and  
Development Services ([JenniferLe@costamesaca.gov](mailto:JenniferLe@costamesaca.gov))  
Client

# Sirco/Irvine Business Park I Association

February 20, 2023

Dear Mayor and City Council of Costa Mesa:


Re: Letter of Recommendation.

This document is issued as a Letter of Recommendation for South Coast Safe Access. South Coast Safe Access have always been responsible members of our Association located at 1900 Warner Ave. in Santa Ana for the last five (5) years. South Coast Safe Access has substantially enhanced the security and safety of the complex and the surrounding area. South Coast Safe Access' has instituted a 24-hour security guards who patrol the premises day and night. They also have installed surveillance cameras throughout the premises. These measures have made the complex safer for all tenants and customers alike. Finally, South Coast Safe Access has no CC&R violations and ensures that no cannabis smoking or loitering is permitted on the premises.

For these reasons, I believe that the addition of a retail cannabis store by South Coast Safe Access would be a great asset to the City of Costa Mesa.

Please email me at [shannon@mcmiskey.com](mailto:shannon@mcmiskey.com) if you have any questions regarding this notice. Thank you in advance for your cooperation.

Respectfully,



Shannon Thornhill

Director of Community Management

Mayor Stephens and the City Council of Costa Mesa,

I would like to express my support for South Coast Safe Access and their application to operate a licensed cannabis retail store in Costa Mesa. I am the property owner of a commercial complex located at 1900 Warner Ave. in Santa Ana. South Coast Safe Access has leased a unit in my complex for a licensed cannabis retail store since 2015. South Coast Safe Access has been one of the greatest tenants we have ever had. The business brings much needed foot traffic to the complex which enhances the surrounding businesses while at the same time enhancing public safety at the complex with the addition of 24-hour security guards and cameras. Since South Coast Safe Access has lease the property, crime in the complex and the surrounding area has become non-existent.

For these reasons, I believe that the addition of a retail cannabis store by South Coast Safe Access would be a great asset to the City of Costa Mesa.

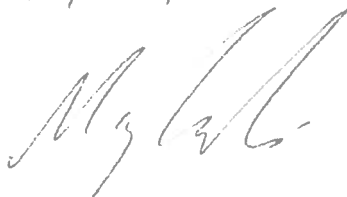
Sincerely,

Shahrouz Maghsood

28707 La Sierra

Laguna Niguel, CA 92677

2/20/23





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**From:** Sofi <sofichavez26@gmail.com>  
**Sent:** Monday, February 20, 2023 11:37 PM  
**To:** CITY CLERK; PC Public Comments  
**Subject:** Opposition to Appeal of: PA-22-21: the planning application 22-21 for a retail cannabis storefront business located at 2001 Harbor Boulevard, Suites 101-103 (South Coast Safe Access)  
**Attachments:** Images used on email regarding Opposition to PA 22-21 Appeal .pdf

Dear Honorable Mayor John Stephens, and City Councilmembers,

The appeal application regarding [PA 22-21] for the conditional use permit for the establishment of a cannabis retail storefront at 2001 Harbor Blvd Suites 101-103 made by the applicants of South Coast Safe Access must **not** be approved. The proposal was **denied** by the Costa Mesa Planning Commission on November 28, 2022, in a 4-2 vote for denial (with support from commissioners: Adam Ereth, Jimmy Vivar (Representative of District 4), Johnny Rojas, and Chair Byron de Arakal) should also move to be **denied** once again by the City Council. I ask that you **deny** their appeal today February 21, 2023, for the following reasons.

- 1.
- 2.
3. Following
4. **Costa Mesa's Municipal Code:** No cannabis retail storefront use shall be located:(1) Within
5. one thousand (1,000) feet from a K-12 school, playground, child daycare, or homeless shelter, or within six hundred (600) feet from a youth center, that is in operation at the time of submission of a completed cannabis business permit application. The applicants
6. are in violation of the **CMMC**
7. **13-200.93 Section E.1**
8. regulation because of the following information regarding the applicant's proposed location site and I urge the City Council to take this into high consideration as crucial reasons for denial:
9.
  10.
    - a.
    - b.
    - c. The counseling recovery center "Yellowstone Recovery" is above the proposed storefront location.
    - d. This was pointed out that was a point last year by the planning commission as a reason for denial, and although the applicants now make a new claim stating that this recovery center location will be allegedly moved, there is no current guarantee that they
    - e. will.
    - f.
    - g.
    - h.
    - i. Approximately
    - j. *300 feet*
    - k. away from the proposed storefront location is "Charle St's First Step House of Orange County". This facility was
    - l. established in 1952 and

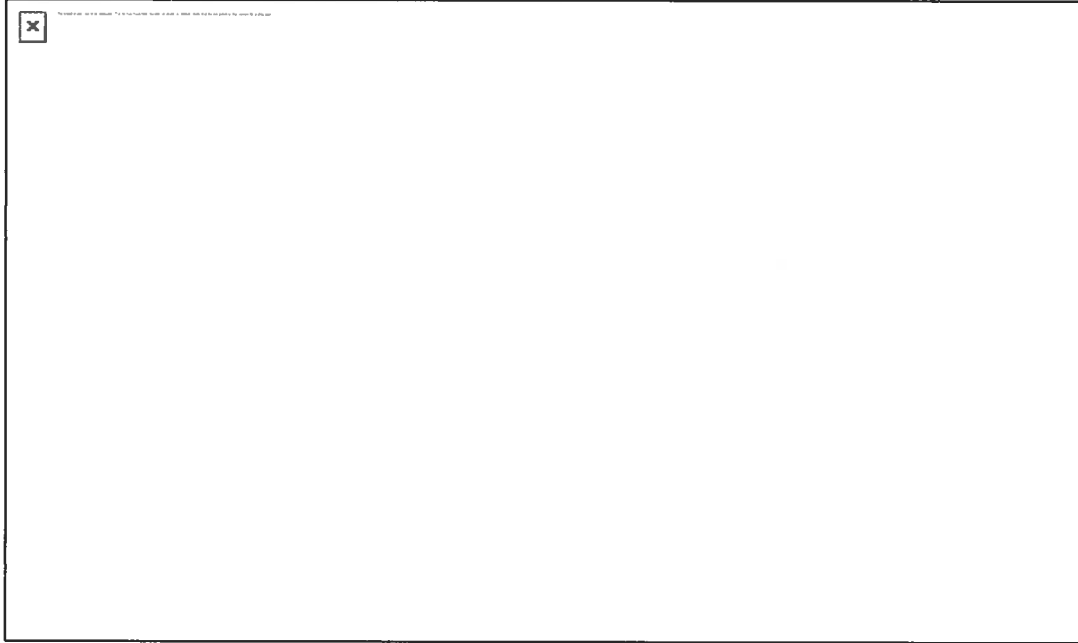
- m. this organization not only works hard to provide support to recovering alcoholics to help them be clean and sober but also serves as a homeless shelter because
- n. it is “a short-term residential facility for men struggling with alcohol who have little to no resources”.
- o.
- p.
- q.
- r. Roughly
- s. *1,000 feet*
- t. away from the proposed storefront location on Bernad St, adjacent to Charle St is “Safe Harbor Treatment Center”.
- u. This organization works to help with drug rehabilitation, substance abuse, and addiction. The substance
- v. abuse they help treat includes cannabis substance abuse.
- w.
  - x.
    - i.
    - ii.
    - iii. Once again I mention: Victims of abuse and addiction should not be forced to interact with the
    - iv. smell, or presence of any substances that may **hinder their mental or physical**
    - v. **progress**. And, unfortunately, this is what the proposed retail cannabis storefront will
    - vi. do, it will be affecting these individuals greatly, and there is no need for them to do this in our community. The applicants need to understand to stop pushing for the approval of a project that will be detrimental and is not compatible with the residential
    - vii. community. If they truly care about the residents here as well and not just their business, they will come to the understanding that 2001 Harbor Boulevard, Suites 101-103 is
    - viii. **not**
    - ix. an appropriate location for a cannabis dispensary.
    - x.
- y.
- z.
- aa.
- bb. OF HIGH IMPORTANCE:
- cc. Approximately **700 feet**
- dd. away from the applicant’s proposed cannabis storefront location is a **Newport**
- ee. **Mesa Unified School District elementary school’s bus stop** that picks up and drops off
- ff. **children**
- gg. going to and from Wilson Elementary School. Students use this bus stop frequently
- hh. **Monday-Friday** and cross from both sidewalks of Charle St in order to get to and from the stop to use the bus as transportation services to their respective elementary school. As this pertains in relation to children who are in a K-12 school this should
- ii. be considered a violation of the CMMC 13-200.93 Section E.1.
- jj.
- kk.
- ll.
- mm.
- nn. Therefore, PA 22-21 must be
- oo. **denied**
- pp. once again, as it does **not**
- qq. meet the separation requirements set forth in Measure Q which again are specified in CMMC

rr. 13-200.93 Section E.1.

ss.

11.

Image #1: Shows Newport Mesa Bus Stop Information:

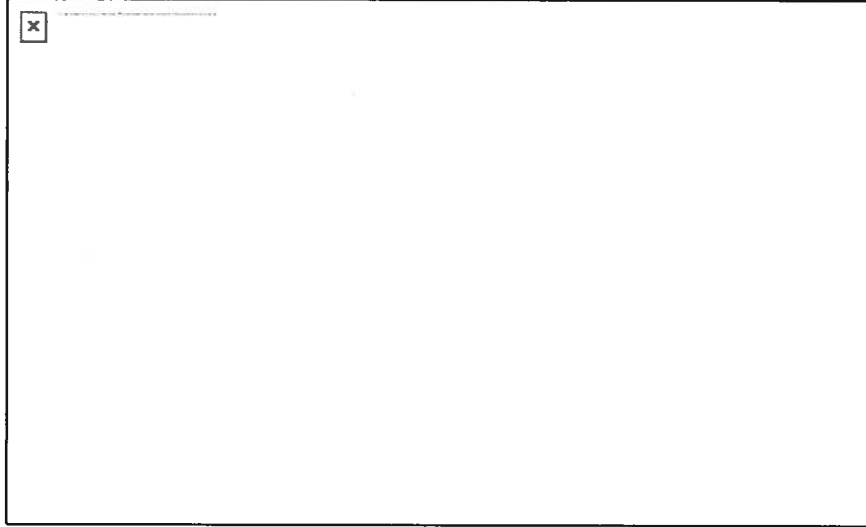


Additionally, as a community, we should aim to preserve the missions set by establishments that have already been present in our city for quite some time.

- a.
- b.
- c. Ex: To preserve the mission of Save Our Youth which is only a few streets away from Charle St and
- d. serves members that live on this street.
- e.
- f.
- g.
- h. Save our Youth Center in Costa Mesa:
  - i. "The SOY Center empowers the youth of Newport Mesa to make positive
  - j. decisions in life through a variety of programs including academic, dance, art & music, etc". This cannabis storefront near the SOY community would negatively impact the teenagers and the youth who attend SOY because some members live on Charle St. and in
  - k. the surrounding residential area. SOY's mission is also to prevent our youth from getting into drugs, violence, and gangs. The increase in drug users that the storefront would bring would go against their mission to keep our youth safe as the storefront will
  - l. attract drug-using clients. Not only that but since the cannabis dispensaries are cash businesses this storefront may attract a robbery and crime may increase. If a shooting were to happen, what is the likelihood of something happening to our residents and
  - m. youth? The only answer is that they should not be exposed to even the idea of this and the proposed idea of
  - n. *one* security guard and video cameras is not enough to keep us safe.
  - o.
  - p.

2. As a note to add to the record, the appeal information submitted by the applicant's legal representative states it's regarding an appeal for a cannabis storefront at the address "20001 Harbor Blvd," and not "2001 Harbor Blvd" on page 2.

Image #2: Shows the address typo in the presented appeal letter on behalf of the applicant:



The presented appeal application representation letter also refutes the planning commission's comments by saying "there is no requirement..." to be transparent with our public/community. This only highlights the lack of true care for the community/city they are entering. A good moral code should be enough to reach out to community members over concerns about coming into our neighborhood. Furthermore, it is sad to read that the applicants believe the planning commissions' reasons for the denial are "arbitrary, and capricious". The applicants' team lacks empathy and understanding in seeing and comprehending that the planning commission denied the application for the right and appropriate reasons.

---

If the City Council, unfortunately, finds itself in the position of approving said mentioned appeal for PA 22-21, I also urge the City Council to **revisit** the criteria needed for a *resolution of approval*:

1. The **parking gate** that opens onto Charle St. should **NOT** be opened period during the proposed applicant's business hours for three main reasons:

- a.
- b.
- c. To increase public/residential safety and community comfortability.
- d.
- e.
- f.
- g. To avoid an increase in traffic on Charle St and to allow for a continuation of a safe walkable
- h. and bike-friendly neighborhood.
- i.
- j.

- k.
- l. To prevent loitering on Charle St.
- m.

The proposed business should not be allowing customer entrance through Charle St. and should maintain the only customer entrance to be through Harbor Blvd. The current "Resolution for Approval," document states it wants to minimize impact like traffic so the gate will not be opened from 6pm to 8am. It will be closed when traffic is at its lowest, which seems to be very convenient for the applicant and not for the residents. Any traffic impact fee (Resolution for Approval, Exhibit A, Page 5, Point C) does **NOT** outweigh community members being subjected to people potentially smoking out of their car as they leave, playing music, or additional noise pollution from engines with the increased traffic, as well as the exposure to second-hand smoke while trying to enter or exit the premises through the parking gate located on Charle St. Residents with their families, children, and pets are frequently walking on Charle St and if this business were to be approved it should not be allowed to interfere with their daily lives therefore, the gate should remain closed during the proposed business established hours of operation.

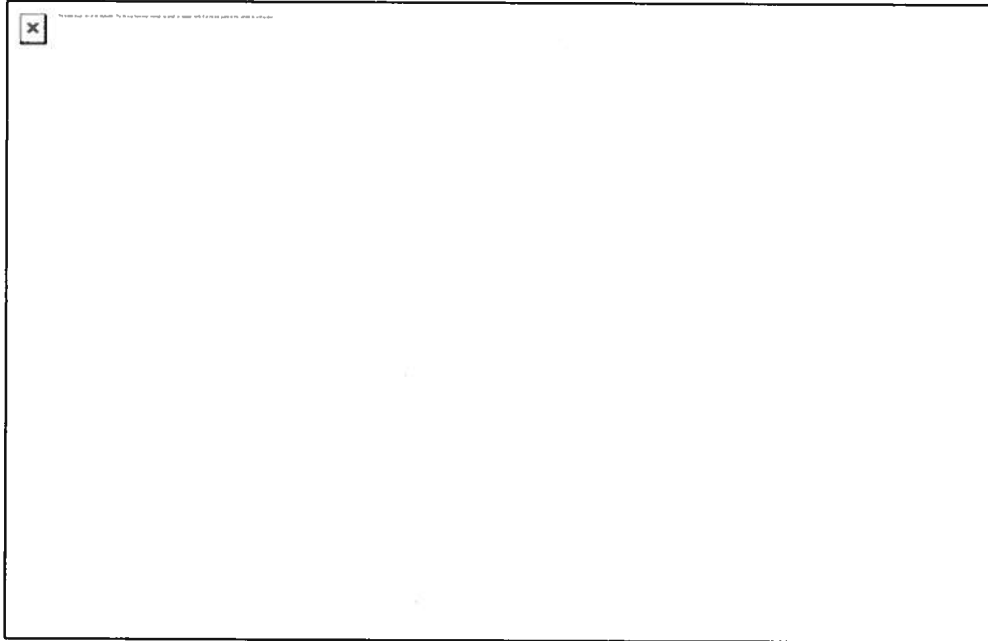
2. Resolution for Approval - Page 13, Prior to Issuance of Cannabis Business Permit, Point 4.C only requires that **loitering** be prohibited within **50 feet** of the business. 50 feet is approximately 20 steps, which takes less than a couple of minutes to walk. This means cannabis-consuming customers are free to walk just a couple of minutes away and engage in marijuana usage and there would be **NOTHING** that the city requires of the applicant to enforce any security in or around our neighborhood to ensure the *residents'* well-being aside from the merit they hold. This should **not** be allowed, and since they want to have a business adjacent to a *residential area* they must be required to **prevent loitering** in our community. Again a potential solution would be to keep the parking gate closed during the proposed operation hours. The merit the applicants hold cannot be held to a high standard considering they are proposing this site next to residents' homes and have shown so far no consideration for our community.

I fully comprehend that there are cannabis users in the community and that is completely okay, but it is not okay nor right for the current applicants to **insist** on wanting to place a storefront right next to a **residential neighborhood** when the planning commission has already found, agreed and stated that "granting the conditional use permit or minor conditional use permit would be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood." I just do not understand how morally, any city council member can support this and I ask you to please vote **AGAINST** this application.

- I urge the City Council to also consider that there **already exists a cannabis store on Harbor Blvd in Costa Mesa crossing the street from the current proposed South Coast Safe Access location site** that consumers can go to and buy from. What is the need for two cannabis stores in the same location? If one is already meeting the needs of those who want to engage with it. It was approved and is currently functioning at 1990 Harbor Blvd, Costa Mesa, CA 92627 called "**420 Central**". From a business perspective, it just does **NOT** make sense to approve cannabis storefront applications proposed at locations that are extremely near each other. There simply is **no need** for a second cannabis storefront in the proposed location, how will it benefit the community? It **won't**, again the applicants are not taking into consideration how this will affect our residents who do **not** need to be forced to be surrounded by the presence of marijuana daily. The difference between these two storefronts is that the approved "**420 Central**" business in contrast to this applicant's proposed location site **does not have a direct connection to a**

**residential area** unlike the “**South Coast Safe Access**” proposed location at 2001 Harbor Blvd Suites 101-103, Costa Mesa, CA 92627 that **does have a direct connection** as it is adjacent to a multifamily residential neighborhood. Another important key point to make and consider is that the city does **not** allow cannabis retail storefronts to be in **residential** or industrial zones, the only thing separating a residential zone from this proposed cannabis storefront location is a small parking lot that is being considered to be kept open so what difference is it really to have such regulation if this storefront application will be permitted to violate it by literally being placed adjacent to a residential area?

Image #3: Describes where cannabis retail stores are not permitted in Costa Mesa:



Furthermore, for future considerations, it is obvious that this will NOT be the last application that the applicant submits for a cannabis store in our city and I am sure they will look to expand, and find other locations. Costa Mesa **needs** to have a cap on cannabis stores to be able to regulate them appropriately if not applicants will want to insist and impose their own regulations and authority into our communities, this is something the city takes into consideration to prevent and avoid future issues like this. Additionally, if applications must be approved, they should be clear and steered away from being approved near any **residential areas** to allow our communities to continue to thrive without interruption from these businesses.

I again would like to reiterate and emphasize the reasons why a cannabis storefront should not be established adjacent to a residential area. The proposed cannabis storefront serves no benefit big enough to the community that would outweigh the potential cons that would arise. Cannabis users will easily cause our neighborhood to be exposed to the odor of marijuana, and bring unnecessary smell, and attention to an otherwise quiet and peaceful neighborhood. Those who are immunocompromised, children, teenagers, and our families will also be exposed to second-hand smoke if the consumers of the proposed business decide to loiter and hang out around the premises. According to the CDC, "Secondhand marijuana smoke contains many of the same toxic and cancer-causing chemicals found in tobacco smoke and contains some of those chemicals in higher amounts. Secondhand marijuana smoke also contains tetrahydrocannabinol (THC), the compound responsible for most of marijuana's psychoactive effects (or the "high"). THC can be passed to infants and children through secondhand smoke, and people exposed to secondhand marijuana smoke can experience psychoactive effects, such as feeling high." Although the applicants may argue that they won't allow the use of cannabis in the area, they are not able to ensure/guarantee this nor ensure the safety of our residents. The other businesses that

surround Charle St. actively serve everyone in the community: whether it be access to food or a place to shop, this storefront would only cause distress and problems in our community.

I ask you to please listen to the actual residents of Charle St. and the surrounding neighborhood community who will be directly affected and be supportive of us by **denying** this appeal.

Please note: All three images used throughout this email are attached below in the form of a PDF for reference if they for whatever reason do not load via this sent email, you have access to them. I ask that the city council members take them into account and view them the pdf can also be posted along with the public comments email to view.

Sincerely,  
Sofia Chavez  
Alexis Villa Torres

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report any suspicious activities to the Information Technology Department.

Image #1: Newport Mesa Bus Stop Information

Students to arrive at bus stop 5 minutes before pick up time.  
Time and route #'s may change due to ridership.

Bus Stop	Time	Mon	Tue	Wed	Thu	Fri	Route #
Charle @ 2043	7:48 AM	X	X	X	X	X	804
Charle @ 2043	1:45 PM	-	-	X	-	-	905
Charle @ 2043	3:10 PM	X	X	-	X	X	905

Image #2: Shows the address typo in the presented appeal letter on behalf of the applicant:

**RUTAN**  
RUTAN & TUCKER, LLP

A. Patrick Muñoz  
Direct Dial (714) 662-4628  
E-mail: pmunoz@rutan.com

December 5, 2022

VIA MESSENGER

Hon. Jon Stevens  
and members of the City Council  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

Re: Appeal of Planning Commission denial of Planning Application 22-21 for a Conditional Use Permit for the establishment of a cannabis retail storefront in the C2 zone located at 20001 Harbor Blvd., Ste 101-103

Image #3: Describes where cannabis retail stores are not permitted in Costa Mesa:

CAN CANNABIS RETAIL STORES GO ANYWHERE IN THE CITY?

**Can cannabis retail stores go anywhere in the City?**

**No.**  
Cannabis retail storefronts are **not allowed.**

- Within 1,000 ft. of:
  - K-12 schools
  - Playgrounds
  - Child day cares
  - Homeless shelters
- Within 600 ft. of:
  - Youth centers
- Residential or Industrial Zones



**CITY OF COSTA MESA  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Costa Mesa City Council at its regular meeting at City Hall Council Chambers, 77 Fair Drive, Costa Mesa, California and virtual locations on **Tuesday, February 21, 2023 at 7:00 P.M.**, or as soon as possible thereafter as the matter shall be heard, to consider:

**Application No.:** PA-22-21

**Applicant/Agent:** Vaccher Family Trust/Randall Longwith on behalf of Access Costa Mesa, Inc. dba South Coast Safe Access

**Site Address:** 2001 Harbor Blvd., Suites 100-103

**Zone:** C2 (General Business District)

**Description:** Planning Application 22-21 is a request for a Conditional Use Permit to allow a retail cannabis storefront use within a 3,720-square-foot first floor tenant space of an existing two-story commercial building located at 2001 Harbor Boulevard. The proposed use would be subject to Costa Mesa's regulations, conditions of approval, and State regulations. For additional information regarding the City's cannabis regulations, please visit the City's website at [www.costamesaca.gov/cannabis](http://www.costamesaca.gov/cannabis)

The City's Planning Commission denied the request at its November 28, 2022 meeting on a 4-2 vote. Subsequent to the Planning Commission's denial, the decision was appealed by the applicant to the City Council.

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

**Public Comments:**

Members of the public wishing to participate in the meeting may find instructions to participate on the agenda. Members of the public may also submit written comments via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and they will be provided to the City Council, made available to the public, and will be part of the meeting record. Any written communications, photos, or other materials for copying and distribution to the City Council that are 10 pages or less, can be e-mailed to [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov), submitted to the City Clerk's Office on a flash drive, or mailed to the City Clerk's Office. Kindly submit materials to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 12:00 p.m.** on the day of the hearing, **February 21, 2023.**

All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please note that materials submitted by the public that are deemed appropriate for general audiences will not be redacted in any way and will be posted online as submitted, including any personal contact information. For further assistance, contact the City Clerk's Office at (714) 754-5225. The City Council agenda and related documents may also be viewed on the City's website at <http://costamesaca.gov>, 72 hours prior to the public hearing date. **IF THE AFOREMENTIONED ACTION IS CHALLENGED IN COURT**, the challenge may be limited to only those issues raised at the public hearing described in the notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Brenda Green, City Clerk, City of Costa Mesa

Published February 10, 2023

February 12, 2023

I am NOT for retail Cannabis. Please Think of the People that live in Costa Mesa. Please Keep our lives as SAFE as you can. If you asked around I am sure you will hear most everyone has a Story To Tell.  
Please VOTE NO.

Sincerely

Dorothy Bayless