

From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: ISRAEL UNDER ATTACK: Jewish Federations Urge you to Stand with Israel
Date: Monday, October 9, 2023 8:47:12 AM

For Council Communication

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: David Natker <davidnatker@gmail.com>
Sent: Saturday, October 7, 2023 7:08 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>
Subject: ISRAEL UNDER ATTACK: Jewish Federations Urge you to Stand with Israel

Dear Ms. Green,

Dear Elected Leader,

Backed by Iran, Palestinian terrorists have launched an unprovoked invasion and large-scale attack on Israel. In response, Israel has launched Operation Swords of Iron.

Representing 146 Jewish Federations and 300 independent Jewish communities across the country, Jewish Federations of North America stand in total and complete solidarity with our Israeli brethren. Israel has a right and responsibility to respond to the devastating assault and protect its citizens from terrorism.

As your constituent, a concerned citizen and supporter of Israel, I urge you to make a clear and unequivocal statement in support for our ally Israel and its right to defend itself. As an elected official, your voice matters to ensure that the United States stands shoulder to shoulder with our ally.

Sincerely,

Sincerely,
David Natker
1913 Santa Ana ave
Costa Mesa, CA 92627

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.

If you DO NOT receive a confirmation within 24 hours, please contact our office at (714) 754-5225.

City of Costa Mesa Application for Committee Appointment

All information on this page only, is considered public information and will be released to the public, including being posted on the City's website.

Name: Kohl Crecelius

Indicate the name of the Commission you are interested in serving on:

Fairview Park Steering Committee



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

1. Indicate why you wish to serve on this Commission. Provide any experience or qualifications you may possess that you think would be beneficial to this Commission. A resume (optional) may be attached. (Note: All information contained on the resume is public information, will be distributed to the public and posted on the City's website).

I have enjoyed my time serving on the committee and I'd like to continue to another term.

2. As a Commission member, what ideas or projects are of interest to you?

Completing the Fairview Master Plan.



A 501(c)(3) non-profit
corporation
Tax ID 82-2238446

Board Members:

Wendy Leece
President

Deborah Koken
Secretary

Kim Hendricks
Treasurer

Jason Komala
Web Master

Mailing Address:

Fairview Park Alliance
P.O. Box 2471
Costa Mesa, CA 92628-2471

E-Mail Address:

info@fairviewparkalliance.org

Website:

www.fairviewparkalliance.org

October 11, 2023

To: Fairview Park Steering Committee
Fr: Fairview Park Alliance

Fairview Park Alliance highly respects what FVPSC members say to our City Council about the Fairview Park Steering Committee's decisions. The FVPSC members should not misrepresent the committee and committee members should keep in check what is said about their decisions by other committee members. If a committee member does misrepresent the committee and continues to do so even with warnings, then action should be taken to remove this member from the committee for misrepresentation and undermining the FVPSC's goals.

Mr. Mat Garcia is a member of the FVPSC as an alternate and at times may be able vote on an item if another FVPSC member is absent. He was able to vote on whether the FVPSC recommended rc glider planes in Fairview Park, but the committee didn't make that recommendation. All of them voted "No" except Mr. Garcia.

Mr. Garcia told our City Council on May 2, 2023, that the only people recommending no rc glider planes in the park, was city staff. City committees are not city staff and Mr. Garcia also discounted CDFW's recommendation for no glider planes as well as the city's biologist. Did Mr. Garcia forget that he voted on this item with FVPSC and was the only member voting for rc glider planes in Fairview Park? Did he forget this or did he intentionally misrepresent the committee? It doesn't seem likely that he forgot since he has continually advocated for rc glider planes regardless of expert advice.

Mr. Garcia is the president of the Harbor Soaring Society (HSS). The HSS is a small group of rc plane flyers that were allowed to occupy part of Fairview Park in the recent past and recent videos will show flyers showing disregard of protected areas. They have degraded sensitive habitat and kicked birds off the mesa. They have installed another cement winch anchor next to a vernal pool. They are currently using both winches and destroying the habitat in the entire area. They did all of this without following state, federal and city laws, rules, ordinances or proper procedures.

Mr. Garcia's misrepresentation of the FVPSC has demonstrated behavior that should not be ignored by the FVPSC. Fairview Park Alliance asks that the FVPSC take immediate action toward removing Mr. Garcia from the committee.

From: [Adam Lombardi](#)
To: [CITY CLERK](#)
Date: Monday, October 16, 2023 6:36:49 PM

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail
Denial of Appeal

Dear City Council Members and City Planning Staff,

I am writing to express my wholehearted support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings.

I firmly believe that this project aligns with our community's wishes by approving Measure Q, and economic interests, and it should proceed without any hindrance.

Denying the appeal against this project is crucial for the growth and prosperity of our community and commitment to the voters.

This development will not only contribute positively to our local economy but also provide valuable medical cannabis resources and opportunities for our residents. I have full confidence in the thoroughness of the planning process and the decision made by the Planning Commission in approving this project.

I urge you to uphold their decision and deny the appeal, allowing this beneficial project to move forward.

Thank you for your attention and consideration.

Sincerely,
[Your Name] [Phone Number]

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.

From: [Alfredo Valdez](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail
Date: Monday, October 16, 2023 7:03:52 PM
Attachments: [image002.png](#)

To: City Council Members and City Planning Staff

Denial of Appeal

Dear City Council Members and City Planning Staff,

I am writing to express my strong support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings. It is imperative that we honor the decision made by the voters through the approval of Measure Q.

The community has spoken, and it is our responsibility to respect their choice. Denying the appeal is not just a legal obligation; it is a moral duty to uphold the democratic process. This project aligns with the wishes of the people and promises economic growth and development for our city.

I urge you to stand firm in your commitment to the voters and deny the appeal against this project.

Thank you for your dedication to our community.

Sincerely,

Alfredo Valdez

President

RMP Safety Services Inc. dba

American Safety Group (SBE,DVBE, SDVOSB)

909-429-1214 Office

909-728-3270 Cell

909-574-0886 Fax

www.asgcorpUSA.com

www.rmfsafety-services-inc.com

" Safety Happens @ the Speed of Sound"

" Accident's Happen @ The Speed of Light"

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.

From: [Leigh-Anne Kolasinski](#)
To: [CITY CLERK](#)
Subject: Mesa Verde Resident PA 22-05
Date: Monday, October 16, 2023 5:29:16 PM

Good afternoon,

My name is Leigh Anne Kolasinski and I am a nearly 4 decade resident of Mesa Verde. I see there are flyers going around opposing PA 22-05. I would like to express my support of cannabis businesses in our area. While I am not a user myself, I have seen many friends and family benefit from these types of therapeutic resources as alternatives to pharmaceutical antidepressants and pain killers. The opponents claim there are too many cannabis businesses near “businesses catering to kids”. This is false. This shopping center has a pharmacy, food that is not marketed for kids specifically, a 7/11, and some offices - none of which are geared for kids. Opponents also don’t seem to mind the dozens of liquor stores in the same area, which I would actually love to see less of if it were up to me. In my experience, alcohol establishments attract a more unsavory crowd than cannabis businesses and are far easier to access for minors. I cannot attend the council meeting so I wanted to forward my support of more cannabis businesses.

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.

From: [Atrium Scientific, Inc.](#)
To: [CITY CLERK](#)
Subject: Re: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail Denial of Appeal
Date: Monday, October 16, 2023 1:04:14 PM
Attachments: [Atrium-Appeal-Rev.101623.pdf](#)

Dear City Council Members and City Planning Staff,

I'm Bo Tao, CTO at Atrium Scientific Group, Inc. in Garden Grove, CA. Our team of dedicated scientists pioneers cutting-edge research in cannabinoid-based formulations, personal, and oral care advancements. With a deep commitment to scientific excellence, we've harnessed unique insights into the transformative potential of cannabinoids. Through our innovations, we've seen the positive impact on countless lives. Fueled by this belief, we are leading the way in redefining wellness standards, aiming to elevate well-beings.

I am writing to express my enthusiastic support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings.

Our community has made its voice heard through the approval of Measure Q, indicating a clear mandate for responsible cannabis retail. As stewards of our democratic process, it is our responsibility to honor the voters' decision. Denying the appeal against this project is not just a legal requirement but a fundamental obligation to uphold the integrity of our democratic system.

I urge you to deny the appeal and support the will of the people as expressed through Measure Q.

Thank you for your dedication to our democratic ideals, and the well-being of our people.
Sincerely,

All the best,

Bo Tao / CTO



Atrium Scientific, Inc.
Murrieta | Garden Grove, California, USA / Tel: +1 626.380.5887

www.atriumsci.com

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.

From: [Sev.Kh](#)
To: [CITY CLERK](#)
Subject: SUBJECT LINE: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Friday, October 13, 2023 7:51:38 AM

My name is Sevak Khachatoorian and I have had a substantial tenure within the investment and trading field. This role demands a comprehensive comprehension of market trends, emerging industries, and the prospective avenues for growth. It is within this context that I wish to express my unequivocal support for the cannabis industry, particularly in the context of C21+. This support extends beyond the purely investment-driven perspective and embraces the broader societal implications associated with this burgeoning sector. Legalization and emergence of regulated cannabis can generate substantial tax revenues, create jobs, and stimulate the local economy. I believe that supporting C21+ Costa Mesa is not only a sound economic decision, but also a step towards a more progressive and holistic approach to healthcare and local economic growth.

Sincerely,

Sevak Khachatoorian

--

thanks

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.

From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: Support for PA-22-05, C21+Cannabis Retail
Date: Monday, October 16, 2023 8:59:52 AM

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Mary Ruiz-Salah <mruizsalah@yahoo.com>
Sent: Sunday, October 15, 2023 5:29 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>
Subject: Fwd: Support for PA-22-05, C21+Cannabis Retail

Sent from my iPhone

Begin forwarded message:

From: Mary Ruiz-Salah <mruizsalah@yahoo.com>
Date: October 11, 2023 at 6:11:17 PM PDT
To: cityclerk@costamesaca.gov
Subject: Support for PA-22-05, C21+Cannabis Retail

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I have been a resident of Costa Mesa for years and all my three children graduated from different school from Cota Mesa city, we have a couple of businesses and have been witnesses of the revamping of the city which has come a long ways from what it used to be. My in laws suffer from some serious illnesses and have to visit these dispensaries for medicine to soothe/alleviate their pain and discomfort. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,
Mary Ruiz

Sent from my iPhone

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.

From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East
Date: Monday, October 16, 2023 8:59:37 AM

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Bryan Ruiz <bryandruiz22@gmail.com>
Sent: Sunday, October 15, 2023 6:17 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>
Subject: Fwd: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

Sent from my iPhone

Begin forwarded message:

From: Bryan Ruiz <bryandruiz22@gmail.com>
Date: October 11, 2023 at 7:14:45 PM MDT
To: cityclerk@costamesaca.gov
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

Hello City Council Members and City Planning Staff

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. My family has lived in Costa Mesa for many generations and we have loved the revamp the city has been getting. The cannabis industry has been funny enough a big part of our family's life due to the elderly people in our family that suffer from arthritis. Some who live across the street from this location in the senior living. It gives us a peace of mind knowing that they can travel across the street in close proximity to get some medicinal cannabis when they are in need instead of suffering for periods of time waiting for us to travel and pick something up to help ease the pain they are going through.

Plus with cannabis shop near by bring high security for the neighborhood and the senior living. Helping rid of the homeless situation that we struggle to get rid of.

C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,
Bryan Ruiz

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.

From: [sean salah](#)
To: [CITY CLERK](#)
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East
Date: Sunday, October 15, 2023 6:01:38 PM

Hello,

I am writing to support C21+ 1505 Mesa Verde, Costa Mesa CA 92603 and their PA-22-05 application. I am requesting your denial of the appeal being heard on October 17, 2023, at the City Council meeting. I have lived and worked in Costa Mesa all my life with most of my time being spent on or near Harbour Blvd. As a local, I have watched the city grow from a young age to now a working adult and have always supported businesses to help the community. I support cannabis in the city of Costa Mesa and the opening of C21+. C21+ Costa Mesa is a helpful and well-respected business in the community that can only have a positive impact. The opening of C21+ Costa Mesa would be a great addition to the economy and community of Costa Mesa.

Sincerely,
Sean Salah

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.



ATRIUM
SCIENTIFIC GROUP

To: City Council Members and City Planning Staff

Re: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail Denial of Appeal

Dear City Council Members and City Planning Staff,

I'm Bo Tao, CTO at Atrium Scientific Group, Inc. in Garden Grove, CA. Our team of dedicated scientists pioneers cutting-edge research in cannabinoid-based formulations, personal, and oral care advancements. With a deep commitment to scientific excellence, we've harnessed unique insights into the transformative potential of cannabinoids. Through our innovations, we've seen the positive impact on countless lives. Fueled by this belief, we are leading the way in redefining wellness standards, aiming to elevate well-beings.

I am writing to express my enthusiastic support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings.

Our community has made its voice heard through the approval of Measure Q, indicating a clear mandate for responsible cannabis retail. As stewards of our democratic process, it is our responsibility to honor the voters' decision. Denying the appeal against this project is not just a legal requirement but a fundamental obligation to uphold the integrity of our democratic system.

I urge you to deny the appeal and support the will of the people as expressed through Measure Q.

Thank you for your dedication to our democratic ideals, and the well-being of our people.

Sincerely,

Bo Tao | CTO

From: [Wendy Chavarria](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ costa mesa, SCCC group holdings, cannabis retail denial of appeal
Date: Monday, October 16, 2023 3:39:08 PM

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail Denial of Appeal

Dear City Council Members and City Planning Staff,

I am writing to express my wholehearted support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings.

I firmly believe that this project aligns with our community's wishes by approving Measure Q, and economic interests, and it should proceed without any hindrance.

Denying the appeal against this project is crucial for the growth and prosperity of our community and commitment to the voters.

This development will not only contribute positively to our local economy but also provide valuable medical cannabis resources and opportunities for our residents. I have full confidence in the thoroughness of the planning process and the decision made by the Planning Commission in approving this project.

I urge you to uphold their decision and deny the appeal, allowing this beneficial project to move forward.

Thank you for your attention and consideration.

Sincerely,
Wendy Chavarria
760-403-3810

Sent from my iPhone

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.

From: [Michael Le](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Monday, October 16, 2023 9:43:35 AM

Dear City Council Members,

My name is Michael and I am currently working as a community pharmacist in a busy metropolitan area. I interact with numerous patients daily, most of which have chronic conditions that require lifelong treatment. Of these treatments, the most problematic seem to be pain management medications due to the numerous adverse reactions and high risk for dependency, even with acute use. As a healthcare practitioner who sees this rapidly growing issue in our local communities daily, I fully support exploring alternative avenues to treating chronic pain. Medicinal cannabis has shown promising results in reducing symptoms and improving quality of life for patients with many conditions including chronic pain. With the current opioid epidemic, it is essential to approach medicinal cannabis with rigorous research and responsible regulation to optimize its therapeutic potential. C21+ does just this with their purpose and plan of action. The team at C21+ will be able to provide compassionate and effective care to those who require it most in the local and surrounding communities it serves.

I fully support C21+ in their endeavors to provide high-quality, science-based medicinal cannabis treatment options to address patients' unique healthcare needs.

Thank you,

Michael Le, PharmD
714-797-5477

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.

From: [andrew minard](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05; C21+ Cannabis Retail Denial of Approval
Date: Friday, October 13, 2023 7:08:37 PM

City Council Members,

My name is Andrew and I have been a pharmacy technician with over ten years of experience in the long-term and hospice care pharmacies. I interact mostly with patients who experience end stage organ failure or cancer. Cancer patients struggle to receive adequate care during their chemotherapy treatments for anxiety and depression, severe pain, nausea and vomiting, and loss of appetite due to the numerous drug interactions traditional pharmaceutical products exhibit. Terminally ill patients may face obstacles when attempting to receive adequate pain management and comfort care. The role of medicinal cannabis as a viable option for these patient populations allows us to minimize drug interactions and adverse effects while providing sympathetic support care for our patients who need it most. The application of medicinal cannabis is seldom seen in clinical settings due to stigma and limited research and limited accessibility to these products. C21+ is the innovative cannabis entity that will pave the way to establish safe and effective adjunctive therapy to our most vulnerable patients. I am hopeful and excited to see the collaborative development between traditional pharmaceutical drug treatments with medicinal cannabis products.

I support C21+ in their endeavors and sincerely hope that each council member recognizes the value and significance of the establishment of this practice to serve the local community and to open pathways for innovation.

Thank you,

Andrew Minard
Pharmacy Manager
Phone #760-680-1852

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.

From: [Lisa Cohen](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail
Date: Friday, October 13, 2023 4:26:58 PM

Dear City Council Members and City Planning Staff,

I am writing to express my wholehearted support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings.

I firmly believe that this project aligns with our community's wishes by approving Measure Q, and economic interests, and it should proceed without any hindrance.

Denying the appeal against this project is crucial for the growth and prosperity of our community and commitment to the voters.

This development will not only contribute positively to our local economy but also provide valuable medical cannabis resources and opportunities for our residents. I have full confidence in the thoroughness of the planning process and the decision made by the Planning Commission in approving this project.

I urge you to uphold their decision and deny the appeal, allowing this beneficial project to move forward.

Thank you for your attention and consideration.

Sincerely,

L. Cohen

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.

From: [Michele Havner](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail
Date: Friday, October 13, 2023 4:23:59 PM

Dear City Council Members and City Planning Staff,

I am writing to express my strong support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings. It is imperative that we honor the decision made by the voters through the approval of Measure Q.

The community has spoken, and it is our responsibility to respect their choice. Denying the appeal is not just a legal obligation; it is a moral duty to uphold the democratic process. This project aligns with the wishes of the people and promises economic growth and development for our city.

I urge you to stand firm in your commitment to the voters and deny the appeal against this project.

Thank you for your dedication to our community.

Sincerely

Michele Havner
c: 770.355.8504

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.

From: [mt meza](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Costa Mesa, SCCC Group Holdings, Cannabis Retail
Date: Friday, October 13, 2023 4:21:45 PM

Dear City Council Members and City Planning Staff,

I am writing to express my strong support for PA-22-05, the proposed C21+ Costa Mesa cannabis retail project by SCCC Group Holdings. It is imperative that we honor the decision made by the voters through the approval of Measure Q.

The community has spoken, and it is our responsibility to respect their choice. Denying the appeal is not just a legal obligation; it is a moral duty to uphold the democratic process. This project aligns with the wishes of the people and promises economic growth and development for our city.

I urge you to stand firm in your commitment to the voters and deny the appeal against this project.

Thank you for your dedication to our community.

Sincerely,

Misha Meza

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.

From: [allen.oh](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Friday, October 13, 2023 1:26:26 PM

Dear City of Costa Mesa,

I support C21+ Costa Mesa. As an entrepreneur and gas station/convenience store owner, I am active in my local community and witness the ebbs and flows of patrons through my store. I interact with a diverse range of people and I support the emergence and development of licensed cannabis stores. It increases traffic flow, benefitting businesses like mine, and the improvements made on their properties enhance aesthetics – leading to safer, more brightly lit areas.

Allen Oh

Phone # 661-476-2436

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.

From: [arely ortiz](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Friday, October 13, 2023 10:17:08 AM

To Whom It May Concern,

I am writing to you as a pharmacy technician with firsthand experience witnessing the devastating effects of high-abuse potential scheduled drugs such as benzos and opioids. Every day, I interact with patients who, despite their best intentions, find themselves in a cycle of dependency on these medications. It is not uncommon to encounter patients who become aggressive, irritable, or exhibit withdrawal symptoms when there's a delay in their prescription or if they've run out of their medication. These are not inherently "bad" people, they are individuals caught in the grip of powerful drugs that can alter behavior and judgement.

Given this backdrop, I firmly believe that we need to explore and support alternative therapeutic options, and medicinal cannabis stands out as a promising candidate. Scientific literature and anecdotal evidence suggest that cannabis can offer relief for a variety of conditions, often with fewer side effects and a lower potential for abuse compared to traditional scheduled drugs.

I urge you to support C21+ and their personalized cannabis program. By doing so, we as a community can take a significant step towards a more compassionate approach to patient care.

Arely Ortiz

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.

From: [Thao Nguyen](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Thursday, October 12, 2023 10:15:16 PM

Hello,

As the Pharmacist in Charge at a major pharmacy chain, I ensure safe and effective dispensing of medications to patients, always prioritizing their health and well-being. It is with this commitment to patient care in mind that I express my strong support for C21+ and its endeavors in the medicinal cannabis industry.

Over the years, I have observed a growing number of patients seeking alternative treatments to manage their health conditions. Traditional pharmaceuticals, while effective for many, may not always be the best solution for every individual. The potential of medicinal cannabis as proposed by C21+ can fill a significant gap in our healthcare system.

I commend C21+'s commitment to investing in the community and their property. Such investments are not only promises of local economic growth, but also for the industry at large. Regulations set forth by the State of California are amongst the strictest in the nation and ensures that cannabis products meet the highest standards of quality and safety. Their initiative to be the first dispensary to offer personalized cannabis is a testament to their dedication to patient-centric care. This approach aligns with the principles we uphold as pharmacists, where individualized treatment plans can lead to better patient outcomes.

Furthermore, the potential of cannabis as a therapeutic alternative can reduce the dependency on certain high-risk medications, leading to safer treatment options for patients. I believe that C21+ Costa Mesa is poised to make a significant positive impact in the realm of medicinal cannabis. Their vision aligns with the broader goals of healthcare professionals like myself, and I wholeheartedly support their endeavors.

Thao Nguyen, Pharm. D.

(714) 797-5477

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.

From: [ASHLEY WITT](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Thursday, October 12, 2023 10:15:54 PM

Dear City of Costa Mesa,

My name is Ashley Witt and I was a Pharmacy Technician for over 10 years. I have worked alongside some of the brightest pharmacists and healthcare professionals in our community. I have had the privilege of watching the industry evolve and the introduction of new therapeutic options. It is with this background and understanding that I express my support for C21+ and its endeavors with personalized cannabis.

I have observed over the years a growing interest and demand for alternative therapeutic options among patients. Many seek beyond traditional pharmaceuticals, especially when it comes to managing chronic pain, anxiety, and other conditions.

C21+'s approach to advancing cannabis as a therapeutic alternative addresses undermet needs from patients. Personalizing cannabis has the potential to ensure that patients receive products tailored to their unique needs, maximizing benefits and minimizing potential risks.

I urge the City of Costa Mesa to support C21+ as well.

Ashley Witt

562-277-0164

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.

From: kevt01@gmail.com
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Thursday, October 12, 2023 10:27:58 PM

Dear sir or madam,

As an SVP Information Security Officer of a community bank, I am deeply entrenched in the world of technology and security. I've dedicated my career to understanding the intricacies of systems, networks, and the vast digital landscape. While my expertise may seem distant from the realm of cannabis, I believe that my unique perspective offers a compelling case for its support.

In the tech industry, we often emphasize the importance of innovation, adaptability, and the pursuit of better solutions. Similarly, in the realm of healthcare and medicine, it's crucial to remain open to alternative treatments that can revolutionize patient care. Cannabis, with its long list of therapeutic potentials, represents one such promising alternative.

From a security viewpoint, the regulated and responsible use of cannabis can lead to safer communities. I'm proud that one of my Bank's branches is located in the city of Costa Mesa. By moving into regulated and controlled environment, we can leverage technology to track, authenticate, and ensure the safe distribution of cannabis products. The technology applications and resulting economic impact are abound.

As someone who values innovation and potential of technology to drive positive change, I support C21+ and their initiatives in exploring the therapeutic applications of cannabis.

Kevin Tsuei
(714) 697-0300

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.

From: [Clevenger, Salena](#)
To: [CITY CLERK](#)
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal
Date: Friday, October 13, 2023 8:16:11 AM

Dear City Council Members,

I obtained my doctorate of pharmacy in 2021 and currently work as a community pharmacist. I have worked in community pharmacy for over 8 years as a technician and now a pharmacist. I interact with patients daily, many struggling with substance abuse that lead to detrimental consequences. We, as community pharmacists, are the most accessible healthcare professionals for the general public. I see firsthand the failure of traditional therapeutic treatments for anxiety and depression, other mood or psychological disorders, or pain management leading to substance abuse. After being introduced to the project by the team at C21+ and their involvement with combining cannabinoids and TMS/neurofeedback, I am extremely hopeful and supportive of their innovative approach to help patients. As a young, motivated healthcare professional, I would love to see C21+ thrive in their medicinal cannabis journey and possibly even open the doors to pharmaceutical cannabis so we can combine traditional and novel treatments to ensure the best clinical outcomes for our patients.

I fully support C21+ in their efforts to push beyond the limits of retail cannabis and open new doors for research and advancements in the field of medicinal cannabis.

Sincerely,

Salena Clevenger, PharmD.
(219) 746-0940

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.

From: GREEN, BRENDA
Sent: Thursday, October 12, 2023 1:30 PM
To: TERAN, STACY
Subject: FW: Support of PA-ss-05, C21 + Cannabis Retail

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Pat Lacey <Pat@tidemarkrealestate.com>
Sent: Thursday, October 12, 2023 1:16 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>; stacy.tarn@costamesaca.gov
Subject: FW: Support of PA-ss-05, C21 + Cannabis Retail

Hi Brenda and Stacy,

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. I have worked in the city of Costa Mesa for over 30 years and I support allowing the cannabis trade in the city as the tax revenue can benefit many programs. I specifically support the location at 1505 Mesa Verde as it is not on a major street and I feel C21+ Costa Mesa will be operated by a well-respected cannabis business operator that will provide unique products for medical purposes.

Sincerely,

Pat Lacey

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.

From: GREEN, BRENDA
Sent: Thursday, October 12, 2023 4:56 PM
To: TERAN, STACY
Subject: FW: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Zeinab Elnagar <zeinabelnagar444@gmail.com>
Sent: Thursday, October 12, 2023 4:32 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>; stacy.tarn@costamesaca.gov
Subject: Fwd: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

----- Forwarded message -----

From: Zeinab Elnagar <zeinabelnagar444@gmail.com>
Date: Wed, Oct 11, 2023 at 10:16 PM
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East
To: <cityclerk@costamesaca.gov>

Dear City Council Members and Staff,

My name is Zeinab Elnagar, a 76-year-old resident of the senior living apartments at 1500 Mesa Verde, conveniently located across from the proposed C21+ cannabis store. It is with eager anticipation and wholehearted support that I write to you regarding C21+ and the PA-22-05 application, hoping that the appeal to be addressed on October 17th will be denied.

Ever since learning about it, our senior community is excited about these proposed plans. The advent of medical cannabis has been important in managing my health and pain levels, offering a significantly safer and more effective alternative to potent narcotics. Its profound impact on enhancing the quality of life, particularly amongst my age demographic, is undeniable.

The potential establishment of C21+, directly across from my residence, fills me with excitement and hope. This promises not only easy, direct access to medical cannabis for myself and my fellow residents but also improved well-being for our wider community.

I implore you to consider the holistic benefits that the approval of C21+ and the PA-22-05 application can bring to Costa Mesa, paving the way for a future where our community has access to healthier and joy-inducing alternatives to manage their varied health challenges.

Warm regards,
Zeinab Elnagar

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.

From: Hope Ayoub <hopeayoub7@gmail.com>
Sent: Thursday, October 12, 2023 2:44 PM
To: CITY CLERK
Subject: Denial of Appeal

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

Dear City Council Members and City Planning Staff,

I am writing to express my strong support for C21+ located at 1505 Mesa Verde, Costa Mesa, CA 92626, and their PA-22-05 application.

I kindly request that you deny the appeal currently scheduled for discussion at the October 17th City Council meeting. As a longstanding resident of Costa Mesa and an advocate for responsible business practices in our community, I firmly believe that C21+ is a valuable addition to our city.

I have been working in Costa Mesa for 6 years and have had the privilege of witnessing the positive transformation and growth of our city. Over the years, I have seen the benefits of embracing businesses that contribute to our local economy, provide jobs, and operate responsibly. C21+ exemplifies these qualities and has my full support.

C21+ has established a strong reputation as a respected cannabis business that offers unique, high-quality medical cannabis products. Their commitment to safety, compliance with state and local regulations, and dedication to providing a safe and welcoming environment for customers are commendable. I believe that C21+ will not only serve the medical needs of our community but will also contribute to the local economy, generating revenue that can be reinvested in the betterment of Costa Mesa.

The cannabis industry has evolved significantly in recent years, and C21+ represents the kind of responsible and forward-thinking enterprise that aligns with the values of our community. I am confident that their presence in Costa Mesa will have a positive impact and will help further destigmatize the use of cannabis for medical purposes.

In conclusion, I kindly urge you to support the PA-22-05 application for C21+ and deny the appeal during the upcoming City Council meeting. It is my belief that C21+ will be a valuable asset to our community, and I look forward to witnessing the benefits it will bring to Costa Mesa.

Sincerely,
Hope Ayoub

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.

From: Thomas Calva <tjcalva@gmail.com>
Sent: Thursday, October 12, 2023 4:03 PM
To: CITY CLERK
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

To: City Council Members and City Planning Staff

Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. My name is Thomas J. Calva & I am a Real Estate Broker and have worked and lived in Costa Mesa for over 13 years. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,

Thomas J. Calva
Broker
(951)255-7477

Send To: cityclerk@costamesaca.gov

Subject Line: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

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.

From: Abdel Rahman Ali <aliabdel23@yahoo.com>
Sent: Wednesday, October 11, 2023 5:04 PM
To: CITY CLERK
Subject: C21+

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. My name is Abdelrahman Ali I have worked in the area for 7 years and my mother goes to her doctor there for over 14 years. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community

[Sent from Yahoo Mail for iPhone](#)

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.

From: Ashton Sal <ashtonsalah1@gmail.com>
Sent: Thursday, October 12, 2023 5:59 PM
To: CITY CLERK
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

I am writing in support of C21+ [1505 Mesa Verde Costa Mesa CA 92626](#) and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I'm a current resident of Costa Mesa. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,
Ashton salah

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.

From: GREEN, BRENDA
Sent: Thursday, October 12, 2023 12:59 PM
To: TERAN, STACY
Subject: FW: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: A MAGANA <dee.nashauto@gmail.com>
Sent: Thursday, October 12, 2023 12:54 PM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>; stacy.tarn@costamesaca.gov
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

To: City Council Members and City Planning Staff

Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,

Aida Magaña

Send To: cityclerk@costamesaca.gov

Subject Line: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

--
Dee Magana

Nash Auto, Inc.

dee.nashauto@gmail.com

PH:714.435.4000

FX:714.979.7435

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.

From: Tammy Matthews <tammy@nashauto.com>
Sent: Thursday, October 12, 2023 8:50 AM
To: CITY CLERK
Subject: Fwd: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

To: City Council Members and City Planning Staff

Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I have worked in the area for approximately 20 months and I walk by this address multiple times a day. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,

Tammy Mathews

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.

From: Robert Miller <millerpapau9@gmail.com>
Sent: Wednesday, October 11, 2023 9:41 PM
To: CITY CLERK
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

Hello, my name is Robert Miller and I am writing this letter in support of C21+, and in benefit for my brother, Steven Miller. I am 59 years old and a Wimbledon Village resident in Costa Mesa. My brother Steven has been using cannabis to help with his anxiety and depression for over 15 years. He is better because of it. I support PA-22-05 and I hope you will deny the appeal.

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.

From: Will Greubel <Will@tidemarkrealestate.com>
Sent: Thursday, October 12, 2023 8:48 AM
To: CITY CLERK
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I am part of a real estate firm, Tidemark Real Estate Services, and have been working in and around Costa Mesa for over six years. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,

Will Greubel
Vice President
Tidemark Real Estate Services



D: (714) 614-7623
O: (949) 561-1900
E: will@tidemarkrealestate.com
W: www.tidemarkrealestate.com

3188 Airway Ave., Bldg A
Costa Mesa, CA 92626

Lic.: 02039807 | Corp. Lic.: 02185646

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachment(s) is intended only for the use of the intended recipient and may be confidential. If any reader of this communication is not the intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

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.

From: raian abadalalh <raianabadallah@yahoo.com>
Sent: Wednesday, October 11, 2023 7:41 PM
To: CITY CLERK
Subject: Re: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

To: City Council Members and City Planning Staff,

I am writing in support of C21+ Costa Mesa and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I am a student and resident of Costa Mesa and study in medicine, I know how valuable cannibus is to the elderly community living in Costa Mesa and how addictive narcotics can be to the elderly. This is an alternative our community deserves and voted for.

I have been living in Costa Mesa for the past 15 years and know that this community deserves to vote for choices we need in our community rather than prescription drugs that can take a toll on ones kidneys and liver. My grandma passed away from Kidney failure, I support Cannibus and these businesses that will provide our community a better choice to relief pain and live again.

I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,

Raian Abadallah

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.

From: Zeinab Elnagar <zeinabelnagar444@gmail.com>
Sent: Wednesday, October 11, 2023 10:17 PM
To: CITY CLERK
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

Dear City Council Members and Staff,

My name is Zeinab Elnagar, a 76-year-old resident of the senior living apartments at 1500 Mesa Verde, conveniently located across from the proposed C21+ cannabis store. It is with eager anticipation and wholehearted support that I write to you regarding C21+ and the PA-22-05 application, hoping that the appeal to be addressed on October 17th will be denied.

Ever since learning about it, our senior community is excited about these proposed plans. The advent of medical cannabis has been important in managing my health and pain levels, offering a significantly safer and more effective alternative to potent narcotics. Its profound impact on enhancing the quality of life, particularly amongst my age demographic, is undeniable.

The potential establishment of C21+, directly across from my residence, fills me with excitement and hope. This promises not only easy, direct access to medical cannabis for myself and my fellow residents but also improved well-being for our wider community.

I implore you to consider the holistic benefits that the approval of C21+ and the PA-22-05 application can bring to Costa Mesa, paving the way for a future where our community has access to healthier and joy-inducing alternatives to manage their varied health challenges.

Warm regards,
Zeinab Elnagar

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.

From: Steven <daystructure@gmail.com>
Sent: Wednesday, October 11, 2023 7:30 PM
To: CITY CLERK
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

To Whom It May Concern:

I am writing to express my support for C21+ Costa Mesa and the responsible use of cannabis for therapeutic purposes. As someone who has personally benefited from its therapeutic properties, I can attest that it has helped me relieve anxiety and improve my mood. I believe C21+ Costa Mesa's personalized cannabis offering is unique and that many will benefit.

Steven Miller
949-431-0126

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.

From: mia salah <mia_salah@yahoo.com>
Sent: Wednesday, October 11, 2023 10:02 PM
To: CITY CLERK
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

Dear City Council Members and Staff,

My name is Shannon and I was born and raised in the city of Costa Mesa. I am writing to you in earnest support of C21+ in Costa Mesa in accordance with the PA-22-05 application. I am a student at OCC, just across from Mesa Verde, where the new plans are being proposed. I feel an obligation and urgency to express my hope that you will deny the appeal which will be heard at the city council meeting on October 17th.

Having grown up in Costa Mesa all my life, I am aware that a large composition of our demographic are senior citizens. Unfortunately, the only way the elderly are told to manage their pain is through heavy narcotics and pain pills. My grandmother is a victim to this horrible epidemic. She suffers from chronic pain, and the only thing that truly subsides her pain is medical cannabis. Because of the miracle of medical cannabis, my grandmother is able to treat her symptoms with a non-addictive and healthier alternative to narcotics. She is happier, more lively, and can finally spend quality time with us without constant and chronic pain.

I believe many others within the community, just like my grandma, would benefit greatly from C21+. I strongly urge you to pass the PA-22-05 application and allow for the use of medical cannabis in our community. When we are happier and healthier as a community, our city benefits as a whole.

Sincerely,
Shannon S.

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.

From: Mary Ruiz-Salah <mruizsalah@yahoo.com>
Sent: Wednesday, October 11, 2023 6:11 PM
To: CITY CLERK
Subject: Support for PA-22-05, C21+Cannabis Retail

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I have been a resident of Costa Mesa for years and all my three children graduated from different school from Cota Mesa city, we have a couple of businesses and have been witnesses of the revamping of the city which has come a long ways from what it used to be. My in laws suffer from some serious illnesses and have to visit these dispensaries for medicine to soothe/alleviate their pain and discomfort. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,
Mary Ruiz

Sent from my iPhone

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.

From: Mohamed <whiteflag0302@gmail.com>
Sent: Wednesday, October 11, 2023 6:23 PM
To: CITY CLERK
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

To: City Council Members and City Planning Staff

Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

My name is Moe Ahmed, I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I have been working in the city of Costa Mesa for the past 12 years. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,

Mo Ahmed

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.

From: Omar Salah <omarsalah3769@gmail.com>
Sent: Wednesday, October 11, 2023 6:10 PM
To: CITY CLERK
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

Hello City Counsel Members and Planning Staff,

I am writing in support of C21+ [1505 Mesa Verde Costa Mesa CA 92626](#) and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I have lived here and gone to school in Costa Mesa for my whole life and my family has businesses here. Cannabis is something that is used medically in my family for several family members who suffer from different physical conditions as well as some who suffer from mental conditions. My grandmother is someone who uses cannabis regularly to help her with her pain since she is older and suffers from arthritis and joint pain. Having a place where she can go nearby to get her medicine is important since she is not able to drive or walk long distances. I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,

Omar Salah

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.

From: Bryan Ruiz <bryandruiz22@gmail.com>
Sent: Wednesday, October 11, 2023 6:15 PM
To: CITY CLERK
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

Hello City Council Members and City Planning Staff

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. My family has lived in Costa Mesa for many generations and we have loved the revamp the city has been getting. The cannabis industry has been funny enough a big part of our family's life due to the elderly people in our family that suffer from arthritis. Some who live across the street from this location in the senior living. It gives us a peace of mind knowing that they can travel across the street in close proximity to get some medicinal cannabis when they are in need instead of suffering for periods of time waiting for us to travel and pick something up to help ease the pain they are going through.

Plus with cannabis shop near by bring high security for the neighborhood and the senior living. Helping rid of the homeless situation that we struggle to get rid of.

C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,
Bryan Ruiz

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.

From: Leila Dablan <leiladablan@yahoo.com>
Sent: Wednesday, October 11, 2023 4:55 PM
To: CITY CLERK
Subject: Support for PA-22-05, C21+ Cannabis Retail Denial of Appeal

I am writing in support of C21+ Costa Mesa and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I am a resident of the city of Costa Mesa and also work in this wonderful city.

I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,
Leila Dablan

Leila Dablan
Global Payments Consultant
Mobile: 949-590-2132
[Connect with me on LinkedIn](#)

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.

From: Ez Salah <ez@nashauto.com>
Sent: Wednesday, October 11, 2023 5:11 PM
To: CITY CLERK
Subject: FW: Support for PA-22-05, C21+ Cannabis Retail

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

I am writing in support of C21+ 1505 Mesa Verde Costa Mesa CA 92626 and their PA-22-05 application. We are requesting your denial of the appeal being heard at the October 17th City Council meeting. I'm a business owner for 28 years right on the Harbor & Adams.

I believe this business will bring good traffic & great revenue to improve our City's revenue.

I support cannabis in the city of Costa Mesa. C21+ Costa Mesa is a well-respected cannabis business that offers a unique medical cannabis. I believe the business of C21+ will be a positive addition to the Costa Mesa community.

Sincerely,
EZ Salah

Subject Line: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East

*Thank You
Yours,*

*EZ Salah
Nash Auto, Inc.
Cell (949)394-5093
Office (714)435-4000 ext. 1002
ez@nashauto.com*

Have a *''')
,.,',.,.,*''') ,.,*''')
(.,' (.,' * Wonderful Day :)

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.

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

City Council Members and City Planning Staff,

My name is Nash Salah, I am the owner of multiple operating properties located in the city of Costa Mesa. I own and directly operate Nash Auto located at 2665 Harbor Blvd which has given business to many of our Costa Mesa residents over the years. I have been conducting and investing my entire life and my businesses in our Beloved City of Costa Mesa. I feel that I owe the city a great deal of love and appreciation for everything it has given me. I am happy to be able to give back to the city through millions of tax dollars collected through my business, to which I've been so delighted to have seen spent on the beautiful development of our city for as long as I've contributed to the community.

I am writing on behalf of our company to provide important information regarding our property located at 1505 Mesa Verde Plaza. I am the owner of this parcel and I am in full support of the C21+ Costa Mesa location.

In 2017, we acquired this property with the purpose of expanding our existing business operations. The building, which was approximately 5900 square feet in size, was already occupied by four tenants at the time of purchase. Upon acquiring the property, we immediately communicated our plans for the building to the existing tenants, making it clear that they would eventually need to vacate to allow for our expansion project. To ensure a smooth transition, we offered all the tenants a two-year lease at a below-market rate. This extended lease period was intended to give them sufficient time to find suitable alternative locations for their businesses.

In 2019, two significant events occurred: first, we received preliminary approval for our project from the city of Costa Mesa, and second, the leases for all four tenants expired. However, due to unexpected delays in the approval process, we decided to offer the tenants a month-to-month rental option at the same reduced rate. This decision was made to accommodate our tenants through the ongoing expansion project. Subsequently, in 2021, we were presented with an opportunity to lease the entire building to Cannabis 21, a new tenant who had plans to make significant improvements to the property. After careful consideration, we agreed to the terms and finalized a lease agreement with them.

Unfortunately, in 2022, one of our tenants, who had been occupying half of the building, chose to vacate the premises. As part of our agreement with C21+ Costa Mesa, we were required to keep the location unoccupied until they obtained final approval from the city of Costa Mesa. Despite the financial impact of this vacancy, we remained committed to fulfilling the obligations of our new lease agreement.

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

To assist our remaining tenants during this period of transition, we have engaged in conversations with them to offer any support they may require. As part of our commitment to helping them find new locations, we have promised to provide them with a 60-day notice, giving them ample time to secure suitable spaces for their businesses.

After August 14, when the Planning Commission voted to move forward with our project, we sent out the notice to our tenants as we promised them. 30 days after receiving our notice, they were all able to secure another location to which they had already moved. All the tenants had moved out except one which will move out at the end of October. We truly believe that we have acted in good faith and have done everything in our power as responsible business owners to support our tenants throughout this time of change.

We have also met with the adjacent business park owner, Mark Les, who is filing the appeal. I graciously held the meeting at my place of business and gave him the opportunity to discuss his concerns and offer a common meeting ground for our businesses to co-exist. In the meeting we offered to work with Mr. Les on his concerns, including parking and having our security keep a careful eye on his property. A lot of our offers were not accepted, but we did assure Mr. Les that we would keep an ongoing dialogue and we are committed to being a good neighbor.

Additionally, I believe C21+ is a legitimate business that is good for the city of Costa Mesa. They offer a unique medical angle to their business that will be a positive addition to the city. Furthermore, they are going to improve the site and the building by doing major renovations to the current outdated and old building giving Mesa Verde a whole new look. In addition, it will provide a great security to the area. We vetted them thoroughly and we believe they are an exceptional operator in the space. We are thrilled that they will potentially be occupying our property and adding a great retail offering to the citizens of Costa Mesa.

If you have any further questions or require additional information, please do not hesitate to contact us.

Sincerely,

Nash Salah

CELL:714-724-6565

EMAIL: Nashwalker007@yahoo.com

From: Nash Walker <nashwalker007@yahoo.com>
Sent: Wednesday, October 11, 2023 6:02 PM
To: CITY CLERK
Subject: Cannabis Business Project PA-22-05 1505 Mesa Verde Drive East
Attachments: City Council Members and City Planning Staff.docx

Please see the attachment,

Nash Salah
President
office:(714) 435-4000
Cell : (714) 724-6565
[Nash Auto Inc.](#)
2665 Harbor Blvd
Costa Mesa, CA 92626
nashwalker007@yahoo.com

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.

From: [Hazelina Belladora](#)
To: [TERAN, STACY](#); [GREEN, BRENDA](#)
Subject: SCCC Group Services Measure Q appeal
Date: Friday, October 6, 2023 3:35:43 PM
Attachments: [Cover Letter, Costa Mesa City Council.pdf](#)
[C21+ - Mesa Verde Plaza Meeting Letter - City of Costa Mesa.pdf](#)

Dear Stacy and Brenda,

Happy Friday, and I hope this message finds you well as we transition to Columbus Day weekend.

Thank you for your courteous attention to this matter and review of the attached documents.

Best regards,
Hazelina Belladora
SCCC Group Services Inc
SCCC Group Holdings LLC
C21 Costa Mesa
949-322-6351

sent via mobile phone app

|

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.

From: Susan Ihrig <smihrig@yahoo.com>
Sent: Monday, October 9, 2023 4:09 PM
To: CITY CLERK
Subject: Dispensaries

Thank you for making licenses available in Costa Mesa for legal dispensaries. Please disregard requests to limit the number of stores, as such requests tend to come from a place of ignorance and judgment from the same individuals who want unlimited access to alcohol, which causes infinitely more deaths and contributes a lower margin of tax revenue. The free market will determine what the correct quantity is to establish equilibrium. We don't need more governmental restrictions.

Thank you

Susan Ihrig
2214 Avalon St
Costa Mesa
(949) 929-1777

Sent from my iPhone

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.

TO: City Council Members and City Planning Staff
FROM: SCCC Group Holdings, C21+ Costa Mesa - Hazelina Belladora
SUBJECT: Planning Application 22-05
DATE: October 4, 2023

My name is Hazelina Belladora and I am writing to you in regards to our Planning Application 22-05 that is being appealed and brought to your attention during the October 17th City Council meeting. I attached a letter outlining a meeting we set up with the appellant to our project, Mark Les, and our efforts to hear his concerns and offer meaningful resolutions. Much like our meeting with Mr. Les, my team and I are willing to meet with any of you to discuss our application and our commitment to be a good neighbor and business in the city. We are eager to present our project and believe we will provide a much needed service, and be a positive impact within Costa Mesa.

Please let us know if you would like to meet with us prior to the City Council meeting.

TO: City Planning Staff

FROM: SCCC Group Holdings, C21+ Costa Mesa

SUBJECT: Attempted Resolution of Concerns Raised by Mr. Mark Les,
Appellant to Planning Application 22-05

DATE: October 4, 2023

On September 26, 2023, our C21+ Costa Mesa team met with Mr. Les and his wife, Barbara, who filed an appeal against our project located at 1525 Mesa Verde Dr. East (Planning Application 22-05). Our sincere intention in requesting a meeting with Mr. Les was to foster understanding, address concerns, and seek common ground during this appeal process, aligning with our commitment to being a responsible member of the community.

During our discussion, we highlighted C21+'s extensive professional experience within the cannabis industry, emphasizing our consistent compliance with all city and state regulations. Addressing Mr. Les' concerns outlined in his appeal, we clarified that none of his existing tenants have opted to leave due to the introduction of retail cannabis in the vicinity. Additionally, we outlined our plans for significant investment in our adjacent site, ensuring improved public safety measures and heightened foot traffic that could potentially benefit his businesses.

Regarding Mr. Les' apprehensions about security and parking, we assured him of our adherence to all city parking requirements and our plans for enhanced security at the proposed store. We have committed to maintaining an open channel of communication with him and his tenants, ensuring that any future concerns are promptly conveyed to our team for immediate resolution. Our security personnel will actively monitor the adjoining area of Mesa Verde Plaza and report any findings to Mr. Les, ensuring a proactive approach to addressing security issues.

Furthermore, we offered to arrange meetings between our team and any of Mr. Les' current tenants. Our goal is to provide comprehensive information about C21+'s unique business model, especially our medical marijuana initiatives and pro-health elements. We recognize the existing stigma around cannabis retail, and we are dedicated to demystifying its use, presenting the facts about its potential benefits for patients seeking alternatives to opioids and other pharmaceuticals.

Our aim is to convey our commitment to operating as a legitimate, positive, and responsible entity within the Costa Mesa community. We aspire to be a trusted alternative medicine option for the city's residents, promoting health and wellness while respecting the concerns of our neighbors.

Thank you for your attention, and please feel free to reach out for any further information.

From: [Kellie Avakian](#)
To: [CITY CLERK](#)
Subject: POT SHOPS
Date: Monday, October 16, 2023 9:27:52 PM

Please present my comments to the City Council regarding Pot Shops in Costa Mesa.

Dear Costa Mesa City Council,

I am a long-time Costa Mesa resident. This is where we have raised our 3 children, owned our home, and had our business for over 22 years. I love our city's economic and cultural diversity. I love our small retail businesses and think that's part of our City's uniqueness.

I live near Harbor and Adams and have been saddened and concerned to see the rise and concentration of Retail Pot Shops in our city centers. Their presence discourages me from wanting to shop in those centers and I find it unsafe when I see their proximity to our neighborhoods (including my own).

I understand there are over 50 more pot shops set to be considered for approval by you. Even if it was five more, it would be too many. This changes the style and desirability of our city.

We do not need any more pot shops and the ones we have should be not be located near neighborhoods and prominent retail centers.

Had I known this would be something our city would be embracing, we would not have chosen to invest our lives here.

I hope you will reconsider what you are approving and reverse course. This plan and the decisions you are making will forever change the nature of our city.

Please look beyond the revenue you are enjoying and look to the future of the City and how you are shaping it with the decisions you are making today.

Best regards,
K. Avakian

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.

From: [WONG, RANDY](#)
To: [CITY CLERK](#)
Cc: [Mark Les](#)
Subject: PA 22-05 - Mesa Verde Plaza
Date: Tuesday, October 17, 2023 11:40:02 AM

Hello,

My name is Randy Wong and I am a tenant in the Mesa Verde Plaza. My brother and I have been here in the complex for over 15 years as small business owners. There are many family businesses in our complex and around the area which setting up a cannabis store next to our complex would be a detriment and not contributing to the community. There are businesses which serve to children in our complex including music studios, art studios, taekwondo, and restaurants. There is also specifically a college and career preparatory here which helps young kids. I would not want to have a business near us where it can have a negative impact or influence on them.

Therefore, I support Mark Les in his objection for opening a cannabis store.

Thank you for your time and attention to this matter.

Regards,



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.

From: givaulters@gmail.com
To: [CITY CLERK](#)
Subject: No more pot shops!
Date: Monday, October 16, 2023 9:46:19 PM

Hello City Council,

I am a born and raised Costa Mesa resident and am standing with many others appealing for you to NOT allow more pot shops to be opened. I love the Costa Mesa community and am fearful of what might happen to that with the increase of substances that can so easily be abused. Please consider the harm this would cause to Costa Mesa!

Thank you for your consideration,

Giana M.

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.

Aol Mail.

Search your mail or the web

RECEIVED
CITY CLERK

23 OCT 16 AM 11:36

CITY OF COSTA MESA
BY *gy*

Compose

From Pat Detro <pdetro@aol.com> v

 Today on AOLTo costamesaca.gov*Don Harper*

CC / BCC

AI

New Mail 117

Old Mail

Starred

Drafts 25


Sent

Spam

Recently Deleted

^ Less

Views Hide

 Contacts Photos Documents Subscriptions Travel

Folders Hide

+ New Folder

Saved Mail

Archive

New Folder

SavedIMs

Plan PA-22-05 Property at 1505 East Mesa Verde Drive

AA B I U S      

City Council:

PLEASE do not put a cannabis store at 1505 Mesa Verde East Drive.

We've lived in Mesa Verde for 53 years. I've gone to California Hairlines for many years. I'm very sad they had to leave even though they put up with a lot. There was always homeless around making messes, graffiti they had to paint over; worst of all, they had a landlord who did few repairs through the years, and never reduced their rent as he was supposed to. He actually raised it.

Also, there are already 3* cannabis stores within walking distance of this property. Do we really need another one?

Please turn down Nash Salah's application. He is NOT a nice human being.

Regards,

Pat Detro

Pat Detro

2798 Vireo Circle

Costa Mesa 92626

714 557 6159

Send

 Attach Add
GIF Add
stationery

abc Spe

From: [John and Kathy Holden](#)
To: [CITY CLERK](#)
Subject: City Council Meeting Regarding PA-22-05
Date: Monday, October 16, 2023 6:56:20 PM

October 16, 2023

City Council
PA-22-05

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

My wife Kathy and I live in Azulon senior apartments across the street for this proposed location. We spoke with the management at Azulon and they said no one contacted them about this application. We do not want this application to be approved. We are blessed to live in a city focused on public safety. We understand this is a legal business in California and are dismayed by the number of young adults using Vape Pipes and cannabis edibles coming in and out of the current cannabis businesses like (STIIIZY) (which is just around the corner from this proposed location) getting into their cars and then driving away brings grief to our hearts. One appeared to be in an altered state of mind. We also understand there are over 20 applications for cannabis stores which is an over saturation and will adversely affect the quality of life and integrity of our city

There seems to be an epidemic of our younger adults doing what they think is right in their own mind without consideration for anyone else. It is a very sad situation when our first responders must carry Narcan to offset the opioids that are often laced in with cannabis. Considering Public Safety, it does not seem reasonable or beneficial for the wellbeing of the residents in Costa Mesa to have the number of cannabis shops. Security Guards/Bouncers standing in front of opulent store fronts is demoralizing and a bad look for the city. Weighing the cities need for additional tax revenue with the detrimental impact to its citizens is paramount.

When considering the application PA-22-05 please evaluate the following regarding serving the public and keeping the public safe.

1. This location is directly across the street from approximately 400 senior citizens.
2. This location currently had businesses that are now displaced or shuttered.
3. The proposed location is approximately 500 yards from another Cannabis business (STIIIZY)
4. Location is next to a liquor store - Plaza Wine and Spirits.
5. Children come and go from Mesa Verde Plaza next door to this location.
6. There are large numbers of homeless and mentally impaired population in the area.
7. There has been a growing number of reckless driving, motor cycle and car street take overs at night on Mesa Verde East.
8. Irrational behaviors of drivers who are using cannabis with potential addiction and use of

other drugs.

9. ***With the Legalization of Cannibals, has anyone correlated the increase of Fentanyl deaths?***

Make no mistake the primary business for this application won't be an Apothecary as was being presented, their business is to sell dope.

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

John and Kathy Holden

May the God of Peace equip
you for every good work,
Heb 13:20

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.

From: [Tracy CLEVIDENCE](#)
To: [CITY CLERK](#)
Subject: Cannabis store at 1505 Mesa Verde Dr
Date: Monday, October 16, 2023 4:38:30 PM

Hello,

I am writing to express my strong opposition to having a Cannabis store next to the Mesa Verde Plaza. Cannabis sales are not compatible with the family friendly businesses already operating at this location. It will have a negative impact on this center and neighborhood. I have lived in Mesa Verde for 30 years. I frequent the Mesa Verde Plaza often. There are children of all ages in and out of this plaza and businesses. Please don't expose them to the unnecessary proliferation of another Cannabis store next door. There are many stores already selling Cannabis in Costa Mesa. This Cannabis location is just Wrong for the wellbeing and safety of our beloved neighborhood Plaza and the families it serves.

Thank you,

Tracy Clevidence

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.

From: [Costa Mesa Inn](#)
To: [CITY CLERK](#)
Subject: Cannabis store 1505 appeal.
Date: Monday, October 16, 2023 4:55:46 PM

To whom it may concern,

This is Vimal Gordhan, I'm a representative of the Niru Hotel Group LLC that operates the Costa Mesa Inn on harbor Blvd.

I would like to voice my concern about cannabis store 1505.

I'm supporting Mark Les's appeal of the store, as I believe this store will attract unwanted transients to the neighborhood.

Thanks you,
Vimal Gordhan
Costa Mesa Inn
Niru Hotel Group LLC

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.

From: [John Tupy](#)
To: [CITY CLERK](#)
Cc: [Cindy Tupy](#); [Bjelland Diane](#); [Tim Bjelland](#); [jorja stewart](#)
Subject: Proposed project PA-22-05
Date: Monday, October 16, 2023 2:14:16 PM
Attachments: [image001.png](#)

Dear Ms. Green,

As long-time Costa Mesa residents (since 1979), we are concerned that our neighborhoods are not being represented well, for the sake of businesses whose only interest is generating revenue for themselves. Proposed Project PA-22-05 is one such example. With already three marijuana retail dispensaries within one-half mile of Adams St. and Harbor Blvd, this proposed project seeks to add another, large (6,000 sq. ft.) retail dispensary within walking distance of our neighborhoods (Apartments and homes in the upper Bird streets). Previous City Council communications had assured the residents of Costa Mesa that marijuana dispensaries would only be approved if they were located north of the 405 freeway, away from residential areas. This assurance has clearly gone by the wayside, for the sake of money.

We want to formally state that you (Costa Mesa City Council) are not representing us, or protecting our homes and neighborhoods, if you continue to approve these dispensaries near and within residential neighborhoods in Costa Mesa. I've included a couple of articles/studies (there are hundreds in support of both directions), to help support our concerns for the effect on our homes and families. We look forward to hearing from you on this tomorrow evening.

[Do marijuana dispensaries increase neighborhood crime? - CU Denver News](#)



<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2808961>

Best regards,

John and Cindy Tupy
2785 Bluebird Cir

Costa Mesa, CA 92626

John E Tupy | Independent Associate, Director



Costa Mesa, CA
Mobile: (949) 294-6022
<https://johnetupy.wearelegalshield.com>

Confidentiality Note: This email and any attachment to it is confidential and protected by law and intended for the use of the individual(s) or entity named on the email. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication is prohibited. If you have received this communication in error, please notify the sender via return email and delete it completely from your email system. If you have printed a copy of the email, please destroy it immediately.

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.

From: [Barbara Abbott](#)
To: [CITY CLERK](#)
Subject: Opposition to more Cannabis retail in Mesa Verde Neighborhood
Date: Friday, October 13, 2023 11:40:07 AM

There are currently 3 cannabis retail stores near Harbor Blvd and Adams Ave (Stiiizy, Off The Charts and Mr. Nice Guy) in Costa Mesa. As a resident of Mesa Verde I oppose any additional Cannabis stores in within 1 mile of Harbor and Adams along Harbor Blvd and it's side streets including Mesa Verde Dr., Peterson Pl., Merrimac Way, Elm Ave, Ponderosa St., Royal Palm, Village way and Baker St.

Sincerely,
Barbara Abbott
Upper Bird Streets

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.

From: [Minh Nguyen](#)
To: [CITY CLERK](#)
Subject: No more cannabis shops in Costa Mesa
Date: Friday, October 13, 2023 10:51:48 AM

Dear City of Costa Mesa,

Please STOP approving retail cannabis shops in Costa Mesa. I know people say the the city receives revenue from these shops, but it's not worth it. Irvine and other neighboring cities didn't approve to have the cannabis shops in their cities for many reasons. These shops are too close to neighborhoods with families and children and senior living facilities. There are other ways to bring revenue to our cities. Why is Costa Mesa approving so many cannabis shops while other cities are NOT approving them?

Thank you,
Minh Nguyen

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.

PALMIERI TYLER

ATTORNEYS AT LAW

Don Fisher

Direct Dial (949) 851-7223

Direct Fax (949) 825-5406

dfisher@ptwww.com

Refer To File No. 35793-
Document I.D. 4150253.2

October 12, 2023

VIA E-MAIL & U.S. MAIL

City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
E: cityclerk@costamesaca.gov

Re: Appeal of PA 22-05

Dear City Council Members:

This firm has been retained by Mr. Mark Les. Mr. Les has owned the 42-unit Mesa Verde Plaza ("MV Plaza"), located at 1525 Mesa Verde Drive East in Costa Mesa, for 32 years. With over 40 small independent businesses it is likely home to more small businesses than any building in the City. MV Plaza is a family-oriented center with over 40 tenants, eight of which are oriented towards children and minors. These include: Musika, Art Steps, OC Tae Kwon Do, Legacy Escape Rooms, John Ortega Golf, Blooming Chiropractic for children and expectant Moms, Enrichment program for home schoolers and Marine Recruiting for high school seniors.

My client and the small business tenants at MV Plaza were very disturbed to learn about the Costa Mesa Planning Commission's recent approval of a new cannabis shop, C21+ (the "C21+ Cannabis Store"), located at 1505 Mesa Verde Drive East. We would respectfully urge the City Council to overturn the Planning Commission's decision to approve PA-22-05 allowing the use.

The C21+ Cannabis Store Violates the Radius Restrictions Set Forth In the Municipal Code

The Costa Mesa Municipal Code expressly provides that:

"No cannabis retail storefront use shall be located...Within 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." (CMMC, Title 13, Ch. 9, Art. 21, § 13-200.93(e)(1) [emphasis added].)

The Municipal Code defines a "playground" as follows:

"Playground means and includes both a public playground located in a city park and a private playground. A private playground shall mean a privately-owned outdoor recreation area, including a tot lot, containing

City of Costa Mesa

October 12, 2023

Page 2

playground equipment or amenities such as swings, slides, sandboxes, or similar installations designed for use by minors and serving either the general public or residents of a development where the playground equipment is located, including residential subdivisions and/or developments such as apartments, townhomes and/or condominium complexes, mobile home parks or other similar residential uses, as well as playground equipment serving registered guests at hotels and motels. A private playground does not include a playground or playground equipment installed at a single-family residence, or play equipment that is part of a privately-owned commercial business or place of worship, or a playground that is access-controlled during operating hours or does not have direct access from the public right-of-way. A private playground does not include areas designated for use as a playing field or court, pool, or skate facility.” (CMMC, Title 9, Ch. 6, § 9-485 [emphasis added].)

In short, the City’s Municipal Code prohibits a cannabis shop like the C21+ Cannabis Store from being within 1,000 feet from a playground. The aerial photograph below depicts the distance (as measured by Google Earth) between the C21+ Cannabis Store and a playground at the Aura residential housing complex. As you can see, the distance between the two points is only approximatley 608 linear feet:



A close-up photograph of the playground is shown below:

City of Costa Mesa

October 12, 2023

Page 3



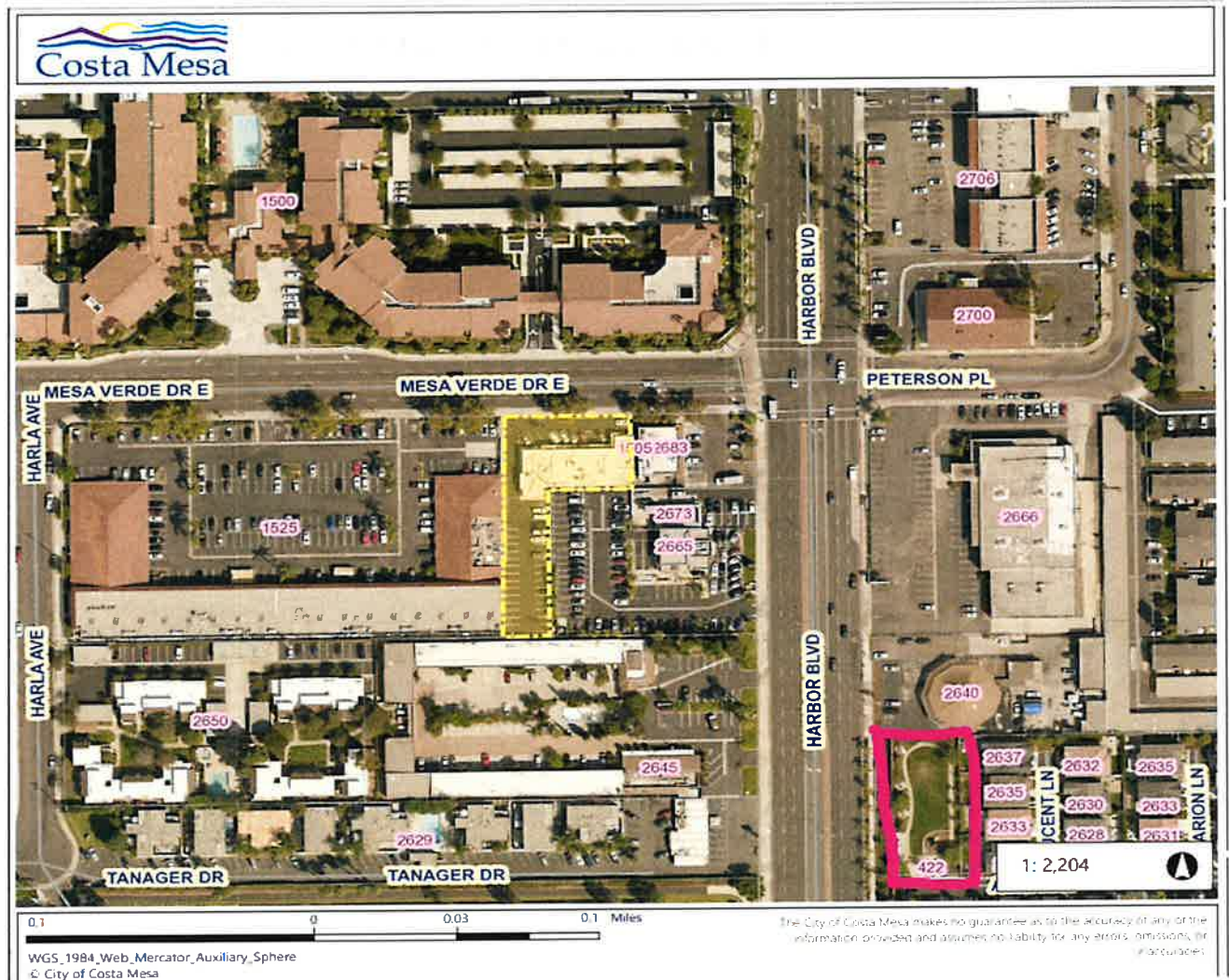
The sign posted in front of the playground equipment confirms that the playground is intended for use by young children, stating:

**“THIS PLAYGROUND EQUIPMENT IS INTENDED FOR CHILDREN
2-5 YEARS OF AGE. ADULT SUPERVISION IS REQUIRED.
PLEASE OBSERVE PLAYGROUND RULES.”**

The site of the C21+ Cannabis Store therefore violates the geographic restrictions set forth in Municipal Code §13-200.93(e)(1) in that it is located less than 1,000 feet from a playground, as defined in the Code. As a result, the Planning Commission’s approval of PA 22-05 was erroneous.

The error appears to have arisen as a result of an outdated zoning map which fails to reflect the location of the relatively new Aura housing complex in which the playground is situated. Looking at the City’s “Vicinity Map” below, one can see that the playground is located to the east of Harbor Boulevard and to the west of Lucent Lane. The City refers to the playground area (which is outlined in pink for ease of reference) as “422.”

City of Costa Mesa
October 12, 2023
Page 4



Area “422” containing the playground can be seen on the City’s Zoning Map below (the playground area is outlined in blue). The Zoning Map legend indicates that the area bordered by Harbor Boulevard to the west, Peterson Place to the north, Lucent Lane to the east and Merrimac Way to the south is designated “C1 – Local Business.” It would appear that that map is mislabeled since portions of that area are populated by the Aura residential community and its adjunct playground.

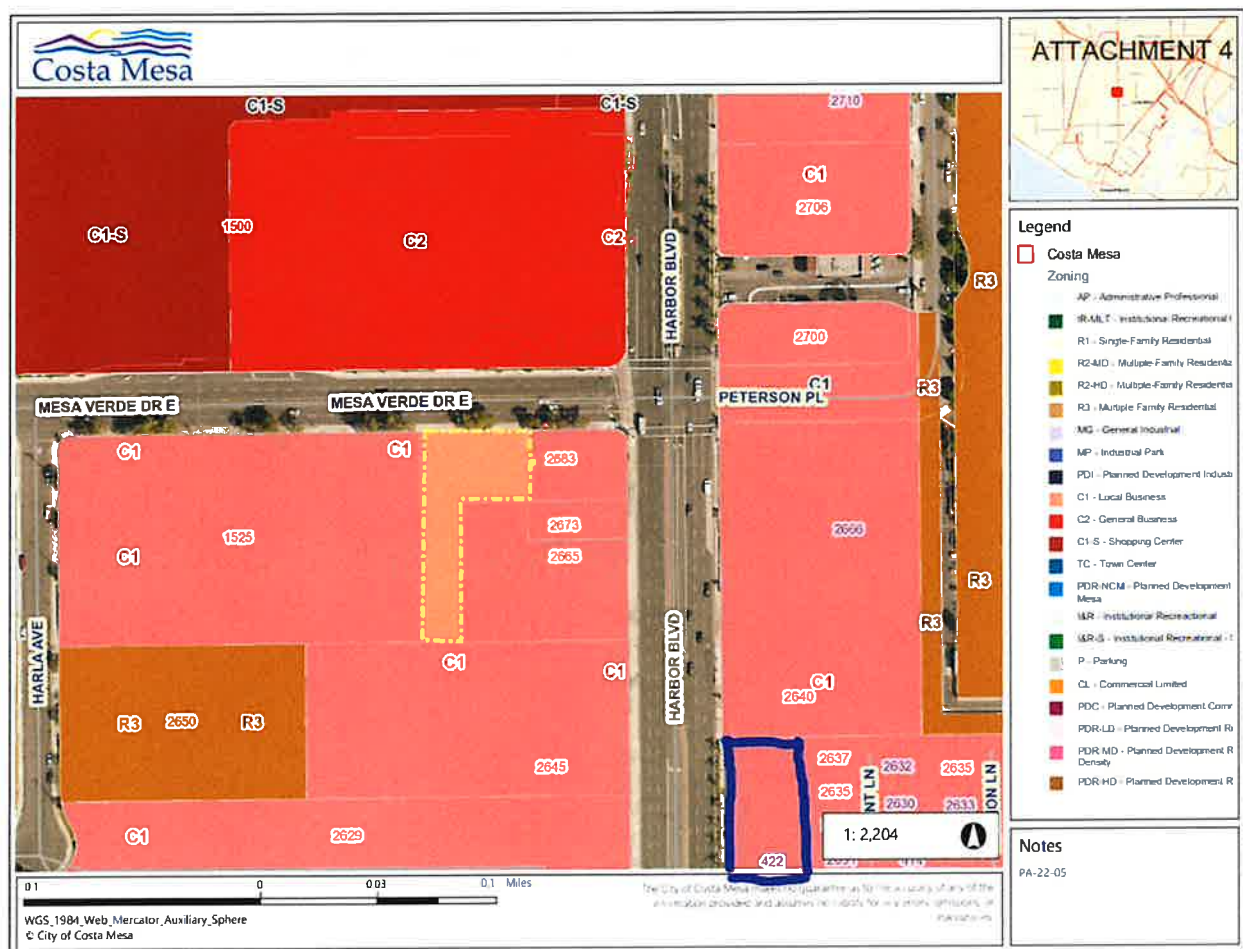
City of Costa Mesa

October 12, 2023

Page 5

It appears that Area “422” and the area bordered by Harbor Boulevard to the west, Merrimac Way to the south, Lucent Lane to the east, and Area “2640” (as shown on the vicinity map above) to the north were rezoned to R2-MD (Multiple-Family Residential, Medium Density) in 2016 under application PA 15-48. Area “422” has apparently been used for residential purposes since 2016.

In any case, the incorrect labeling of this portion of the City’s Zoning Map would explain why the Planning Commission inadvertently approved the location of a cannabis shop approximately 600 feet from a playground.



The C21 Cannabis Store Also Is Located Less Than 600 Feet From a Youth Center.

The City’s Municipal Code defines a “youth center” as follows:

“Youth center means any public or private facility that is primarily used to host recreation or social activities for minors, specifically private youth

City of Costa Mesa

October 12, 2023

Page 6

membership organizations or clubs, social services teenage club facilities, video arcades where ten (10) or more games or game machines or devices are operated or similar amusement park facilities, but does not include dance studios, tutoring, martial arts studios or similar type of uses. (CMMC, Title 9, Ch. 6, § 9-485 [emphasis added])

There are two recreational “escape rooms” at MV Plaza which provide recreational activities for children, including birthday parties.



In addition, one of the tenants at MV Plaza specializes in art activities for young kids:

City of Costa Mesa

October 12, 2023

Page 7



It is undisputed that the C21+ Cannabis Store is situated less than 600 feet from MV Plaza. Since MV Plaza contains multiple small businesses which fall within the Municipal Code's definition of a "youth center" the approval of the C21+ Cannabis Store should be reversed as a result of the location's failure to comply with the geographical limits set forth in the Municipal Code. (CMMC, Title 13, Ch. 9, Art. 21, § 13-200.93(e)(1).

A Conditional Use Permit Should Not Have Been Issued to the C21+ Cannabis Store

A conditional use permit ("CUP") cannot be issued unless the applicant satisfies certain prerequisites.

"When granting an application for any of the planning applications specified below, the final review authority shall find that the evidence presented in the administrative record substantially meets any required conditions listed below...(2) Conditional use permit and minor conditional use permit findings:

- a. The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

City of Costa Mesa

October 12, 2023

Page 8

b. Granting the conditional use permit or minor conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

c. Granting the conditional use permit or minor conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.” (CMMC, Title 13, Ch. 3, § 13-29(g)(2) [emphasis added].)

As will be explained in further detail at the hearing pertaining to the appeal of PA 22-05, a CUP should not have been issued to the C21+ Cannabis Store because a cannabis store (especially one that advertises itself as a cannabis “superstore”) is incompatible with the surrounding area and is injurious to the properties within the vicinity of MV Plaza.

First, the family-friendly ambience that MV Plaza has worked for decades to achieve will be detrimentally impacted by the C21+ Cannabis Store. A significant percentage of the small businesses located at MV Plaza specifically cater to minors. The parent’s perception of the type of neighborhood they will be leaving their kids at is very important to the businesses and livelihoods of the mostly independent, women-owned businesses.

To keep and retain Family and children-oriented business Mr. Les has routinely refused to lease any portion of the MV Plaza premises to adult only oriented businesses such as cannabis shops, massage parlors, hookah bars, tattoo parlors and smoke shops. One of MV Plaza’s current tenants, ArtSteps, has already informed my client that it will vacate MV Plaza and move to a different location if the C21 Cannabis Store is allowed to operate adjacent to MV Plaza. ArtSteps, as well as many other tenants and residents in the area are justifiably concerned not only about loitering and an alteration in the type of clientele that a cannabis store will attract but are also concerned about the negative impacts on parking. Other local tenants have plans to move as the result of the impacts of Cannabis near them.

The parking situation at MV Plaza is already challenging, since parking is at a premium in the vicinity of the center. The MV Plaza lot is closer and easier to access the front of the C21+ store than the vast majority of the spaces they provide in the back of their building. Even with the light traffic generated by 1505 their current tenants and their customers still often choose to park in the MV Plaza lot. The much heavier expected impact from C21+ Cannabis Store is certain to overburden the MV Plazas parking lot.

City of Costa Mesa
October 12, 2023
Page 9

Conclusion

My client has enjoyed owning MV Plaza in Costa Mesa for 32 years and has appreciated the constructive relationship between MV Plaza and the City. However, the Planning Commission's approval of the C21+ Cannabis Store's location at 1505 Mesa Verde Drive East was erroneous in that it contravenes the express provisions of the City's Municipal Code. Accordingly, it is respectfully requested that the Costa Mesa City Council overturn the Planning Commission's approval of PA-22-05.

Please feel free to contact me if the Planning Commission or any representative of the City has any questions or needs any additional information.

Very truly yours,



Don Fisher

DF:bs

From: [Cindy Massaro](#)
To: [CITY CLERK](#)
Subject: City Council Meeting Tuesday 10/17/23
Date: Monday, October 16, 2023 2:40:09 PM

Please present my comments to the City Council re Pot Shops in Costa Mesa.

Dear Costa Mesa City Council,

I live in and love Costa Mesa. This is where we have raised our 3 children, owned our home, and had our business for over 22 years. I love our city's economic and cultural diversity. I love our small retail businesses and think that's part of our City's charm.

I live near Harbor and Adams and have been saddened and concerned to see the rise and concentration of Retail Pot Shops in our city centers. Their presence discourages me from wanting to shop in those centers and it saddens and concerns me when I see their proximity to our neighborhoods (including my own).

I understand there are over 50 more pot shops set to be considered for approval by you. Even if it was five more, it would be too many. This changes the style and desirability of our city.

We do not need any more pot shops and the ones we have should be not be located near neighborhoods and prominent retail centers.

Had I known this would be something our city would be embracing, we would not have chosen to invest our lives here.

I hope you will reconsider what you are approving and reverse course. This plan and the decisions you are making will forever change the nature of our city.

Please look beyond the revenue you are enjoying and look to the future of the City and how you are shaping it with the decisions you are making today.

Best regards,
C.Massaro

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.

From: [Ann Lyons](#)
To: [CITY CLERK](#)
Subject: Cannabis Super Store
Date: Saturday, October 14, 2023 1:05:02 PM

Dear City Council Members,

I am not able to attend the upcoming CM City Council meeting, so I am writing to voice my opinion about the Cannabis Superstore you are considering for Mesa Verde.

I am OPPOSED to this location for this store. There are already 3 cannabis distribution stores in a half mile circle around Harbor and Adams. I feel that is already too many for our area in close proximity to schools and families. It is NOT conducive to promoting a family-friendly community.

I understand that the city has approved 62 cannabis applications so far. This seems a bit GREEDY. Our city is already inundated with many sober living homes for recovery, and now you want to keep adding more Cannabis stores to the area.

Are you pro recovery for our city or are you pro drugs for our city?

I hope you will vote NO for this superstore, and hope you will stop adding many more to our fine city.

Regards
Ann Lyons
714-350-1968

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.

From: [Saousan Jarjour](#)
To: [CITY CLERK](#)
Cc: [Mark Les](#)
Subject: Cannabis Store- Near Mesa Verde Plaza
Date: Sunday, October 15, 2023 8:14:15 AM

Good morning,

My name is Saousan Jarjour, I am the director of Musika Studio in Mesa Verde Plaza -1525 Mesa Verde Drive East.

We are a family owned music school and very proud to be serving our community, families and children in the area where they not only attend family related activities at our school but also attend other family related businesses like Art Steps, Tae Kwon Do and others.

This email is in regards to building a new Cannabis store directly next to the Mesa Verde Plaza.

It is very distressing to hear that the City of Costa is building yet a third store near the plaza, as if 2 are not enough already. We stand against adding one more Cannabis store at such close proximity to the center.

Our families have their children walk to the plaza, bike and many of them enjoy dinners and lunches outside at the amazing restaurants located in the plaza.

It is disappointing that the City of Costa Mesa has decided to ignore the value of families and their safety and instead it is being driven by other motives.

We truly wish you to think of the young families, students and children in the area. Think of the safety of your own citizens.

Ever since the two stores opened nearby, things have shifted a bit and on more than once our employees and clients felt unsafe. More than once, we felt the need to call security.

We appreciate your work and we trust that at the end you will do what is best for the other businesses, families and children of the area. In the end that is what makes Costa Mesa special: How we care for each other.

Best

--

Saousan Jarjour

Musika Studio Director

B.M. Voice- California State University, Fullerton

M.M. Vocal Arts- USC Thornton School of Music

www.musikastudio.us

C: (714) 624-3275

W:(714)852-3630

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.

From: lmarroquin.ribcompany.com
To: [CITY CLERK](#)
Subject: Cannabis Store at 1505 Mesa Verde Drive
Date: Sunday, October 15, 2023 4:31:20 PM

Dear Elected Officials of Costa Mesa,

As a lifetime citizen of Costa Mesa and business owner, I am discouraged to see the proliferation of cannabis shops in my neighborhood. I live in the Upper Birds area in Mesa Verde. There are 5 dispensaries within 2 miles of my home.

This is MORE than enough and I humbly request that you overturn the approval for the cannabis store at 1505 Mesa Verde.

Respectfully,
Laura Ursini Marroquin

Laura Ursini Marroquin
Community Relations & Catering Manager
LMarroquin@ribcompany.com
(949) 631-2110

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.

From: [Mark Les](#)
To: [CITY CLERK](#)
Subject: Appeal of PA-22-05
Date: Friday, October 13, 2023 9:49:31 AM
Attachments: [Council Supporting Docs.pdf](#)

Dear Members of Costa Mesa City Council:

I am writing regarding my appeal of PA-22-05, a cannabis store at 1505 Mesa Verde Dr. E. I own the property directly abutting the proposed site, Mesa Verde Plaza, a 42 unit neighborhood shopping center. I would like to present new information that was not available and therefore not considered by the Planning Staff during their initial approval of PA-22-05. The Planning Commission also was not aware of this information when they passed PA-22-05. Once this information is shown you will see the use does not meet code as it is within 1,000 feet of a playground and within 600 feet of Youth Centers. Also, to grant a CUP it must be shown that this use is compatible with surrounding properties and not detrimental. This can not be shown because a cannabis store on my property edge is not compatible and will be detrimental to current small businesses specializing in children.

For your reference here is a link to the application information: <https://costamesa.legistar.com/LegislationDetail.aspx?ID=6315955&GUID=1C70F276-E5AD-4A30-8F71-719BB0C15FCC> Please also refer to the Council supporting docs attached to this email.

When the Planning Staff checked for sensitive uses within the vicinity of the proposed use they used an outdated zoning map. The zone map in the packet listed the newer Aura Housing Development as C1-Local Business when it had actually been re-zoned in 2016 to R2-MD under the application PA-15-48 and is now a residential use. The development includes a playground which fits all of the requirements of a playground in the City Cannabis Code and is within the 1,000 foot required buffer. This alone disqualifies the cannabis proposal at 1505 Mesa Verde as per ordinance 202109 of the Costa Mesa Cannabis Code.

At least one of my tenants meets the strict Cannabis Code definition of Youth Center and they lie within the 600 foot required buffer. Legacy Escape Rooms has two 1,350 SF suites in my center, and they host regular parties and social gatherings for minors to solve their collaboration games, not unlike a video game arcade the code specifies. In addition, high school recruits at the Marine recruiting office in my center have regular meetings with fitness, bonding and group training in preparation for boot camp in my parking lot, mere feet from the proposed Cannabis entrance.

Planning never considered the detrimental effect an adult only cannabis store would have on the eight businesses in my shopping center directed at children and minors. How could they since the Planning package never even mentioned or considered them. In granting a CUP it is required to show the proposed development would be compatible and not materially detrimental to other properties in the area. Putting the adult-only use of C21+ directly next to a multitude of already existing businesses catering directly to children is not at all compatible and extremely detrimental to those businesses. Parents' perception of the best environment for their kids is what drives decisions. Many parents will not trust dropping their kids off to businesses located directly next to a self-described "cannabis superstore". This will severely reduce the amount of customers of existing businesses in my center that cater to children, and will certainly put a damper on any new customers.

Nearby cannabis stores have already had negative effect on existing businesses in our area. In Planning testimony, Lollipop Pediatric Dentistry, a neighboring property to Stiizy, said they would

not be renewing their Lease due to parent concerns and observed nuisances. The Compound Pharmacy on Harbor is moving their business to behind Ikea over issues related to being near cannabis. At least one my tenants has already voiced that the opening of this proposed C21+ store will lead to them having to close and relocate their business outside of Costa Mesa. Tenants marketing to families and children are very concerned about how this use right on our property line will affect their ability to keep and attract new business. Keep in mind many small businesses do not feel comfortable voicing their concerns to City officials.

A large 6,000 SF cannabis store right next to my center will have a detrimental effect on my being able to attract child and family oriented businesses. Mesa Verde is a large family oriented community evidenced not only by my own family and child focused mix but by the fact that two large private schools for children opened around the corner on Adams. California Health Department Code prohibits schools within 600 feet of Cannabis. A recently vacated 16 year tenant was a school and that space can now never be replaced with a comparable use. I have had tenants with cannabis exclusions in their leases and tenants not allowed to locate next to cannabis. My leasing potential to schools or businesses marketing to the same demographic will most certainly have a detrimental impact on my property. If I thought otherwise I certainly would have rented to one or more of the over 100 cannabis businesses that approached me to rent at my property, many offering two times and more my stated rent.

I believe the applicant downplayed their potential impact on our neighborhood secondary street of Mesa Verde Dr E. They positioned themselves as specializing in helping people with ailments. While this may be a part of their business they also advertise on their website as a cannabis superstore with the lowest prices. <https://shopc21plus.com/> They estimated 300 or so trips per day in their application, however, elsewhere in their application packet they stated a similar sized store in San Diego sees 1,000 per day. When opening previous stores, [their CEO Sean St. Peter boasted](#) ““We know how to run high-volume stores, as our San Diego SDRC branded locations serve almost 1500 customers per day...”

My parking will certainly be negatively impacted. The customers of the current location next door regularly park in my lot and they generate very light traffic compared to what this Cannabis store will attract. To reach most of their parking you have to go through a legally non-conforming tight 18 foot wide drive to the back of their building. My lot is closer to their front door and easier and safer to get in and out of. My lot is outside of the 50 foot no loitering zone and will be very welcoming for those who want to stand around or sit in their cars possibly sampling purchases. At Stiizy nearby I witnessed loitering just outside the 50 foot zone and someone sleeping in their car within the 50 foot zone. Keep in mind cannabis security would have no authority over my lot. Neighbors of recently opened cannabis stores are reporting similar parking and loitering problems that are now their problems to solve.

Good Planning should not allow adult-only businesses right next to children-oriented businesses and should consider the long-term effect on these existing businesses. If adult only businesses carried no stigma there would be no reason to classify them as adult only and restrict their locations. The further prevalence of retail cannabis in this area will remove any family or children oriented businesses from considering locating here, further harming not only my business but the residents of Mesa Verde. This use is non conforming at this location because it violates the code of being within 1,000 feet of a playground and within 600 feet of Youth Centers. Those small independent businesses in my center marketing to children would also be detrimentally harmed.

Thank you for considering this appeal and I am available anytime to discuss over the phone or meet you onsite to discuss further.

Mark Les

Cell - 714-914-4740

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.

"No cannabis retail storefront use shall be located: Within one thousand (1,000) feet from a ... playground..." (CMMC, Title 13, Ch. 9, Art., 21 § 13-200.93(e)(1))

Costa Mesa Municipal Code Title 9 Chapter 6 § 9-485

"Playground" Definition

Playground means and includes both a public *playground* located in a city park and a **private *playground***. A private *playground* shall mean a **privately-owned outdoor^① recreation area**, including a tot lot, **containing *playground* equipment or amenities such as swings, slides, sandboxes^②**, or similar installations designed for use by minors and serving either the general public or residents of a development^③ where the *playground* equipment is located, **including residential subdivisions and/or developments such as apartments, townhomes and/or condominium complexes^④**, mobile home parks or other similar residential uses, as well as *playground* equipment serving registered guests at hotels and motels. A private *playground* does not include a *playground* or *playground* equipment installed at a single-family residence, or play equipment that is part of a privately-owned commercial business or place of worship^⑤, **or a *playground* that is access-controlled during operating hours^⑥ or does not have direct access from the public right-of-way^⑦**. A private *playground* does not include areas designated for use as a playing field or court, pool, or skate facility.

The Aura Residential Playground Meets ALL tests in the code

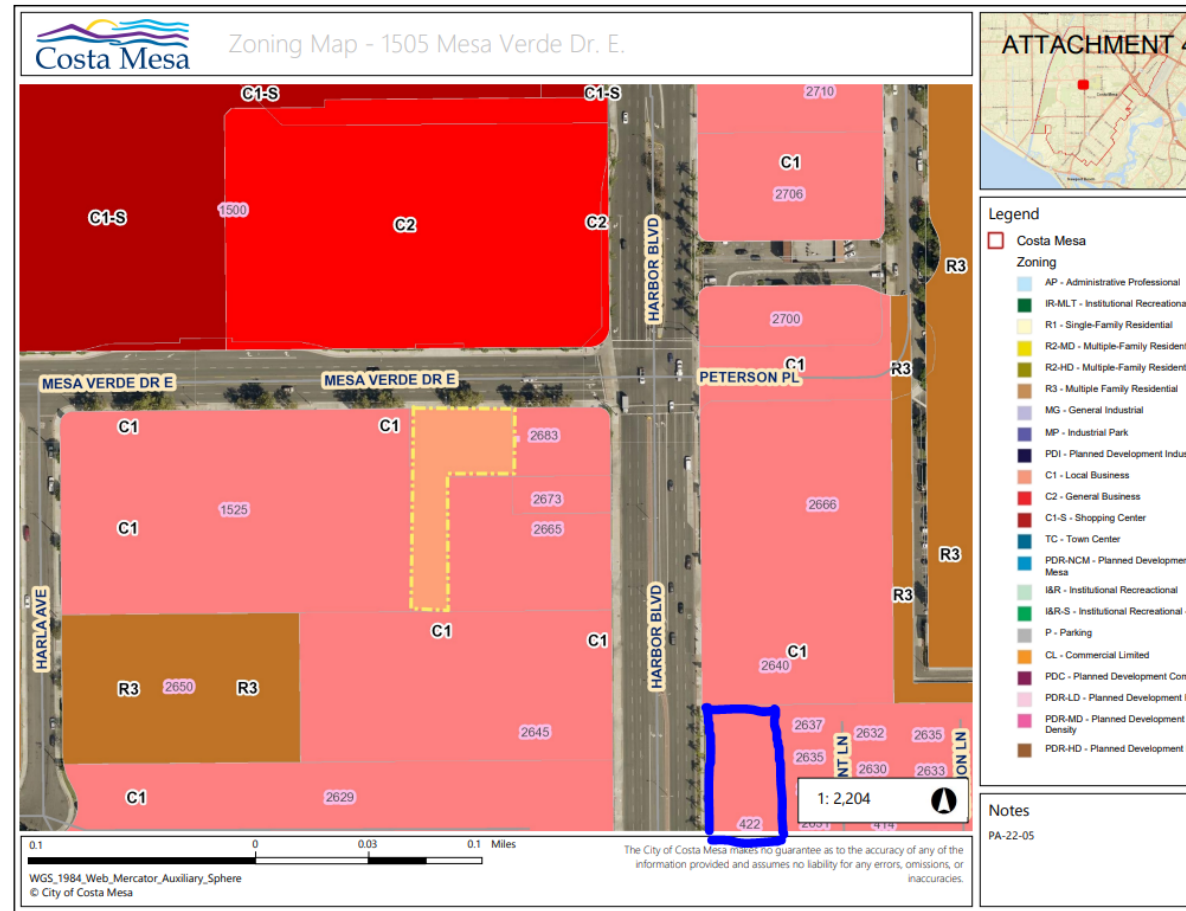


- ✓ **Within 1,000 Feet (608 Feet)**
- ✓ Privately owned recreation area ①
- ✓ Contains playground equipment ②
- ✓ Serves residents of a development ③
- ✓ Includes residential subdivision ④



- ✓ Not a Single Family Residence, place of worship or business ⑤
- ✓ Not Access Controlled ⑥
- ✓ Direct Access from a public right of way (Merrimac way) ⑦

Zoning Map in application incorrectly lists as C-1 Commercial



Highlighted box was rezoned to Residential (R2-MD) in 2016

Youth center means any public or private facility that is primarily used to host recreation or social activities for minors, specifically private youth membership organizations or clubs, social services teenage club facilities, video arcades where ten (10) or more games or game machines or devices are operated or similar amusement park facilities, but does not include dance studios, tutoring, martial arts studios or similar type of uses. (Ord. No. 16-15, § 4, 11-18-16; Ord. No. 18-04, § 2, 4-3-18; Ord. No. 21-09, § 3, 6-15-21)

Two 1,350 SF Escape Rooms – Parties for kids
Fits definition of Youth Center.



High School Marine recruits do regular fitness and bonding for boot camp



This property so close often confused as part
of Mesa Verde Plaza





Legend

- 7-Eleven
- Auto
- Citi
- Coinstar Kiosk | Bitcoin ATM
- Feature 1
- Feature 2
- Feature 3
- Lollipop Dental - Costa Mesa
- Path Measure
- TNT Fireworks
- United States Postal Service
- Vons

Mesa Verde Dr E

Mesa Verde Dr E



C21+

MVP

Text

Dry Clean California

Al Forno Caffe

Great Mex Mesa Verde

Art Steps

U.S. Naval Reserve Recruiting



My lot more accessible to their front door

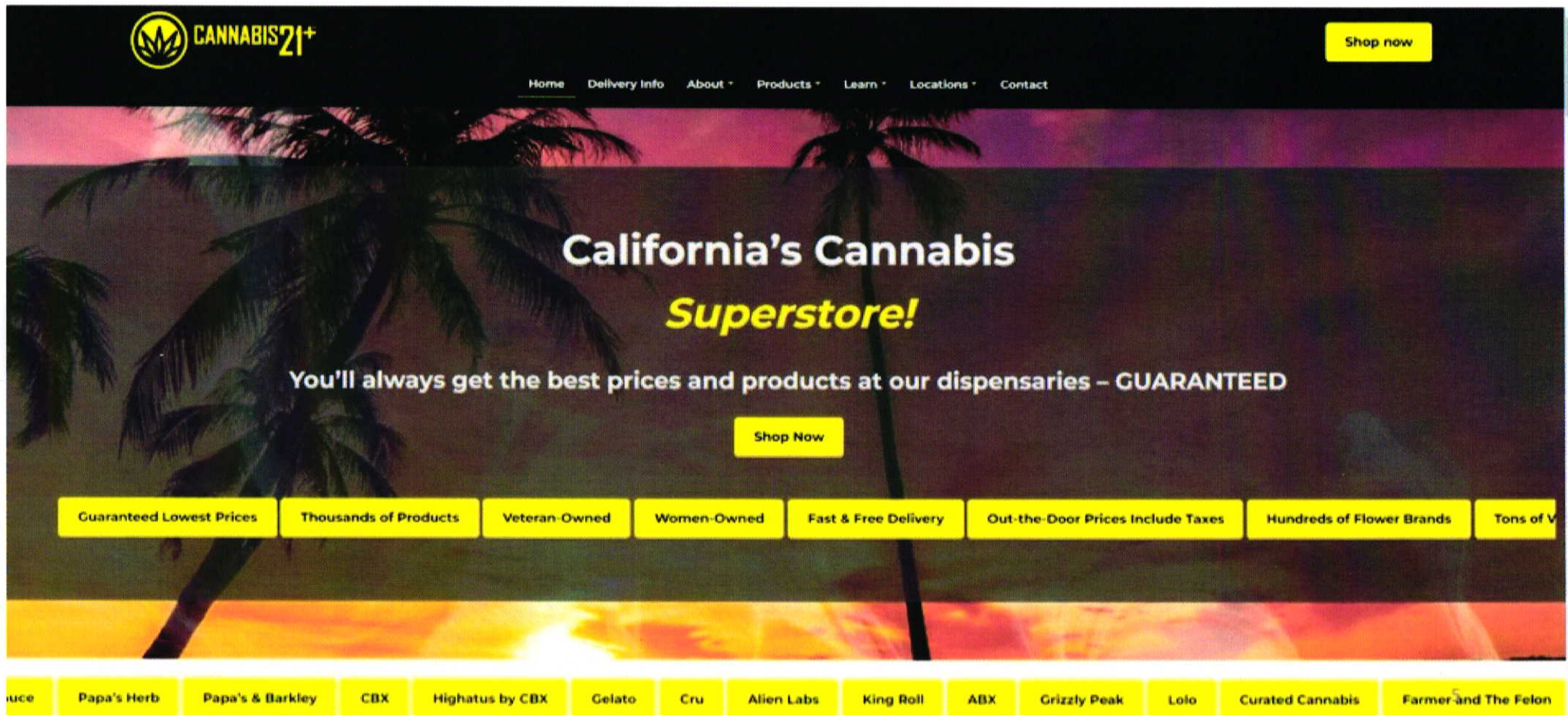


Other cannabis neighbors already experiencing parking overflow



NOT Medical positioning, this is a COSTCO of Cannabis

Costa Mesa Store will be 5,941 sf equals a SUPER STORE SIZE



CANNABIS 21+

[Home](#) [Delivery Info](#) [About](#) [Products](#) [Learn](#) [Locations](#) [Contact](#)

[Shop now](#)

California's Cannabis *Superstore!*

You'll always get the best prices and products at our dispensaries – GUARANTEED

[Shop Now](#)

[Guaranteed Lowest Prices](#) [Thousands of Products](#) [Veteran-Owned](#) [Women-Owned](#) [Fast & Free Delivery](#) [Out-the-Door Prices Include Taxes](#) [Hundreds of Flower Brands](#) [Tons of V](#)

[Juice](#) [Papa's Herb](#) [Papa's & Barkley](#) [CBX](#) [Highatus by CBX](#) [Gelato](#) [Cru](#) [Alien Labs](#) [King Roll](#) [ABX](#) [Grizzly Peak](#) [Lolo](#) [Curated Cannabis](#) [Farmer and The Felon](#)



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

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

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

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

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

Sean St. Peter

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

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

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

Tara St. Peter

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

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



couple of key reasons, which include:

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

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

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

Delivery

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

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

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

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

Security

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



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

Odor Control

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

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

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

Lighting

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

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

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

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

Parking/Traffic Management

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

From: [Beverly Sanders](#)
To: [CITY CLERK](#)
Cc: [Don Fisher](#)
Subject: Appeal of PA 22-05 - LTR
Date: Friday, October 13, 2023 11:47:44 AM
Attachments: [image001.png](#)
[LTR to City of Costa Mesa 2023 10 13.pdf](#)

Good morning:

Please find attached correspondence addressed to the city council members for Costa Mesa in the above-referenced matter.

Thank you.

Beverly Sanders | Legal Assistant

Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP
1900 Main Street, Suite 700 | Irvine, CA 92614
Direct Dial (949) 851-7218 | Fax (949) 851-1554
bsanders@ptwww.com | ptwww.com

-



This message and any attached documents contain information from the law firm of Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP that may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you.

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.

From: Michael Pramuk <mpsfanwood@live.com>
Sent: Wednesday, October 11, 2023 8:36 AM
To: CITY CLERK
Subject: Public Meeting 10/17- 7pm (Cannabis retail store-1505 Mesa Verde Drive E)

Hello:

I am a resident of Costa Mesa living very close to the proposed new cannabis store. I have some concerns about the safety of the store area and potentially more people smoking marijuana in the immediate area around the store and then driving away onto our streets. Would like to hear how these security risks are being addressed at the meeting. Please send me an invite to attend the meeting.

Thanks
Michael Pramuk

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.

From: E Chang <echangtkd@gmail.com>
Sent: Tuesday, October 10, 2023 9:52 AM
To: CITY CLERK
Cc: Mark Les
Subject: PA-22-05

Dear Planning Commission:

I am writing in opposition to PA-22-05, a retail cannabis business at 1505 Mesa Verde Dr. East. I am a small business owner and tenant in the adjacent center, Mesa Verde Plaza. I have owned and operated a small family oriented martial arts school here since 2005. We have been teaching in the Costa Mesa area for nearly 40 years.

I am concerned with this new cannabis business opening in such close proximity; as it is a close walk to my business where my clientele is primarily young children and teens. Many of these students often wait and/or walk to and from businesses and homes nearby. There are also several neighboring family oriented businesses that cater to the same customer ages, such as an art school and a music school. I believe a retail cannabis store will pose greater safety and health risk to everyone nearby as well as have a detrimental impact on many long standing community based establishments. Parents might not feel comfortable sending their children out and/or might not feel comfortable living in this area, any longer. I believe it's in the best interest of our local community and their well being, not to allow this type of business, in this area. I'm certain there are many better suited locations for retail cannabis.

I respectfully request that you do not approve the proposed use at 1505 Mesa Verde Dr. E.

Thank you for your time,

Eric Chang

Chief Instructor

Orange County TaeKwonDo

Proudly partnered with the Costa Mesa community teaching life skills and self-defense for 40 years

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.

From: Fran Applegate <japple3062@gmail.com>
Sent: Wednesday, October 11, 2023 4:54 PM
To: CITY CLERK
Subject: PA22-05

October 11, 2023

I wish to tell the Costa Mesa City Council members that I strongly oppose approval for another Cannabis store in our city. Though this drug is legal I consider that it can have dangerous effects. We do not need more of these businesses.

Sincerely yours,

Frances H. Applegate
3062 Capri Lane
Costa Mesa CA 92626
japple3062@gmail.com

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.

From: Pat Davis <patotdavis@aol.com>
Sent: Thursday, October 12, 2023 3:38 PM
To: CITY CLERK
Subject: PA 22-05

Att: City Clerk,

I am sending you this e-mail to let you know how very upset I am over the possible building of the terrible Cannabis Superstore in Mesa Verde!! The shopping center right next door caters to children and the senior apartments directly across the street would be looking out at all the activity going on at the center!! This is a terrible thing to do to Mesa Verde which we all love and we have so much pride of ownership.

Please don't allow this bill to pass and please protect our families and our neighborhood.

Thank you for your time and consideration in this matter.

Sincerely, Pat Davis

Pat O'Toole-Davis

Broker/Property Manager

(714) 545-3650

e-mail: pat@patotdavis.com

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.

From: Sara Van Dyke <drsaravandykedc@gmail.com>
Sent: Tuesday, October 10, 2023 4:58 PM
To: CITY CLERK
Subject: Opposition to Cannabis Store

To Whomever it May Concern,

Our office was recently informed that there is a Cannabis store that is supposed to go in on Mesa Verde near our office.

We already have a lot of issues with people drinking alcohol in public in front of our office and in and around Mesa Verde Plaza and it definitely makes it less safe for all the adolescents we work with in our office (we do sports injury rehabilitation).

For this reason, we oppose the location of the shop.

--

Thank you,

Dr. Sara Van Dyke, DC
DASH Chiropractic
1525 Mesa Verde Dr. E #108 Costa Mesa, CA 92626

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.

From: James Nguyen <jnguyen421@yahoo.com>
Sent: Tuesday, October 10, 2023 10:56 AM
To: CITY CLERK
Subject: Oppose PA 22-05

I would like to oppose PA 22- 05. It is zone for family and kids and I do not want cannabis in the neighborhood.

Thank you
James Nguyen
714-657-5359

[Yahoo Mail: Seamless Account Control](#)

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.

From: Michael Pramuk <mpsfanwood@live.com>
Sent: Wednesday, October 11, 2023 8:36 AM
To: CITY CLERK
Subject: Public Meeting 10/17- 7pm (Cannabis retail store-1505 Mesa Verde Drive E)

Hello:

I am a resident of Costa Mesa living very close to the proposed new cannabis store. I have some concerns about the safety of the store area and potentially more people smoking marijuana in the immediate area around the store and then driving away onto our streets. Would like to hear how these security risks are being addressed at the meeting. Please send me an invite to attend the meeting.

Thanks
Michael Pramuk

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.

From: E Chang <echangtkd@gmail.com>
Sent: Tuesday, October 10, 2023 9:52 AM
To: CITY CLERK
Cc: Mark Les
Subject: PA-22-05

Dear Planning Commission:

I am writing in opposition to PA-22-05, a retail cannabis business at 1505 Mesa Verde Dr. East. I am a small business owner and tenant in the adjacent center, Mesa Verde Plaza. I have owned and operated a small family oriented martial arts school here since 2005. We have been teaching in the Costa Mesa area for nearly 40 years.

I am concerned with this new cannabis business opening in such close proximity; as it is a close walk to my business where my clientele is primarily young children and teens. Many of these students often wait and/or walk to and from businesses and homes nearby. There are also several neighboring family oriented businesses that cater to the same customer ages, such as an art school and a music school. I believe a retail cannabis store will pose greater safety and health risk to everyone nearby as well as have a detrimental impact on many long standing community based establishments. Parents might not feel comfortable sending their children out and/or might not feel comfortable living in this area, any longer. I believe it's in the best interest of our local community and their well being, not to allow this type of business, in this area. I'm certain there are many better suited locations for retail cannabis.

I respectfully request that you do not approve the proposed use at 1505 Mesa Verde Dr. E.

Thank you for your time,

Eric Chang

Chief Instructor

Orange County TaeKwonDo

Proudly partnered with the Costa Mesa community teaching life skills and self-defense for 40 years

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.

From: Fran Applegate <japple3062@gmail.com>
Sent: Wednesday, October 11, 2023 4:54 PM
To: CITY CLERK
Subject: PA22-05

October 11, 2023

I wish to tell the Costa Mesa City Council members that I strongly oppose approval for another Cannabis store in our city. Though this drug is legal I consider that it can have dangerous effects. We do not need more of these businesses.

Sincerely yours,

Frances H. Applegate
3062 Capri Lane
Costa Mesa CA 92626
japple3062@gmail.com

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.

From: Pat Davis <patotdavis@aol.com>
Sent: Thursday, October 12, 2023 3:38 PM
To: CITY CLERK
Subject: PA 22-05

Att: City Clerk,

I am sending you this e-mail to let you know how very upset I am over the possible building of the terrible Cannabis Superstore in Mesa Verde!! The shopping center right next door caters to children and the senior apartments directly across the street would be looking out at all the activity going on at the center!! This is a terrible thing to do to Mesa Verde which we all love and we have so much pride of ownership.

Please don't allow this bill to pass and please protect our families and our neighborhood.

Thank you for your time and consideration in this matter.

Sincerely, Pat Davis

Pat O'Toole-Davis

Broker/Property Manager

(714) 545-3650

e-mail: pat@patotdavis.com

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.

From: Sara Van Dyke <drsaravandykedc@gmail.com>
Sent: Tuesday, October 10, 2023 4:58 PM
To: CITY CLERK
Subject: Opposition to Cannabis Store

To Whomever it May Concern,

Our office was recently informed that there is a Cannabis store that is supposed to go in on Mesa Verde near our office.

We already have a lot of issues with people drinking alcohol in public in front of our office and in and around Mesa Verde Plaza and it definitely makes it less safe for all the adolescents we work with in our office (we do sports injury rehabilitation).

For this reason, we oppose the location of the shop.

--

Thank you,

Dr. Sara Van Dyke, DC
DASH Chiropractic
1525 Mesa Verde Dr. E #108 Costa Mesa, CA 92626

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.

From: James Nguyen <jnguyen421@yahoo.com>
Sent: Tuesday, October 10, 2023 10:56 AM
To: CITY CLERK
Subject: Oppose PA 22-05

I would like to oppose PA 22- 05. It is zone for family and kids and I do not want cannabis in the neighborhood.

Thank you
James Nguyen
714-657-5359

[Yahoo Mail: Seamless Account Control](#)

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.

From: GREEN, BRENDA
Sent: Thursday, October 12, 2023 1:01 PM
To: TERAN, STACY
Subject: FW: Denial of Appeal

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Hope Ayoub <hopeayoub7@gmail.com>
Sent: Thursday, October 12, 2023 11:43 AM
To: GREEN, BRENDA <brenda.green@costamesaca.gov>
Subject: Denial of Appeal

To: City Council Members and City Planning Staff
Re: Support for PA-22-05, C21+ Cannabis Retail
Denial of Appeal

Dear City Council Members and City Planning Staff,

I am writing to express my strong support for C21+ located at 1505 Mesa Verde, Costa Mesa, CA 92626, and their PA-22-05 application.

I kindly request that you deny the appeal currently scheduled for discussion at the October 17th City Council meeting. As a longstanding resident of Costa Mesa and an advocate for responsible business practices in our community, I firmly believe that C21+ is a valuable addition to our city.

I have been working in Costa Mesa for 6 years and have had the privilege of witnessing the positive transformation and growth of our city. Over the years, I have seen the benefits of embracing businesses that contribute to our local economy, provide jobs, and operate responsibly. C21+ exemplifies these qualities and has my full support.

C21+ has established a strong reputation as a respected cannabis business that offers unique, high-quality medical cannabis products. Their commitment to safety, compliance with state and local regulations, and dedication to providing a safe and welcoming environment for customers are commendable. I believe that C21+ will not only serve the medical needs of our community but will also contribute to the local economy, generating revenue that can be reinvested in the betterment of Costa Mesa.

The cannabis industry has evolved significantly in recent years, and C21+ represents the kind of responsible and forward-thinking enterprise that aligns with the values of our community. I am confident that their presence in Costa Mesa will have a positive impact and will help further destigmatize the use of cannabis for medical purposes.

In conclusion, I kindly urge you to support the PA-22-05 application for C21+ and deny the appeal during the upcoming City Council meeting. It is my belief that C21+ will be a valuable asset to our community, and I look forward to witnessing the benefits it will bring to Costa Mesa.

Sincerely,
Hope Ayoub

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.

From: Brad Warrick <brad@davisonandmoore.com>
Sent: Monday, October 9, 2023 9:35 AM
To: CITY CLERK
Subject: Retail Marijuana Shops

To whom it may concern;

We are very upset at all of the pot shops that are popping up in Costa Mesa! There are 5! On Harbor Blvd alone, with another one trying to get into Mesa Verde Center, and Nectar on Newport Blvd. This is absolutely stupid and reckless! There are schools, family gathering spaces and other businesses that are going to be hurt by this, as well as thinking of all of the people driving around stoned! Please take this into consideration and **STOP** the approval of these detrimental businesses in our city!!!

Thank You,

Brad Warrick

Warehouse and Distribution Manager

DAVISON + MOORE

1567 Sunland Lane

Costa Mesa, CA 92626

714.309.5045 – Mobile

949.252.0101 – Main

949.252.0707 – Fax

www.davisonandmoore.com

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.

From: Kelli Warrick <kellidavisonatt.net@icloud.com>
Sent: Saturday, October 7, 2023 9:30 AM
To: CITY CLERK
Cc: Brad Warrick
Subject: Pot shops

My husband and I are very upset at all of the pot shops that are popping up in Costa Mesa! There are 5! On Harbor Blvd, with another one trying to get into Mesa Verde Center, and Nectar on Newport Blvd. This is absolutely not ok! There are schools, family gathering spaces and other businesses that are going be hurt by this, as well as thinking of all of the people driving around high! Please take this into consideration and stop the approval of these detrimental businesses in our city!

Sincerely,
Kelli and Brad Warrick

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.

From: Charles Purcell <sludgebusterus@yahoo.com>
Sent: Sunday, October 8, 2023 8:28 PM
To: CITY CLERK
Subject: Pot Shops

I'm a 48 year resident of Costa Mesa and would never have imagined our wonderful City becoming the cannabis capital of Orange County. This is the worst idea an incompetent City Council has proposed in all my years involved with our City. I will be out of town on Oct 17th and want to go on record as being strongly opposed to approving all these pot shop applications. It's beyond my imagination how any person, or City Council can possibly view this onslaught as being good for our City. Anything that provides another dollar to our coffers is OK with the majority of our current City Council.

Enough is enough! Please don't approve any more of these applications.

A very concerned citizen.

Charles (Rus) Purcell

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.

From: vk <akaabour@yahoo.com>
Sent: Saturday, October 7, 2023 8:29 PM
To: CITY CLERK
Subject: Planning Application 22-05

This is a letter regarding the application for the opening of a cannabis dispensary at 1505 Mesa Verde De East.

I am currently living across the street from the proposed location and am strongly against this proposal and do not want it to be approved.

We are a 55+ and over community that has seen our area change in the last several months to a dangerous and scary place to live. The homeless situation is increasing and the roads are very unsafe to drive. Even walking on the sidewalks are unsafe walking past people passed out from alcohol and drug use. There is already a speeding issue that has been a huge problem on Mesa Verde DR! Why would we encourage further use of a substance to make our area more of a dangerous place to live?

With the recent opening of two dispensaries in less than a half a mile from the proposed location, what is the need for a third?! Will we become the place known as Marijuana City? Is this what the council members are wanting Costa Mesa to be viewed as? Will we become like Santa Ana? What will this do to the value of our homes? What person will want to move here with a family with this reputation? Shame on the people in charge of the city allowing our Costa Mesa to go down hill like this? I don't feel safe anymore and this is a huge part of the problem and MUST not be allowed!

A very angry and upset Costa Mesa Resident.

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.

From: Tom Burns <tburns@interfinishcorp.com>
Sent: Monday, October 9, 2023 10:20 AM
To: CITY CLERK
Cc: Mark Les
Subject: PA-22-05

To whom it may concern.

I am diametrically opposed to another dispensary in costa mesa directly adjacent to family oriented business geared mostly to young children. Not to mention the three other shops that are within a few hundred yards of the proposed site. How many is enough??? Our complex is a sleepy little place that houses places for young children to take music lessons, dance lessons, home schooling, and for neighborhood adults to visit their dentists, financial advisors, and take their pets. We have several family restaurants patronized by mostly locals. It seems as many industrial areas as there are in costa mesa, those would be the better fit for these types of businesses. The security aspect these businesses offer cover only their property. What about those who step over the property line to lounge around and use the products purchased from these places. I am firmly opposed to another POT shop near the other 3 that are already in business near Harbor and Adams. Please put yourself in our place as neighbors to these businesses. Please reconsider the decision to allow and offer an industrial site solution off of Placentia or Randolph where body shops and car repair shops may be far less impacted.

Sincerely,

Thomas M. Burns
Interfinish Corporation
1525 Mesa Verde Drive East
Suite 201
Costa Mesa, CA 92626
714.235.3333
tburns@interfinishcorp.com

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.

From: Hilary Key <hilary@artstepsclasses.com>
Sent: Thursday, October 5, 2023 5:47 PM
To: CITY CLERK
Cc: Mark Les
Subject: Our Children's Business & the Cannabis Shop Appeal

Dear City Planners & Leadership,

I am the owner or Art Steps, children's after-school fine art drawing and painting studio for children ages 4 through 17, located in the Mesa Verde plaza. We have about 200 families a week visiting us, and growing. I understand there is proposed cannabis business that is trying to open directly next to us, and I encourage you to decline its application.

The perception of safety is **essential** for us to run our business teaching after school art lessons for kids. The **trust** of parents is essential in them dropping their children off with us.

Of course, safety itself is critically important. Even if this cannabis business claims that it will bring safe clientele and even if that were to be true, the **perception** of safety and a great family neighborhood is vital to our being able to keep our doors open.

Our teachers are fine artists with degrees, so it is somewhat challenging to hire in the first place, and they must feel safe as well when entrusted with the safety of dozens of children in a storefront business, or we will lose them as employees.

We are a responsible business and positive part of the local culture. Businesses like ours help drive up housing values by attracting families to the area. We bring the arts to Costa Mesa in a positive way.

When we moved in, it felt to us that this neighborhood in Costa Mesa was up and coming. In fact, we have found that the area is safer than it used to be. I'll mention that our Laguna Hills location is near a vape shop, and though the general neighborhood is safe, we've had multiple incidents with several questionable people who frequent that shop, including one man lunging toward a child, and a full-blown break-in and one man waving a gun around in front of our studio, so we're looking to move that location.

If this business opens directly next door to us, we plan to Huntington Beach or Newport Beach. I hope you value the integrity of the neighborhood and all the families who are looking to thrive here, enough to be discerning about businesses allowed into the area.

If you have any questions, feel free to contact me at 714-883-1954 or at the info below.

Best,
Hilary Key
Director, CEO
Art Steps, Inc.

(714) 524-2248 ext 700
hilary@artstepsclasses.com
www.ArtStepsClasses.com

From: Performance Place - Sebastian Gonzales <seb@p2sportscares.com>
Sent: Monday, October 9, 2023 12:06 PM
To: CITY CLERK
Subject: Opposition to Cannabis store - Mesa Verde

Hello. I am not able to attend the meeting due to schedule but I am strongly opposed to the new store. There are 2 stores in the immediate area. We have many children and kids in our complex.

I lease in the mesa verde complex. We serve student athletes from all sports (ballet to football)

We already have a vagrant problem in our area. Let's not invite more drug use into our complex. Perhaps they can lease in a place with let's kids like around the airport.

Thanks for the concern

Sebastian Gonzales
1525 mesa verde dr #108

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.

From: Allie Christensen <allie@alignfitnessbyallie.com>
Sent: Monday, October 9, 2023 12:36 PM
To: CITY CLERK
Subject: Oppose Proposed Cannabis Store- Mesa Verde

To whom it may concern:

I am not able to attend the meeting due to schedule but I am strongly opposed to the proposed Cannabis store next door. There are 2 stores in the immediate area.

I lease at the Mesa Verde Center (1525 Mesa Verde Drive) My business is 100% with children ages 8-18 and I do not want to see more drugs brought on to our block.

We already have a very high number of vagrants, homeless, + people standing, drinking, and doing drugs RIGHT outside my door on the stairs.

We also have school right above my office where I see children every day walking down the stairs past people doing drugs.

Please vote to move drugs, (legal or not) out of this family complex and block. There are so many locations available that do not have multiple businesses that only serve minors.

Thanks for your consideration

Allie Christensen
Align Fitness Owner
1525 mesa verde dr #108

--

Allie Christensen
Owner, Align Fitness
allie@alignfitnessbyallie.com

More information at
www.alignfitnessbyallie.com
[On Instagram](#)

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.

From: Lisa Proctor <lproctor@sbcglobal.net>
Sent: Monday, October 9, 2023 4:29 PM
To: CITY CLERK
Subject: Concern regarding PA 22-05

Hello....just wanted to voice my concern about bringing a marijuana store into the quiet Mesa Verde area. The proposed location seems unfortunate, as this particular shopping center is frequented by families and children (dentist/taco nights/karate classes....). There are many options to purchase these same pot products within close proximity—is this the best in terms of planning and oversight for the residents of Mesa Verde that Costa Mesa leadership can provide? Why is this location considered optimal?

Thank you,

Lisa Proctor
2001 Baltra Pl

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.

From: Lynda A <lyndaandrian@hotmail.com>
Sent: Friday, October 6, 2023 6:34 PM
To: CITY CLERK
Subject: Cannabis shop

We already have 2 within walking distance to the proposed 3rd shop in Mesa Verde plaza. We are a good clean neighborhood and 2 is enough in our area. If you need the tax revenue place it somewhere else. Maybe somewhere by Bay and Newport Blvd.

Costa Mesa resident since 2002
Lynda Andrian

Get [Outlook for Android](#)

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.

From: [Larry Weichman](#)
To: [CITY CLERK](#)
Cc: [CITY COUNCIL](#)
Subject: Please forward to council regarding File #: 23-1412 (JUST CAUSE RESIDENTIAL TENANT PROTECTIONS)
Date: Monday, October 16, 2023 9:58:31 AM
Attachments: [City Council AB 1402 & SB567.pdf](#)

Please see the attached letter, I would appreciate a no vote for this new proposed ordinance. We do not need more government regulations and costs to the taxpayers.

Thank you,
Larry Weichman
Broker
714.241.4532
Dre#00573423
WeichmanRealEstate.com



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.

Larry Weichman
1819 Samar Drive
Costa Mesa, CA 92626
714.241-4532
Larry@WeichmanRealEstate.com

File #: 23-1412

Dear Council members and Mayor Stephens,

Before you tonight you have a proposed ordinance to once again exert more government control over landowners/ property owners. The new bills signed **AB1482** and **SB567** recently signed by our Governor provide improved coverage and help to the tenants of the state.

The planned action by the city council will have a negative effect. Why would any person or company want to come and invest in Costa Mesa with its over the top laws on property owner's?

The proposed ordinance looks like it will cost property owners an additional cost of \$5,940 to assist in move out costs. The proposed ordinance has not even addressed what the true cost of additional employment to the city will be just to enforce this code..

This is a bad plan which will tip off landlords to write 11 month lease's to circumvent the law and who knows what else will happen with more government intervention.

Costa Mesa is going in the wrong direction like the state of California! Let's keep Costa Mesa friendly towards landlords and businesses that invest in our community and not encourage them to run from the city.

Thank you,

Larry Weichman
Costa Mesa Resident since 1976
Business Owner
Property Owner

Jeffrey E. Butcher
359 Ramona Way
Costa Mesa CA 92627
(949)422-1108

October 16, 2023

Sent Via Email

City Clerk of Costa Mesa
City Council of Costa Mesa

RE: File #23-1412 Agenda Item 2 New Business 10/17/23 City Council meeting

I am writing this response to the new proposed City of Costa Mesa Ordinance to amend No Fault / Just Cause evictions in the City of Costa Mesa

I have been a resident of Costa Mesa since 1999. I own and operate Pacific Coast Realty Group on East 17th street and I own small rental properties in the city as well as my home on Ramona Way.

If passed this Ordinance will have the unintended consequence of hurting the very people the ordinance is trying to protect. Like AB1492 and SB567 that created and amended CA statewide rent control and now AB12 (passed into law last week) Owners of rental units are facing a bizarre list of new restrictions and regulations that have only been around for a few years. AB12 now limits an owners ability to collect a security deposit to no more than one month of rent.

Since rent control went into effect in 2020 rents in California have sky rocketed. I used to be the type of apartment owners that prided themselves on keeping rents below market. With the passing of rent control the state has now handed owners a guideline of how much rents should go up every year. If owners don't raise the rent by the maximum amount each year, they won't be able to keep up with the market. This is forcing owners to raise rents that may not have normally done so. I am now one of those owners.

This new Ordinance is a solution looking for a problem. There are only two ways now to have a no fault eviction once a tenant has been in the property for more that 12 months. 1) Owner or an immediate family member must move in or 2) owner must perform a huge remodel and pull permits. Under either scenario Owner will need to pay the tenant the equivalent of one month rent for relocation. This is not a wide spread occurrence. Owners would rather raise the rents the maximum amount every year until the tenant has to move on their own than jump thru the hoops and cost of a no fault eviction. **Has there been any study done to see how many owners are going through with no fault evictions?** I would bet the number is very low.

Other unintended consequences that this ordinance will have (along with AB12) on Costa Mesa renters;

- 1) Owner's will only rent to perfect tenants with great credit, verifiable income and no stories. **No one gets the benefit of the doubt anymore** because under AB12 we can only charge one month rent as security deposit and we pay two months rent if we want them to leave per this proposed ordinance.
- 2) **All leases will now be no more than 11 months**, if a tenant blinks, pays rent late, or causes any issues that lease will not be renewed because after 12 months the owners have less options if the tenant isn't working out.
- 3) Owners will be less likely to keep rental units maintained.
- 4) Costa Mesa along with Newport Beach are still considered good places for investors to invest in rental properties **primarily because our city hasn't tried to increase tenant protections over the current state law**. Dissuading investment will reduce the number and quality of available rental units available in the city.
- 5) Owners of small duplex style apartments, like myself who get fed up with the complicated and punitive state & city ordinances will just sell their properties to owners that will live in one or both units and therefore may be taken out of the available rental pool.

Costa Mesa should not be trying to further increase tenant protections over what the State has already approved into law. Since 2019 the California's mandates have only made rents higher, not lower. If rent control / tenant protections actually worked we would know by now and this ordinance would never have been proposed... Doubling down on additional tenant protections will only make the problem worse.

Thank you for your time. Please call me with any questions. I plan to be at the 10/17/23 meeting.

Sincerely,



Jeffrey Butcher

Jeff.butcher@sbcglobal.net

From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: October 17th Agenda - New Business Item Number 2 - Costa Mesa Just Cause Residential Tenant Protections Ordinance
Date: Tuesday, October 17, 2023 10:53:50 AM
Attachments: [image001.png](#)
[Ltr to Costa Mesa City Council re Just Cause Tenant Protections Ordinance\(19810337.2\).pdf](#)

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Slobodien, Mia R. <MSlobodien@rutan.com>
Sent: Tuesday, October 17, 2023 10:49 AM
To: STEPHENS, JOHN <JOHN.STEPHENS@costamesaca.gov>; HARLAN, JEFFREY <JEFFREY.HARLAN@costamesaca.gov>; MARR, ANDREA <ANDREA.MARR@costamesaca.gov>; CHAVEZ, MANUEL <MANUEL.CHAVEZ@costamesaca.gov>; GAMEROS, LOREN <LGAMEROS@costamesaca.gov>; GAMEROS, LOREN <LGAMEROS@costamesaca.gov>; HARPER, DON <DON.HARPER@costamesaca.gov>; REYNOLDS, ARLIS <ARLIS.REYNOLDS@costamesaca.gov>
Cc: GREEN, BRENDA <brenda.green@costamesaca.gov>; Farrell, Jennifer J. <jfarrell@rutan.com>; Munoz, Patrick <pmunoz@rutan.com>; Dennington, Doug <ddennington@rutan.com>
Subject: October 17th Agenda - New Business Item Number 2 - Costa Mesa Just Cause Residential Tenant Protections Ordinance

Honorable Mayor and Councilmembers:

Attorney Jennifer J. Farrell requested that I forward to your attention our attached letter dated 10/17/2023 for your review and consideration.

If you have any questions, comments or concerns, please do not hesitate to contact Attorney Farrell directly at (714) 338-1884 or jfarrell@rutan.com.
Thank you.

Mia R. Slobodien
Legal Secretary

18575 Jamboree Road, 9th Floor | Irvine, CA 92612
O. (714) 641-5100 | D. (714) 641-5100 x1341
mslobodien@rutan.com | www.rutan.com



Privileged And Confidential Communication.

This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC §§ 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited.

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.

October 17, 2023

VIA ELECTRONIC MAIL

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

John.Stephens@costamesaca.gov
Jeffrey.Harlan@costamesaca.gov
Andrea.Marr@costamesaca.gov
Manuel.Chavez@costamesaca.gov
LGameros@costamesaca.gov
Don.Harper@costamesaca.gov
Arlis.Reynolds@costamesaca.gov

Re: Costa Mesa Just Cause Residential Tenant Protections Ordinance

Honorable Mayor and Councilmembers:

This office represents a significant number of property owners and landlords throughout the City of Costa Mesa ("City"). This letter concerns New Business Item Number 2 on your October 17th Agenda: An Ordinance of the City Council of the City of Costa Mesa, California Amending Title 9 (Licenses and Business regulations) of the Costa Mesa Municipal Code by Adding Chapter II (Regulation of Certain Businesses, Article 24 (Just Cause Residential Tenant Protections) ("Proposed Ordinance"). On behalf of our various clients, we are writing to voice their opposition to the adoption of the Proposed Ordinance.

As set forth below, the Proposed Ordinance is problematic on many legal fronts. It singles out landlords and property owners throughout the City causing them to incur additional costs, expenses, and obligations beyond those imposed by both existing State Law requirements and their existing leases. Many of our clients own properties in the City that are co-owned, or funded by investors and partnerships which include State and union pension funds, endowments, and other fixed income investors whose investment in real estate is predicated on the rule of law and the privity (and security) of contracts in which they invest. Other of our clients include small to medium sized property owners and real estate management companies that have invested in the City with the similar expectation that they could rely upon the contracts they entered. Whether large investors, or small, the Proposed Ordinance provides no relief or compensation to landlords or property owners for the additional costs, expenses, and obligations it imposes.

Our office urges the City Council **not to adopt** the Proposed Ordinance, and to refrain from impairing contractual relationships which are already controlled by State Law. Indeed, we urge you to resist the political pressure to take action that is duplicative of State Law, and that will unnecessarily expose the City to hundreds of thousands of dollars in potential liability in order to compensate land owners for the unconstitutional taking of private property (liability that, absent the adoption of the Proposed Ordinance, would fall on the State). Significantly, to the extent there are concerns related to problematic landlords in the City, even without the adoption of the Proposed

City Council
City of Costa Mesa
October 17, 2023
Page 2

Ordinance, the City Attorney already has the ability to enforce the provisions of the Tenant Protection Act. (Civ. Code § 1946.2(h)(2), effective April 1, 2024.)

Stated otherwise, the adoption of the Proposed Ordinance provides no new remedies to the City; and rather, would only expose the City to liability for inverse condemnation, substantive due process violations, equal protection violations, liability for interference with contract, and a host of other legal theories. It will also burden the City with additional administrative and staffing obligations – in a City Hall that is already stretched too thin. Our office urges the City Council to **vote “no”** on the Proposed Ordinance, and invest the funds that would otherwise be used to defend itself from unnecessary litigation on education and outreach related to State Law obligations, and appropriate landlord-tenant relationships.

In the event the City Council desires to move forward with adopting the Proposed Ordinance, below is a summary of the potential legal challenges that it might face.

PREEMPTION – UNLAWFUL DETAINER LAWS

The Proposed Ordinance requires that a property owner give notice to City of the issuance of a written notice to terminate tenancy for any no-fault cause; if no notice is provided, the eviction notice is void. (Proposed Ordinance, § 9-402.D) The Proposed Ordinance also requires notice to the tenant of relocation assistance rights and imposes on the landlord a relocation assistance payment or rent waiver of “two times the Fair Market Rental rate for a unit of similar size, or two months of the tenant’s rent that was in effect when the owner issued the notice to terminate the tenancy, whichever is greater.” (*Ibid.*, § 9-403.B.) These requirements are improper limitations on the state-mandated process related to unlawful detainer actions.

“Unlawful detainer actions are authorized and governed by state statute.” (*Larson v. City & Cnty. of San Francisco* (2011) 192 Cal.App.4th 1263, 1297.) “The statutory scheme is intended and designed to provide an expeditious remedy for the recovery of possession of real property.” (*Id.*, citing *Birkenfeld v City of Berkeley* (1976) 17 Cal.3d 129, at 151.) As relevant here, Code of Civil Procedure section 1161 provides that a residential tenant is “guilty of unlawful detainer” where the tenant “continues in possession” of the leased property without permission of the landlord “after default in the payment of rent, pursuant to the lease agreement under which the property is held, and **three days’ notice**, . . . in writing, requiring its payment The notice may be served **at any time** within one year after the rent becomes due.” (Civ. Proc. Code § 1161(2), emphasis added; *Haydell v. Silva* (1962) 201 Cal.App.2d 20, 23 [“One of the evident purposes of this section of the law is to point out specifically to the tenant the amount of rent due, and to give the tenant the opportunity to pay the rent within the time allowed by the statute.”]; *Levitz Furniture Co. v. Wingtip Comm., Inc.* (2001) 86 Cal.App.4th 1035, 1037, n.3 [noting the provision providing for three days’ notice “has remained unchanged since 1905”].)

City Council
City of Costa Mesa
October 17, 2023
Page 3

It is well-established that a city may not modify the procedure established by the unlawful detainer statutes, and in particular, may not alter the comprehensive timeline set forth in the law. (*Birkenfeld*, 17 Cal.3d at 141; *Tri County Apartment Assn. v. City of Mountain View* (“*Tri County*”) (1987) 196 Cal.App.3d 1283, 1297–98 [“Landlord-tenant relationships are so much affected by statutory timetables governing the parties’ respective rights and obligations that a ‘patterned approach’ by the Legislature appears clear”].)

Further, the structure of the Proposed Ordinance makes clear that ***the financial relocation assistance or rent waiver amount is a proxy for an extension of the time*** provided by the unlawful detainer statute. Because the City cannot require a landlord delay one month before commencing an eviction based on nonpayment, it instead attempts to require payment of ***two month’s*** fair-market rent as relocation assistance or as a rent waiver. The effect is virtually the same. Except for units that are above the fair-market rent, the eviction process is effectively delayed at least a month, preventing property owners of availing themselves of the expeditious process established by the Legislature.

Despite the clear caselaw related to the procedural supremacy of the unlawful detainer statutes, the Proposed Ordinance requires additional procedural hurdles (*i.e.*, “more steps”) to consummate an eviction than the procedure established by State Law by requiring *inter alia*: (a) notice of the tenant of the right to relocation assistance or rent waiver; and (b) notice to the City of a potential eviction. The Proposed Ordinance thus places additional burdens on landlords despite the clear and unambiguous procedures laid out by State Law, and hence is preempted by the State which has fully occupied the field of law in this area.

IMPAIRMENT OF CONTRACT

The Proposed Ordinance requires that a property owner give notice to City of the issuance of a written notice to terminate tenancy for any no-fault cause; if no notice provided, eviction notice is void. The Proposed Ordinance also requires payment to the tenant of relocation assistance or rent waiver of “two times the Fair Market Rental rate for a unit of similar size, or two months of the tenant’s rent that was in effect when the owner issued the notice to terminate the tenancy, whichever is greater.” The Proposed Ordinance also requires certain language be included in leases and without such language, renders void any notice of termination of the lease. (Proposed Ordinance, §§ 9-402.D, 9-403.B, 9-405.D).

The Contracts Clause, Art. 1, § 10, of the United States Constitution, provides: “No State shall . . . pass any . . . Law impairing the Obligation of Contracts.” In general, the Contracts Clause prohibits the enactment of laws that “substantially impair” the rights and remedies of parties in existing contracts. In determining whether a particular law violates the Contracts Clause, Federal Courts employ a two-part test. (*Sveen v. Melin* (2018) 138 S.Ct. 1815, 1822.) First, courts look to see whether the law’s impairment of an existing contract is “substantial.” (*Id.*) Only after it

City Council
City of Costa Mesa
October 17, 2023
Page 4

determines the impairment to be substantial will the court apply the second prong of the test, which inquires “whether the state law is drawn in an ‘appropriate’ and ‘reasonable’ way to advance ‘a significant and legitimate public purpose’.” (*Id.*, quoting *Energy Reserves Group, Inc. v. Kansas Power & Light Co.* (1983) 459 U.S. 400, 411-412.)

As set forth above, in violation of the Contracts Clause, the Proposed Ordinance imposes notice and “relocation assistance” obligations upon on of the parties to a contract (*i.e.*, the lease) that were not part of the initial bargain – and thus, clearly impair the contractual obligations. Moreover, by imposing these requirements, the City places a substantial burden – the cost of ***two month’s*** fair-market rent (or up to \$9,440) – upon every landlord who evicts a tenant without just cause. The Proposed Ordinance is drafted in a manner that is neither “appropriate” nor “reasonable,” as it requires the landlord to solely carry the burden of that financial expense regardless of when the lease agreement was entered into – and it does even attempt to operate on a prospective basis in order to avoid the potential impairment of contractual relations.

Indeed, if the City Council has determined that rental relocation assistance is a significant and important issue to the City, it could provide those funds from its General Fund (or any other unrestricted City account) without impairing the contractual relationships that have already been established citywide between landlords and tenants. However, forcing these costs to be borne by private parties whose existing contractual agreements do not contemplate them is an unconstitutional impairment of contracts.

TAKINGS

Finally, the Proposed Ordinance implicates the Takings Clause set forth in the Fifth Amendment to the United States Constitution. The Takings Clause is designed to “bar [] Government from forcing some people alone to bear the public burdens which, in all fairness and justice, should be borne by the public as a whole.” (*Lingle v. Chevron Corp.* (2005) 544 U.S. 528, 537, quoting *Armstrong v. United States* (1960) 364 U.S. 40, 49.) The Takings Clause does not itself prevent government from taking private property for public use; rather, it provides a remedy of “just compensation” when a court finds the government action, in fact, effects a taking. (*Knick v. Township of Scott* (2019) 139 S.Ct. 2162, 2177.)

The Supreme Court has purposely avoided setting forth any “one size fits all” test to analyze whether any given government measure effects a taking. Rather, the Court has established two “categories” of government action that constitute a *per se* taking. First, when the government requires a ***physical occupation*** of private property, the government action effects a taking, regardless of the extent of the physical occupation. (*Cedar Point Nursery v. Hassid* (2021) ___ U.S. ___ [141 S.Ct. 2063] [holding that a California access regulation for labor organizations constitutes a *per se* physical taking]; *Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419, 436 [holding that New York City law requiring landlords to allow cable installations

City Council
City of Costa Mesa
October 17, 2023
Page 5

(occupying less than 1 ½ cubic feet) for tenants constituted a per se taking of private property mandating the payment of “just compensation”].) Second, when the government measure deprives the owner of all economically beneficial use of private property, the measure effects a categorical taking. (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1019 [holding that a South Carolina law precluding developer from building on two coastal-front lots to address erosion of beaches on Palm Island deprived developer of all economically viable use of the lots and, thus, constituted a categorical per se taking].)

Outside of these two categorical takings, the courts are required to balance various factors when determining whether a particular government action has “taken” particular property. (*See, Lingle, supra*, 544 U.S. at 529 [describing “ad hoc” *Penn Central* test named after *Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104].) Chief among the factors to consider are (a) the economic impact on the claimant; (b) the extent to which the government action interferes with distinct, investment-backed expectations; and (3) the character of the government action. (*Lingle, supra*, 544 U.S. at 529.)

While at one time the public interest served by a local regulation tended to lessen the risk of liability for a regulatory taking, the United States Supreme Court has made clear that the “public interest” advanced by government regulation has no relevance to takings liability. (*Chevron v. Lingle* (2005) 544 U.S. 528, 542-543 [holding that the “public interest” or “government objective” is irrelevant to whether the government action effected a taking].) Indeed, Justice O’Connor, writing for the majority, made clear that the language in prior takings cases relating to whether the government regulation “substantially advances a legitimate government interest” has no place in takings law: “A test that tells us nothing about the actual burden imposed on property rights, or how that burden is allocated, cannot tell us when justice might require that burden be spread among taxpayers through the payment of compensation.” (*Id.* at 543.)

The Proposed Ordinance falls squarely within the “physical occupation” line of cases that the United States Supreme Court (and California courts) have held constitute per se categorical takings. (*See, e.g., Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419, 435 [holding that any physical occupation of private property, no matter how small or trivial, constitutes a taking of private property for which the owner is entitled to just compensation and reasoning that **“the power to exclude has traditionally been considered one of the most treasured strands in an owner’s bundle of property rights.”** [emphasis added].)

If adopted, the Proposed Ordinance will compel property owners to allow occupants to remain on their property who are in default, and whose contractual rights have expired under State Law (*e.g.*, holdover tenants or tenants at sufferance) without an enforceable agreement in place between the two private parties. This is a classic per se physical taking because the City is mandating the landlord allow physical occupation of the landlord’s property, against the landlord’s will. Not only will the landlord be forced to permit the continued occupation of his or her property,

City Council
City of Costa Mesa
October 17, 2023
Page 6

but he or she will also be required to continue incurring the expenses associated with the unlawful occupation of the property, based on California landlord tenant law that imposes mandatory obligations on the part of lessors and property owners. These two facts lead to one conclusion: substantial damages, for which the City will bear the responsibility if it goes forward with adopting the Proposed Ordinance.

As you may know, a property owner is no longer required to attempt to invalidate an offending regulation in State Court as a precondition to filing a regulatory takings claim in Federal Court. In *Knick v. Township of Scott* (2019) 139 S.Ct. 2162, the U.S. Supreme Court overturned *Williamson County Regional Planning Com. v. Hamilton Bank of Johnson City* (1985) 473 U.S. 172, holding that property owners need not exhaust state judicial remedies as a prerequisite to filing a regulatory takings claim in Federal Court. *Knick* made abundantly clear that an aggrieved property owner may pursue its takings claims under 42 U.S.C. § 1983 directly in Federal Court.¹ The Supreme Court reasoned that a taking under the Fifth Amendment to the United States Constitution occurs when the government makes a decision impacting private property and such a taking is not a function of judicial remedies that may or may not be available in the state judicial system.

Accordingly, impacted property owners in the City have no obligation to file a petition for writ of mandamus in California Superior Court attempting to invalidate the Proposed Ordinance (if adopted) before seeking damages under 42 U.S.C. § 1983 in Federal Court. In such cases, the property owners would be entitled to recover litigation expenses and attorneys' fees under 42 U.S.C. § 1985, in addition to damages.

CONCLUSION

The legal concerns noted above aside, the Proposed Ordinance sends a clear and negative message to a development community that is already hesitant to invest in a post-Measure Y Costa Mesa. That message is that the City Council will continue to pick away at private property rights.

¹ This stands in stark contrast to California's law on regulatory takings, which generally requires a landowner to attempt to invalidate a particular law or regulation by writ of administrative mandamus before seeking monetary damages on a regulatory takings theory. (*Hensler v. Glendale* (1994) 8 Cal.4th 1, 13-16.) Because state judicial remedies are no longer a prerequisite to pursuing monetary relief directly in Federal Court, property owners need not waste time and money challenging the validity of the Proposed Ordinance on the grounds that it is fatally incomprehensible, denies equal protection, or is otherwise arbitrary and capricious and contrary to law.

City Council
City of Costa Mesa
October 17, 2023
Page 7

Should the Council proceed with adopting the Proposed Ordinance, its action, combined with the existing and substantial permitting delays, and whispers of future actions on inclusionary zoning and/or rent control ordinances, will guarantee that Costa Mesa remains a “no fly zone” for developers. In sum, all roads lead to a **“no”** vote on the Proposed Ordinance.

RUTAN & TUCKER, LLP



Jennifer J. Farrell

JJF:SM:mrs

cc: Brenda Green, City Clerk (brenda.green@costamesaca.gov)

From: ocroof78@gmail.com
To: [CITY CLERK](#)
Subject: Just Cause Eviction
Date: Tuesday, October 17, 2023 10:33:49 AM

In order to renovate a unit, it needs to be unoccupied. Most units in Costa Mesa are 60 years old. It takes 30-45 days to complete the project.

Property owners have rights to control their businesses and provide housing. Government overreach is unconstitutional. Costa Mesa is a coastal city and is not inexpensive to reside in. It is not the burden of the landlord to make up for what renters can not afford. It is unfortunate that this country is in such a poor economic situation, but landlords did not cause it.

Property owners have the right to maintain and update their units to keep their property value current without government interfering in their businesses.

David Miller

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.

From: [Jennifer Tanaka](#)
To: [CITY COUNCIL](#)
Cc: [CITY CLERK](#)
Subject: Public Comment Re: New Business Item #2
Date: Tuesday, October 17, 2023 9:22:43 AM
Attachments: [Letter to Council - Eviction Ordinance - October 17 2023.pdf](#)

Members of the City Council:

Please find attached a letter regarding New Business Item #2 (Proposed Ordinance re: No-Fault Just Cause Evictions). For easier access, please find below links to the documents referenced in the letter. I hope you find it helpful as you discuss this vitally important issue.

<https://ocindependent.com/2023/09/santa-ana-registry-roll-out-criticized-as-intrusive-and-burdensome/>

<https://www.newtimeslo.com/news/slo-grover-beach-pass-emergency-tenant-protections-as-evictions-spike-with-new-state-law-9056921>

https://www.aclu.org/sites/default/files/field_document/no_eviction_without_representation_research_brief_0.pdf

Best,
Jenn Tanaka

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.

October 17, 2023
Via Email

Costa Mesa City Council
77 Fair Drive
Costa Mesa, CA 92626
citycouncil@costamesaca.gov

Dear Members of the City Council:

Thank you for instructing Staff to bring forward reforms to address our ongoing eviction crisis. It's a conversation that is long overdue and that I wish we had addressed much sooner, as unfortunately much damage has already been done.

However, as you consider the Staff's recommendation, I hope you will keep in mind that the only reason why we have an eviction crisis is because of the **yawning gap** between what people can afford to pay for housing and what the market will bear. Landlords would not be seeking no-fault evictions if they were facing chronic vacancies and falling or stagnant rents. And tenants would not be seeking aid if alternative housing options were abundant, attractive and affordable. Ultimately, it is the remarkable market power advantage that landlords have over renters that is driving this problem, *and our own misguided housing policy has given it to them.*

With that said, I have some questions/comments regarding the proposed ordinance:

How confident are we that we understand the whole problem?

There is zero doubt that we are in a crisis. We have had many, many commenters give compelling personal testimony about the poor enforcement of existing laws regarding substantial renovation and our building code laws. But we have also heard a lot of difficult stories about how hard it is to simply make rent in an inflationary environment. The Agenda Report notes that Costa Mesa had the 4th highest eviction rate in Orange County, but it should be clarified that this statistic refers to the eviction rate **for the nonpayment of rent**. It does **not** describe Costa Mesa's relative no-fault just cause eviction rate. In fact, this statistic further supports that rent affordability is a critical, and perhaps *the* critical, issue.

Requiring the disclosure of tenant information raises privacy concerns.

The draft ordinance conditions the granting of permits on disclosing to the City the names of all tenants to be evicted by the renovations, and requires landlords to notify the city if it intends to carry out a no-fault just cause eviction. Given the stated goals of the Agenda Report ("city involvement will increase owner accountability, ensure tenants are fully aware of their rights, and allow the City to provide additional support to improve outcomes for all"), what information about the tenants will be collected, given that it will be collected without their consent? Will it include a tenant's specific address (including apartment number), effective current rent, length of tenancy,

contact information (potentially both phone and email), and other members of the household? What about forwarding addresses and contact info?

If extensive contact and rental information will be collected, are there any concerns about either tenant privacy or the potential disclosure/misuse of such information in the future? Will such information be subject to FOIA? What will prevent future office holders from using this information for law enforcement or immigration enforcement? I would note that other jurisdictions, notably Santa Ana, have tried to create comprehensive rental databases and similar concerns are being raised by a broad range of activists¹.

Tying relocation assistance to fair market rent rather than effective rent leaves such assistance uncapped. How will that affect the rental ecosystem?

Relocation payments based on effective rent allow landlords to plan for this contingency, while requiring the amount of such payments to “float” with the market makes such planning more difficult. Do we know (or have we asked) how landlords might address this risk?

Is there any concern that putting more risk and liability on landlords may trigger further rental market consolidation? If it might, are large corporate landlords better housing providers for marginal renters? I would guess not: large corporate landlords may feel more comfortable mitigating risk by making the application requirements more strict or by hiring eviction attorneys. It would be a cold comfort to have two months’ fair market rent in hand to relocate only to find that I can’t qualify for any local apartment because of my credit rating, criminal history or other screening factor.

Are we on the verge of another wave of evictions following the passage of SB 567?

The passage of AB 1482 back in 2019 triggered a significant wave of evictions, as landlords scrambled to offload difficult or lower rent tenants in advance of the new rules going into effect. It stands to reason that, with the COVID eviction moratoriums ending and the so-called “substantial renovation loophole” closing, the April effective date may touch off another wave.

Are there better ways forward than the Staff proposal?

Personally, I think so.

First, Council could direct a simple “bring forward” of the effective date of SB 567 via local ordinance, set to expire as of April 2024, which would immediately close the “substantial renovation” loophole. Doing so would help blunt landlords’ incentives to avail themselves of the old rules before the April 2024 effective date, and this was the approach of other jurisdictions with a similar effect was seen before the effectiveness of AB 1482². Yes, this would place some

¹ <https://ocindependent.com/2023/09/santa-ana-registry-roll-out-criticized-as-intrusive-and-burdensome/>

² <https://www.newtimeslo.com/news/slo-grover-beach-pass-emergency-tenant-protections-as-evictions-spike-with-new-state-law-9056921>

burden on landlords who would need to accelerate their SB 567 timelines. But the Council is well positioned to fact-find and weigh that trade off.

Second, instead of creating additional rules on top of SB 567, the City could choose to spend some of its expected budget surplus on connecting tenants to legal aid³. The ACLU has studied the effectiveness of this kind of intervention in other jurisdictions and found that having representation significantly improved tenant outcomes⁴. This is largely because, in most landlord-tenant cases, the landlords are well represented by skilled, experienced attorneys whereas tenants are often left trying to represent themselves. As a lawyer I cannot overemphasize what a radical disadvantage this is to the tenant. This approach would also allow tenants to connect with a third party that is *not* affiliated with the government, which would help to maintain their privacy while still achieving the goal of getting them connected to rental assistance and other resources.

Well-funding legal aid would have the additional benefit of addressing the needs of residents *currently facing eviction today*, rather than only helping those facing eviction in the future. It also directly addresses a particularly difficult moment for our renter population – the sunset of COVID moratoria and rental assistance coupled with the impending effective date of SB 567 – without making permanent changes via ordinance that might or might not address issues that will come up in the future.

Once again I'm glad we are belatedly having this conversation. I hope these comments are helpful.

Best,
Jenn Tanaka
321 Broadway
Costa Mesa, CA 92627

³ Please note that I make this suggestion personally, rather than as a member of the Finance and Pension Advisory Committee. As a committee member, I wholeheartedly support the separate FIPAC recommendations regarding the budget surplus as that committee has a specific mandate.

⁴https://www.aclu.org/sites/default/files/field_document/no_eviction_without_representation_research_brief_0.pdf

From: [JEFF BUTCHER](#)
To: [CITY CLERK](#)
Cc: [HARLAN, JEFFREY](#); [STEPHENS, JOHN](#)
Subject: Response to 10-17-23 CC meeting New Business Item2 "Proposed Ordinance" 23-1412
Date: Monday, October 16, 2023 8:58:52 PM
Attachments: [Response to 23-1412.pdf](#)

Dear City Clerk & City Council members. Please find the attached PDF with my response to the Proposed Ordinance 23-1412 which will be heard as new business item 2 on 10-17-23 City Council Meeting. Thank you for your consideration.

Jeff Butcher
(949)422-1108 mobile
jeff.butcher@sbcglobal.net

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.

Jeffrey E. Butcher
359 Ramona Way
Costa Mesa CA 92627
(949)422-1108

October 16, 2023

Sent Via Email

City Clerk of Costa Mesa
City Council of Costa Mesa

RE: File #23-1412 Agenda Item 2 New Business 10/17/23 City Council meeting

I am writing this response to the new proposed City of Costa Mesa Ordinance to amend No Fault / Just Cause evictions in the City of Costa Mesa

I have been a resident of Costa Mesa since 1999. I own and operate Pacific Coast Realty Group on East 17th street and I own small rental properties in the city as well as my home on Ramona Way.

If passed this Ordinance will have the unintended consequence of hurting the very people the ordinance is trying to protect. Like AB1492 and SB567 that created and amended CA statewide rent control and now AB12 (passed into law last week) Owners of rental units are facing a bizarre list of new restrictions and regulations that have only been around for a few years. AB12 now limits an owners ability to collect a security deposit to no more than one month of rent.

Since rent control went into effect in 2020 rents in California have sky rocketed. I used to be the type of apartment owners that prided themselves on keeping rents below market. With the passing of rent control the state has now handed owners a guideline of how much rents should go up every year. If owners don't raise the rent by the maximum amount each year, they won't be able to keep up with the market. This is forcing owners to raise rents that may not have normally done so. I am now one of those owners.

This new Ordinance is a solution looking for a problem. There are only two ways now to have a no fault eviction once a tenant has been in the property for more that 12 months. 1) Owner or an immediate family member must move in or 2) owner must perform a huge remodel and pull permits. Under either scenario Owner will need to pay the tenant the equivalent of one month rent for relocation. This is not a wide spread occurrence. Owners would rather raise the rents the maximum amount every year until the tenant has to move on their own than jump thru the hoops and cost of a no fault eviction. **Has there been any study done to see how many owners are going through with no fault evictions?** I would bet the number is very low.

Other unintended consequences that this ordinance will have (along with AB12) on Costa Mesa renters;

- 1) Owner's will only rent to perfect tenants with great credit, verifiable income and no stories. **No one gets the benefit of the doubt anymore** because under AB12 we can only charge one month rent as security deposit and we pay two months rent if we want them to leave per this proposed ordinance.
- 2) **All leases will now be no more than 11 months**, if a tenant blinks, pays rent late, or causes any issues that lease will not be renewed because after 12 months the owners have less options if the tenant isn't working out.
- 3) Owners will be less likely to keep rental units maintained.
- 4) Costa Mesa along with Newport Beach are still considered good places for investors to invest in rental properties **primarily because our city hasn't tried to increase tenant protections over the current state law**. Dissuading investment will reduce the number and quality of available rental units available in the city.
- 5) Owners of small duplex style apartments, like myself who get fed up with the complicated and punitive state & city ordinances will just sell their properties to owners that will live in one or both units and therefore may be taken out of the available rental pool.

Costa Mesa should not be trying to further increase tenant protections over what the State has already approved into law. Since 2019 the California's mandates have only made rents higher, not lower. If rent control / tenant protections actually worked we would know by now and this ordinance would never have been proposed... Doubling down on additional tenant protections will only make the problem worse.

Thank you for your time. Please call me with any questions. I plan to be at the 10/17/23 meeting.

Sincerely,



Jeffrey Butcher

Jeff.butcher@sbcglobal.net

From: [HAUSER, JANET](#)
To: [GREEN, BRENDA](#); [TERAN, STACY](#)
Subject: FW: Ca. Emergency Center
Date: Monday, October 16, 2023 9:03:56 AM

Please see email below.

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

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

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

-----Original Message-----

From: Martha Omeara <mjesc5@icloud.com>
Sent: Monday, October 16, 2023 8:55 AM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>
Subject: Ca. Emergency Center

California Emergency Center should not be at the Costa Mesa site. We have almost no land available for low incoming hosing that is being required by the state and this land area is perfect for that use. In addition you will impact the quality of life for the neighbors near the area. I know it is free to the state but a much more appropriate place would be the large hanger area in Irvine area with commercial area around it. Don't push this on us! Martha OMeara

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.

From: [HAUSER, JANET](#)
To: [GREEN, BRENDA](#); [TERAN, STACY](#)
Subject: FW: Southern Region Emergency Operations Center Project EIR Public Comment
Date: Monday, October 16, 2023 8:41:59 AM
Attachments: [CMABS - FDC Draft EIR Comment Letter \(Executed\).pdf](#)
[image003.jpg](#)

Please see email below

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

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

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

cid:image013.jpg@01D9C129.9809F6B0



From: Jenn Tanaka <jenn@cmabs.org>
Sent: Friday, October 13, 2023 10:13 AM
To: comments@oesregionsoutheoc.org
Cc: Russell Toler <russell@cmabs.org>; Ralph Taboada <ralph@cmabs.org>; Marc Vukceovich <marcv@cmabs.org>; David Martinez <david@cmabs.org>; Flo Martin <flo@cmabs.org>; Mike Lingle <mike@cmabs.org>; CityManager <CityManager@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; senator.min@senate.ca.gov; assemblymember.petrie-norris@assembly.ca.gov; katrina.foley@ocgov.com; LE, JENNIFER <JENNIFER.LE@costamesaca.gov>; DRAPKIN, SCOTT <SCOTT.DRAPKIN@costamesaca.gov>
Subject: Southern Region Emergency Operations Center Project EIR Public Comment

Dear Ms. Ash:

By way of introduction, my name is Jenn Tanaka and I am a board member of the Costa Mesa Alliance for Better Streets (CMABS). CMABS is a 501(c)(3) nonprofit organization dedicated to improving street infrastructure and policy in Costa Mesa.

On behalf of myself and my fellow board members of CMABS, all copied here, please find enclosed an electronic copy of our comment letter regarding the Draft Environmental Impact Report prepared for the proposed Southern Region Emergency Operations Center Project. As detailed in our

comment letter, we have concerns regarding the completeness and analysis set forth in the section detailing potential transportation impacts. **If you have any questions regarding our comment letter, please feel free to reach out to me or the other CMABS board members copied on this email.**

We have taken the liberty of also copying our elected officials and relevant members of the Costa Mesa City Staff for visibility of our comments.

For your convenience a hard copy of this letter will be sent to the address set forth in the Draft EIR.

Best,
Jenn Tanaka
Board Member, Costa Mesa Alliance for Better Streets

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.



COSTA MESA ALLIANCE FOR BETTER STREETS

October 13, 2023

Terry Ash, Senior Environmental Planner
California Department of General Services, Real Estate Division
c/o Dudek
2635 North First Street, Ste. 149
San Jose, California 95134

Re: Draft Environmental Impact Report, Southern Region Emergency Operations Center Project, SCH No. 2023030046

Dear Ms. Ash:

We are writing on behalf of the Costa Mesa Alliance for Better Streets ("CMABS"), a 501(c)(3) nonprofit organization dedicated to improving street infrastructure and policy to promote active transportation, transit use and people-centered urban design. We appreciate the opportunity to review and provide comments on the Draft Environmental Impact Report for the proposed Southern Region Emergency Operations Center Project, SCH No. 2023030046 (the "Draft EIR").

We believe that the Draft EIR provides insufficient evidence that the project may be deemed to have "less than significant impact" with respect to transportation. Appendix G of the CEQA Guidelines states that a "significant impact" related to transportation would occur if a proposed project would:

- 1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- 2) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- 4) Result in inadequate emergency access.

We respectfully disagree with the Draft EIR's rejection of potential conflicts (2) and (3) listed above. We also believe that the project may conflict with the objectives outlined in Senate Bill 188, which has earmarked the Fairview Development Center ("FDC") site for affordable housing, and that the Draft EIR has not sufficiently analyzed these potential conflicts.

The project may be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)

The Draft EIR claims that the project meets the screening criteria for a “local government” project because the project “is not considered to be a project of regionwide significance”. However, throughout the document the Draft EIR emphasizes the critical role the proposed project would play in supporting emergency management services **throughout the Southern California region**, even when the Mather facility is fully operational:

*“The project would develop another Emergency Operations Center (EOC) in Southern California **that would mirror the operations of the Mather facility at a smaller scale and** act as a backup EOC in the event that operations at Mather are interrupted. It would also provide more effective state emergency support to local governments **within the Southern Region. The Southern Region covers 11 counties within two mutual aid regions** (Mutual Aid Region 1: Los Angeles, Orange, San Luis Obispo, Santa Ana, and Ventura Counties; Mutual Aid Region 2: Imperial, Inyo, Mono, Riverside, San Bernardino, and San Diego Counties) **and includes 226 incorporated cities with a total population of 22.9 million people** (Cal OES 2022b).” (Draft EIR, Section 3.1)*

*“The proposed SREOC would support **full-time staff and establish a regional center to serve as a hub for critical emergency management planning and emergency preparedness services in support of local agencies.** The Southern Region is charged with **supporting a large area** that is a major contributor to the nation’s gross domestic product, with a population density centered on some of the state’s highest risk earthquake faults.” (Draft EIR, Section 3.1)*

*“Although the proposed EOC would be a public benefit, **the project would not serve the local community or planned uses at the rest of the FDC property specifically and would not reduce existing or future vehicle use.**” (Draft EIR, Table 4.9-1)*

The Draft EIR also states that, due to its role as an emergency management center, the proposed EOC would be **completely car-dependent** for its mobility and access (emphasis below ours):

*“However, the project would be **reliant on automobile travel due to the nature of the project as an emergency facility.**” (Draft EIR, Table 4.9-1)*

Given the very high cost of living in Costa Mesa, it is likely that many of these employees will commute from outside of the local area. Therefore, determining that this project is “local” is grossly inconsistent with the plain reading of the screening criteria categories. The other screening criteria categories – schools, local-serving retail, community institutions, senior housing, student housing, etc. – are included because the vehicle miles traveled (“VMT”) generated by these types of projects are typically lower than those generated by regular office, retail, residential or other land use types, either because customers can access those institutions via alternative means (walking, bicycling, transit) OR because the users or

employees of such institutions are more likely to be living without a car. In the case of an emergency operations center serving the larger Southern California region, where all full-time employees are expected to be commuting by car, it is possible that the VMT generated by the proposed EOC will be *greater* than that of a more typical office of similar size.

CMABS Comment #1

CEQA Guidelines Section 15064.3, subsection (b) states that land use projects “that *decrease vehicle miles traveled* in the project area compared to existing conditions should be presumed to have a less than significant transportation impact” (emphasis ours). The Draft EIR provides no evidence that the VMT in the project area would be lower than the existing conditions, or even that it would be lower than the VMT that would be generated by retail, office or other administrative uses of a similar size. As such, the Draft EIR does not sufficiently support its claim that it qualifies for the “local government” screening criteria and it is therefore potentially inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

CMABS Comment #2

We do not believe that the lead agency may rely on CEQA Guidelines Section 15206 to support its conclusion that the “local government” screening criteria applies to the proposed project. Just because the project cannot be deemed to be of “regional, statewide or areawide significance” under Section 15206, it does **not** follow that such project is therefore sufficiently “local” to reasonably presume that VMT would be reduced compared to the existing conditions under CEQA Guidelines Section 15064.3, subdivision (b).

As the lead agency admits that the project does not qualify for any alternate screening criteria, the Draft EIR provides insufficient support overall for the presumption that it will have a “less-than-significant” transportation impact. The Draft EIR should be revised either to provide additional support for its claim that the project qualifies for the project type screening criteria or to analyze whether the transportation impact is sufficiently substantial to warrant mitigation measures.

The project may substantially increase hazards due to a geometric design feature

The project includes the creation of a new street through the Southeast corner of the Fairview Development Center site and certain “improvements” to the intersections of Shelley Circle and Fair Drive, Fair Drive and Harbor Boulevard, Shelley Circle and Merrimac Way, and Harbor Boulevard and Merrimac Way. While the Draft EIR describes these changes as “minor improvements” (Draft EIR, Section 3.5.2), they are not minor. In fact, each introduces a design feature that undermines the lead agency’s assertion that such changes will cause a “less than significant” impact under CEQA.

Relocation of Shelley Circle

First, while it is accurate to say that the relocation of Shelley Circle to the Southeast corner of the property would not *presently* require changes to the off-site circulation on city roads outside of the FDC campus, this conclusion requires willful blindness with respect to the FDC site's present State ownership, the built environment of the FDC site, and the State's and City's intention that it primarily be used for dense infill affordable housing.

The City's circulation element does not address development at the FDC site precisely because there is no present development at the FDC site, and the FDC site has historically lay outside the City's jurisdiction. Therefore it is speculative to say that the proposed project "would not contribute to cumulative impacts with respect to hazardous design features" (Draft EIR, Section 14.13.8), as the City's plans for circulation off-site circulation do not, and could not, take into account the full development plan of the FDC site.

Furthermore, the Southwest corner of the FDC site is currently only one of two large expanses of open space that is not presently occupied by buildings or other improvements. As such, it would be a prime candidate for open-space land uses that are necessary to support over 2,000 additional units of housing, such as parks or schools.

The decision to relocate Shelley Circle to *bisect* this open space will raise substantial land use challenges as the City's affordable housing plan moves forward. The proposed road will have no sidewalks, no controlled or uncontrolled crossing points, and it will prioritize truck and heavy machinery traffic. Thus as designed, the proposed road will be dangerous or impossible to cross on foot or on bicycle, and the open space in the Southeast corner of the FDC property will effectively be cut off from the rest of the site. So either the City must either forfeit valuable public uses of the land in the Southeast corner of the FDC site or accept that the road proposed by this project will create a daily source of danger and discomfort for residents.

CMABS Comment #3

There can be no conflict with off-site circulation only because *there is no off-site circulation of any kind within the FDC*, as the FDC is currently inoperable and located on state-owned land. However, issues like the one raised above clearly *will conflict* with the planned off-site circulation of the FDC site once the City of Costa Mesa obtains jurisdiction over it, both the City and the State of California (via Senate Bill 188) has declared FDC's highest priority to be the development of dense affordable housing. This was previewed by the City of Costa Mesa's comment letter, dated April 17, 2023, to the Notice of Preparation for the Draft EIR, which requested that the Draft EIR incorporate an extensive discussion of active transportation facilities to be provided within the FDC site. Given that housing *will be built by law*, it is willfully ignorant to analyze only the transportation impacts on the present built environment. The Draft EIR should be revised to include a discussion of the City's plans, as envisioned and funded by Senate Bill 188, for the Southeast corner of FDC, as well as its related interests in promoting active transportation and transit throughout the FDC site.

Increased turn radii at Harbor Blvd and Merrimac Way and Harbor Blvd and Fair Drive

Historically, the FDC was constructed to shield its prior residents – individuals with mental and developmental disabilities – from the public right-of-way, and therefore only provides two access points to the site. Therefore, project proposes to increase the curb radii at or near these exit points, at the intersections of Merrimac Way and Harbor Blvd, Merrimac Way and Shelley Circle, and Fair Drive and Shelley Circle, to fifty (50) feet to accommodate the large trucks and equipment that may be stored at the proposed EOC site.

According to a preliminary investigation requested by CalTrans in 2012 and prepared by Kendra K. Levine, Institute of Transportation Studies Library, UC Berkeley, titled *Curb Radius and Injury Severity at Intersections*, “pedestrian safety at intersections is directly related to the vehicle speeds and the facilities available for pedestrians to occupy. For intersections with large curb radii and wider crossing sections, pedestrians are prone to vehicle collisions. The severity of injuries to these pedestrians correlates to the speed of the vehicles traveling through the turn.” Writing more specifically, Levine states:

In more residential areas, small curb radii of 15 to 25 feet is preferable because it reduces traffic speeds. In areas with significant traffic volume from large trucks and buses, curb radii of 30 to 45 feet accommodate the turning radius of the vehicle without encroachment on other lanes or the curb. The larger radii are less safe for bicycles and pedestrians because they allow for higher vehicle speeds through the turn and result in larger crossing distances. Smaller curb radii create facilities that are more pedestrian and bicycle friendly through shorter crossing distances.

Each intersection referenced above will have its curb radius expanded to fifty (50) feet, which is a radius sufficient to accommodate the largest tractor trailers. However, as the FDC site will primarily be used for housing, the vast majority of the traffic that will use these intersections on a daily basis will be private vehicles and bicycles. **Therefore the extremely generous curb radii at these intersections is very likely to permit higher vehicle speeds through the turn and result in larger crossing distances for pedestrians and bicyclists.**

The Draft EIR also states that “the project would not include site improvements that would interfere with existing public transit, bicycle, or pedestrian facilities, or impede the construction of new or the expansion of existing such facilities in the future” (Draft EIR, Section 4.13.5). **We disagree.** The proposed changes to the intersection of Merrimac Way and Harbor Blvd *will* interfere with the Class I multipurpose trail located on Harbor Blvd. By widening the curb radius to 50 feet at this intersection, the significant number of pedestrians and bicyclists presently using this facility will be exposed to dangers associated with higher private vehicle speeds, all because this intersection must only occasionally accommodate the largest vehicles.

Expanding the curb radius at this intersection also undermines the City’s potential expansion of its award-winning bicycle facility on Merrimac Way into the FDC site. Once the FDC site is

developed for housing, Merrimac Way will provide a direct route for our new residents to access Orange Coast College, Jack Hammett Sports Complex, the Orange County Fairgrounds and Costa Mesa Middle School, among other amenities. The location of Costa Mesa Middle School close to the terminus of Merrimac Way makes it very likely that young students will use the Merrimac Way bicycle facility as a safe route to school, and heightens the interest of the City in ensuring that the intersection between Merrimac Way and Harbor Boulevard is made as safe as possible for bicyclists and pedestrians.

CMABS Comment #4

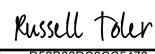
Fifty-foot turning radii at the intersections of Harbor Blvd and Merrimac Way and Harbor Blvd and Fair Drive pose known hazards to pedestrians and bicyclists. The project also conflicts with the existing Class I bicycle facility on Harbor Boulevard and the City's potential expansion of the Merrimac Way bicycle facility into FDC. Therefore we believe that the Draft EIR does not contain sufficient evidence to conclude that the project will not "substantially increase hazards due to a geometric design feature". We respectfully submit that the Draft EIR should be revised to include a discussion of these changes and to make a determination as to whether they will substantially increase hazards due to a geometric design feature.

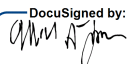
Conclusion


Once again we appreciate the opportunity to review the Draft EIR and to provide feedback to the California Governor's Office of Emergency Services and the Department of General Services Real Estate Services Division. We look forward to updates regarding this project.


Sincerely,


The Board of the Costa Mesa Alliance for Better Streets

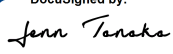
DocuSigned by:

 D52B66DC8CC5478...
 Russell Toler


DocuSigned by:

 82D46127AD5D429...
 Mike Lingle

DocuSigned by:

 75A3C403E975436...
 Flo Martin

DocuSigned by:

 5FD30A589B1A426...
 David Martinez

DocuSigned by:

 89F16E1ABA3249D...
 Ralph Taboada

DocuSigned by:

 C9EE8F83A0C0400...
 Jenn Tanaka

DocuSigned by:

 182148F674184C4...
 Marc Vukceovich

From: [HAUSER, JANET](#)
To: [GREEN, BRENDA](#); [TERAN, STACY](#)
Subject: FW: Southern Region Emergency Operations Center Project Draft EIR Comments
Date: Monday, October 16, 2023 11:01:25 AM

Please see email below.

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

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

-----Original Message-----

From: Carla Mayer <pcmayer@sbcglobal.net>
Sent: Sunday, October 15, 2023 12:55 PM
To: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; comments@oesregionsoutheoc.org;
katrina.foley@ocgov.com; senator.min@senate.ca.gov; assemblymember.petrie-norris@assembly.ca.gov
Subject: Southern Region Emergency Operations Center Project Draft EIR Comments

Costa Mesa City Council:

We would like to request that the State reconsider its choice of the Fairview Developmental Center property for its Southern Region Emergency Operations Center Project.

This is a densely populated area and would have multiple negative impacts on the surrounding neighborhoods, businesses and residents.

Thank you,
Carla & Phillip Mayer
Costa Mesa Residents

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.

From: [GREEN, BRENDA](#)
To: [TERAN, STACY](#)
Subject: FW: Comments about the proposed location in Fairview property for the EOC currently in the planning stages
Date: Monday, October 16, 2023 9:00:24 AM

Brenda Green

City Clerk
City of Costa Mesa
714/754-5221

E-mail correspondence with the City of Costa Mesa (and attachments, if any) may be subject to the California Public Records Act, and as such may, therefore, be subject to public disclosure unless otherwise exempt under the act.

From: Linda Witt-King <linda.wittking@gmail.com>
Sent: Saturday, October 14, 2023 12:16 AM
To: STEPHENS, JOHN <JOHN.STEPHENS@costamesaca.gov>; MARR, ANDREA <ANDREA.MARR@costamesaca.gov>; CONSTITUENT SERVICES <constituentservices@costamesaca.gov>; HARLAN, JEFFREY <JEFFREY.HARLAN@costamesaca.gov>; GAMEROS, LOREN <LGAMEROS@costamesaca.gov>; CHAVEZ, MANUEL <MANUEL.CHAVEZ@costamesaca.gov>; CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; HARPER, DON <DON.HARPER@costamesaca.gov>; REYNOLDS, ARLIS <ARLIS.REYNOLDS@costamesaca.gov>; GREEN, BRENDA <brenda.green@costamesaca.gov>; HAUSER, JANET <JANET.HAUSER@costamesaca.gov>
Subject: Comments about the proposed location in Fairview property for the EOC currently in the planning stages

Costa Mesa City Council and Mayor:

The following comments responding to Wendy Leese's Nextdoor post is the best advice I can offer in light of the present circumstances.

As it stands right now we are on a collision course wherein your unconstitutional ordinances and unlawful conversion of public property to private property are being noticed and require your immediate correction of same.

Responding to Wendy Leece's Nextdoor post:

Wendy I believe we can reclaim the entire Fairview property acquisition from the state because of the fraud that was perpetrated starting in 1960. My 211 page Cross-Complaint includes three Requests for Judicial Notice, the first of which presents my research and the documented evidence.
bit.ly/Renewing-Costa-Mesa

Wendy while I appreciate your encouragement to reach out to the City council, their hands are tied because of the legacy of complicity in the fraud by their predecessors when 55 years ago they enacted in 1968 the very unlawful and unconstitutional ordinances criminalizing people's adaptive behavior in the face of the massive fraud that was unfolding whereby they did the

only thing available for themselves, that of making their home in their vehicle.

That's six decades of harm that has been imposed on the old people and the poor people and the disabled people who have been displaced from their habitat by these fraudulent actions that continue even unto today.

The only legitimate action to remedy this collusion of fraud that is available now to the present day sitting city council is for them to dissolve the current corporate municipal government and reorganize around a form of government that is truly representative of the residents and businesses in Costa Mesa.

All the assets of the now dissolved corporation will be returned to the residents by forming a member owned credit union that will serve as steward for all the properties that will be managed by the members of the credit union.

The current city council has no other legitimate option to consider. They have absolutely NO LEVERAGE to make the state move the project elsewhere.

The only option we have to protect ourselves from this encroachment is to take the property back, the full acquisition of over 740 acres.

The only way the current city council can serve the people of Costa Mesa is to dissolve the failed corporation and reorganize as an unincorporated town. Unless these members have the courage to step up to their responsibility in this pivotal issue, they are nothing but useless figure heads doing the bidding of their corporate owners, the federal government that formed Costa Mesa from a block grant in the mid-fifties and which the military industrial complex has occupied by landing their war plane in the children's playground in Lion's Park in 1960 as all of this unlawful conversion of public property to private profit generating property was starting to roll out.

[It has been asserted by a Nextdoor](#) contributor that according to the project document, the site selection for this project was directed by a federal agency and cannot be challenged even by the Governor.

My expanded comments to that assertion:

If that's true then the Mayor and the rest of the City Council absolutely must dissolve the failed municipal corporation due to these long standing multiple frauds, there by getting themselves out ahead of the issue before somebody else dissolves it for them and seeks more dire consequences for their inaction heretofore.

The City is already in receipt of my evidence of the frauds and can be held accountable for knowing about these crimes.

When we met in court for our jury selection preliminary to my jury trial in 2020, I offered to have the City review my evidence before deciding to go through with the cost of selecting a jury and going through the full trial. Instead, I offered that they might like to make an offer to settle by voluntarily overturning the unconstitutional ordinances and voluntarily providing a remedy that will correct the harm that has been caused to this current generation of victims of their criminal behavior.

Knowing with absolute certainty that NOTHING HAPPENS UNTIL BUSINESS HAPPENS,

I am proposing that we implement what has now become the Gracious Nomad Academy and our proprietary Limbic Arc Mastermind Group Enterprise as defined in my documents published around this issue and my two websites. My business announcement of this endeavor can be found at this link:

my Gracious Nomad Academy and Limbic Arc Mastermind Group Enterprise business announcement:

<https://photos.app.goo.gl/Xd8nQxHXdjNC13er6>

My 211 page Cross-Complaint, (found here: bit.ly/Renewing-Costa-Mesa) which could not be filed a year ago when I brought it to the court to file so I simply began publishing it all around the public at large; it has instead become a primer on the history and causes of homelessness in Costa Mesa.

My research proves without a doubt how Costa Mesa became Ground Zero and is culpable for ALL the instances of homelessness in not only Costa Mesa but in the whole of Orange County as well because of their influence as they drove out vehicle dwellers trying to escape Costa Mesa's unlawful and unconstitutional ordinances and the surrounding cities followed suit.

With the judge's permission and knowledge I handed their corporate attorney and deputy attorney a 90+ page document that laid out the whole criminal complicity in clear detail.

The City received my evidence of the fraud and complicity to commit fraud and made no offer to settle or to even discuss the matter.

So it's on record that the city council is aware of the fraud that took place when, starting in 1960, the state violated the terms of the purchase agreement that the Fairview property acquisition was to be designated for public use only.

The current city council is also aware of the unlawful and unconstitutional ordinances that were enacted by their predecessors in 1968 - and to this point, they have done NOTHING to correct their predecessors' fraudulent actions.

In fact, they continue to enforce these unlawful ordinances and to profit from them unlawfully,

continuing to cause irreparable harm to this generation of old people and poor people and disabled people with impunity.

That all by itself is misprision of treason.

mis·pri·sion

/,mis'priZH(ə)n/

HISTORICAL•LAW

noun: misprision of treason

the deliberate concealment of one's knowledge of a treasonable act or a felony

Wendy Leece's post:

Please contact our City Council to oppose the State's Emergency Operations Center (EOC) planned for Fairview Developmental Center. We need to preserve the site for housing which the State requires! Once the EOC center goes in the housing opportunities will decrease. Check out Costamesa1st.com. Please share with all your friends in Newport Beach too. Here is info:

NEW! Proposed Emergency Operations Center at Fairview Developmental Center Comes With Impacts

The proposed EOC would be built on about 15 acres of FDC and would have an approximately 32,000 sq ft single-story office building, approximately 20,000 sq ft of warehouse space, a 120 ft communications tower and a military-grade helipad to accommodate Blackhawk helicopters. Construction would take about 37 months and would entail the use of excavators, bulldozers, scrapers, loaders, backhoes, cranes, forklifts, and tractors. It would serve 23 million people living in Southern California.

If there was an emergency in one or more of the 11 counties served, the EOC could be operating 24 hours per day, 7 days per week. This project comes with many impacts, including how the City can plan the development of the remainder of FDC, aesthetics, noise and air pollution, and biological resource impacts on protected species, such as burrowing owls and white-tailed kites.

Comments to the draft Environmental Impact Report are due no later than October 20, 2023, at 6 p.m. <https://www.costamesa1st.com/> Here are City Council Contacts:

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

janet.hauser@costamesaca.gov

brenda.green@costamesaca.gov

citycouncil@costamesaca.gov

constituentservices@costamesaca.gov

Grace and Radiant Light,

Linda Witt-King

714-360-5376 cell or text

Icanseeclearlynow.shop

[//Limbicarc.com/wellspring](http://Limbicarc.com/wellspring)

[//Patreon.com/Dragonflycoalition](http://Patreon.com/Dragonflycoalition)

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.

From: [HAUSER, JANET](#)
To: [GREEN, BRENDA](#); [TERAN, STACY](#)
Subject: FW: Southern Region Emergency Operations Center Project Draft EIR Comments
Date: Monday, October 16, 2023 8:40:32 AM
Attachments: [image003.jpg](#)

Please see email below.

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

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

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

cid:image013.jpg@01D9C129.9809F6B0



From: Geoff West <gtwest@earthlink.net>
Sent: Friday, October 13, 2023 2:17 PM
To: comments@oesregionsoutheoc.org
Cc: CITY COUNCIL <CITYCOUNCIL@costamesaca.gov>; ",katrina.foley"@ocgov.com; ",senator.min"@senate.ca.gov; ",assemblymember.petri-norris"@asm.ca.gov
Subject: Southern Region Emergency Operations Center Project Draft EIR Comments

Ms. Terry Ash, Senior Environmental Planner
% Dudek

SENT VIA EMAIL

TO:
California Department of General Services
comments@oesregionsoutheoc.org
Real Estate Division, Project Management and Development
2635 North 1st Street, Ste. 149
San Jose, California 95134

FROM:
gtwest@earthlink.net

SUBJECT: Proposed Emergency Operations Center at Fairview Development Center

Dear Ms. Ash,
Recently I attended a meeting at the Fairview Developmental Center (**FDC**) in Costa Mesa,

along with nearly 100 of my neighbors, to present our concerns about the proposed establishment of a Southern Emergency Operations Center (**EOC**) on 15 acres of the more than 100 acre Fairview Developmental Center site. I think it's safe to say that most, if not all, of us came away disappointed.

This meeting was poorly advertised, hence the small turnout from a city of more than 112,000 souls. The venue was inadequate for this meeting. Because of the layout - wide instead of deep - only about a third of the attendees could actually see and read the slides in the presentation. It was attended by a few former elected officials, some "regulars" at city events and a large number of newcomers - residents who lived nearby and had just heard about the meeting a day or two before. Also in the audience were current elected officials - Mayor John Stephens and Mayor Pro Tem Jeffrey Harlan - as well as appointed officials like Planning Commission Chairman Adam Ereth and many members of the city senior staff.

It's my view that much of the disappointment felt by members of the audience was because there were very few - I hesitate to say "no" - answers provided to members of the public who spoke. I counted 34 - 35, if you count Mayor Stephens, who was sandbagged into speaking by a constituent. Most of the speakers didn't really know enough about the project to present clear, concise concerns and questions were seldom answered.

As a 50 year resident of Costa Mesa and one who has followed (and written about) city issues for more than two decades, I came away from this meeting very concerned about the plan as explained to us by Laura Masterson of Dudek. Some of my concerns are listed below.

1-THE STATE GIVETH....The State has declared the Fairview Developmental Center as "surplus", and made it available for potential much-needed housing in Costa Mesa. In fact, the State recently provided \$3.5 million to Costa Mesa to help with the planning - zoning, etc. - for the site for future housing development. Since the State also saddled Costa Mesa with RHNA requirements demanding we plan for 11,760 new dwelling units in a city 99% built-out, the availability of the FDC for some future housing was good news, and the City is moving forward with the plans for the site.

2-....AND TAKETH AWAY. The proverbial "other shoe" dropped when we learned the State decided to take away 15 acres of the site for a proposed Emergency Operations Center and that this center would include a 35,000 square foot office building, a 20,000 square foot warehouse/garage **PLUS** a helipad and 120 foot illuminated communication tower! In my view, none of these facilities are compatible in any way with the housing that will be planned for that site. The presentation showed the flight path footprint for the helipad as well as the proposed location of the communication tower. Well, as a man who has flown helicopters, I can tell you that the presence of that helipad so close to residential uses is unacceptable! And the communication tower is problematic, too. Nobody will want to open their curtains to view the sunset over the golf course with the blinking red lights on that tower ruining the view.

3-WHAT IT MIGHT BECOME. This more than 100 acre site could go a very long way to helping meet our City (and State, for that matter) requirement for additional housing. There are those who view this location as a kind of "Village of Fairview" within the boundaries of Costa Mesa. It's a site surrounded on 3 sides by a municipal golf course and is about a mile from our Civic Center and the Orange County Fairgrounds. Given the opportunity to plan for it, that site could be the home of, for example, several high-rise buildings providing true "affordable housing" in a region that drastically needs such housing stock. It could become a

model of forward-thinking planning, with playgrounds and other park areas with walking and bicycling paths, and services, like a market, pharmacies, entertainment venues, etc. spotted throughout the site. Depending on the number of housing units built, there might even be a need for an elementary school on the site.

4-INCOMPATIBILITY. The creation of the EOC as planned would make the housing plans described above untenable. The EOC would have to be staffed 24/7/365, which means cars and large trucks moving to and from the site. In the case of an “emergency”, this would be magnified many-fold. Of course, the helipad makes any kind of housing, much less affordable housing, a non-starter. As one speaker at the meeting said, (paraphrasing), "This is just another example of people who have no options - poor people in those “affordable” housing units - getting the shaft!" Yes, it's true - nobody who can afford to live elsewhere would even think of living in the flight path of large, military transport helicopters. This is a **GREAT** opportunity to demonstrate that a community of affordable housing units doesn't have to be a slum-in-waiting, with people packed cheek-by-jowl! This could be a place where we all would point to with pride - but not if it's saddled with the EOC as currently planned.

5-ACCESS. Another of the problems viewed by many of us at the meeting was access to the site. Yes, the map showed a route from Harbor Blvd. along the perimeter of the of the FDC to the location of the proposed EOC. If this site is chosen, the intersection at Harbor Blvd. - Costa Mesa's de facto “Main Street” - will require major modification. Also, there really is no other acceptable access route unless one is carved through the golf course. Is that the plan? You can't really have an Emergency Operations Center with only one way in and out, can you?

6-WATER ACCESS? I have not reviewed the complete Draft EIR, but am told by those who have that there is a reference to the FDC site having “access to waterways”. Well, if you're looking for a way to bring people and supplies to the site via water, you're pretty much out of luck. The closest “waterway” would be the Santa Ana River, which runs, such as is is, within about a mile of this site. However, it is NOT navigable - it's barely a trickle most of the year. If Newport Harbor was the intended source of water access, it's at least 5 miles away, is a small boat harbor and certainly not adequate to deliver large quantities of supplies to the site because it lacks the space and depth to accommodate large craft.

7-A PREFERRED ALTERNATIVE. During the presentation, “alternatives” were discussed. “**Alternative 3**” - 24 acres a few miles away at the corner of Red Hill Avenue and Victory Road in Tustin, was described as “**environmentally superior**”. Why, then, is **THAT** site not the **preferred location** for this new EOC? It's a larger chunk of land, currently undeveloped, in a commercial zone. It's much closer to freeways, providing essential travel venues in case of an “emergency” and the surface streets surrounding that site make it much more practical for an EOC location.

When compared to the proposed site at the FDC, the Tustin site wins, hands-down! It's much larger, not surrounded by incompatible uses and is **MUCH** closer to freeway access.

8-TIMING AND CONSTRUCTION. We understand from sources at the Department of General Services that the FDC EOC would cost north of \$180 million and would take well into 2027 to complete. This timing would certainly conflict with any proposed housing construction planned for the FDC site. I doubt any builder would choose to arm-wrestle with government contractors over the use of access roads simultaneously as we tried to meet other State requirements to build more housing.

Thank you for considering my view, and those of my friends and neighbors who also took the time to write to you on this very important issue. We hope Governor Newsom will see this plan as a hindrance to his goal of more affordable housing. We are told Mayor Stephens intends to personally address this issue with him in the very near future. Please abandon the plan for the EOC at the FDC.

Geoff West
1973 Aliso Avenue
Costa Mesa, CA 92627
gtwest@earthlink.net

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.

From: [Kathy Esfahani](#)
To: [STEPHENS, JOHN](#); [HARLAN, JEFFREY](#); [MARR, ANDREA](#); [CHAVEZ, MANUEL](#); [REYNOLDS, ARLIS](#); [GAMEROS, LOREN](#); [HARPER, DON](#); [CITY CLERK](#); [LE, JENNIFER](#)
Subject: Agenda item New Business 3: Opposing placement of Southern Region Emergency Operations Center at Fairview Developmental Center Site
Date: Monday, October 16, 2023 10:10:17 PM

Dear Mayor Stephens and Council Members,

I am writing to you on behalf of the Costa Mesa Affordable Housing Coalition (the Coalition), a 17-year-old grassroots association of local advocates which promotes policies that will create affordable housing for our city's very low- and extremely low-income residents. We are dismayed to learn the state is proposing to locate a "Southern Region Emergency Operations Center" at the Fairview Developmental Center site (FDC). **Such a move would seriously hamper Costa Mesa's ability to meet its state-mandated RHNA goals, and especially hurt the production of housing for our city's poorest, most vulnerable residents.**

Costa Mesa's 2021-2029 Housing Element identifies the 109-acre FDC as the intended site for **2300 housing units**, with **40%** of those units (920!) designated lower income. Adding **920 lower income units** would be a stunning accomplishment in Costa Mesa. Moreover, it is **achievable**, given Costa Mesa City Council's strong support for affordable housing construction at FDC, and Governor Newsom's declared commitment to help make such construction happen. These ambitious housing plans at FDC, however, are in direct conflict with the proposal to use up to 15 acres of the site for a new Emergency Operations Center.

Please make sure the "powers that be" up in Sacramento recognize what is at stake. There is tremendous local momentum behind the city's plan to create a ***vibrant, master planned, mixed income housing village*** at FDC. Given its size and central location along the major thoroughfare of Harbor Boulevard, FDC holds tremendous promise for meeting a significant part of the city's housing (***especially affordable housing***) needs. Those housing plans would be seriously compromised by the placement of the proposed Emergency Operations Center, including a helipad, on the FDC site.

Surely the state can find some other place for a new Emergency Operations Center. **The FDC site is simply too valuable a resource for meeting our community's pressing need for affordable housing.** California must not squander this unique opportunity to create a substantial amount of lower income affordable housing in Costa Mesa.

Our Coalition will submit a letter expressing these concerns to Ms. Ash at the California Department of General Services. We also want you, our City Council, to know how strongly we oppose the plan to locate the Emergency Operations Center at FDC.

Respectfully,

Kathy Esfahani

Kathy Esfahani,
On behalf of the Costa Mesa Affordable Housing Coalition

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.

From: [Costa Mesa First](#)
To: comments@oesregionsouthec.org
Cc: assemblymember.petrie-norris@assembly.ca.gov; senator.min@senate.ca.gov; katrina.foley@ocgov.com; [CITY COUNCIL](#); [CITY CLERK](#)
Subject: Southern Region Emergency Operations Center Project Draft Environmental Impact Report Comments; SCH No. 2023030046
Date: Tuesday, October 17, 2023 8:54:21 AM
Attachments: [Ltr to State Dept of General Services re DEIR comments.pdf](#)

Dear Ms. Ash,

Attached is our comment letter with respect to the Southern Region Emergency Operations Center Project (SCH No. 2023030046). Please feel free to contact me should you have any questions.

Cynthia McDonald
Assistant Treasurer
Costa Mesa First

PO Box 2282

Costa Mesa, CA 92628

costamesa1st.com

(714) 549-5884



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.



October 17, 2023

VIA EMAIL – comments@oesregionsoutheoc.org

State of California
Department of General Services
Real Estate Division, Project Management
Attn: Terry Ash, Senior Environmental Planner
2635 North First Street, Suite 149
San Jose, California 95134

Re: Southern Region Emergency Operations Center Project Draft Environmental
Impact Report Comments; SCH No. 2023030046

Dear Ms. Ash:

We appreciate the opportunity to provide comments to the California Governor's Office of Emergency Services Draft Environmental Impact Report ("DEIR") for the Southern Region Emergency Operations Center Project ("Project"). The Project would site a 35,000 sq. ft. office building, a 20,000 sq. ft. warehouse, a military-grade helipad (unknown size), a 120 ft. communications tower and the extension of Shelley Circle, a roadway within Fairview Developmental Center ("FDC"). The Project would be located next to proposed high-density housing for low- and very low-income residents, park space and possibly community center and gardens and a school/daycare. In addition, there is a recreation area (municipal golf course) adjacent to the Project, and a neighborhood of existing affordable housing occupied primarily by low-income residents approximately 700 ft. away. It is about 1,500 ft. from Fairview Park, a nature park that contains environmentally sensitive species and habitat areas.

Despite the claim that the Project "is not considered to be a project of regionwide significance,"¹ the Project is a regional Emergency Operations Center ("EOC") in Southern California serving

¹ See page 4.9-9 (Section 4.9.5) of DEIR.

Costa Mesa First (FPPC 1332564), P.O. Box 2282, Costa Mesa, CA 92628
costamesa1st@gmail.com
costamesa1st.com
(714) 549-5884

as a hub for critical emergency management planning and training programs in the Office of Emergency Services Southern Region, which serves nearly 23 million people and covers 11 counties. Should the EOC in Mather become inoperative, the Project would be able to mirror the Mather operation to provide services to the entire state.

We are submitting the following comments for consideration by the State of California's Department of General Services ("State"). The DEIR is deficient because it either fails to analyze, provide accurate analysis, or delays analysis of significant environmental impacts, making it impossible for the residents of Costa Mesa to understand and meaningfully consider the issues raised by the Project and any attempts by the State to mitigate significant environmental impacts associated with the Project. Additional accurate environmental review of the Project is required under CEQA. Further, serious concerns about the Project's compliance with several housing laws remain unaddressed and impede or constrict the ability of the City of Costa Mesa ("City") to comply with those laws and affirmatively further fair housing. In addition, the engagement of the residents of Costa Mesa has been minimal, so much so that the requirement under CEQA to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage has largely been unmet.

The DEIR identifies Alternative 3, an environmentally preferred alternate location in Tustin². For the following reasons, we urge the State to reject the current FDC site and select Alternative 3 instead.

1. The DEIR does not disclose that Project will adversely impact City's ability to comply with the Housing Crisis Act of 2019 (SB 330).

The DEIR acknowledges that the Project will reduce the availability of land available for residential land use designations. However, the State fails to recognize that removal of 15 plus acres from the remainder of FDC will detrimentally impact the future availability of housing capacity or provide any mitigation of that impact. The City's Housing Element, as accepted by the State's Department of Housing and Community Development ("HCD"), does not provide for further upzoning of other parcels to ensure that there is "no net loss in residential capacity" given the elimination of the acreage for this project. The City has already paid with its own funds the incredible expense of a consultant to assist it in the burden of complying with the new laws regarding Housing Elements and the rezoning of the city in connection therewith. This Project would further burden the City, and thereby the residents of Costa Mesa, with the financial impact

² See page 7-11 (Section 7.3.3) of DEIR.

of redoing zoning in areas outside of FDC to comply with the HCD's and various housing laws' requirements, in particular the Housing Crisis Act of 2019.

2. Project violates SB 188 by failing to prioritize affordable housing and open space on FDC property.

In June 2022, the California Legislature adopted a budget that, among other things, gave the City of Costa Mesa funding for the management of the planning of affordable housing on FDC. See SB 188, which added Section 14670.31 to the Government Code.

Government Code Section 14670.31(a)(7) states "It is the intent of the Legislature that the Fairview Developmental Center property be utilized for a mixed-use development, including mixed-income housing. The development would include and prioritize affordable housing, including at least 200 units of permanent supportive housing, and open space." [emphasis added]

Government Code Section 14670.31(c)(4) provides "The agreement shall require that housing be a priority in the planning process and that any housing proposal determined to be appropriate for the property shall include affordable housing. The agreement and the development plan shall provide for housing and affordable housing at a level consistent with the January 2020 council-adopted strategy of 1,500 units and the housing assessment in the Department of General Services' 2021 Infrastructure Assessment of up to 2,500 units for the site." [emphasis added]

The Project conflicts with the stated priority in the legislation, as well as Governor Newsom's two executive orders. The State is interfering with the City's responsibility to manage the planning of affordable housing by removing the most desirable parcel from the FDC property prior to the City's completion of the planning process. Further, the State is impeding the growth of the city by proposing a new roadway on a parcel that could be zoned entirely for affordable housing or open space were the roadway not there. The housing that would be built on the remainder of FDC will be accompanied by parks, playgrounds, childcare center(s), and community gathering places that are required to be protected from the adverse impacts of emissions, particularly during a full-blown emergency or in the event the existing EOC in Mather is inoperative. The DEIR does not provide a mitigation plan for those impacts.

3. Proposed military-grade helipad renders most of remaining parcels of FDC unsuitable for market rate and fair housing.

While the City has not completed planning of the remainder of the FDC site, the California Legislature and the Governor have prioritized quality affordable housing for veterans and those with permanent disabilities. Locating the Project, including its military-grade helipad, on FDC

would constrict planning of the remainder of FDC for those with PTSD, often veterans. Further, it discourages developers from building market-rate housing to offset the cost of providing affordable units because the market-rate housing would be a tough sell given the requirement to disclose to potential buyers the existence and use of the helipad. The DEIR suggests that helicopter noise would only be as loud as a vacuum cleaner at three meters.³ Anyone who has ever been below a Blackhawk helicopter during takeoff or descent will disagree. The report fails to disclose that the vibration and noise from the helicopters will fluctuate due to height, terrain and buildings that create echoes, such as the new apartment buildings on Harbor adjacent to the golf course. The DEIR needs to be revised to disclose accurate noise levels in the flight paths and projected vibration and noise levels when the remainder of the FDC property is built out with housing and mixed-use structures. Further, the statement “Helicopter activity during emergency operations is speculative and cannot be quantified”⁴ is erroneous. The Office of Emergency Services has responded to emergencies throughout the State of California for years and must supply data on the use of helicopters during those emergencies as an example of the range of anticipated use.

4. Depictions are missing and/or inaccurate.

Many of the depictions are inaccurate because they fail to show the color and true height of the tower. In addition, there are no depictions of elevations of the flight path of helicopters (or the helicopters themselves) that would allow residents to understand the possible impacts of noise and aesthetics. The following depictions need to be added:

- All depictions of tower must show orange and white paint, all communications equipment, and red lights on towers, and must including daytime and nighttime depictions
- Full depiction of tower from golf course that includes communications equipment (do not cut off the top of the tower)
- Depiction of tower from second story apartment on Joann Street and from top floor of new apartments on Harbor Boulevard adjacent to golf course
- Depictions of tower from hillside near the train station in Fairview Park
- Depiction of elevation view of helicopter flight paths (takeoff and landing) and expected level of vibration and decibel level of noise at elevations every 500 ft. from all reasonable viewpoints, including Joann Street and new Harbor Boulevard apartments, Mesa Verde

³ See pages 4.10-1 (Section 4.10.1) and 4.10-13 (Section 4.10.5) of DEIR.

⁴ See page 3-16 (Section 3.5.5) of DEIR.

housing, Harbor Boulevard bicycle trail, Fairview Park train station and hillside in Fairview Park near Tanager Drive

5. Widening of roadways will discourage use of active transportation and likely increase GHG emissions; extension of Shelley Circle is a taking of property.

The benefits of active transportation are many, including the reduction of GHG emissions. As noted in the DEIR, the widening of the roadways, enlarging intersections and the construction of a new asphalt roadway that is contemplated by the Project can discourage alternative forms of transportation such as biking and walking.⁵ Larger turning radii at intersections is a well-known cause of pedestrian and bicyclist deaths because larger turning radii increases motor vehicle speeds. Given the new housing that is to be built on this site, if anything, traffic should be slowed. The asphalt roadway extension will not include sidewalks or bikeways and the reconfigured parking areas will be demolished and trees removed. We request that the State reconsider the proposed parking lot and roadway “improvements” and use strategies that address sustainability and climate protection concerns instead, including adding protected bicycle lanes and pedestrian facilities to any roadways that will be “improved” as part of the Project.

The queuing of vehicles to enter the facility does not provide assurance that the Project will assist in the meeting of regional emissions reduction targets established by the California Air Resources Board. Further, the DEIR states “If the emissions reduction targets cannot be met through the SCS, an Alternative Planning Strategy may be developed that shows how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures of policies. SB 375 also offers local governments regulatory and other incentives to encourage more compact new development and transportation alternatives.”⁶ That unfairly places the burden of the failure of this Project to meet the Sustainable Communities Strategy on the City by backwards planning of the remainder of the FDC property in order to mitigate the Project’s impacts. The State needs to take responsibility of mitigating those impacts itself and provide a plan in the DEIR.

In addition, the placement of the extension of Shelley Circle would render a parcel that is one of the few undeveloped parcels on FDC unusable for open space or to be developed with housing. This suggests that the State wants this parcel to remain unusable so that, should it decide in the future that the Project should be expanded, this parcel is available for more warehouse space or a

⁵ See page 4.13-3 (Section 14.13.2) of DEIR.

⁶ See page 4.13-4 (Section 4.13.2) of DEIR.

larger helipad. In other words, this is the camel's nose under the tent and is a taking of land it is not entitled to, as any property that is not part of the Project is subject to SB 188.

6. Wildlife surveys must be done prior to Project approval; State has not analyzed the whole of Project.

Under CEQA, the State must analyze the Project's impacts, which include "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment." Please refer to CEQA Guideline Section 15378; *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1220. This standard is consistent with the principle that "environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal3d 376, 396.

The DEIR states "focused surveys for burrowing owl are recommended to be conducted following CDFW protocol to determine the presence/absence of this listed species in the study area. If present on site, development of the proposed project may result in significant direct impacts to burrowing owl absent mitigation."⁷ The DEIR indicates these studies would be done in Spring 2024, after approval of the Project, and just shortly before the onset of construction in late Summer 2024. The DEIR does not analyze the Project's foreseeable indirect impacts, including the impact on the burrowing owls during nesting season. These surveys must be done as part of the Environmental Impact Report and include all pertinent seasons, including nesting season. By cutting short the environmental analysis prior to approval of the Project, the State violates CEQA and makes new, accurate analysis of the Project necessary after approval. It is impermissible to delay studies and offer some vague suggestion of mitigation measures that might occur at some date after the approval the Project.

The statement "Nevertheless, due to the ample opportunities for wildlife movement to the west and south of the study area, the project site does not function as a wildlife corridor, nor does it facilitate the movement of wildlife between two larger habitat blocks."⁸ is contradicted by the fact that a wildlife survey for burrowing owl, a migratory bird, is needed. FDC has been used by migratory birds and local wildlife as a wildlife corridor. The linkages or migration corridors between habitat areas must be preserved.

⁷ See page 4.3-5 (Section 4.3.1) of DEIR.

⁸ See page 4.3-6 (Section 4.3.1) of DEIR.

In addition, a comment letter from The U.S. Department of Fish and Wildlife must be solicited.

7. DEIR is missing information on storage tanks and emergency fuel supply.

The Project would include two emergency generators, requiring diesel fuel tanks capable of providing 72-hour backup. The DEIR does not provide any information about the size of those tanks, or whether there will also be storage of fuel supply for vehicles used in the operation of the Project after its completion. Will there be fuel storage for delivery trucks and/or other vehicles used at the project in the event of an emergency that makes local commercial fuel supplies unavailable? Will there be fuel storage for the helicopters that will use the helipad? The DEIR needs to include this information and a description of the impacts, and any mitigation measures related thereto. Without this information, the public is unable to evaluate if the statement that use of the emergency generators is “less than significant” is true and the mitigation measures are appropriate.⁹

8. Community Engagement and Awareness Plan.

At the initial meeting regarding the scoping of the Project, several members of the public expressed concern about the lack of notice and the timing of that meeting. In our letter to you dated April 13, 2023, we requested that any future meetings be held on both weeknight and weekends in order to get maximum participation. The recent meeting on the DEIR at the auditorium at FDC was an example of what the State should not do. Numerous complaints from the public about the lack of notice, combined with the inability to see the material shown on the small projection screen, and a merely cursory review of the Project left the public feeling like they knew no more about the Project after the meeting than they did before. That meeting did not adequately meet the intent of CEQA to inform the public and government decisionmakers public about the potential environmental effects of the Project and the State’s plans to prevent significant, avoidable environmental damage. The State (or its consultant with representatives of the State) needs to hold additional meetings at times convenient to the public at which the Project, its impacts and mitigation are fully explained. A larger projection screen that enables the public to see the information presented is required. In addition, since this is a project of regional importance, widening the area of notice for any meetings to the adjoining cities of Newport Beach and Huntington Beach is appropriate.

Should the State ultimately decide to continue with the Project at FDC, Costa Mesa residents and business owners need notification of training exercises or an emergency event that causes the EOC to operate at full capacity in order to prevent unnecessary calls to the Costa Mesa Police

⁹ See page 1-7 (Section 1.7) of DEIR.

Department. Residents and business owners need to know there will be a disruption in the ability to normally conduct business and their lives. The DEIR needs to include an awareness plan or a coordination plan with the Costa Mesa Police Department.

9. Alternative site in Tustin is a superior site.

The State has erred in its selection of FDC as the preferred site for the Project as opposed to the alternative site in Tustin (“Alternative 3”). The FDC property is close in proximity to housing, much of it affordable and whose residents are 80% people of color. CalEnviroScreen 4.0 ranks the nearby census tract at a pollution burden of 46%, which, for a neighborhood so close to a municipal golf course and receiving the benefit of ocean breezes, is remarkably high. In addition, that census tract is near to other census tracts with higher burdens, including Census Tract 6059063605, which has a pollution burden of 86%. The residences are older buildings, many of which do not have central heating and air conditioning or air filtration systems. The residents in these census tracts, and others, would not only be impacted by the operation of the Project, but by the actual construction of the Project. This Project would exacerbate the environmental and health problems faced by the families that live nearby.

Alternative 3 is located in an industrial area next to the U.S. Army Reserve Center and a short distance to the Orange County Sheriff's Regional Training Academy. It is just as close to John Wayne Airport as the FDC site and is even closer to the former Marine Corps Air Station that was a major center for Marine Corps helicopter aviation on the Pacific Coast for many years. It has the proper acreage, proximity to major highways, space to accommodate multiple emergency vehicles and has the ability to locate the helipad and communication tower on its site. It would be more secure than FDC because it would not be next to a golf course or housing, but rather the Army Reserve Center that is already a secure site. It meets the criteria of siting the EOC “. . . on a property that is removed from high-traffic public areas . . .” and is far better suited than FDC which will be developed into high-density housing and associated uses, including multi-user paths and vehicular roadways.

The DEIR indicates that it selected FDC as the Project site based on the criteria that FDC is near a navigable waterway “should waterborne emergency response be needed during an emergency.”¹⁰ FDC is not adjacent to a navigable waterway. The closest navigable waterway to FDC is Newport Harbor (a recreational harbor and not a deep-water port) and/or the Pacific Ocean. The proximity of Newport Harbor to FDC versus the Tustin location is negligible given the proximity of the Tustin location to the Costa Mesa Freeway, which joins with Newport

¹⁰ See page 7-11 (Section 7.3.3) of DEIR.

State of California
Department of General Services
Real Estate Division, Project Management
Attn: Terry Ash, Senior Environmental Planner
October 17, 2023
Page 9

Boulevard that extends down to Newport Harbor. Using this criterion to attempt to eliminate the selection of the Tustin location is farcical.

Further, Alternative 3's site is not privately owned.¹¹ It is owned by the South Orange County Community College District that is part of the State's public higher education system.

10. Conclusion.

For the reasons above, we request that the State reject further consideration of FDC for the site of the EOC. Alternatively, we request that the information above be added to the DEIR and that the report be recirculated for comment and additional meetings with the public be held so as to conform with CEQA.

Thank you for your attention. Please feel free to contact us should you have any questions.

Very truly yours,



Richard J. Huffman
Treasurer



Cynthia McDonald
Assistant Treasurer

cc: Assembly Member Cottie Petrie-Norris
Senator Dave Min
Supervisor Katrina Foley
Costa Mesa Mayor and City Council

Costa Mesa First's mission is to educate Costa Mesans about planning policies in Costa Mesa so they make knowledgeable choices when voting. We encourage residents to choose walkable, bikeable, and inclusive neighborhoods, and the land use and transportation policies and investments needed to make Costa Mesa flourish. Our primary objective is to require Costa Mesa's leaders to put the residents of Costa Mesa first.

¹¹ Ibid.

From: ocroof78@gmail.com
To: [CITY CLERK](#)
Subject: Just Cause
Date: Tuesday, October 17, 2023 12:07:17 PM

Now that I have read the Just Cause 12 page document,
I find the following to be unjust to landlords.

. I strongly feel that this government overreach and private property invasion that the government needs to leave I to the property owner.

. We are hardworking people, not lawyers.

. Page 6 IV II-

. Page 6 C

Pulling permits before a tenant moves out is ridiculous because if the tenant doesn't leave, the permit expires.

. Page 6 D- this is sheer Communism. Get out of my business.

. 403B should read 1 month.

403C overreach / should be struck

404C totally unfair . Double gouging. Rent caps and multiple months of rent refund.

Sec. 9 -404 H

Should be struck down due to C.

9-405 C, D, E excessive paperwork in notifications.

940 A Landlords can only recover 1 month's rent from tenant because he willfully held over the unit, but they can recover 3 months rent for the same action.

I just to landlords. Needs to be struck.

B and C- The courts are already clogged enough. More lawsuits are not the answer. More government lawsuits.

Why are you trying to sue me? I'm trying to provide housing in the city and have turn key. Pastor New can I send it?

David Miller

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.

From: [Dahlia Gold](#)
To: [CITY CLERK](#)
Subject: Dispensary At Mesa Verde
Date: Tuesday, October 17, 2023 12:44:27 PM

Hello,

My husband and I purchased our Mesa Verde home in 2019, after coveting the neighborhood for years. I use dispensaries regularly and I don't mind driving ten, maybe fifteen minutes to Santa Ana to purchase cannabis oil cartridges to vape. The dispensaries I frequent are in LIGHT INDUSTRIAL AREAS. I also don't mind having a SMALL HANDFUL of dispensaries in NON RESIDENTIAL neighborhoods in Costa Mesa.

I'm concerned about the following:

- 1.) The total number of dispensary approvals in Costa Mesa and
- 2.) The Type of locations (zoning / APPROPRIATE businesses) adjacent to Mesa Verde and other residential neighborhoods.

Additionally, I believe collectively the Mesa Verde neighborhood feels this dispensary location encroaches on our way of life.

And besides, aren't we the City of the Arts?

Thank you kindly in advance for your thoughtful consideration!
Sincerely,

Dahlia Gold Straight
Mesa Verde, Costa Mesa

Dahlia

"Logic will get you from A to B. Imagination will take you everywhere."
~ Albert Einstein

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.

From: [Victor Cao](#)
To: [CITY CLERK](#)
Subject: New Business Item #2 - Just Cause Ordinance Comment Letter
Date: Tuesday, October 17, 2023 3:06:31 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[2023-10-17 Costa Mesa Just Cause Ordinance.pdf](#)

On behalf of the California Apartment Association and Apartment Association of Orange County, we are submitting this letter in opposition to New Business Item #2 related to the city's consideration of a just cause eviction ordinance. We would appreciate if you could file this onto the public record and with members of city council.

Thank you,

[CAA](#)
 **Victor Cao**
Senior Vice President, Local Public Affairs
[California Apartment Association](#)
vcas@caanet.org • (949) 474-1411
980 Ninth Street, Suite 1430, Sacramento, CA 95814
 [caanet.org](#) • [Compliance](#) • [Advocacy](#) • [Education](#) • [Insurance](#) • [Ethics](#)

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.



October 17, 2023

SENT VIA EMAIL TO: cityclerk@costamesaca.gov

The Honorable John Stephens
Mayor
City of Costa Mesa
77 Fair Dr, Costa Mesa, CA 92626

Re: New Business Item #2 – Just Cause Eviction Ordinance

Mayor John Stephens and Members of City Council:

On behalf of Costa Mesa's rental housing providers, the California Apartment Association and Apartment Association of Orange County (Associations) express concerns about adoption of a local just cause eviction ordinance. The Associations' recommendation is to forgo a local ordinance and adhere to state law as recently amended by Senate Bill 567 (SB 567), which provides several key elements including:

- Requiring disclosure and noticing for substantial remodels; and
- Accountability for owner/family move-ins; and
- Enforcement by the attorney general, county counsel, or city attorney; and
- Remedies including injunctive relief, actual damages, punitive damages three times the amount of actual damages, and attorney's fees.

Rather than having to navigate a patchwork of laws across various cities, state law creates consistency for both tenants and rental housing providers can accurately rely on. Local ordinances that govern the same subject matter as state law can be problematic. In the case of the City of San Diego, their local just cause ordinance adopted years prior to the California Tenant Protect Action of 2019 (AB 1482) remained outdated for three years before rushing to catch up in 2022.

The city's proposed ordinance is problematic in two distinct areas: (1) it creates an additional layer of notices to the city and (2) requires owners to pay an additional month's rent (or two-month's rent) as a cash settlement.

State Protections in Practice

Tenants and owners who mutually agree to, in writing, a lease contract with a defined expiration date have abundant time to plan their futures. It should be noted that landlords cannot unilaterally lease contracts without cause until the end of term. The vast majority of renters who have a lease of one year or longer will receive a 60-day notice to vacate, be eligible for one-month's rent for relocation assistance, and a return of their security deposit within 21 days under state law. Just as tenants maintain their privilege of being released from contract, an owner should have every right to carry out their reinvestments into their property or house their own family members at the expiration of a lease without additional constraints that the city's proposed just cause eviction ordinance imposes.

A NOTICE FOR A NOTICE

The city's proposed ordinance requires written notices be sent to a city P.O. Box within 72 hours of issuing the notice to terminate to the tenant. In short, the draft ordinance requires written notice that a written notice has been issued. The noticing requirement is an additional layer of bureaucracy for both city administrators and rental housing providers. City employees will have to maintain physical paper records, redundancy, extension of retention records to assist lawsuits, and/or require manual data entry with paper being unnecessarily disposed of for over 24,000 renting households.

Leases are treated as civil contractual issues under state law. Should a tenant or landlord have a dispute, either party can file a lawsuit (and discovery) to have their case decided by a judge. As a civil matter, no further noticing to the city is necessary. Rental housing providers will have already applied for city permits and filed applicable notices directly with the courts and tenant. For the purpose of preventing unnecessary waste and bureaucracy, CAA requests that the city consider elimination of the city notice and proceed with state law as amended by SB 567.

IMPACTS OF ENHANCED CASH SETTLEMENTS ON OWNER/FAMILY MOVE-IN AND SUBSTANTIAL REMODELS

The city's proposed ordinance requires two-month's rent as a cash payout for any no-fault just cause reason including an event where an owner/family-member moves into their own home or substantial remodels at lease expiration. Approval of SB 567 addressed many concerns that Costa Mesa city officials expressed at prior meetings. A summary of SB 567 and the impact of draft ordinance are further identified in the following subsections.

Owner/Family Move-In

SB 567 introduced new accountability measures for when an owner or their family member needs housing:

- Owners or their family members (natural persons) must reside in the unit for at least 12 months and move in within 90 days of the previous tenant's departure; and
- Limits set on re-renting the unit if the landlord doesn't comply; and
- Enforcement of violations include injunctive relief, actual damages, punitive damages of up to three times the actual damages, and attorney's fees.

The city proposes an enhanced cash payout of two-month's rent for all no-fault evictions including circumstances where the owner or their family members are experiencing their own crisis. In many

cases, adoption of local ordinance arbitrarily inserts new requirements and changes all expectations in the middle of the lease term. In addition to paying exorbitant healthcare or other crisis expenses, the owner's family would be required to up to \$9,440 when a lease has naturally expired. A lease should be allowed to end without any additional requirements, especially if a family has waited patiently and followed current law.

Substantial Rehabilitation (inclusive of remodeling, rehabilitation, and demolition)

Under existing law, substantial remodels mean any modification of any major system. Evictions for aesthetic improvements are prohibited. Since the city's initial discussion around tenant issues last year, much has changed as it relates to how substantial remodels proceed. SB 567 prescribes the following:

- A written description of substantial remodel to be completed; and
 - Approximate duration of substantial remodel; and
 - Copy of permit or permit(s) required to undertake substantial remodel or demolition; and
- An opportunity for the tenant to continue renting unit at the original rental rate if improvements have not been commenced or completed; and
- Notification that if tenant is interested in reoccupying the rental unit, the tenant shall inform the owner of their interest following the substantial remodel and provide the owner the tenant's address, phone number, and email address; and
- And enforcement by legal authorities including Costa Mesa's city attorney.

Several advocate groups, including Promotores de Salud de Orange County, testified at Sacramento legislative hearings in favor of Senate Bill 567 citing that the California Tenant Protection Act of 2019 and local regulations were inadequate. With the adoption of SB 567, those concerns have been addressed.

City officials have expressed a desire to update existing housing stock, however it is a balancing act. Allowing owners to adequately plan substantial remodels improves overall quality of life by bringing rental homes up to the latest building code standards. The city's proposed cash assistance beyond state law upsets that balancing act and becomes an added expense that housing providers will need to recoup from following tenancies.

Under the most strenuous conditions, the city's proposed extra cash payouts become a deterrent to capital improvements altogether. Renovating an aging 100-unit apartment in Costa Mesa requires careful planning and capital. Under the ordinance, would require additional financing of \$250,000 at all-time high commercial interest rates. Such costs are likely absorbed in new tenancies, but the reality is that the improvements are likely deterred under current market conditions and new regulation. As such, outdated housing can remain a legally non-conforming use due to grandfathering and the city's beautification goals remain unfulfilled.

Conclusion

With nearly 97% of available rental units already occupied by existing residents, the Associations recognize that the challenges that come with the lack of housing can only be met with housing production. According to permit data, Costa Mesa built on average 85 homes per year over the past five years. The city's permitting averages are not enough satiate the demand of Costa Mesa residents

and migrants. The city's proposed ordinance is regulation over contracts; the ordinance has no impact on the underlying problem of insufficient housing.

A handwritten signature in black ink, appearing to read "Victor Cao".

Victor Cao
Senior Vice President
California Apartment Association

A handwritten signature in black ink, appearing to read "Chip Ahlswede".

Chip Ahlswede
Vice President, External Affairs
Apartment Association of Orange County

From: [Todd Martin](#)
To: [CITY CLERK](#)
Subject: City Council Meeting Tuesday 10/17/23
Date: Tuesday, October 17, 2023 2:07:08 PM

Dear City Council of Costa Mesa

I've lived in Costa Mesa for most of my life (56 years) and have not left because I truly like the location and atmosphere. However, my wife and I are seriously dismayed with the degradation happening now with the cannabis movement. The legalization of cannabis for recreational use has proven to be a big mistake and now our beloved Costa Mesa is proposing to allow a tidal wave of new pot-shops to open up just making the matter worse. There are FAR better ways to create revenue for the city.

I understand that you will be considering the application to open yet another of these unwelcomed shops and in Mesa Verde Plaza. If so, I will likely avoid shopping there in the future. Also, I've heard that another 50 or so pot shops are on deck for Costa Mesa as well. Not good!

PLEASE use common sense and put a stop to the intrusion of drug dispensaries in Costa Mesa!

Best regards

Todd Martin

Personal Email: bignose6@hotmail.com

"Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it" – Thomas Paine

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.