

**From:** pbs pbs <pazelees@gmail.com>  
**Sent:** Friday, July 21, 2023 12:08 PM  
**To:** PC Public Comments  
**Subject:** Regarding Cannabis Storefront at 141 E 16th St

Planning Commission,

I am a resident at Sea Breeze Villas which is located next door to where this dispensary plans to open and I am IN FAVOR of its opening. Our landlord suggested all the residents email if they are in opposition to its opening, but I believe it would be a great addition to the area.

I have to admit, this small street is often ignored by the city with a lot of houseless folks living on the street or in their cars, many pot holes, and cars from the auto shop taking our guest parking with no consequences.

I would hope if this new business opens, it would give our street a fresh look with added security and a sense of community.

My only concern would be customers potentially taking Sea Breeze Villas parking. As long as this new business has their own parking lot, then I think it would be a great service to add to the area!

Thank you for your time,

Paisley Soler

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**PARTIDA, ANNA**

PH-2

**From:** Jim Fitzpatrick <jimfitzeco@gmail.com>  
**Sent:** Monday, July 24, 2023 9:53 AM  
**To:** PC Public Comments  
**Cc:** HALLIGAN, MICHELLE; PARTIDA, ANNA; vivian nguyen  
**Subject:** Support Letters - PA 22-07 - 141 E 16 th St - The Mercantile  
**Attachments:** Weedmaps - Support Email for 141 E 16th St - The Mercantile.pdf; 7.18.23 CM Chamber - Membership Support Letter - The Mercantile -SIGNED.pdf; Le Fleur IV - Support Letter - 141 E 16 th - The Mercantile.pdf; RSNL Creative Mercantile Support.pdf

Please make part of the public record.

1. Chamber of Commerce
2. WeeMaps - Support for Social Equity
3. Local Businesses:
  - o RSNL - Design Firm
  - o Le Fluer IV

Cheers,

Jim Fitzpatrick  
Solutioneer

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Offers significant and meaningful support to Social Equity Applicants

Weedmaps TEAL Program 

 Weedmaps Social Equity [socialequity@weedmaps.com](mailto:socialequity@weedmaps.com)  
to me, Vic

Hi Jim,

Thank you for your interest in the Weedmaps TEAL Program. We appreciate you wanting to work with us and are excited to partner with you over the coming months to help you succeed in the exciting future of the cannabis industry.

If you have obtained a license in accordance with your city or state's Social Equity Program, you will receive the following items immediately:

- **Free software.** The [WM TEAL Business Program](#), has evolved over the years and we are relaunching the program now with the following inclusions:
  - **Monthly account credits** to cover the cost of your WM Business-in-a-box listing and WM Store (menu embed for your website), **plus additional credits** to spend on Weedmaps products that heighten your visibility.
  - With our recent acquisitions, we are now including these SaaS offerings for free for 12 months\*:
    - [WM CRM](#)- CRM/Loyalty Platform
    - [WM Screens](#)- In-store dynamic menus and content
    - [WM Dispatch](#)- Customizable delivery software
- SaaS offerings vary by state and product availability.
- **Ongoing coaching and professional support.** A dedicated account manager will conduct periodic consultations with you to assist and advise on marketing and product selection at no additional charge.

Here are a few of the benefits of the program for you to look forward to:

- **Professional development.** Weedmaps will provide you with free, ongoing training on a variety of topics, including building successful businesses in the cannabis industry, and leveraging technology to scale.
- **Resources.** Also, the company will continue to expand the range of free product offerings and support as it launches additional cloud-based enterprise software products in the future.

To kick things off, we would appreciate if you can respond to this email with a few important pieces of information:

- **Tell us about yourself and your endeavors!**
- **Current License Status** - Can you let us know if you are currently licensed, if you are in the process, or if you have not begun the licensing process.
- **Social Equity Qualification** - If you are licensed or are in the process of getting licensed, please let us know what the status of your social equity qualification is and under what criteria you qualify. Please send any qualifying documents.
- **Key Challenges** - In order to best prioritize our efforts, we'd love to know what we can do first that would help you the most. If you could send us a quick summary of what your key business challenges are, we can make sure the program is most impactful for you and your business.

We look forward to working with you in the near future!

Best,

Weedmaps TEAL Team  
[socialequity@weedmaps.com](mailto:socialequity@weedmaps.com)



Mar 8 2023, 12:47 PM



**BOARD MEMBERS**

Jennifer Farrell, Board Chair  
Partner, Rutan & Tucker, LLP

Jill Erps  
Senior VO & Chief Retail Officer  
Financial Partners Credit Union

Lori Ann Farrell Harrison  
City Manager  
City of Costa Mesa

Ken Karns  
COO  
OC Fairgrounds

Paulette Lombardi-Fries  
President, Travel Costa Mesa

Kimberley Layton  
VP, External Affairs  
LA Chargers

James Fisler  
Board Member  
Mesa Water District

Arthur Alderete  
Realtor  
RE/MAX International

Magdalena Gomez  
Director of Public Relations  
CA Southern University

Juan Gutierrez  
Dir. Marketing & PR  
Orange Coast College

David Koebnitz  
CFO  
Cla-Val

Phillip Patterson  
Director of Sales  
Ave of the Arts

Nick Peterson  
Financial Advisor  
Edward Jones

Costa Mesa  
Chamber of Commerce  
1870 Harbor Blvd, Ste 105  
Costa Mesa CA 92627

Office: (714) 385-9090

[www.costamesachamber.com](http://www.costamesachamber.com)

July 13, 2023

To Whom It May Concern:

I am writing this letter to express our support for The Mercantile LLC, a valued member of the Costa Mesa Chamber of Commerce since February 2022. As Vice President of Member Services of the Chamber, I am pleased to recommend The Mercantile LLC for their commitment to our organization and their contributions to the local business community.

Our primary objective at the chamber is to foster an environment that enables continuous growth and prosperity for our local businesses. With this in mind, we are proud to acknowledge The Mercantile LLC not only as a steadfast member but also as a passionate advocate for our chamber's core mission to champion the interests of local enterprises. Their unwavering commitment and active involvement in our initiatives, including their generous contributions as event sponsors, greatly contribute to the success of our organization.

Our shared aspiration is to ensure the prosperity of all businesses within the City of Costa Mesa. Collaborating with dedicated partners like The Mercantile LLC empowers the chamber to provide vital resources that pave the way for thriving enterprises, thereby reinforcing the overall economic vitality of our community. We wholeheartedly endorse their application and encourage your support to enable them to continue their exemplary role as a valued business and chamber member in Costa Mesa.

Thank you for taking the time to consider this important matter.

Sincerely,

Juliann Harkness  
Vice President of Member Services  
[jharkness@costamesachamber.com](mailto:jharkness@costamesachamber.com)

*About the Chamber: For almost a century, the Costa Mesa Chamber of Commerce has been at the forefront of promoting the local business community. The City boasts a population of over 114,000 residents and nearly 12,000 businesses, including major organizations headquartered here like Segerstrom Center for the Arts, California Pizza Kitchen (Annual Rev: \$330 million), Experian (Annual Rev: \$4.7 billion), El Pollo Loco (Annual Rev: \$442.3 million), and J.D. Power and Associates (Annual Rev: \$240 million). In addition, textile companies such as Hurley (Annual Rev: \$99 million), Volcom (Annual Rev: \$380 million), and Vans, Inc. (Annual Rev: \$520 million) call Costa Mesa home.*



Planning Commissioners,

I am the owner of a local Costa Mesa business and am in full support of the Mercantile cannabis retail store application.

Le Fleur IV is a local flower shop, specializing in our Signature Collection of Mixed Flower Boxes. Come see us and check out all the improvements being made to the at 333 East, at 333 East 17th St.

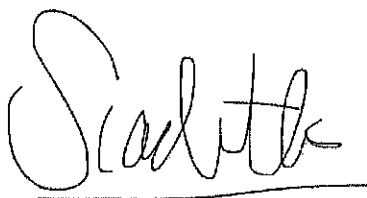
Vivian has been a friend of mine and a customer of my business for a while.

We look forward to supporting her business once opened.

We are currently working on some floral designs to support the opening of the business, taking inspiration from the nautical past and proximity to the beach.

Please support this new business by voting Yes!

SCARLET LE      July 10,2023

A handwritten signature in cursive script, reading "Scarlett", written over a horizontal line.



3130 Barbados Pl  
Costa Mesa CA 92626  
United States

Dear Planning Commissioners,

My name is DeNeaux Valdez, and I am the owner of the Costa Mesa business RSNL Creative. Our business is in proximity to the Mercantile cannabis application, and we are in full support.

We have worked with the Mercantile project and will continue to support the cannabis retail location with marketing and branding. I think it is amazing that a local Costa Mesa business would hire another local Costa Mesa business and in doing so providing a great network for small business commerce.

My team is excited to continually support this project, starting with telling the story of the boatyard modernizing into a commercial retail destination.

We encourage you to also support this project and recognize the job opportunities Mercantile will provide.

Sincerely,

DeNeaux "Dino" Valdez

A handwritten signature in black ink, appearing to be "Dino" or "DeNeaux", written in a stylized, cursive script.

**From:** Cristian Martinez <cristian@ufcw324.org>  
**Sent:** Monday, July 24, 2023 10:05 AM  
**To:** PC Public Comments  
**Cc:** Derek Smith  
**Subject:** The Mercantile Letter of Support  
**Attachments:** The Mercantile Letter of Support.docx

Good morning,

This is Cristian Martinez with UFCW 324. I am emailing you UFCW's letter of support for tonight's cannabis retail and delivery applicant, The Mercantile. Thank you for your time.

Regards,

**Cristian Martinez**

Researcher & Political Organizer

*UFCW Local 324*

Email: [cristian@ufcw324.org](mailto:cristian@ufcw324.org)

Phone: (714) 306-4252

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July 24, 2023

To the Costa Mesa Planning Commission,

UFCW 324 would like to express deep support for the cannabis retail and delivery applicant The Mercantile.

As Costa Mesa's only Social Equity applicant, The Mercantile is the exact kind of applicant that legalization was intended to help. This applicant has made no attempt to circumvent the City's labor peace requirement. In fact, their effort to ensure they partner with a bona fide labor union like UFCW in conjunction with their commitment to the betterment of the community is a testament to The Mercantile's resolution to ensure quality jobs for the City of Costa Mesa through a labor-compliant retail and delivery operation.

UFCW believes this is an opportunity to grant the applicant a shot to rise from being among the most negatively affected by the War on Drugs, to a leader in the City's cannabis industry with good standards for its workers.

Furthermore, we have worked with representatives for The Mercantile who have always gone above and beyond to ensure their clients prioritize labor peace with UFCW. Therefore, approving licensure to The Mercantile will continue strengthening labor standards in Costa Mesa's cannabis industry.

We appreciate your support and your time reading this letter. If you have any questions, please contact Derek Smith at [dsmith@ufcw324.org](mailto:dsmith@ufcw324.org), or by phone at (310) 801-1410.

Respectfully,



Andrea Zinder  
President, UFCW Local 324



Matt Bell  
Secretary Treasurer, UFCW Local 324



**PARTIDA, ANNA**

PH-2

**From:** Lynette Cervantes <cervanteslynettec@gmail.com>  
**Sent:** Monday, July 24, 2023 10:18 AM  
**To:** PC Public Comments  
**Subject:** PA 22-12 141 E. 16th Street  
**Attachments:** PA 22-12 141 E 16th Street- Planning Commission.pptx

Good morning,

Attached you will find the powerpoint presentation which I would like to present during the public hearing for Item # PH-2.

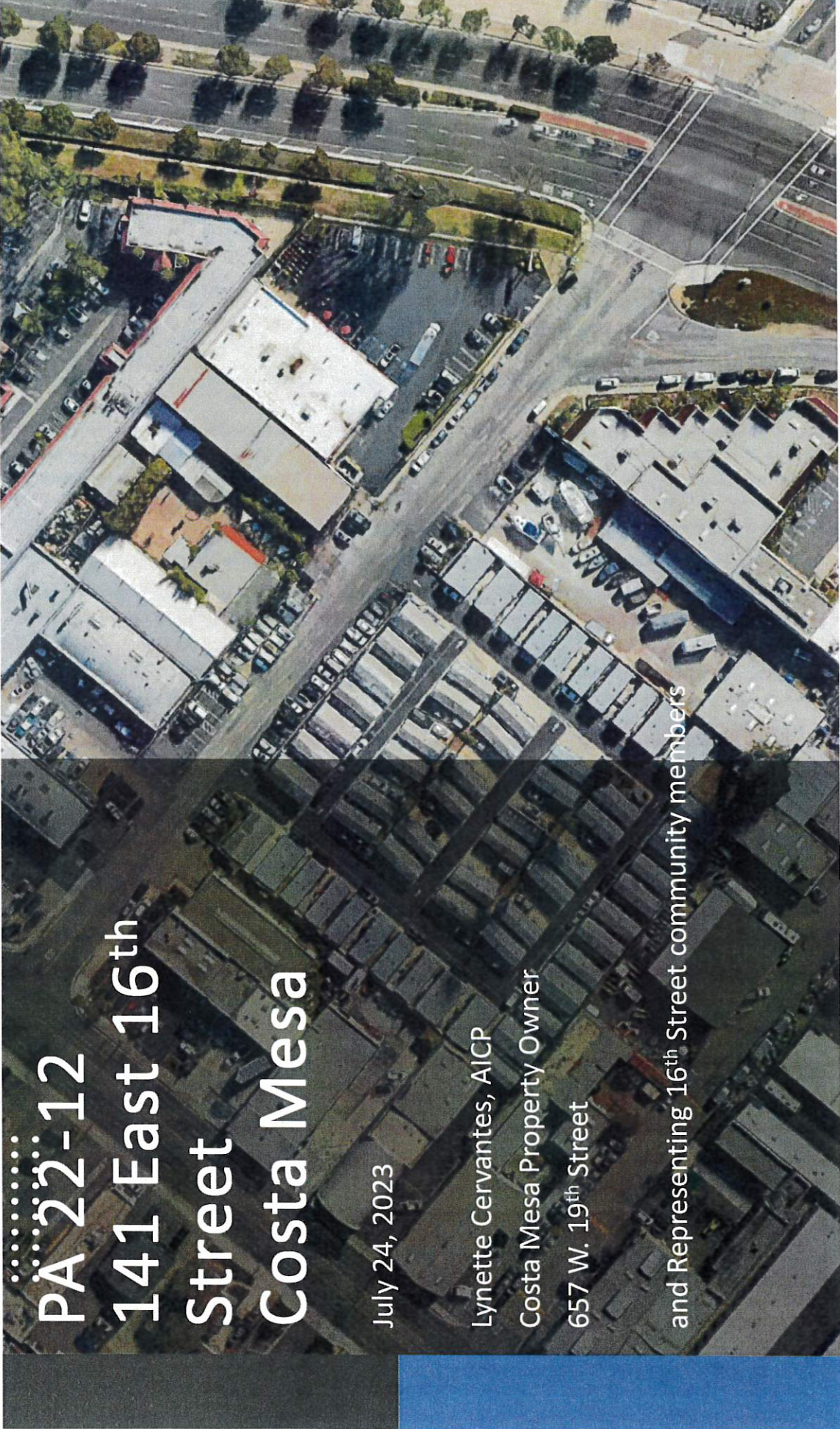
Best,

**Lynette C. Cervantes**  
American Institute of Certified Planners  
704.609.6490  
[Website](#)



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.....  
PA 22-12  
141 East 16<sup>th</sup>  
Street  
Costa Mesa

July 24, 2023

Lynette Cervantes, AICP  
Costa Mesa Property Owner  
657 W. 19<sup>th</sup> Street

and Representing 16<sup>th</sup> Street community members



# East 16<sup>th</sup> Street, Costa Mesa

Proposed Dispensary at  
141 E 16<sup>th</sup> Street

is Incompatible:

Lack of separation from modular homes: Front door, parking lot and associated lighting and noise inches away from bedrooms

7am - 10pm Hours of operation with constant deliveries to NB conflict with residential use.

Adjacency to Sober Living Homes

Adjacency to Addiction Treatment Centers

Already an Excessive Concentration of Dispensaries in the neighborhood

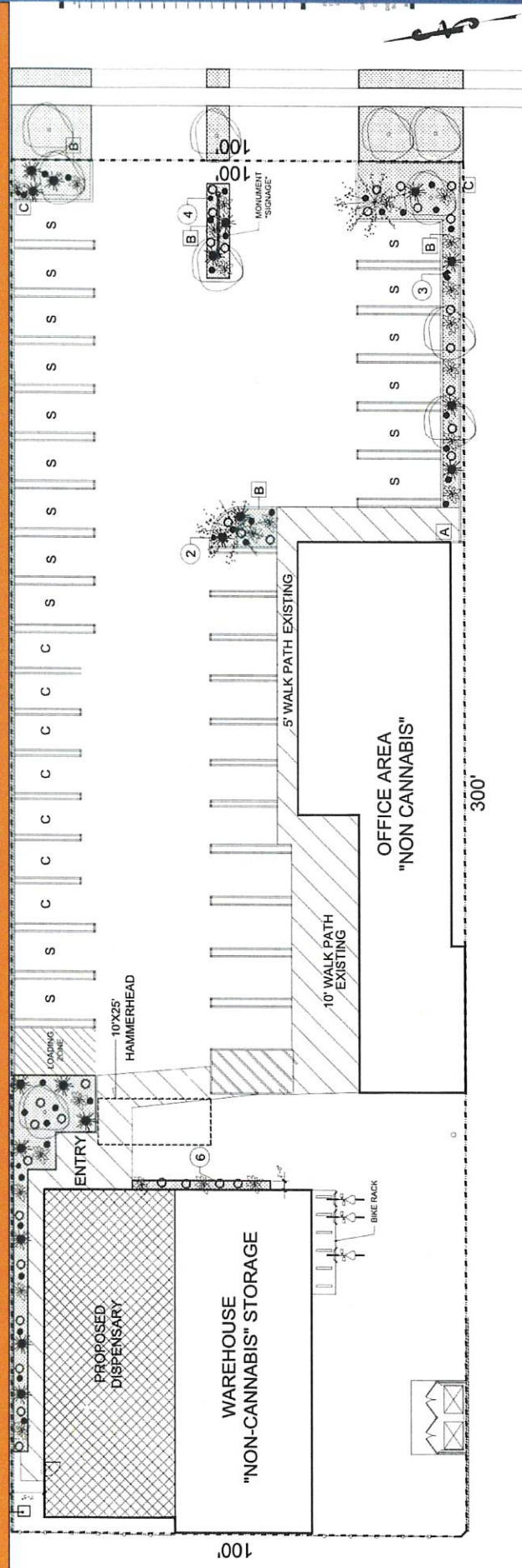
Zoning for future residential uses enabled by Measure K

Existing roadway improvements not equipped to handle increased vehicle trips

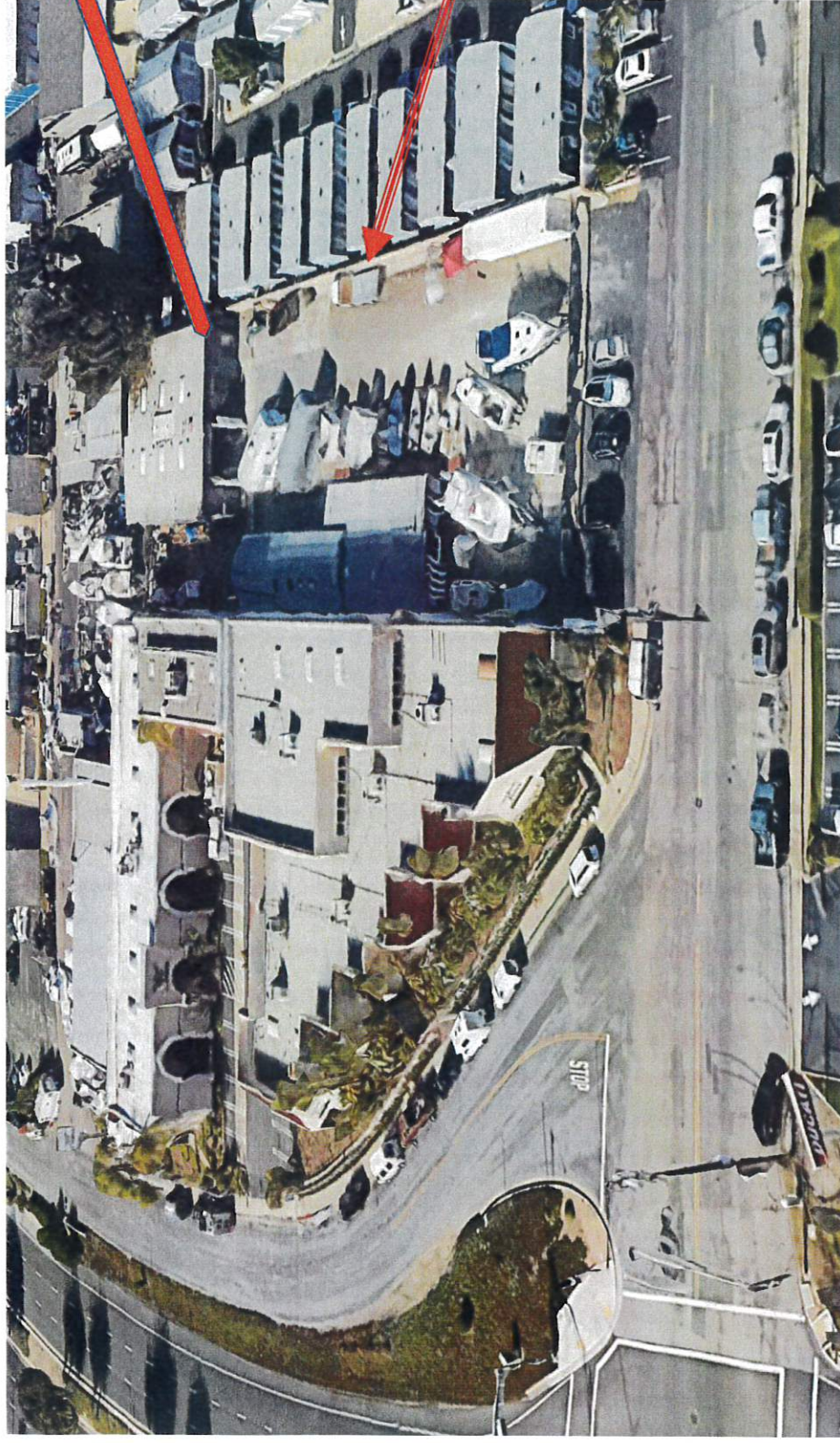
Already limited parking on E. 16<sup>th</sup> St for existing businesses



# Sea Breeze Villas Modular Home Community immediately adjacent







Proposed  
Cannabis  
Dispensary

Only 3 feet  
between  
parking lot  
and homes

East 16<sup>th</sup> Street, Costa Mesa



# City of Costa Mesa



## 13-29. Planning application review process.

### Required Findings:

- (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.
  - 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.





## 3 Cannabis Applications Denied

1072 Bristol Street application denied due to:

Incompatibility with existing residential –abut  
parking lot and dispensary across the parking lot

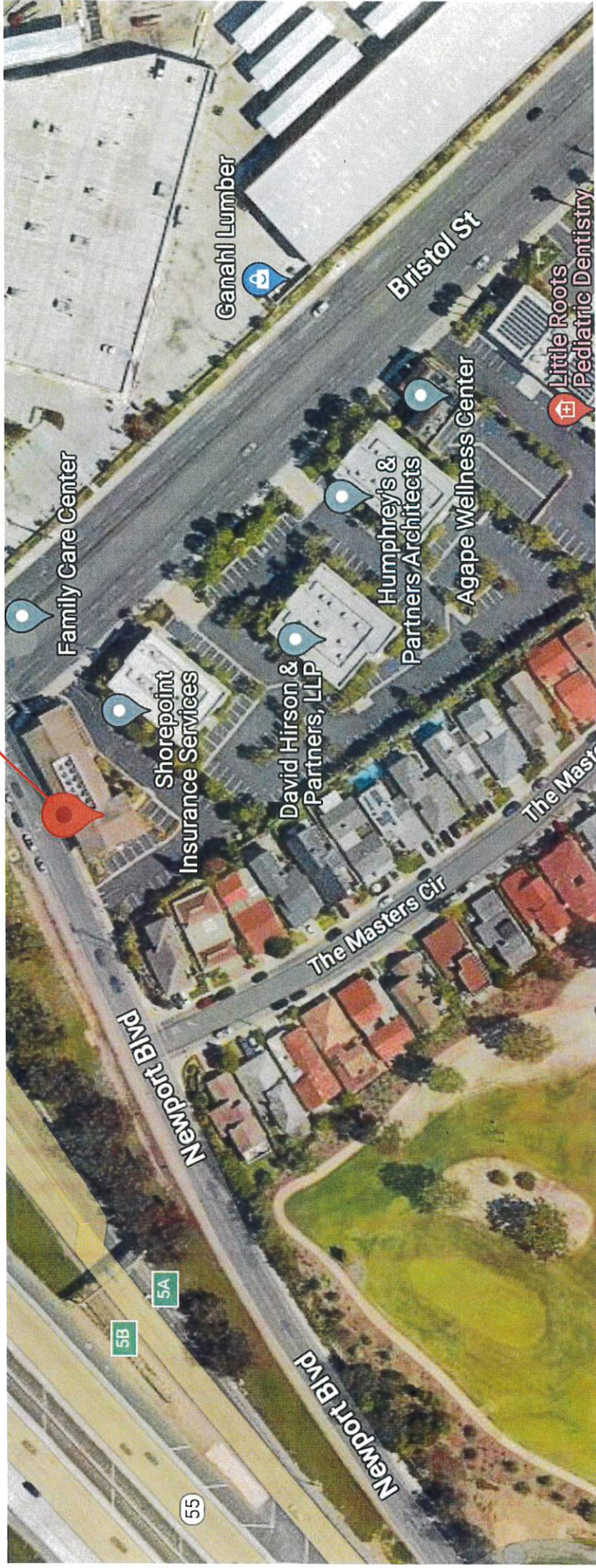
**SEA BREEZE Villas only 3' away:**

Different Socioeconomic Strata

Shared Incompatibility issues



Denied Cannabis Dispensary



1072 Bristol Street , Costa Mesa



**MEASURE Q**  
**RETAIL CANNABIS TAX &  
REGULATION MEASURE**



Ordinance 2021-08

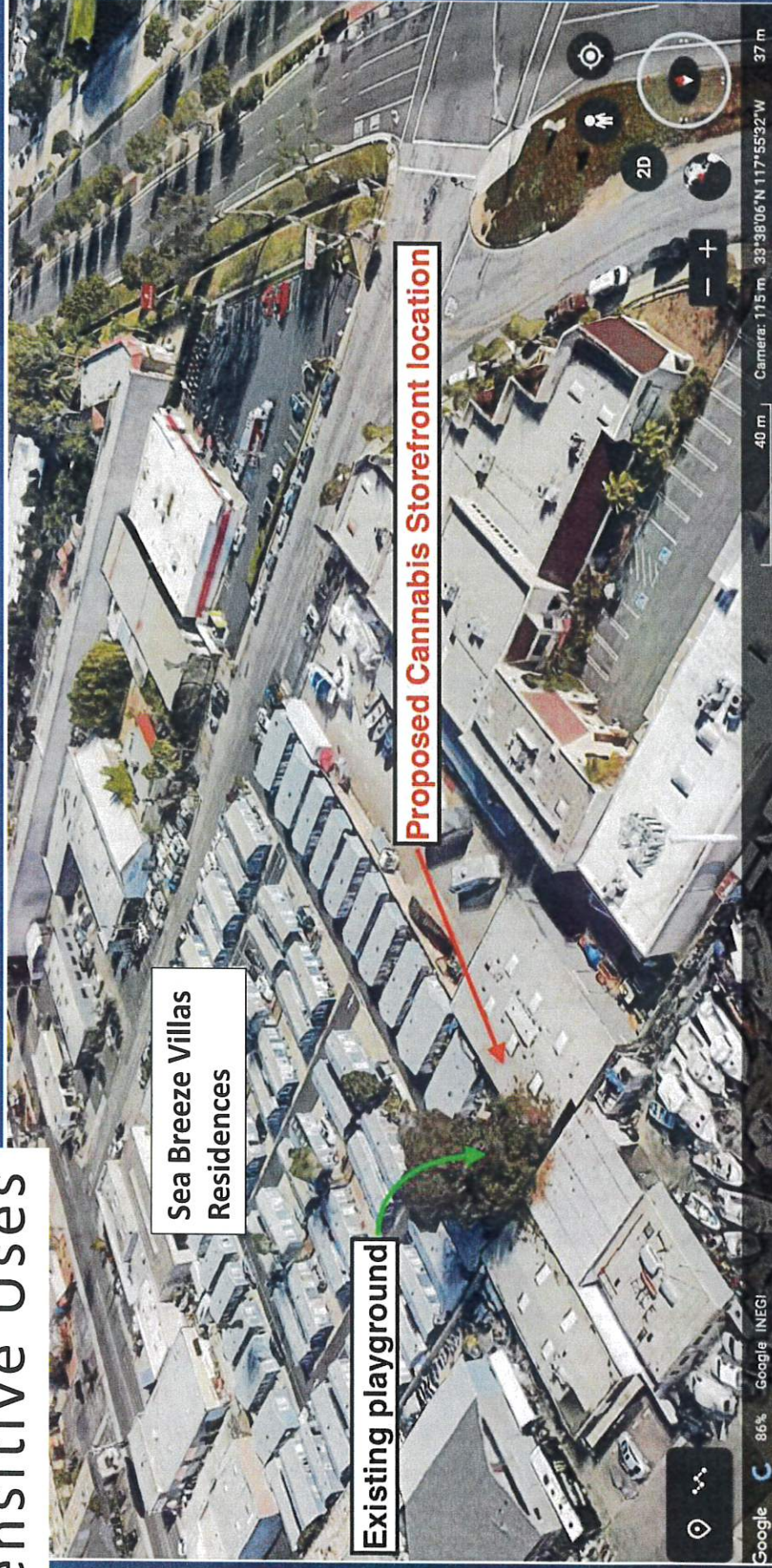
Ordinance 2021-09

WHEREAS, Measure Q authorizes the City Council to impose a four percent (4%) to seven percent (7%) gross receipts tax on retail cannabis businesses. In addition, Measure Q requires retail cannabis businesses to meet certain operating requirements including permitted zones, minimum of one thousand feet (1,000') from sensitive uses such as schools, childcare centers, playgrounds and homeless shelters, security measures, and labor peace agreement for businesses with two or more employees;



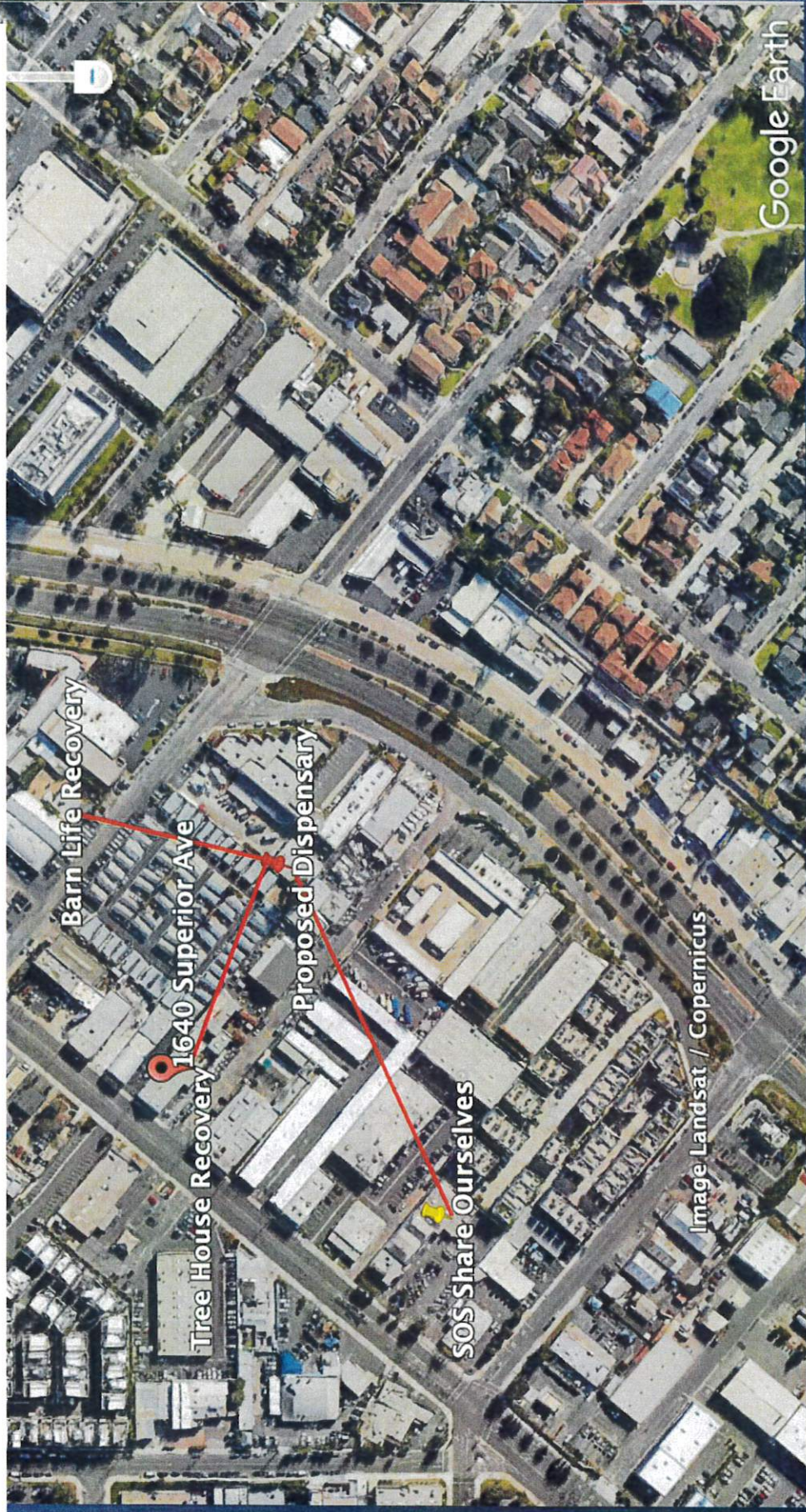


# Sensitive Uses





# Sensitive Uses: Addiction Treatment Centers





## Sensitive Uses: Addiction Treatment Centers

- 700' to **Share Ourselves Community Health Center**: 1550 Superior Ave, Costa Mesa, CA 92627 <https://www.shareourselves.org/locations/>
- 400' to **Tree House Recovery** : 1640 Superior Ave, Costa Mesa, CA 92627 <https://treehouserecovery.com/>
- 350' to **Barn Life Recovery** 126 E. 16<sup>th</sup> Street, Costa Mesa CA 92627 <https://barnliferecovery.com/>



# Sensitive Uses: Sober Living Houses

**Sponsored :**

**Clear Life Recovery Addiction Treatment Center**  
4.6 ★★★★★ (44)  
Addiction treatment center · 2822 Monterey Ave  
Open 24 hours · (714) 551-9109

**Expert Intervention Assistance**  
[Visit Site](http://clearlifercovery.com/intervention) · [clearlifercovery.com/intervention](http://clearlifercovery.com/intervention)

**Sponsored :**

**Nsight Mental Health & Wellness**  
4.4 ★★★★★ (65)  
Mental health service · 4000 Birch St #112  
Open · Closes 5 PM · (949) 629-3730

**Expert Mental Health Care**  
[Visit Site](http://nsightrecovery.com) · [nsightrecovery.com](http://nsightrecovery.com)

**Sponsored :**

**Sober Living By The Sea**  
5.0 ★★★★★ (3)  
Alcoholism treatment program · 1901 Newport Blvd  
Open · Closes 5 PM · (800) 647-0042

The map displays the Huntington Beach area, including the coastline, major roads like Highway 1 and Highway 55, and various landmarks. Red pins indicate the locations of several sober living houses and recovery centers, including: Clean Path Recovery, OC Fair & Event Center, First House LLC, Windward Way Sober Living, Yellowstone Recovery, Pacific Shores Recovery, Waterfront Recovery Center, Pacific Shores Sober Living, First House Sober Living Homes, and Balboa Bay Resort. A callout box highlights a 'Proposed Cannabis Dispensary' at 141 E 16th Street. Other locations marked include Costco Mesa, Mitsuwa Marketplace, and the Sherman Library.



# Sensitive Uses: Cannabis Dispensary near Addiction Treatment Centers and Sober Living

- ❖ Adverse effects on patients' recovery journey
- ❖ Contradiction to the principles of a supportive and drug-free environment for those seeking help
- ❖ Potential exposure to triggers and temptations that can undermine progress and lead to relapse
- ❖ Detrimental effects of cannabis use on mental health, including increased risk of psychiatric disorders
- ❖ Emphasizing the need to prioritize the well-being and recovery of patients over commercial interests



## **§15019. Excessive Concentration.**

(a) In determining whether to grant, deny, or renew a license for a retail premises or microbusiness premises authorized to engage in retail sales, the Department shall consider if an excessive concentration exists in the area where the licensee will operate. For the purposes of this section “excessive concentration” applies when either of the following conditions exist:

- (1) The ratio of licensees to population within the census tract or census division in which the applicant premises is located exceeds the ratio of licensees to population in the county in which the applicant premises is located, unless denial of the application would unduly limit the development of the legal market so as to perpetuate the illegal market for cannabis goods.





[California](#) > **Orange County**



Department of  
Cannabis Control  
CALIFORNIA

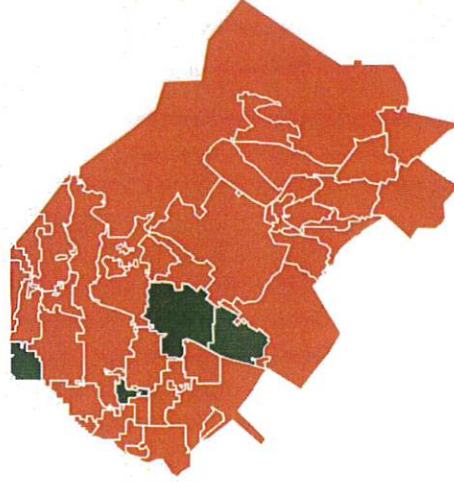
Filter by business type

Retail

City or county

Orange County

- ✓ 4 cities allow retail.
- ✗ 30 cities prohibit retail.
- ✗ Retail is prohibited in unincorporated parts of the county.



# Excessive Concentration

nds, and n  
Bra



A community connecting cannabis consumers, patients, retailers, doctors, and brands since 2008.

Home / United States / California / Costa Mesa

Products

**weed dispensaries** in Costa Mesa, CA

Open now

Storefronts

Delivery

Order online

Best of Weedmaps

Medical

Recreational

Curbside pickup

Station Seal Beach

Showing results 1 - 30

Sort by



**Off The Charts - Costa Mesa**

★★★★★ 4.7 (78)

Dispensary · Medical & Recreational

Open now Order online

Curbside pickup

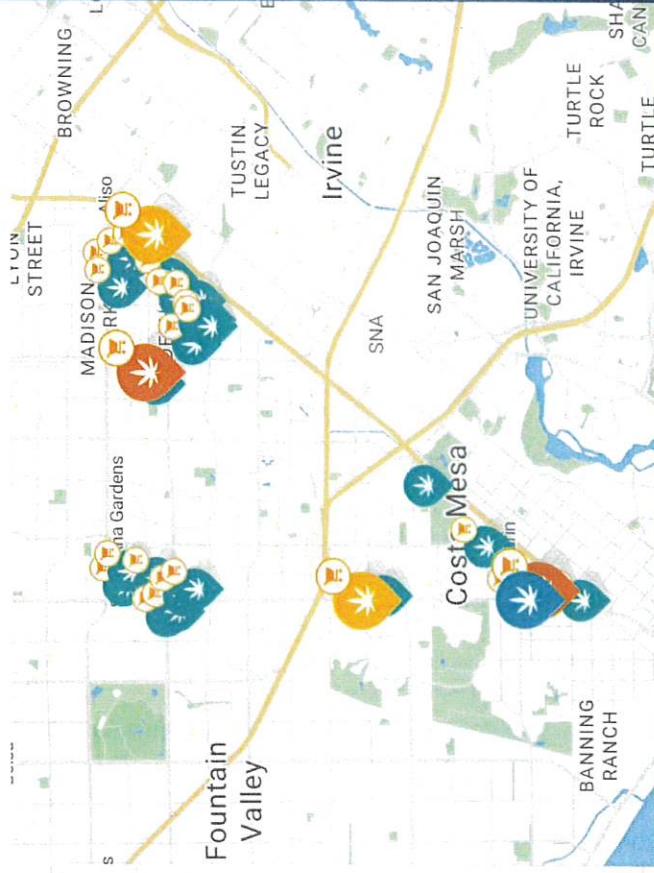
View menu



**High Seas - COMING SOON**

Dispensary · Medical & Recreational

Closed





# Costa Mesa Ordinances

2021-08 and 09

Zoning Map

Incompatibility with existing and potential future uses

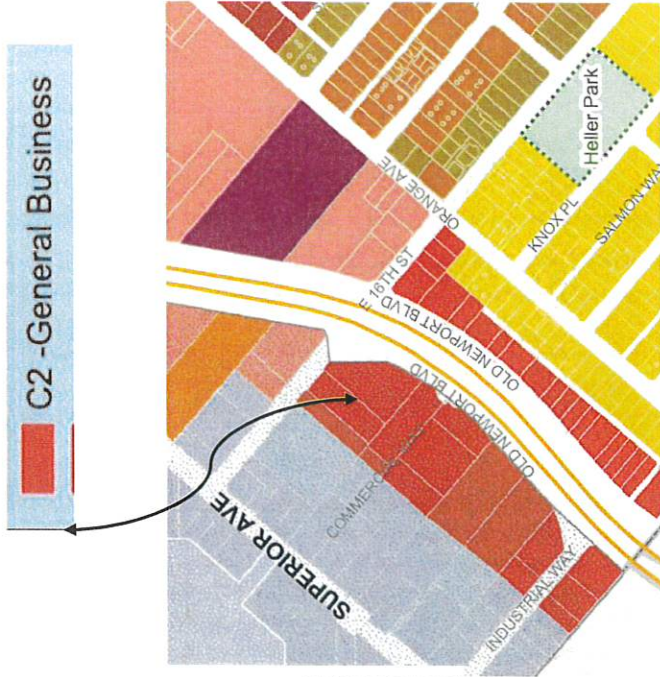
Retail storefront uses are prohibited **except for commercial zone districts.**

Approval process: Conditional Use Permit

## CHAPTER IV. CITYWIDE LAND USE MATRIX

TABLE 13-30  
CITY OF COSTA MESA LAND USE MATRIX

LAND USES	ZONES													
	R1	R2- MD	R2- HD	R3	AP	CL	C1	C2	C1- S'	TC'	MG	MP	LD'	P
31d Cannabis and/or marijuana retail sales: storefront	.	.	.	.	.	C'	C'	C'	C'	C'	.	.	.	.







Existing City regulations create barriers that make it difficult to build affordable housing. This measure allows for the creation of affordable housing for working and middle class families, individuals and seniors.



## WHAT WILL MEASURE K DO?



### PRESERVE RESIDENTIAL NEIGHBORHOODS

Measure K has no impact on the type of development or renovations that are currently allowed in our single-family neighborhoods. Multi-unit housing is also unaffected by this measure.



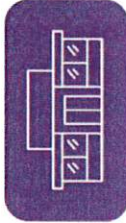
### CREATE AFFORDABLE HOUSING OPPORTUNITIES

Existing City regulations create barriers that make it difficult to build affordable housing. This measure allows for the creation of affordable housing for working and middle class families, individuals and seniors.



### REQUIRE DEVELOPERS TO PAY FEES TO MITIGATE TRAFFIC AND IMPROVE PARKS

Developers will have to pay their fair share, including contributing development impact fees to improve streets, relieve traffic congestion, and acquire parks and open space.



### REVITALIZE COMMERCIAL AND INDUSTRIAL CORRIDORS

Measure K will help attract new businesses and revitalize major commercial and industrial corridors such as Newport and Harbor Boulevards – not local neighborhood.



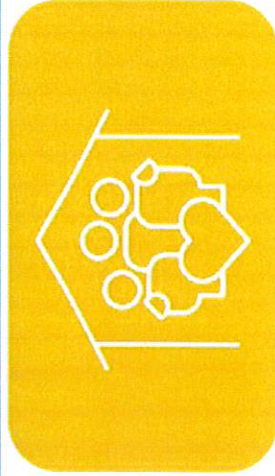
### PROTECT THE ENVIRONMENT, AND OPEN SPACE

Measure K protects the environment, parks, and open space by focusing future development on major commercial and industrial corridors only, and restricting building heights.



### MAINTAIN LOCAL CONTROL

Measure K will help Costa Mesa control what can and can't be built in the City, not the State. This measure will help protect against regulations that limit local control.



## CREATE AFFORDABLE HOUSING OPPORTUNITIES

Existing City regulations create barriers that make it difficult to build affordable housing. This measure allows for the creation of affordable housing for working and middle class families, individuals and seniors.







- The intent of Measure Q is to locate cannabis storefronts among commercial uses to avoid incompatibility with uses such as residential.
- The intent of Measure K is to protect residential uses and create affordable housing opportunities.

**City of Costa Mesa -**  
Conditional Use Permit for approval of Dispensary  
Required Findings:

- (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.
  - 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.





Deny the Conditional Use Permit application

# Thank you

Lynette C. Cervantes, AICP  
[cervanteslynettec@gmail.com](mailto:cervanteslynettec@gmail.com)





**PARTIDA, ANNA**

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PH-2

**From:** HALLIGAN, MICHELLE  
**Sent:** Monday, July 24, 2023 12:17 PM  
**To:** PC Public Comments  
**Subject:** FW: Letter of Opposition  
**Attachments:** 126 E. 16th Street Owner.pdf

**From:** lisa cervantes morehart <lcmorehart@att.net>  
**Sent:** Monday, July 24, 2023 11:59 AM  
**To:** HALLIGAN, MICHELLE <MICHELLE.HALLIGAN@costamesaca.gov>  
**Subject:** Letter of Opposition

July 11, 2023

Ms. Michelle Halligan  
City of Costa Mesa Contract Planner  
77 Fair Drive  
Costa Mesa, CA 92626

RE: PA-22-12 Proposed Cannabis Storefront Use at 141 E. 16<sup>th</sup> Street (APN 425-361-07)

Delivery via email to: [Michelle.halligan@costamesaca.gov](mailto:Michelle.halligan@costamesaca.gov)

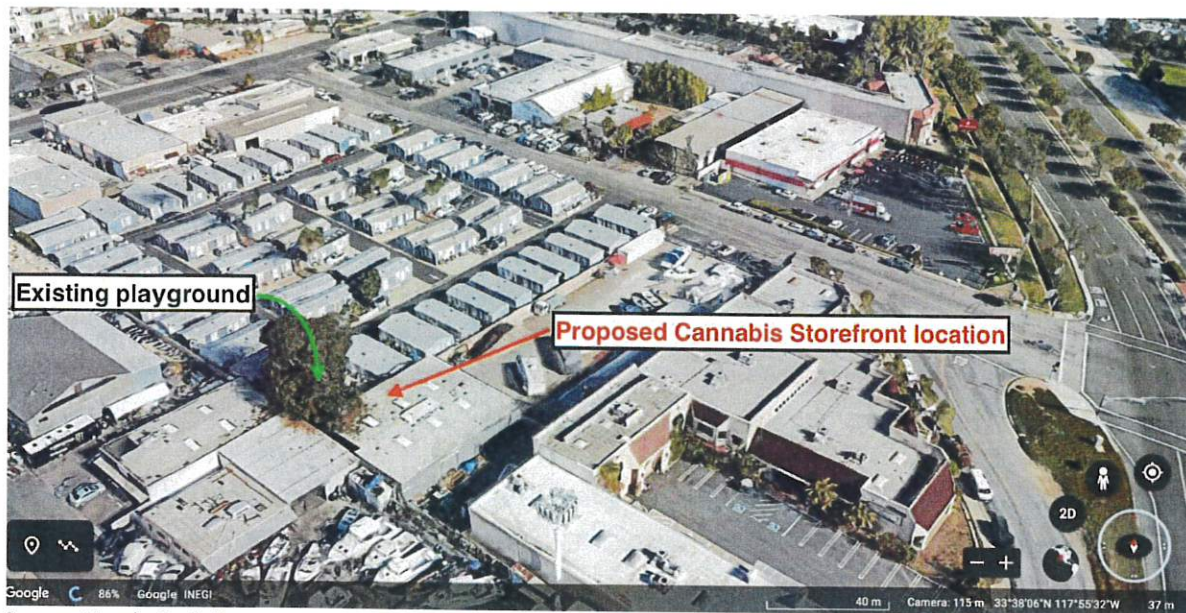
Dear Michelle,

I am writing regarding the property 141 E. 16<sup>th</sup> Street (APN 425-361-07), which I understand has a pending application for a Conditional Use Permit for a storefront cannabis dispensary. I am the owner of 126 E. 16<sup>th</sup> Street which is located across the street from the proposed use. I **OPPOSE** this proposed development, as I believe it to be **incompatible** with both the existing and future uses, especially the residential uses envisioned by Measure K in the entire neighborhood. In addition, I believe the proponents of this proposed development are positioning themselves to serve the citizens and visitors of Newport Beach, where cannabis dispensaries are prohibited.

**Sensitive Uses**

Measure Q as well as both implementing Ordinances: Nos. 202108 and 202109 contain provisions for a separation of incompatible uses from proposed storefront dispensary (refer to attached highlighted pages from Ordinances). There is a requirement that a retail cannabis storefront dispensary business be located a minimum of 1000' feet from sensitive uses, which are in fact found immediately adjacent to the proposed dispensary in the southernmost corner of the property at 133 E. 16<sup>th</sup> Street. A neighborhood playground or "tot lot", which is enjoyed by the families that reside at 133 E. 16<sup>th</sup> Street is situated along the shared fence line at the southernmost corner of the site. The proposed storefront building is located just 8 feet from the shared property line. Existing tot lot location and proposed storefront is depicted in the following Google Earth Image:





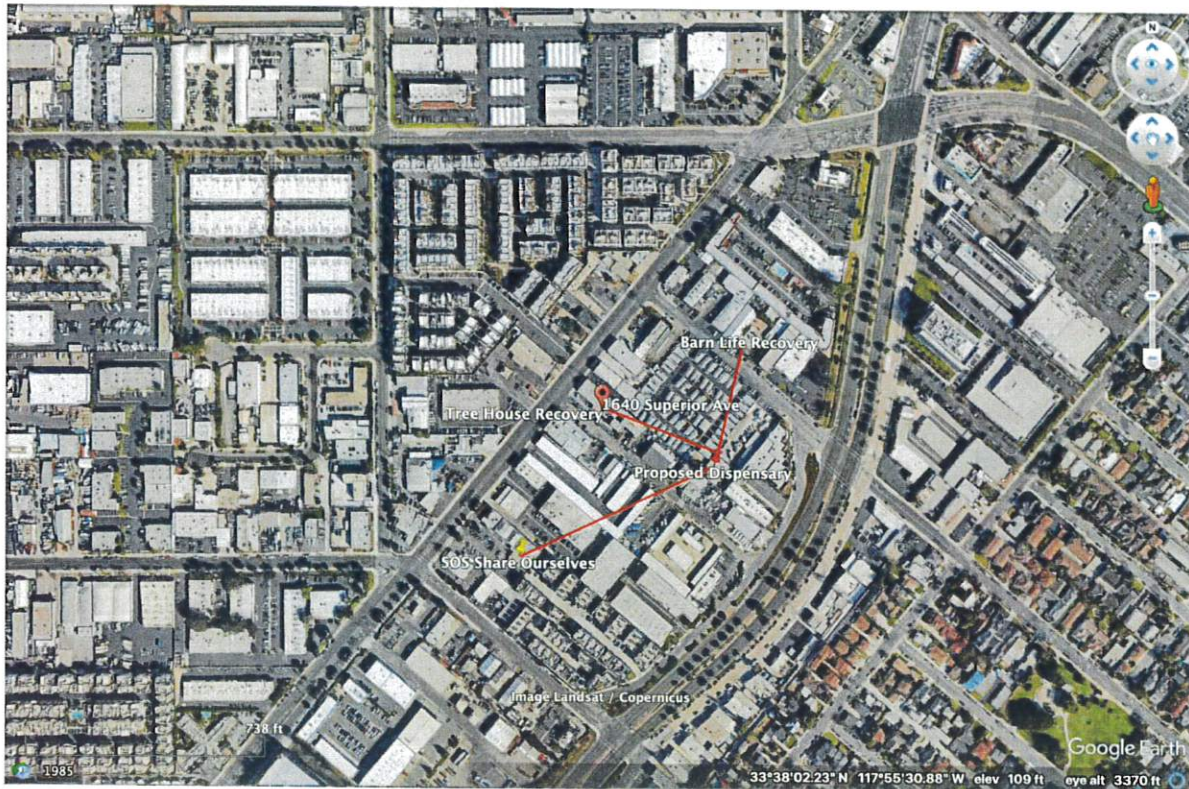
Source: Google Earth Pro

#### Additional Sensitive Uses

We are also concerned with the location of a cannabis dispensary so close to two social services and addiction recovery centers located at:

- **700'** to **Share Ourselves Community Health Center**: 1550 Superior Ave, Costa Mesa, CA 92627  
<https://www.shareourselves.org/locations/>
- **400'** to **Tree House Recovery** : 1640 Superior Ave, Costa Mesa, CA 92627  
<https://treehouserecovery.com/>
- **350'** to **Barn Life Recovery** 126 E. 16<sup>th</sup> Street, Costa Mesa CA 92627  
<https://barnliferecovery.com/>



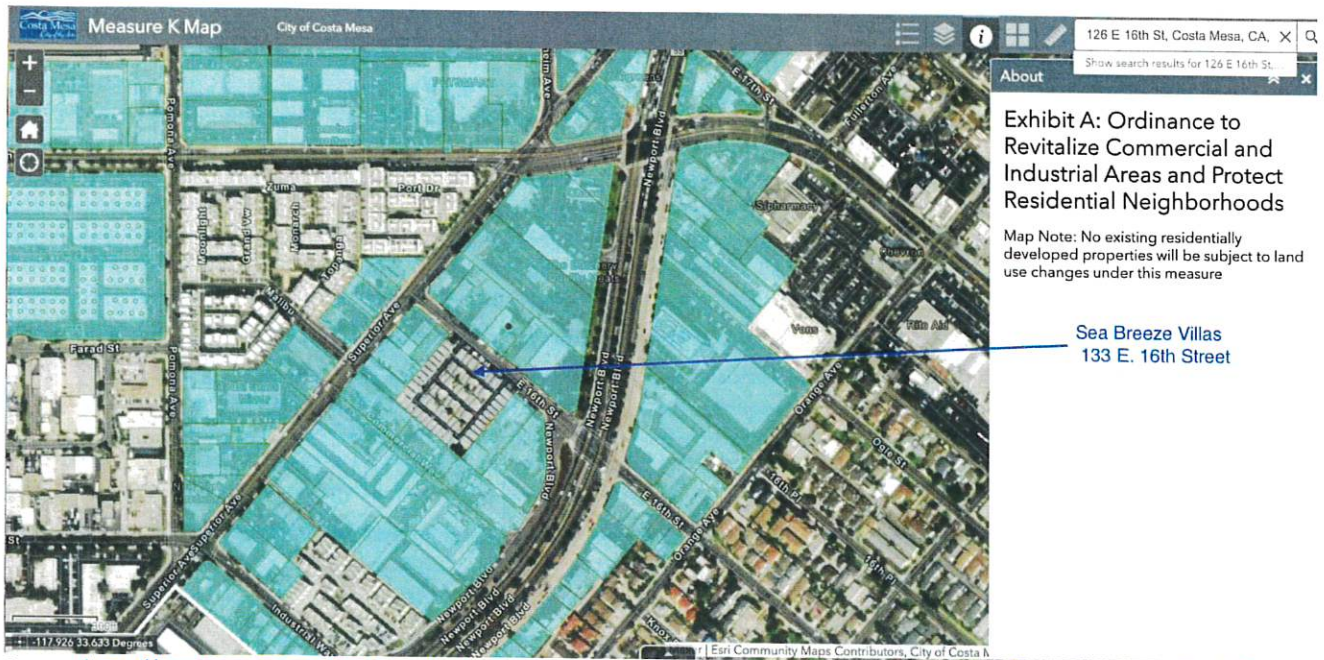


### Residential Use

Measure Q's implementing ordinance Nos. 2021-08 and 2021-09 state that cannabis storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts. Although the property at 141 E. 16th Street is zoned commercial, it is immediately contiguous to our existing residential use. Furthermore, the entire area has been identified by Measure K to accommodate future residential development. Our residential use is "protected" by Measure K, the Revitalization and Residential Neighborhoods Protection Measure which was approved by the voters on November 8, 2022. As stated on the City's Measure K webpage, this measure will modify existing City regulations to allow for development of housing in commercial and industrial areas, **while keeping residential neighborhoods intact** and revitalizing commercial corridors.

Measure K's intent is to protect residential neighborhoods and create future opportunities for additional affordable housing for working and middle class families. The balance of our entire neighborhood is included in Measure K shown in aqua-green below.





Source: <https://www.costamesaca.gov/trending/measure-k#:~:text=Measure%20K%20was%20approved%20by,intact%20and%20revitalizing%20commercial%20corridors>.

The intent of Measure Q is to locate cannabis storefronts among commercial uses to avoid incompatibility with uses such as residential. The intent of Measure K is to protect residential uses and to expand residential uses.

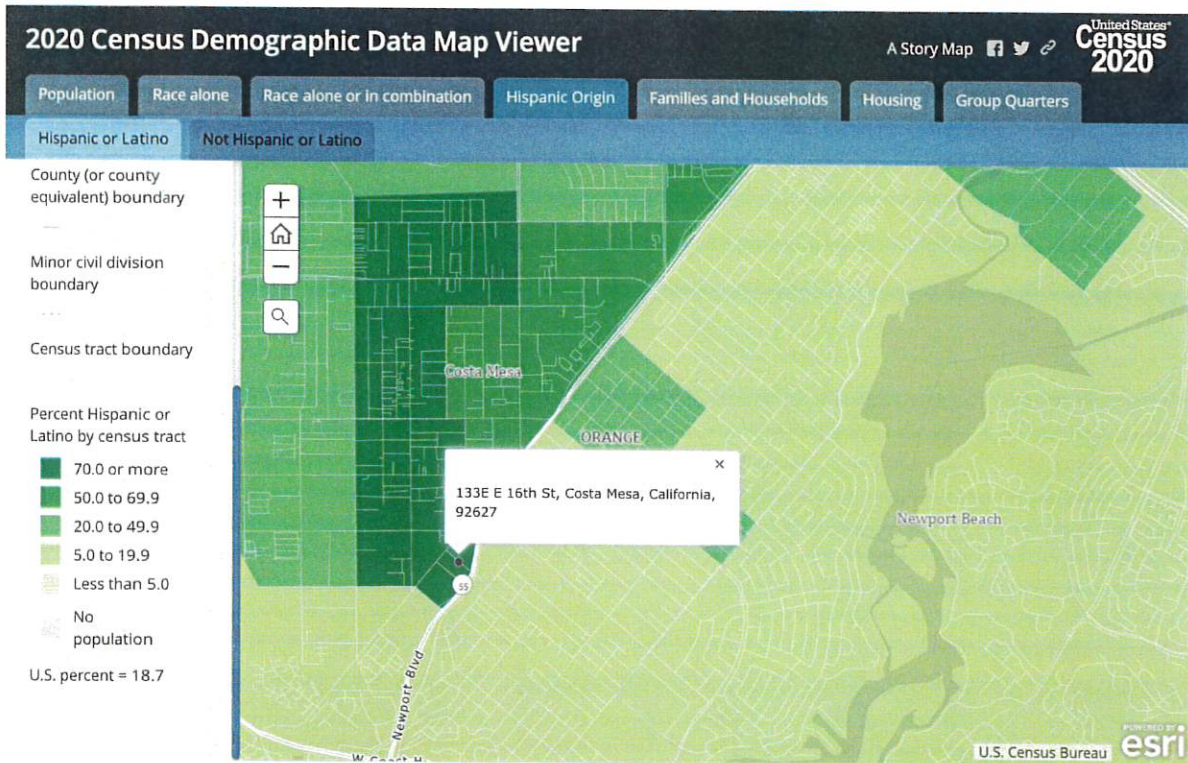
#### Documented Negative Impacts

Cannabis storefront dispensaries are associated with an increase in violent crime as they operate an all-cash business and are a target for armed robbery<sup>1</sup>. Neighborhoods and retail districts with medical marijuana dispensaries have reported an increase in noise, traffic, and other activity that negatively impacts neighboring land uses. Other cities and counties have experienced street dealers attempting to sell marijuana at a lower rate to people entering dispensaries. Police agencies also reported increased loitering, vagrancy, public nuisance, neighborhood crime, public marijuana smoking in the vicinity of dispensaries as well as contributing to an increase in other forms of drug use. In addition, dispensaries have been associated with an increase in traffic accidents and arrests for driving under the influence in which marijuana was implicated.<sup>2</sup>

According to the National Center on Addiction and Substance Abuse (CASA), Areas with dispensaries fear that there will be increased marijuana use. Some residents complain of odor. Community leaders worry that neighborhoods significantly impacted by drugs and the war on drugs are now being asked to shoulder the burden and risk of having dispensaries on their streets. Some see the location of these stores as a way to circumvent resistance to placing dispensaries in wealthier areas.<sup>3</sup>



The proposed location is inferior for a cannabis storefront from a social justice point of view. Why should the lower to medium income residents of a modular home community be subjected to the negative impacts associated with the proposed use? High value home communities would never be expected to tolerate such an incompatible use. Additionally, 2020 Census Data shows that Sea Breeze Villas is located within a census tract where 70% or more reported their ethnicity as Hispanic or Latino as indicated in the dark green color in the graphic below.



Source: <https://mtgis-portal.geo.census.gov/arcgis/apps/MapSeries/index.html?appid=2566121a73de463995ed2b2fd7ff6eb7>

It is unclear how the Planning Commission could possibly make all three of the required findings for the granting of a Conditional Use Permit pursuant to Costa Mesa Municipal Code Section 13-29 (g) - only finding (g) 2 (c) can be made.

(g) *Findings.* 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. Other findings may also be required pursuant to other provisions of this Zoning Code.

(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.



- 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.

The proposed project **is not substantially compatible** and **will be materially detrimental**. City Leadership should be making decisions in the best interest of all the citizens of Costa Mesa, not only those in the highest socioeconomic strata. "While a wide range of individuals from many different socio-economic status groups utilize the dispensaries, many of the areas with dispensaries are economically disadvantaged and lack the political and economic power to discourage the placement of these stores in their communities." <sup>3</sup>

The intent of Measure Q is to locate cannabis storefronts **among** commercial uses. The intent of Measure K is to **protect residential uses** and **to provide for residential uses**.

In conclusion, we request that the proposed retail cannabis storefront proposed at 141 E. 16<sup>th</sup> Street be **denied** due to all the above referenced points.

Thank you for your consideration.

Sincerely,



---

John Morehart,  
Manager  
126 Properties LLC

cc:

Adam Ereth, Chair, Planning Commission  
Delivery via email to: [adam.ereth@costamesaca.gov](mailto:adam.ereth@costamesaca.gov)

Lori Ann Farrell Harrison, City Manager  
Delivery via email to: [LoriAnn@costamesaca.gov](mailto:LoriAnn@costamesaca.gov)

Scott Drapkin, Assistant Director of Economic and Development Services to:  
Delivery via email to: [Scott.drapkin@costamesaca.gov](mailto:Scott.drapkin@costamesaca.gov)

*Footnote <sup>1</sup>*

*Legal marijuana stores lead to increases in property crime*

<https://www.sciencedaily.com/releases/2017/04/170427130750.htm>

*Footnote <sup>2</sup>*

*Impacts Associated with Medical Marijuana Dispensaries in Other Jurisdictions*

[http://saratoga.granicus.com/MetaViewer.php?view\\_id=8&clip\\_id=689&meta\\_id=26722#:~:text=A%20number%20of%20California%20cities,take%20Dover%20style%20armed%20robberies](http://saratoga.granicus.com/MetaViewer.php?view_id=8&clip_id=689&meta_id=26722#:~:text=A%20number%20of%20California%20cities,take%20Dover%20style%20armed%20robberies).

*Footnote <sup>3</sup>*

*According to the National Center on Addiction and Substance Abuse (CASA)*

<https://www.ncadd-sd.org/support/ncadd-news/marijuana-dispensaries-and-disadvantaged-neighborhoods>

ATTACHMENTS:

PAGE 6 OF CITY CORDINANCE 2021-08

PAGE 7 OF CITY CORDINANCE 2021-08

PAGE 1 OF CITY CORDINANCE 2021-09

PAGE 8 OF CITY CORDINANCE 2021-09



## **EXHIBIT 1**

### **ARTICLE 21. LOCATION OF CANNABIS DISTRIBUTING, MANUFACTURING, RESEARCH AND DEVELOPMENT, TESTING LABORATORIES, RETAIL STOREFRONT AND RETAIL NON-STOREFRONT USES**

#### **13-200.90. Purpose.**

The purpose of this article is to regulate the location of and standards for cannabis distributing facilities, manufacturing sites, research and development laboratories, testing laboratories, retail storefront and retail non-storefront uses in order to promote the health, safety, morals and general welfare of the residents and the businesses within the city by maintaining local control over the ability to authorize and regulate the location of cannabis businesses.

#### **13-200.91. Applicability.**

- (a) Nothing in this article is intended, nor shall it be construed, to burden any defense to criminal prosecution under the Compassionate Use Act of 1996.
- (b) All the provisions of this article shall apply to all property, public and private, within the city.
- (c) All the provisions of this article shall apply indoors and outdoors.
- (d) Unless otherwise provided herein or in this title, the terms used in this article shall have the meaning ascribed to them in Title 9, Chapter VI of this Code.

#### **13-200.92. Cannabis distributing facilities, manufacturing sites, research and development laboratories, and testing laboratories.**

- (a) Cannabis distribution, manufacturing, research and development and testing is prohibited in all zone districts within the city, except for those portions of the manufacturing park (MP) and planned development industrial (PDI) zones that are located both north of South Coast Drive and west of Harbor Boulevard, excluding any portion of the South Coast Collection (the "Green Zone").
- (b) A conditional use permit shall be required and may be issued to allow the location of any business engaged in the distribution, manufacturing, researching and developing, or testing of cannabis in the MP or PDI zones pursuant to subsection (a) of this section, subject to the following conditions:
  - (1) The requirements of Chapter III of this title have been met;
  - (2) The findings for granting a conditional use permit in accordance with section 13-29(g) are met;
  - (3) The applicant obtains a cannabis business license pursuant to Chapter VI of Title 9 of this Code; and
  - (4) The use is conducted in compliance with all applicable state and local laws.
- (c) No person shall engage in any use set forth in this article unless that use is specifically authorized by Chapter VI of Title 9 of this Code.

**13-200.93. Cannabis retail storefront and non-storefront uses.**

- (a) Cannabis retail storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts.
- (b) Cannabis retail non-storefront uses are prohibited in all zone districts within the city, except for the commercial zone districts and within the Green Zone.
- (c) The following planning application shall be required for cannabis retail uses:
  - (1) A conditional use permit shall be required for retail storefronts and non-storefronts; and
  - (2) An amendment to the approved conditional use permit shall be required for existing licensed cannabis distribution or manufacturing businesses to operate a retail non-storefront under the existing business and within the same licensed premise. The amendment shall be processed as a minor conditional use permit.
- (d) A conditional use permit may be issued to allow the location of a retail cannabis use pursuant to subsections (a) and (b) of this section, subject to the following conditions:
  - (1) The requirements of Chapter III of this title have been met;
  - (2) The findings for granting conditional use permit pursuant to section 13-29(g) are met;
  - (3) The applicant obtains a cannabis business license for the location pursuant to Chapter VI of Title 9 of this Code; and
  - (4) The use is conducted in compliance with all applicable state and local laws.
- (e) No cannabis retail storefront use shall be located:
  - (1) 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;
  - (2) All distances shall be measured in a straight line from the premises where the cannabis retail use is to be located to the closest property line of a K-12 school, playground, child daycare, homeless shelter or youth center;
    - i. For purposes of this sub-sub-section, the property line of a playground shall be a thirty (30) foot radius from the exterior physical boundaries of the playground equipment area.
  - (3) All distances shall be measured without regard to the boundaries of the city and and/or intervening structures or other barriers;
  - (4) At a property as for which the zoning administrator, director or planning commission determines, based on a preponderance of the evidence, that unpermitted and/or illegal cannabis activity involving sales, delivery and/or dispensing has taken place at any time in the 365 days preceding an application under this Article. If an unpermitted and/or illegal cannabis activity has existed on a property no cannabis business may be permitted on that property unless 365 days has elapsed since that unpermitted and/or illegal cannabis activity has vacated the property, and the owner of that property has compensated the City for any and all expenditure of public funds and resources, including all costs, expenses (including but not limited to the salaries of peace and/or code enforcement officers) and/or attorney's fees, incurred in investigating, abating or attempting to abate the unpermitted use or uses, whether or not any type of civil, criminal or administrative proceedings have been commenced against the property, provided



ORDINANCE NO. 2021-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING SECTION 9-29.5 OF ARTICLE 5 (ADMINISTRATION, APPLICATION AND PROCEDURES) OF CHAPTER I (BUSINESS TAX) AND SECTIONS 9-116, 9-119, 9-120 & 9-121 OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) AND CHAPTER VI (MARIJUANA BUSINESS PERMITS) OF TITLE 9 (LICENSES AND BUSINESS REGULATIONS) TO ESTABLISH THE TAX RATE, OPERATING REQUIREMENTS AND STANDARDS FOR CANNABIS USES, INCLUDING RETAIL CANNABIS STOREFRONT AND NON-STOREFRONT USES TO IMPLEMENT THE CITY OF COSTA MESA RETAIL CANNABIS TAX AND REGULATION MEASURE (MEASURE Q)**

WHEREAS, the City of Costa Mesa, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public, Cal. Const. art. XI, § 7, Cal. Gov. Code § 37100, and thereby is authorized to declare what use and condition constitutes a public nuisance; and

WHEREAS, on November 3, 2020, city voters approved the "City of Costa Mesa Retail Cannabis Tax and Regulation Measure", also known as Measure Q;

WHEREAS, Measure Q authorizes the City Council to adopt an ordinance which permits and regulates retail cannabis storefront (dispensaries) and non-storefront (delivery) businesses;

WHEREAS, Measure Q authorizes the City Council to impose a four percent (4%) to seven percent (7%) gross receipts tax on retail cannabis businesses. In addition, Measure Q requires retail cannabis businesses to meet certain operating requirements including permitted zones, minimum of one thousand feet (1,000') from sensitive uses such as schools, childcare centers, playgrounds and homeless shelters, security measures, and labor peace agreement for businesses with two or more employees;

WHEREAS, this Ordinance is necessary to implement Measure Q and establish the minimum operating requirements and development standards in the Costa Mesa Municipal Code to tax, review, and regulate retail cannabis storefront and non-storefront businesses in the City;

WHEREAS, Ordinance No. 2021-09 has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures. The Code Amendment has been found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and Section 15308 (Class 8, Actions by Regulatory Agencies for the Protection of the Environment) because a recommendation is not a final action and the recommended ordinance will not have a significant effect on the environment. The Code Amendment is also exempt pursuant to CEQA Guidelines Section 15301 (Class 1, Existing Facilities), Section 15303 (Class 3, New Construction or

*Homeless shelter* has the same meaning as *emergency shelter*.

*Labor Peace Agreement* has the same meaning set forth in Business and Professions Code section 26001.

*Manufacturing site* means a location where cannabis products are manufactured.

*Marijuana* means "cannabis," as that term is defined in this chapter.

*Marijuana activity* and/or *cannabis activity* includes manufacture, processing, laboratory testing, research and development, transporting, delivery, dispensing, distribution, furnishing, giving away or sale or any other activity involving cannabis or a cannabis product.

*Marijuana business* and/or *cannabis business* means any business or operation which engages in any marijuana or cannabis activity.

*Marijuana business permit* has the same meaning as *cannabis business permit*.

*Patient* or *qualified patient* shall have the same definition as California Health and Safety Code section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health and Safety Code section 11362.5. For purposes of this chapter, a qualified patient shall include a person with an identification card as that term is defined by California Health and Safety Code section 11362.7 et seq.

*Person with an identification card* shall have the meaning given that term by California Health and Safety Code section 11362.7.

*Playground* shall mean and include 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 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.

*Premises* shall have the same meaning as set forth in Business and Professions Code section 26001 sub-section (ap) for purposes of measuring the required distance from retail storefront uses to those uses set forth in section 13-200.93(e)(1).



Correspondents  
received after 12  
noon deadline.

**From:** Ashley Anderson <ms.ashleyanderson@gmail.com>  
**Sent:** Monday, July 24, 2023 8:49 PM  
**To:** PC Public Comments  
**Subject:** Public comment on 16th dispensary

Good evening,

My name is Ashley Anderson and I am here today as a long time Westside Costa Mesa renter. I also currently lead the Orange County Eviction Diversion Collaborative. I am here tonight, because it seems like this effort to legalize marijuana shops in our city has now surpassed a moderate saturation point and is in direct conflict with policies and measures to maintain and create adequate housing here, especially in areas that are zoned for mixed residential and commercial use.

A cap on these storefronts was needed and was something that I advocated for, especially in areas that are commonly near or in local Safe Routes to School. Westside students who walk, ride, or skate to Ensign and Newport Harbor use Pomona, 15th & 16th St, Superior, and portions of NB Blvd as a main thoroughfare before and after school. Most leave home after the 7am opening time.

Research shows that having an adequate number of attainably, affordable rental units can minimize homelessness. We know we have a long way to go in Costa Mesa to ensure rents remain at a level that does not push current residents out. Some of our elementary schools have lost more than 200 students each due to rents raising at levels that are unsustainable and far past what is recommended – I know neighbors who have recently had their rent raised \$300-500 over the course of a single year. Building more rental units, as well as permanent supportive housing, are essential to fixing the high cost of living on some of our most vulnerable, long term residents. Please consider our existing urban plans and strategize about how we can increase our rental housing supply, rather than focusing primarily on businesses. This is a 30k Lot! 7,659 square feet for a storefront - and appropriately 32 parking spots, which means around 9000 square feet designated for parking - this means 16,659 total square feet for this proposed project... conversely that could house quite a few renters. A conservative # would be over 20 1-bedroom apts.

We have a unique opportunity to take advantage tomorrow night, since the city council and this planning commission will jointly discuss how they will work on providing more housing during the shared study session to receive staff's presentation, provide feedback on staff's policy recommendations, and provide direction regarding an inclusionary housing ordinance for potential planning commission and city council consideration. I respectfully ask that you defer your decision on this property until your next meeting and after you have worked together with the council on options to preserve and protect mixed use residential neighborhoods represented by renters and mobile home communities in Westside Costa Mesa.

Thank you,  
Ashley



**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.

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PH-2

**Mathew Carver**

Barn Life Recovery LLC.  
126 E. 16th st.  
Costa Mesa, California 92627

June 22, 2023  
Costa Mesa City Staff  
77 Fair Dr.  
Costa Mesa, California 92626

Dear Costa Mesa City Staff:

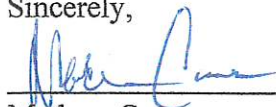
I am writing to recommend Aaron Brower, whom I have known for 15, as a candidate for your company. Aaron Brower has worked in the addiction treatment for over 20 years. I have personally know Aaron Brower for over 15 years. Despite being hindered by the drug related convictions over 20 years ago Aaron has help pioneer the the addiction treatment industry in Orange County. Aaron specialized in alternative sentencing which has always been a passion for him due to his experience fighting the system as an addict himself. I am in support of the City of Costa Mesa issuing a Retail Cannabis CUP under Measure Q to Mr. Brower. If anyone deserves this opportunity I don't know anyone that deserves it more than Aaron.

Aaron has additionally proven that he understands business. I have watch him built three large full service behavioral health centers.

I have no doubt Aaron would be a valuable asset to your company and I give my highest recommendation.

If I can provide any further assistance, do not hesitate to contact me at (714)798-9081 or [mathew@barnliferecovery.com](mailto:mathew@barnliferecovery.com).

Sincerely,



---

Mathew Carver



**Darren Orloff**

Pillars Recovery LLC.  
1545 Newport Blv.  
Costa Mesa, California 92627

June 22, 2023  
Costa Mesa City Staff  
77 Fair Dr.  
Costa Mesa, California 92626

Dear Costa Mesa City Staff:

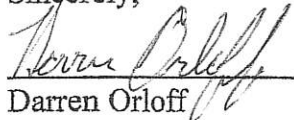
I am writing to recommend Aaron Brower, whom I have known for 8 years, as a candidate the Social Equity Applicant under measure Q in the City of Costa Mesa. Aaron Brower has worked in the addiction treatment for over 20 years. I have personally know Aaron Brower for over 8 years. Despite being hindered by the drug related convictions over 20 years ago Aaron has help pioneer the the addiction treatment industry in Orange County. Aaron specialized in alternative sentencing which has always been a passion for him due to his experience fighting the system as an addict himself. I am in support of the City of Costa Mesa issuing a Retail Cannabis CUP under Measure Q to Mr. Brower. If anyone deserves this opportunity, I don't know anyone that deserves it more than Aaron.

Aaron has additionally proven that he understands business. I have watch him built three large full service behavioral health centers.

I have no doubt Aaron would be a valuable asset to this industry as well and I give my highest recommendation.

If I can provide any further assistance, do not hesitate to contact me at (866)796-1574 or [Darren@pillarsrecovery.com](mailto:Darren@pillarsrecovery.com).

Sincerely,

  
\_\_\_\_\_  
Darren Orloff