

Steve Legere  
217 Avocado  
Costa Mesa, CA 92626

July 9, 2022

RE: Application PA-21-24 for CUP  
Costa Mesa Planning Commission  
City Hall Council Chambers  
77 Fair Drive  
Costa Mesa, CA 92626

Dear Costa Mesa Planning Commission,

I am writing in opposition to the Conditional Use Permit (CUP) for Planning Application 21-24 of a retail cannabis storefront business and non-storefront delivery use at the commercial building located on 2275 Newport Blvd. The location is within a C2 General Business District and would only be permitted for use related to cannabis if granted a CUP, which is subject to approval by the city planning commission. However, the CUP should only be approved if considered valuable to its community. I am writing this opposition because the CUP approval would not be valuable to the community; rather it would be considered a detriment to the community.

Zoning laws, as a legislative act, specifies the types of permitted uses within the zone. *Arnel Development Co. v. City of Costa Mesa*, (1980) 28 Cal.3d 511, 516–518. In contrast, a use permit, which is adjudicative, “allows a particular use not permitted under a zoning ordinance if that use promotes the public welfare and does not impair the character of the zoned area... Special use permits (such as CUPs) within a zoning pattern allow uses considered to be desirable to a community but which, by their nature.” *Wiltshire v. Superior Court*, (1985) 172 Cal.App.3d 296, 303. Thus, a CUP is administrative permission for uses not allowed as a matter of right in a zone, but subject to approval. *Id.*

This right to zone establishments constitutionally allows a city to limit the locations of adult establishments to control the effect of these businesses, such as lowering property values, increase belligerent traffic, etc—which impairs the character of the zoned area. Here, the city has properly limited the viability of a Cannabis business as the surrounding area is primarily near neighborhoods and a CUP permitting the establishment could invite an increase of belligerent non-resident customers around the neighborhood, at the detriment to the public welfare. Similarly, the CUP would be adverse to the purpose of a CUP to provide a desirable value to the community.

Although it could be argued that permitting the cannabis establishment would provide a desirable benefit to residents in the community who would use the establishment, the benefit conferred to them would be at most minimal. The establish through this permit seeks to provide two services: (1) a storefront retail cannabis business for customers to walk-in and purchase cannabis and (2) a non-storefront delivery service that delivers pre-packaged goods from the

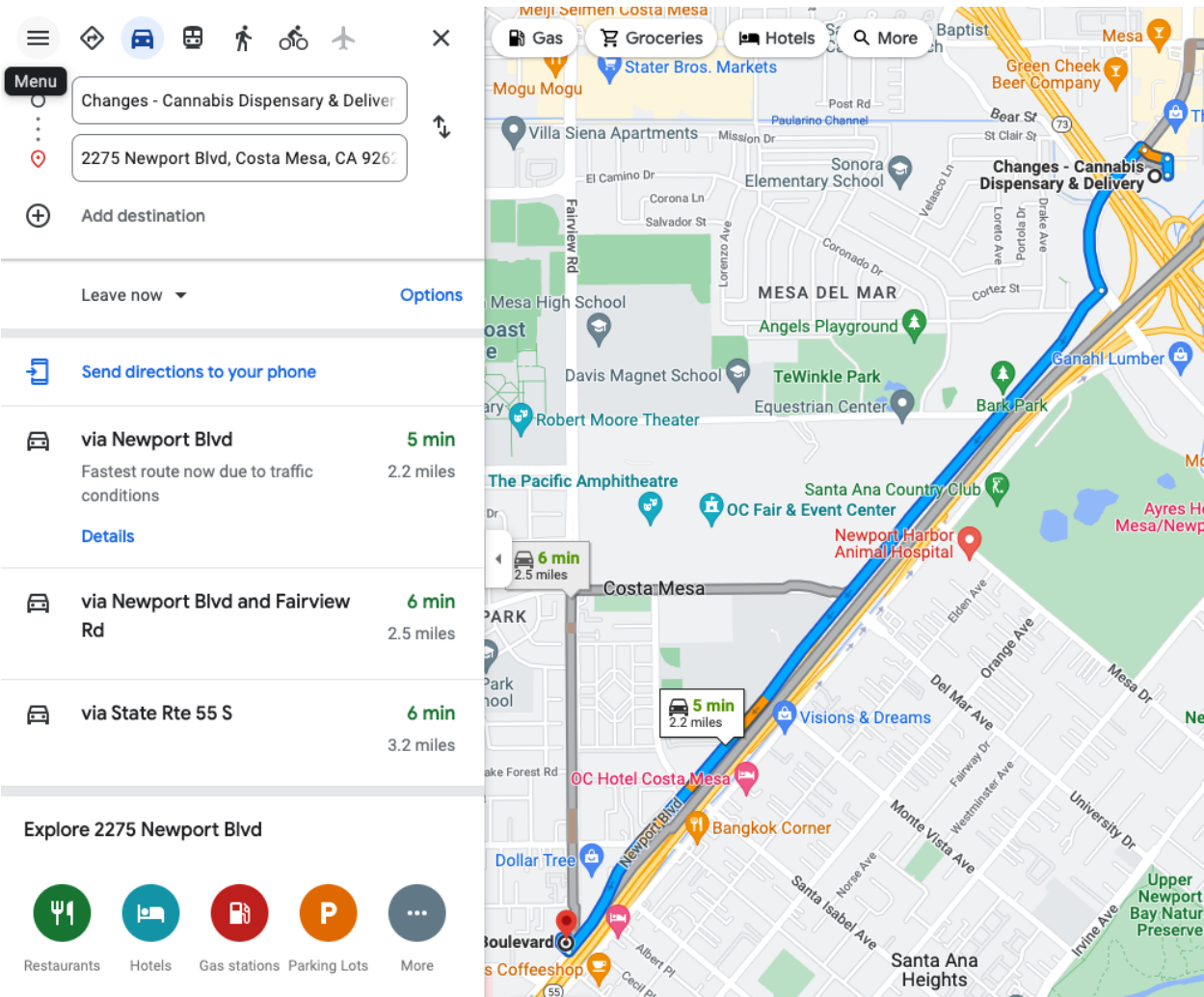
storefront business to customers at private addresses. However, these services are already provided for by other establishments in the nearby area. Roughly a 5-minute drive away and 2.2 miles northeast up the State 55 highway, “Changes – Cannabis Dispensary and Delivery” is located at 2900 Bristol St, Building E Suite 208, Costa Mesa, 92626, as noted by **Exhibit A** below. This establishment already provides both a retail cannabis storefront and non-storefront delivery use to private residences, and thus the CUP at 2275 Newport Blvd would be redundant. In addition, a preliminary search on the popular cannabis delivery site, “Weedmaps.com,” illustrates that there are at least 26 other dispensaries in the area that provide cannabis delivery, as noted by **Exhibit B** below. Thus, there is almost no advantage to any potential consumer by adding another delivery-based system through the CUP and there would also be minimal advantage when a known establishment is only 5 minutes away. Conversely, the detrimental effects of the CUP would still be apparent and would outweigh the marginal benefits it could provide.

In conclusion, the CUP would not be desirable to the community and would actually be detrimental to the community, due to the secondary effects it would have on the neighborhood and surrounding area such as to businesses like my own. Thus, the Planning Commission should deny the request PA-21-24 for a CUP at 2275 Newport Blvd for both a retail cannabis storefront business and non-storefront delivery.


Sincerely

Steve Legere  
Resident and Business Owner in Costa Mesa

Exhibit A



## Exhibit B



Products, retailers, brands, and more | 2275 Newport Boulevard, Costa Mesa...

Dispensaries Deliveries **Maps** Brands Products Deals Learn Strains [Order online](#)


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### Marijuana listings near Costa Mesa, CA


[Open now](#) [Storefronts](#) [Delivery](#) [Order online](#) [Best of](#) [License type](#) [Curbside pickup](#) [Products](#) [Amenities](#)

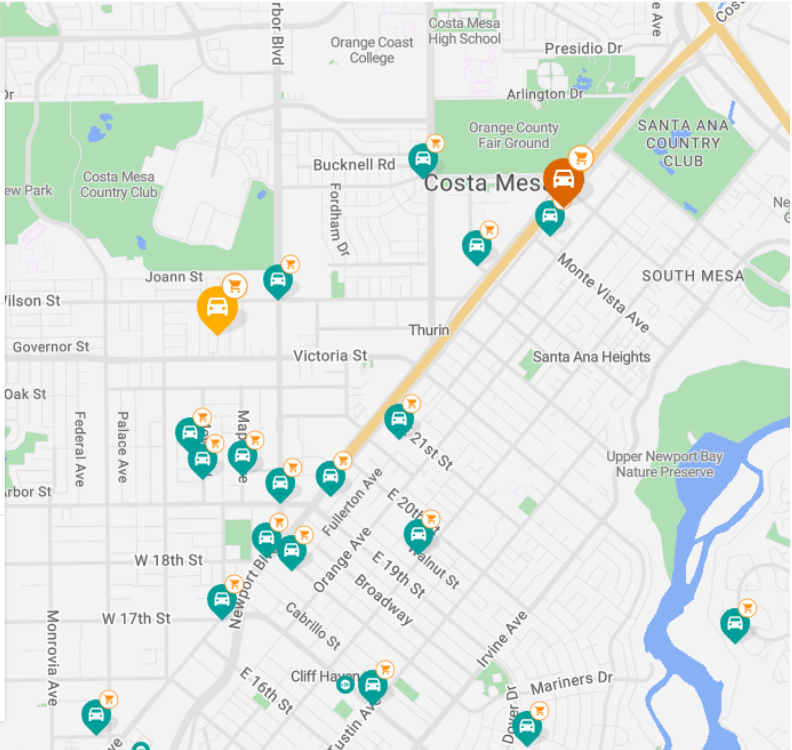
Showing results 1 - 26

Sort by

**Good Tree**  
★★★★☆ 4.4 (128)  
Delivery · Medical & Recreational  
Closing in 41m [Order online](#)  
[View menu](#)

**ASHE Society - Delivery**  
★★★★★ 4.8 (186)  
Delivery · Recreational  
Closed [Order online](#)  
[View menu](#)

**GRASSDOOR**  
★★★★★ 4.5 (78)  
Delivery · Medical & Recreational  
Closing in 11m [Order online](#)  
[View menu](#)



PH-2

## PARTIDA, ANNA

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**From:** Jill Stack <jillstackpr@icloud.com>  
**Sent:** Sunday, July 10, 2022 3:24 PM  
**To:** PC Public Comments  
**Subject:** Planning Application 21-25 for Retail Cannabis Storefront at 2801 Harbor Blvd, #C, Costa Mesa

**Categories:** Orange Category, Red Category

To the Costa Mesa Planning Commission:

Re: Planning Application 21-25 for Retail Cannabis Storefront at 2801 Harbor Blvd, #C, Costa Mesa

I am writing to voice my concerns about this retail location at one of the city's busiest intersections. It is not just traffic that should be considered, but also how this business will fit in with other businesses in the area, mostly restaurants, a grocery store, and other innocuous retail and small businesses. In addition, compared with the other three sites under review at this meeting, there are homes close to this location on Peterson Place (southeast) and in the "Tree Streets" area of Mesa Verde directly northwest of this commercial site. And, while the parking spots are said to be "up to code," if you are familiar with this center, you will know that there is a serious lack of parking in this tiny strip center, and customers often overflow to the larger parking lot directly behind the building. Finally, I suggest that the sales hours be trimmed back to 9 am to 9 pm.

After looking at the four applications submitted for review Monday, July 11, this site is out of place. The other three are insulated by additional surrounding commercial properties.

- 3505 Cadillac; already in a light industrial area with no surrounding homes
- 2275 Newport; in a standalone building with commercial buildings behind
- 124 East 17th Street; also in a standalone building with commercial buildings behind

As Costa Mesa is beginning to review/approve applications for retail cannabis locations, I would strongly advocate for locations that are in more commercial/industrial areas similar to the model Santa Ana has taken by placing ALL its retail marijuana sites near the 55 Freeway and away from homes. I hope you will consider a similar strategy for Costa Mesa and that you deny the application for the site at 2801 Harbor Blvd.

Thank you for your consideration.

*Jill Freeman Stack*  
714-317-5861  
[jillstackpr@me.com](mailto:jillstackpr@me.com)

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**PARTIDA, ANNA**

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PH-2

**From:** Dale Allen <dmallen58@icloud.com>  
**Sent:** Monday, July 11, 2022 9:57 AM  
**To:** PLANNING INFO  
**Subject:** Application PA-21-25

Hello!

I live at 2849 Lemon St. # C, Costa Mesa CA 92626 This is directly across the street from the proposed site.  
I would ask that the proposal be denied as not to incur additional vehicles and foot traffic in the surrounding residential community.

Thank you for your attention to this important matter.

Dale M. Allen  
(317) 728-0984

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**PARTIDA, ANNA**

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PH-3

**From:** Dylan L <dylanlegere@gmail.com>  
**Sent:** Monday, July 11, 2022 10:18 AM  
**To:** PC Public Comments  
**Subject:** 2275 Newport Blvd

Attention: Costa Mesa Planning Commission

As concerned residents of Costa Mesa, we oppose the Conditional Use Permit to allow retail cannabis storefront business and non-store front delivery use at 2275 Newport Boulevard. There exists a liquor store and smoke and vape shop at 2205 Fairview Road. The addition of a retail cannabis business in such a close vicinity will introduce further vice to the community as well as the attraction of certain criminals and the further gathering of derelicts. As residents on Avocado Street, we observe lawless behavior in surrounding areas and believe that an addition of a cannabis retail business would further potentiate that behavior. We do not believe in the use of cannabis as recreational drug use as it goes against our moral and religious beliefs. As longtime Costa Mesa residents, we hope to see a cleaner more socially responsible city, not one that advocates for recreational drug use.

The Legere Family

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