



CITY OF COSTA MESA

PLANNING COMMISSION

Agenda

Monday, February 27, 2023

6:00 PM

**City Council Chambers
77 Fair Drive**

The Commission meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. Pursuant to the State of California Assembly Bill 361(Gov. Code §54953(b)(3)) Commission Members and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: Attendees are encouraged to wear masks at their discretion. If you are feeling ill, or if you've been exposed to someone with COVID-19, you may still participate in the meeting via Zoom.
2. Members of the public can view the Commission meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/costamesatv).

3. Zoom Webinar:

Please click the link below to join the webinar:

<https://zoom.us/j/96060379921?pwd=N2lrbzhJM2hWU3puZkk1T3VYTXhoQT09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 960 6037 9921 / Password: 595958

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone:

Call: 1 669 900 6833 Enter Webinar ID: 960 6037 9921 / Password: : 595958

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the PCPublicComments@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.

5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to PCPublicComments@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the Commission after distribution of the agenda packet (GC §54957.5): Any related documents provided to a majority of the Commission after distribution of the Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.

En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II]. Servicios de traducción de idioma están disponibles para esta junta llamando al (714) 754-5225 por lo mínimo 48 horas de anticipación.

PLANNING COMMISSION REGULAR MEETING

February 27, 2023 – 6:00 P.M.

ADAM ERETH
ChairRUSSELL TOLER
Vice ChairJOHNNY ROJAS
Planning CommissionerANGELY ANDRADE VALLARTA
Planning CommissionerTIM TABER
Planning CommissionerJON ZICH
Planning CommissionerJENNIFER LE
Director of Economic and
Development ServicesJIMMY VIVAR
Planning CommissionerTARQUIN PREZIOSI
Assistant City Attorney**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****ANNOUNCEMENTS AND PRESENTATIONS****PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Comments are limited to three (3) minutes, or as otherwise directed.

COMMISSIONER COMMENTS AND SUGGESTIONS**CONSENT CALENDAR:**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the Planning Commission, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. The public can make this request via email at PCPublicComments@costamesaca.gov and should include the item number to be addressed. Items removed from the Consent Calendar will be discussed and voted upon immediately following Planning Commission action on the remainder of the Consent Calendar.

1. [MINUTES FOR THE MEETING OF FEBRUARY 13, 2023](#) [23-1101](#)

RECOMMENDATION:

Planning Commission approve Minutes of a Regular meeting of February 13, 2023.

Attachments: [February 13, 2023 Unofficial Minutes](#)

PUBLIC HEARINGS:

1. [PLANNING APPLICATION 22-43 IS A REQUEST TO MODIFY A23-1099
CONDITIONAL USE PERMIT FOR AN EXISTING CONVENIENCE
STORE TO CHANGE THE TYPE OF OFF-SALE STATE ALCOHOLIC
BEVERAGE CONTROL \(ABC\) LICENSE FROM TYPE 20 \(BEER AND
WINE\) TO TYPE 21 \(GENERAL\) AND TO EXPAND THE APPROVED
HOURS OF OPERATION AT 1178 SUNFLOWER AVENUE](#)

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 22-43, subject to conditions of approval.

Attachments: [Agenda Report](#)

- [1. Planning Commission Draft Resolution](#)
- [2. Applicant Letter & Applicant Supplemental Info](#)
- [3. Vicinity Map](#)
- [4. Zoning Map](#)
- [5. Site Photos](#)
- [6. PA-02-08 Staff Report](#)
- [7. Project Plans](#)
- [8. Public Comments](#)

2. **PLANNING APPLICATION 21-36 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 167 CABRILLO STREET (CABRILLO COMMUNITY PROJECT LLC DBA NATIVE GARDEN)** **23-1097**

RECOMMENDATION:

Staff recommends the Planning Commission review and consider the revised staff report and Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 21-36, subject to conditions of approval.

Attachments: [Agenda Report](#)

- [1. Draft Planning Commission Resolution](#)
- [2. Applicant Letter & Supplemental information](#)
- [3. Vicinity Map](#)
- [4. Zoning Map](#)
- [5. Site Photos](#)
- [6. Project Plans](#)
- [7. Public Comments](#)

3. **PLANNING APPLICATION 22-34 FOR A CANNABIS MANUFACTURING, DISTRIBUTION, AND NON-STOREFRONT RETAIL FACILITY ("FABULOUS CREATIONS INC.") AT 3505 CADILLAC AVENUE, UNIT M-202)** **23-1098**

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) Existing Facilities; and
2. Approve Planning Application 22-34, subject to conditions of approval.

Attachments: [Agenda Report](#)

- [1. Draft Planning Commission Resolution](#)
- [2. Applicant Letter](#)
- [3. Vicinity Map](#)
- [4. Zoning Map](#)
- [5. Site Photos](#)
- [6. Project Plans](#)

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENT REPORTS:

1. PUBLIC WORKS REPORT

2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY

ADJOURNMENT

Next Meeting: Planning Commission regular meeting, March 13, 2023 - 6:00 p.m.



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1101

Meeting Date: 2/27/2023

TITLE:

MINUTES FOR THE MEETING OF FEBRUARY 13, 2023

RECOMMENDATION:

Planning Commission approve Minutes of a Regular meeting of February 13, 2023.

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION****February 13, 2023****CALL TO ORDER**

The Chair called the meeting to order at 6:05 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Rojas led the Pledge of Allegiance.

ROLL CALL

Present: Chair Adam Ereth, Vice Chair Russell Toller, Commissioner Angely Andrade, Commissioner Jonny Rojas, Commissioner Tim Taber, Commissioner Vivar, Commissioner Jon Zich

Absent: None

Officials Present: Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Assistant Planner Patrick Achis, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

None.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Taber commented on the development of the Fairview Developmental Center.

Commissioner Vivar stated he was happy to be back and hoped that everyone had a safe Super bowl weekend.

Commissioner Zich asked the City to provide the Commission and public with a list of received planning applications that staff is working on and estimated month those items will be heard by the commission.

UNOFFICIAL UNTIL APPROVED

Commissioner Rojas asked whether a cannabis slide will be made a part of the packet for upcoming cannabis items.

Vice Chair Toler thanked the Public Works Department for deciding to lower the speed limits all across the City.

CONSENT CALENDAR:**1. Approval of Meeting Minutes: November 28, 2022**

RECOMMENDATION: Adopt the Meeting Minutes for only item PA-22-21 of the November 28, 2022 Planning Commission Meeting (2001 Harbor Boulevard, Suites 101-103)

Commission Comments:

Commissioner Zich asked why this set of minutes were up for Commission approval as opposed to previous minutes held before this set of minutes.

Commissioner Vivar explained to the public the minutes are summaries of what was said in the meeting rather than verbatim.

Commissioner Rojas encouraged the new commissioner to ask question if there is something that they do not understand.

Commissioner Zich stated the minutes accurately reflected that he was absent from the meeting.

Commissioner Vivar made a motion. Seconded by Commissioner Rojas.

MOVED/SECOND: Vivar/Rojas

MOTION: Move staff's recommendation

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Rojas, Vivar Zich

Nays: None

Absent: None

Abstained: Taber

Motion carried: 6-0

PUBLIC HEARINGS

1. PLANNING APPLICATION 23-01 TO AMEND AN EXISTING CONDITIONAL USE PERMIT (PA-22-17) TO ALLOW TWO OUTDOOR PLAYGROUND AREAS FOR A PRIVATE K-12 SCHOOL (RENASCENCE SCHOOL INTERNATIONAL)

UNOFFICIAL UNTIL APPROVED

Project Description: Planning Application PA-23-01 is an amendment to an existing conditional use permit (PA-22-17) to allow two outdoor playground areas for a private K-12 School (Renascence School International).

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

No ex-parte communications reported.

Chair Ereth recused himself from the hearing due to signing a letter of support for the Renascence School International.

Patrick Achis, Assistant Planner, presented the staff report.

Commission and Staff:

Discussion ensued on compliance with the State of California playground requirements, duplication of conditions in both Conditions of Approval for PA-22-17 and PA-22-01, special event lighting, the reinforcement wall that protects the playground area from oncoming traffic, security gates, curbs around landscaping and play space area.

Chair opened Public Hearing.

Carrie Mizera, applicant, stated she had read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on the reinforcement wall for protection from oncoming traffic, gates surrounding the playground, safety and security, and conformation that both play areas will be enclosed by a reinforcement wall.

The Chair opened Public comments.

PUBLIC COMMENT:

No public comments.

The Chair closed public comments.

The Chair closed the Public Hearing.

Commissioner Vivar made a motion. Seconded by Commissioner Rojas.

UNOFFICIAL UNTIL APPROVED

MOVED/SECOND: Vivar/Rojas

MOTION: Move staff's recommendation

The motion carried by the following roll call vote:

Ayes: Toler, Andrade, Rojas, Taber, Vivar Zich

Nays: None

Absent: None

Recused: Ereth

Motion carried: 6-0

ACTION: The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 Existing Facilities (Class 1), and Section 15332 (Class 32) In-Fill Development; and
2. Approve Planning Application 23-01 to amend existing Conditional Use Permit PA-22-17), subject to conditions of approval.

RESOLUTION PC-2023-02 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-01 FOR A CONDITIONAL USE PERMIT TO AMEND PA-22-17 TO ALLOW OUTDOOR PLAY AREAS FOR A PRIVATE K-12 SCHOOL IN THE C1 ZONE FOR PROPERTY AT 1600 ADAMS AVENUE

Chair Ereth returned to the meeting.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang announced the updated Residential Permit Parking Program and provided information for an upcoming Town Hall meeting.
2. Development Services Report – Mr. Drapkin informed the Commission about an upcoming Special Study Session with the City Council that will focus on the Development Services Department.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 7:10 PM

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1099

Meeting Date: 2/27/2023

TITLE:

PLANNING APPLICATION 22-43 IS A REQUEST TO MODIFY A CONDITIONAL USE PERMIT FOR AN EXISTING CONVENIENCE STORE TO CHANGE THE TYPE OF OFF-SALE STATE ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FROM TYPE 20 (BEER AND WINE) TO TYPE 21 (GENERAL) AND TO EXPAND THE APPROVED HOURS OF OPERATION AT 1178 SUNFLOWER AVENUE

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 22-43, subject to conditions of approval.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 27, 2023

ITEM NUMBER:PH-1

SUBJECT: PLANNING APPLICATION 22-43 IS A REQUEST TO MODIFY A CONDITIONAL USE PERMIT FOR AN EXISTING CONVENIENCE STORE TO CHANGE THE TYPE OF OFF-SALE STATE ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FROM TYPE 20 (BEER AND WINE) TO TYPE 21 (GENERAL) AND TO EXPAND THE APPROVED HOURS OF OPERATION AT 1178 SUNFLOWER AVENUE

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: JEFFREY RIMANDO, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT: JEFFREY RIMANDO
714.754.5012
jeffrey.rimando@costamesaca.gov**

RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 22-43, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The applicant/authorized agent is Rakesh Dadrah, for the property owner, C.J. Segerstrom & Sons.

PLANNING APPLICATION SUMMARY

Location:	1178 Sunflower Avenue	Application Numbers:	PA-22-43
Request:	Planning Application 22-43 for a Conditional Use Permit for an existing convenience store with request to change type of off-sale State Alcoholic Beverage Control (ABC) License from Type 20 (Beer and Wine) to Type 21 (General).		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	C1 (Local Business)	North:	City of Santa Ana - Residential
General Plan:	Neighborhood Commercial	South:	PDR-MD (Planned Development Residential – Medium Density)
Lot Dimensions:	Front = 375 FT Side (Left) = 135 FT Side (Right) = 49 FT Rear = 365 FT	East:	C1
Lot Area:	33,977 SF	West:	C1
Existing Development:	The property is developed with an existing multi-tenant commercial building.		

DEVELOPMENT STANDARDS COMPARISON

Development Standard		Required/Allowed C1 Dev. Standard	Proposed/Provided
Lot Size		12,000 SF	33,977 (Existing, no change)
Minimum Lot Width		60 FT	375 FT (Existing, no change)
Parking		31 Spaces	32 Spaces (Existing, no change)
CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)		
Final Action	Planning Commission		

BACKGROUND

Project Site

The subject property is located at 1178 Sunflower Avenue, northeast of the Sunflower Avenue and Fairview Road intersection. The applicant operates an existing convenience store, which occupies a 2,400-square-foot tenant space. The site consists of a multi-tenant commercial building comprising of five total commercial suites. The site is developed with 32 existing parking spaces, and two points of vehicular ingress/egress on Sunflower Avenue (approximately 280 feet apart). The property is located adjacent to the City's northern boundary that bisects the City of Costa Mesa with the City of Santa Ana.

The subject property is zoned C1 (Local Business), and has a General Plan land use designation of Neighborhood Commercial. The properties to the east and west are also zoned C1. The properties to the south (across Sunflower Avenue) are zoned PDR-MD (Planned Development Residential – Medium Density). The properties to the north are residentially zoned and located within the jurisdiction of Santa Ana.

Approved Entitlements

On April 2, 2001 the Planning Commission approved Planning Application PA-02-08 (see Attachment 6), which included a conditional use permit to allow sale of alcoholic beverages from a re-established convenience store (previously "Circle K"). The aforementioned approval established allowing the sale of beer and wine for off-site consumption in conjunction with a State Alcohol Beverage Control (ABC) License Type 20. The hours of operation, as proposed by the applicant at that time, were limited to 7 a.m. to 9 p.m., Sunday through Thursday and 7 a.m. to 11 p.m., Friday and Saturday.

DESCRIPTION

The existing convenience store operator ("AK Market") is requesting to change the type of off-sale ABC license from a Type 20 (Beer and Wine) to a Type 21 (Off-Sale General) to expand the convenience store's sales to include distilled spirits. The applicant is also requesting to modify the business's operating hours to 6 a.m. to 10 p.m., Sunday through Thursday (an additional hour in the morning and in the evening) and 6 a.m. to 11 p.m., Friday and Saturday (an additional hour in the morning only). No interior or exterior changes are proposed.

ANALYSIS

Conditional Use Permit

Pursuant to Costa Mesa Municipal Code (CMMC) Section 13-30, Liquor stores, convenience stores and mini markets are permitted uses with the approval of a Conditional Use Permit (CUP), and are subject to the provisions of Article 16. The purpose of Article 16 is to promote the public health, safety, and general welfare of the

City by regulating and providing development standards for liquor stores, convenience stores, and mini-markets. The Article 16 provisions are also intended to reduce problems associated with liquor stores, convenience stores, and mini-markets such as littering, loitering, graffiti, noise and interference with the quiet enjoyment of surrounding properties and uses.

As previously indicated, the applicant is requesting to change their off-sale ABC license from a Type 20 to a Type 21. Pursuant to CMMC Article 16, Section 13-200.71(b), the Code requires approval of a Conditional Use Permit (CUP) for any change in the type of off-sale ABC license for an existing convenience store. Although the CMMC does not regulate the required hours of operation for convenience stores in the City, the original Market entitlement (PA-02-08, Condition No. 18 of Exhibit B) specifies that:

“Hours of operation are limited to 7 a.m. to 9 p.m., Sunday through Thursday, and 7 a.m. to 11 p.m. Friday and Saturday. Expansion beyond these hours will require approval of an amendment to this conditional use permit.”

Therefore, the requested change in ABC license and “expansion” in hours of operation require Planning Commission approval of a CUP amendment.

The applicant has provided several letters of support and a petition signed by residents in the vicinity supporting the existing convenience store’s request for CUP amendment (see Attachment 2).

Lastly, the City’s Police Department has reviewed the request for the convenience store expanded alcohol sales and hours, and has no concerns.

Finding of Public Necessity or Convenience

Pursuant to the California Department of Beverage Control (ABC), a Finding of Public Necessity or Convenience is not necessary for a change in license type. In addition, the subject property is located in Census Tract No. 741.06 and according to the ABC, three (3) off-sale licenses are allowed and only two (2) active off-sale licenses (including the subject business) currently operate within this Census Tract (see the below table).

ABC License	Business Name	Address
Type 20 (Beer & Wine)	AK Market	1178 Sunflower Ave
Type 21 (General)	Circle K	2413 S Fairview St Ste A, Santa Ana

Source: www.abc.ca.gov

Although Census Tract No. 741.06 currently does not have an overconcentration of “off-sale” licenses; in 2001, when this project was originally approved, Census Tract No. 741.06 was over concentrated with four businesses with “off sale” licenses. However, two of these businesses have since ceased operation.

GENERAL PLAN CONFORMANCE

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa through 2035. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that serve both local needs and attract regional international spending, and providing cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives, and policies contained in this Plan.

The proposed convenience store use is in conformance with the General Plan land use designation for the property. The following analysis evaluates the proposed project's consistency with specific policies and objectives of the 2015-2035 General Plan.

1. **Policy LU-6.7:** *Encourage new and retain existing businesses that provide local shopping and services.*

Consistency: The proposed application will result in retaining an existing business that provides retail opportunities for local businesses and residents.

FINDINGS

Pursuant to Title 13, Section 13-29(g), Conditional Use Permit Findings, of the Costa Mesa Municipal Code, in order to approve the request, the Planning Commission shall find that the evidence presented in the administrative record substantially meets specified findings as follows:

- **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.** The convenience store has been in operation since 2001. The proposed project is to change the State ABC license type from Type 20 to Type 21 to include the sale of distilled spirits, and increase the hours of operation to 6 a.m. to 10 p.m., Sunday through Thursday (an additional hour in the morning and in the evening) and 6 a.m. to 11 p.m., Friday and Saturday (an additional hour in the morning only). The proposed intensification in operations would be compatible with commercial developments in the same general area and would not be materially detrimental to the nearby residential properties in that the conditions of approval have been included to avoid potential noise, trash and light disturbances. In addition, the original conditions of approval, as applicable, have also been included. The existing center contains a mix of uses including a laundromat, nail salon and other retail/service uses. Staff has received a letter from one of the adjacent tenants supporting the current application request.

The applicant will continue to occupy the existing tenant space and does not propose an expansion to the interior square footage. There are also no proposed exterior modifications or site improvements. The convenience store will continue to serve the surrounding neighborhood as it has over the past 20 plus years with no anticipated operational issues.

- **Granting the 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.** The proposed use, as conditioned, would not generate adverse noise, traffic, or parking impacts that are unusual for commercially-zoned properties. Furthermore, conditions of approval require the use be conducted in a manner that would allow for the quiet enjoyment of the surrounding neighborhood. The Police Department has reviewed the proposed use and has no objections to the approval of the application.
- **Granting the 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 existing convenience store is conditionally permitted in the C1 (Local Business) zone. The General Plan land use designation of the property is Neighborhood Commercial. The existing convenience store use is an appropriate retail use for the Neighborhood Commercial land use designation. The proposed project would allow for the sales of distilled spirits and does not change the primary use which is a neighborhood serving convenient store. Furthermore, the proposed project is consistent with General Land Use Policy LU-6.7 in that the proposed project would retain the existing retail business and continue to provide retail opportunities for local businesses and residents.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities. The Class 1 exemptions applies to minor alterations to existing facilities or structures involving negligible or no expansion of the existing use. The project involves no exterior alterations or additions to an existing commercial building. As conditioned and proposed, the project will have little or no impact on the surrounding area. There will be no resulting increase in the existing floor area of the tenant space. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location, and would not impact any historic resources.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If the requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings for denial into a Resolution. If the project is denied, the applicant could not submit substantially the same type of application for at least six months.

LEGAL REVIEW

The draft Resolution has been approved as to form by the City Attorney's Office.

PUBLIC NOTICE

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property. (See attached Notification Radius Map).
2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of the date of this report, five written public comments have been received. Any public comments received prior to the Planning Commission meeting will be forwarded separately to the Planning Commission.

CONCLUSION

Approval of the project will allow the existing convenience store to expand from the sale of only beer and wine to a full line of alcoholic beverages including distilled spirits, and increase the hours of operation to 6 a.m. to 10 p.m., Sunday through Thursday (an additional hour in the morning and in the evening) and 6 a.m. to 11 p.m., Friday and Saturday (an additional hour in the morning only). The project is consistent with the General Plan, Zoning Code and with developments in the general neighborhood. Therefore, staff recommends approval of the proposed project, subject the conditions of approval contained in the attached resolution (Attachment 1).

RESOLUTION NO. PC-2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PA-22-43 FOR AN EXISTING CONVENIENCE STORE (AK MARKET) WITH REQUEST TO CHANGE TYPE OF OFF-SALE STATE ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FROM TYPE 20 (BEER AND WINE) TO TYPE 21 (GENERAL) AND EXPAND THE HOURS OF OPERATION AT 1178 SUNFLOWER AVENUE

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, an application was filed by Rakesh Dadrah, the authorized agent on behalf of the property owner, C.J. Segerstrom & Sons;

WHEREAS, Planning Application 22-43 is a request for a Conditional Use Permit to change the type of off-sale ABC license from Type 20 (Beer and Wine) to Type 21 (General) for an existing Convenience Store, and increase the hours of operation to 6 a.m. to 10 p.m., Sunday through Thursday (an additional hour in the morning and in the evening) and 6 a.m. to 11 p.m., Friday and Saturday (an additional hour in the morning only) at 1178 Sunflower Avenue;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 27, 2023 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities and;

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 22-43 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon

the activity as described in the staff report for Planning Application PA-22-43 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 27th day of February, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 27, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-__

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: 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.

- **Facts in Support of Finding:** The convenience store has been in operation since 2001. The proposed project is to change the State ABC license type from Type 20 to Type 21 to include the sale of distilled spirits, and increase the hours of operation to 6 a.m. to 10 p.m., Sunday through Thursday (an additional hour in the morning and in the evening) and 6 a.m. to 11 p.m., Friday and Saturday (an additional hour in the morning only). The proposed intensification in operations would be compatible with commercial developments in the same general area and would not be materially detrimental to the nearby residential properties in that the conditions of approval have been included to avoid potential noise, trash and light disturbances. In addition, the original conditions of approval, as applicable, have also been included. The existing center contains a mix of uses including a laundromat, nail salon and other retail/service uses. Staff has received a letter from one of the adjacent tenants supporting the current application request. The applicant will continue to occupy the existing tenant space and does not propose an expansion to the interior square footage. There are also no proposed exterior modifications or site improvements. The convenience store will continue to serve the surrounding neighborhood as it has over the past 20 plus years with no anticipated operational issues.

Finding: Granting the 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.

- **Facts in Support of Finding:** The proposed use, as conditioned, would not generate adverse noise, traffic, or parking impacts that are unusual for commercially-zoned properties. Furthermore, conditions of approval require the use be conducted in a manner that would allow for the quiet enjoyment of the surrounding neighborhood. The Police Department has reviewed the proposed use and has no objections to the approval of the application.

Finding: Granting the 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.

- **Facts in Support of Finding:** The existing convenience store is conditionally permitted in the C1 (Local Business) zone. The General Plan land use

designation of the property is Neighborhood Commercial. The existing convenience store use is an appropriate retail use for the Neighborhood Commercial land use designation. The proposed project would allow for the sales of distilled spirits and does not change the primary use which is a neighborhood serving convenient store. Furthermore, the proposed project is consistent with General Land Use Policy LU-6.7 in that the proposed project would retain the existing retail business and continue to provide retail opportunities for local businesses and residents.

- B. The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities. The Class 1 exemptions applies to minor alterations to existing facilities or structures involving negligible or no expansion of the existing use. The project involves no exterior alterations or additions to an existing commercial building. As conditioned and proposed, the project will have little or no impact on the surrounding area. There will be no resulting increase in the existing floor area of the tenant space. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location, and would not impact any historic resources.
- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- PIng.
1. The use shall be limited to the type of operation described in the staff report and applicant's letters dated February 27, 2023, subject to conditions. Any change in the operational characteristics including, but not limited to, hours of operation, shall be subject to Planning Division review and may require an amendment to the minor/conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. Approval of the planning/zoning application is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued; or 3) the use has been established and a business license has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29(k)(6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
 3. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the indemnitors' joint and several obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.

4. The hours of operation of the business shall be limited to Sunday to Thursday 6 a.m. to 10 p.m. and Friday and Saturday 6 a.m. to 11 p.m. Any minor adjustments in these hours of operation that meet the intent of this condition may be granted with written approval of the Director of Development Services.
5. Alcoholic beverage sales from drive through or walk-up service windows shall be prohibited.
6. Wine, beer and other distilled spirits shall be sold in factory manufactured packages for retail sales. Factory multiple-packed bottles or cans shall not be unpackaged to be sold individually. This restriction is not intended to prohibit the sale of beverages in a single container packaged by the manufacturer for individual sale.
7. Beer or wine shall not be displayed or sold from an ice tub or any other type of portable refrigerated unit.
8. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business shall institute whatever security measures are necessary to comply with this requirement.
9. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "dinner wines" which have been aged 2 years or more and maintained in corked bottles.
10. Wine shall not be sold in bottles or containers smaller than 750 milliliters.
11. No sale of beer in single cans or bottles (any size) shall be permitted. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of 2 or more gallons, which are clearly designed to dispense multiple servings.
12. Malt beverages, wine coolers or pre-mixed distilled spirit cocktails (if allowed by the license) packed in 16-ounce containers or smaller, may not be sold as single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
13. The applicant shall maintain areas that are under the applicant's control and ensure areas are well maintained and free of litter.
14. No alcoholic beverage shall be displayed or offered for sale outside the building.
15. Exterior signage/advertisements promoting or indicating the availability of alcoholic beverages shall be prohibited. Exterior signage indicating the availability of alcoholic beverages shall be limited to the name of the business, e.g., AK Market. Interior signage/advertisements promoting or indicating the availability of alcoholic beverages which are visible from the exterior of the building shall be prohibited.
16. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.
17. Exposed neon signage is strictly prohibited. This excludes the "open/close" sign for business.

18. The business operator shall post signs inside and outside the premises in compliance with the City of Costa Mesa Municipal Code notifying the public with regard to the prohibition of open containers of alcoholic beverages.
19. The business operator shall post signs inside and outside the premises prohibiting the on-site consumption of alcoholic beverages and loitering.
20. Alcoholic consumption on premises is prohibited.
21. All work shall be conducted under-roof. Outdoor work or display is prohibited.
22. Any graffiti painted or marked upon the premises shall be removed or painted over within 48 hours of being applied.
23. The outdoor storage of boxes, equipment materials, merchandise, and other similar items shall be prohibited.
24. A copy of the conditions of approval for the conditional use permit shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
25. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
26. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
27. All exterior lighting shall shielded and/or directed away from residential areas.
28. Trash facilities shall be screened from view and designed and located appropriately to minimize potential noise and odor impacts to adjacent residential areas (behind fences).
29. Every 2 hours, from 4:00 p.m. to closing, the applicant shall patrol the area over which the applicant has control in an effort to prevent the loitering of persons about the premises. The applicant shall make reasonable efforts to prevent loitering during other hours the business is open.
30. Applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which applicant has control, to prevent trash, graffiti and littering. Any lighting under the control of applicant shall be directed in such a manner so as not to unreasonably interfere with the quiet enjoyment of nearby residences. Applicant shall further provide adequate lighting above the entrance to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.
31. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or it, in the opinion of

the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.

32. The project shall be limited to the type of building as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Minor Conditional Use Permit.
33. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
34. If determined necessary by the Director of Economic and Development Services, based on excessive calls for police service, loitering and/or an increase in crime attributed to the proposed use, the applicant shall contract with a security guard to monitor the business during all hours of operation.
35. The above conditions of approval shall supersede and replace the conditions of approval for the prior entitlements for this property.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng.
1. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
 2. The conditions of approval and ordinance or code provisions of Planning Application 22-43 shall be blueprinted on the face of the site plan as part of the plan check submittal package when building permits are necessary.
 3. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
 4. The project is subject to compliance with all applicable Federal, State, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the Applicant and, where applicable, the Authorized Agent, for reference.
 5. All noise-generating construction activities shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 6 p.m. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

6. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
7. All requirements of the California Alcoholic Beverage Control Board (ABC) shall be complied with.
8. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
- Bldg. 9. Prior to issuing the Building permit the conditions of approval shall be on the approved Architectural plans.
10. Comply with the requirements of the following adopted codes Code, 2019 California Building Code, 2019 California Electrical code, 2019 California Mechanical code , 2019 California Plumbing code , 2019 California Green Building Standards Code and 2019 California Energy Code (or the applicable adopted, California Building code California Electrical code, California Mechanical code California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.
11. Prior to the Building Division issuing a demolition permit. contact South Coast Air Quality Management District (AQMD) located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
or
Visit their web site:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.
- Fire 12. Comply with the requirements of the California Fire Code and referenced standards as amended by the City of Costa mesa.
- Bus. 13. All contractors and subcontractors must have valid business licenses to do
Lic. business in the City of Costa Mesa. Final Inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

**AK Market
1178 Sunflower Ave
Costa Mesa, CA 92626
714-444-4403**

November 14, 2022

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

Dear Planning Commission,

My name is Rakesh Dadrah and I am writing on behalf of AK Market located at 1178 Sunflower Avenue with a total square footage of 2,400. I formally write this letter to propose a new conditional use permit to upgrade a current type "20" off sale beer and wine license to a type "21" off-site consumption license that includes a full line of alcoholic beverages. In correspondence with the California Department of Alcohol and Beverage Control, we are grateful to have been chosen as one of the twenty five winners amongst hundreds of applicants in their annual priority drawing. This gives our business an opportunity to apply and receive issuance of a brand new liquor license that includes alcohol and spirits. AK Market is a family owned convenience shop operated by its current owner who has been a model part of the *community providing goods and services that cater to the convenience needs of the neighboring individuals*. A majority of the customers are walking distance and the items available within the shop serve the day to day needs of the neighborhood including a variety of household items, food products and beverages. The location of the business was previously approved, in 2002, for an ABC type "20" off-sale license allowing sale of beer and wine alone. Members of the community would agree that it is troublesome that they have to drive miles out or to the next city over to buy spirits while our location has been serving as a preferred neighborhood market for twenty years. The sale of alcohol and spirits would be incidental to the everyday items the market currently provides. Our suggested hours of operation are from 6AM to 10PM Sunday through Thursday and 6AM to 11PM on Friday and Saturday. We are hoping to gain permission from the planning division to allow these privileges at our location. The full line of alcoholic beverages would accommodate the needs of the people of the area and will continue generating traffic to the businesses in Sunflower Center as it has been for the last two decades. The location would then provide a one stop shopping convenience to its patrons.

I am enclosing for review the following:

- A formal CUP application signed by property owner
- Copies of Type-21 Liquor license receipt and priority letter from Alcohol Beverage Control
- 500' Owner and Occupant list. 500' radius map with Certification of Preparation.
- Copies of 2 sets of gummed labels certification which the originals will be delivered physically to planning.
- Site and Floor plan
- Exterior photos of the premise
- Four letters and five pages of petition signatures from local residents/customers in support of the conditional use permit.

I appreciate this opportunity to apply and I thank you for your consideration.

Sincerely,



Rakesh Dadrah

Tel: 714-721-7568

rakeshdadrah@gmail.com

Applicant Supplemental Information

November 4, 2022

Costa Mesa Planning Division

77 Fair Drive

Costa Mesa, CA 92626

Dear Planning Commission:

I have shopped at AK Market years before the current owners assumed management. When they took over, I immediately saw a cleaner, better organized, and more welcoming neighborhood store. The owner and his son have created a safe space for its diverse and loyal clientele. Everyone is treated equally and professionally. I love AK Market because it is an established, reliable, honest store that I continue to rely on.

I agree AK Market should enlarge its product line. We all should support this entrepreneurial spirit. Our city thrives on it.

Respectfully,

A handwritten signature in black ink, appearing to read "Sandra Evans", written in a cursive style.

Sandra Evans

3496 Queens Court

Costa Mesa, CA 92626

Miglant Hernandez
1054 Redding Ave
Costa Mesa, Ca. 92626

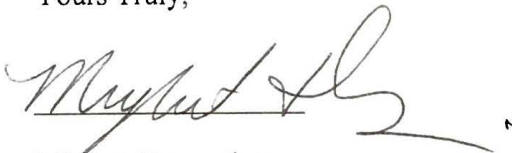
City of Costa Mesa Planning Division

In re: AK Market's Application for Expansion.

To whom it may concern:

My name is Miglant Hernandez, and I have been a resident of Costa Mesa for numerous years. As a longtime customer, I wish to express my support and request the Planning Division grant AK Market their plea for an upgraded liquor license. This father-son-run local family business has contributed to our neighborhood's sense of community and home, from their friendly services to their wide range of goods offered. Our neighborhood advocates for this upgrade to the business, as it would allow for much more accessible and convenient access to our needs.

Yours Truly,

A handwritten signature in dark ink, appearing to read 'Miglant Hernandez', written over a horizontal line.

Miglant Hernandez

Tyler Reed
Paralegal

November 10, 2022

CITY OF COSTA MESA PLANNING COMMISSION
77 Fair Drive
Costa Mesa, CA 92626

3 Hutton Centre Drive • Ninth Floor • Santa Ana, CA 92707
(714) 241-4444 • Fax (714) 241-4445 • treed06@callahan-law.com

**Re: AK Market – Petition for Liquor License
1178 Sunflower Ave., Costa Mesa, CA 92626**

Dear City of Costa Mesa Planning Commission:

Please allow this letter to serve as my official recommendation for the City of Costa Mesa to allow AK Market ("AK"), a family owned convenience store/market located at 1178 Sunflower Avenue, the ability to upgrade their alcoholic privileges. This addition of a full liquor license to their shop is particularly important to the owners of AK and the surrounding community they serve. I am in full support.

My wife and I have lived in the friendly community across the street from AK for the past 4 years, and we have developed a great friendship with the owner and his son, Rakesh, throughout our various acquaintances. It seems that every time I enter AK, the owner and/or his son, Rakesh, is having a conversation with someone in the community. In fact, nobody from the community, or outside the community for that matter, enters AK without receiving a warm greeting welcoming you to their market.

Because of this fact, throughout the past 4 years I have developed a tremendous amount of respect for the owners of AK, and they are the type of people that the City of Costa Mesa needs to support. AK has established itself as a staple market for the surrounding neighborhood and businesses. Allowing them a fuller line of alcoholic beverages would be instrumental in helping a small business that our community has grown to love so much to flourish.



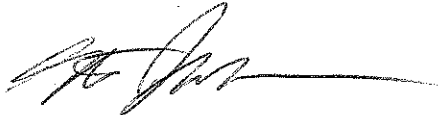
Ty Reed
Senior Trial Paralegal

2511 W. Sunflower Ave., Unit R3
Santa Ana, CA 92704
Tel: 979-324-2334
Email: tyscottreed@gmail.com

To: City of Costa Mesa Planning,

Living in the South Coast Metro area for over 8 years I have become a regular customer at AK Market. Whether it's a quick stop in the morning for coffee, or to grab that lucky lottery ticket, you know you will always be greeted by friendly staff. The safe, well-kept exterior makes AK Market feel inviting and the well-lit, clean interior delivers on that promise. AK Market is the convenience store gem in the area. As someone who does not drink beer but enjoys cocktails, AK Market having an expanded liquor license would add yet another level of convenience and a 1 stop shop. I truly hope they are considered for an expanded liquor license as it would make an already great store all the better.

-Steve Johnson


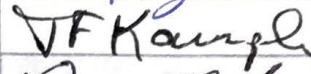
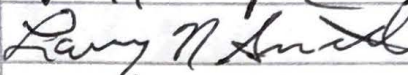
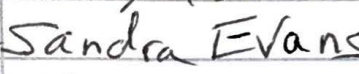



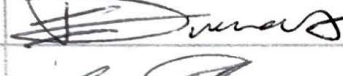

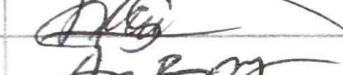

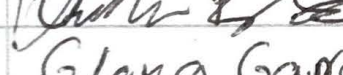
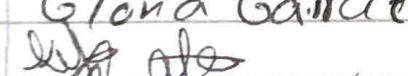
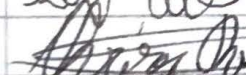
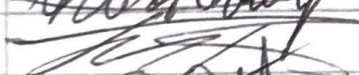

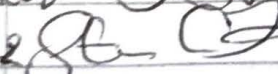
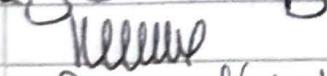
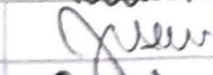
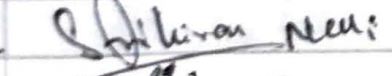

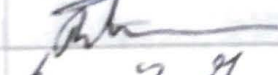



A handwritten signature in black ink, appearing to read 'Steve Johnson', with a long horizontal flourish extending to the right.

2526 Macarthur Blvd
Santa Ana, CA 92704

Petition for Approval of Conditional Use Permit

AK MARKET

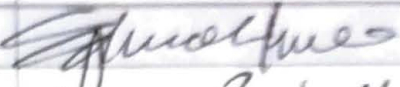
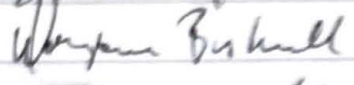
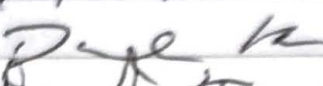
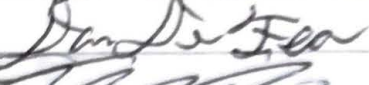


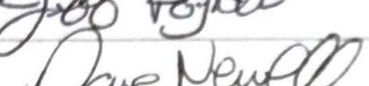


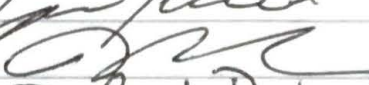
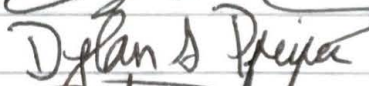
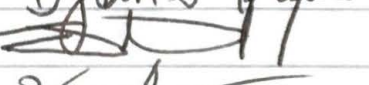






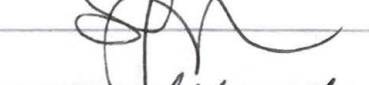
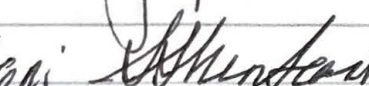
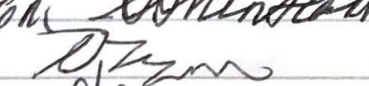
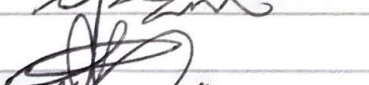
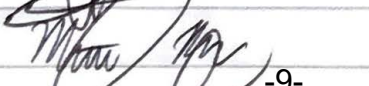

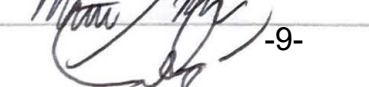

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#	Printed Name	Signature	Address	Date
1	RAUL JUDENC		3500 S. GREENVILLE ST. F9 SANTA ANA, CA 92704	11/3/2022
2	TOM KAMPH		1002 CANADIANE C. C.M. 92626	11/3/22
3	Larry N Smith		3623 Bear St Santa Ana	11-3-22
4	Sandra Evans		3496 Queen Ct CM	11/3/22
5	Michelle Laesque		2526 W MacArthur Blvd S. A	11/3/22
6	Kevin Mangusung		2511 W. Sunflower Ave Unit A5 Santa Ana, CA 92704	11/3/22
7	Jon Caesar		3333 Fairview RD Costa Mesa, CA	11/3/22
8	ISAAC DENAS		1083 SAN PABLO CIR, CM	11/3/22
9	JOSE REYES		2511 W. Sunflower Ave. P2	11/3/22
10	Ambrosio Sanchez		208 W Aurora S.A	11/3/22
11	Jason R Myhra		655 Baker st #2102 Costa Mesa	11/3/22
12	Alex Barrios		1301 S center st JA	11/3/22
13	Gloria Garcia		3914, ARF Santa Ana	11-3-22
14	Custavo Ortega		2013 W Harvard St	11-3-22
15	Christopher Ramirez		1310 S Baker St Santa Ana	11-3-22
16	Tyler Reed		2511 W. SUNFLOWER AVE. #B3 Santa Ana	11-3-22
17	Eric Calrillo Hernandez		2513 W. St. Andrews Pl. Santa Ana, CA 92704	11-3-22
18	Steven C Fernandez		1130 Princeton St 92705	11/3/22
19	Kathryn Gordon		1000 S Coast Dr CM.	11/3/22
20	Jewel Christie		1134 Buckingham Dr. CM 92626	11/3/22
21	SRIKIRAN NELLI		3682 Aspen Village way, A2A	11/3/22
22	Ayebi Nasir		2521 W Sunflower Ave unit L11 Santa Ana, 92704	11/3/22
23	Patryk Prestozieniewicz		1768 S NORFOLK LN. CA ANAHEIM	CA 11/3/22
24	TERRE L. GONER		P.O. Box 30295 S.A. CA 92735	11/3/22
25	Joe D. Goner		16850 S. Harbor Blvd SA, CA 92704	11/3/22

Petition for Approval of Conditional Use Permit

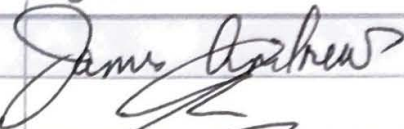


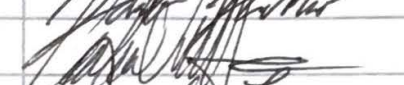

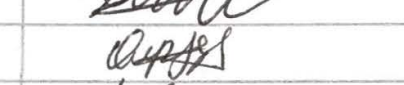

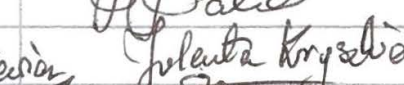
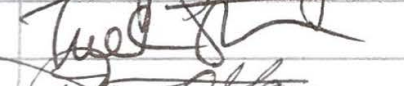
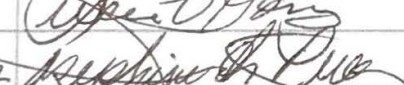
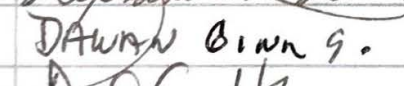



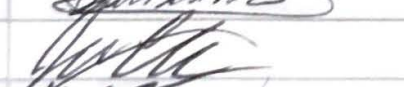

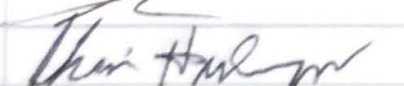


AK MARKET

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#	Printed Name	Signature	Address	Date
26	Eduardo humlen		1824 2571 W Sunflower St ^{Costa Mesa}	11/3
27	Dominique Bushnell		1095 Santa Catalina Circle	11/3
28	DANIEL Lusk		1005 3260 N AVE ^{CA 92603}	11/3
29	IAN DeFeo		1122 Salinas Ave ^{CM}	11/3
30	SOSC ROMERO		2501 W. SUNFLOWER BLVD	11/3
31	GREG REILAND		2424 S GRIFFIN AVE SA	11/4
32	JEFF POYNTER		2411 W. HARVARD ST SA	11/4
33	Dave Newell		2505 B West ^{BLVD SA 92604}	11/4-2
34	Reginald Rorick		3101 Fairview St Fairview Santa Ana	11/4
35	Scott Carson		2022 Canuche Cir CM	11/4
36	John Schilling		3476 Winchester Blvd CA	11/4
37	Dylan S. Pfeiffer		2925 Ellesmere Ave CM	11/4
38	Turner Clouse		3355 Via Merano CM 92606	11/4
39	Kyle Davis		3355 Via Merano, CA 92606	11/4
40	Jeff Burmeister		9 MacArthur Place ⁹²⁷⁰⁷ CA	11/4
41	Shawn Ferryman		1095 Tulare Drive, Costa Mesa	11/4
42	ROBERT RIVALE		133 S. DALE #7, Anaheim	11/4
43	Orlando Franco		2501 W. SUNFLOWER ^{CM 92604}	11/4
44	SILVIA KUTZ		3623 BEAR ST # K3A	11/4
45	Sally Satten		2620 W ORION AVE #2 ⁹²⁷⁰⁴	11/4
46	Shirley			
47	Stephanie Shinton		997 Azalea Dr, Costa Mesa	11/4
48	Zagner, Tadeusz		1089 Santa Cruz, Cir ⁹²⁶²⁰	11/4
49	Alfredo Herrera		1651 Mitchell Ave ^{CA 92780} Tustin	11/4
50	Matthew Romero		1101 W Stevens Ave. Apt. 83 ^{SA}	11/4
51	Carlos Calzada		2501 W Sunflower Ave E7 ⁹²⁷⁰⁴	11/4

Petition for Approval of Conditional Use Permit AK MARKET

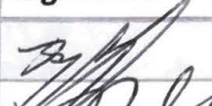
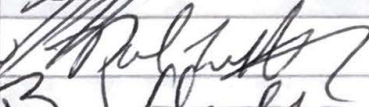
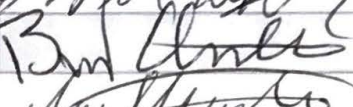
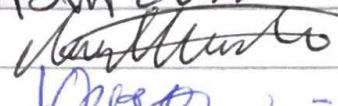
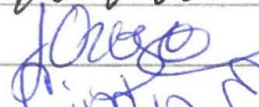



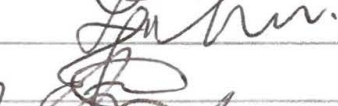


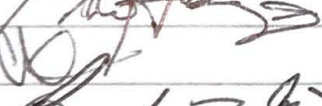

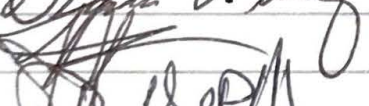
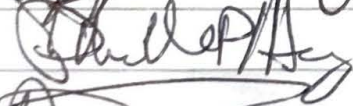
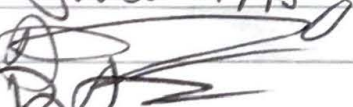
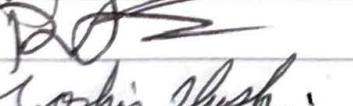
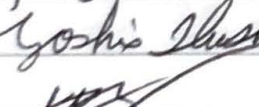
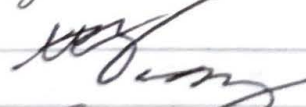
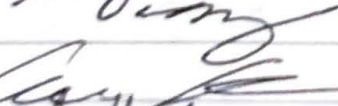


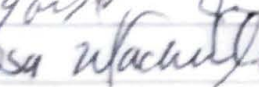
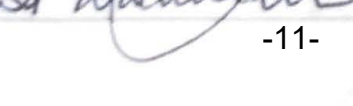

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#	Printed Name	Signature	Address	Date
52	JAMES ANDREWS		3683 S. BEAR ST ^{#H SANTA ANA} 92704	11/4/22
53	Hank Le		2516 W. MacArthur Blvd ^{Costa Mesa} 92626	11/4/22
54	Nick Archontes		1105 W Buckingham Dr ^{Santa Ana} CA 92704	11/4/22
55	Katie Mayes		2538 W. MacArthur Blvd, B	11/4/22
56	Jacob Lembeck		3366 Wisteria Cir, CM 92626	11/4
57	Andrew Villaluna		1000 South Coast Drive Costa Mesa CA 92626	11/4
58	Jay Erwin		3685 Aspen Village Way ^{Santa Ana} CA	11/4
59	Mya Mangin		3475 Windsor Ct ^{Costa Mesa} CA	11/4/2022
60	Angel Diaz		2511 W Sunflower Ave	11/4/22
61	Rio Novoa		1058 Visillia Dr Cam	11/5/22
62	PRAMOD PATEL		3312 S. ALTON COURT. ^{Santa Ana}	11/5/22
63	Jolanta Kryszewski		2511 Sunflower ST 92704	11/5/22
64	Michael Stegman		3471 Santa Catalina Cir, CM 92626	11/5/22
65	LUSCIA O GOMEZ		2719 W Juniper St S.A. CA 92704	11/5/22
66	Josephine D PEREZ		2719 W Juniper St. S.A. CA 92704	11-5-22
67	Dawn Binn		2536 B West MacArthur Blvd	11-5-22
68	DAVID HAWLEY		1050 SAN PABLO CIR CM	11/5/22
69	KOZLIN JOHANNSEN		2725 CLEVELAND AVE CM.	11/5/22
70	MICHAEL GORSKI		3408 LAVENDER Lane CM	11/5/22
71	Fernando Restrepo		3474 Niles Ct. S.A.	11/5/22
72	David Guvati		433 Edgewood St 54	11-5-22
73	John Chen		928 Carnation Ave CM	11-5-22
74	Victor Moran		2267 Canyon Dr, Costa Mesa, CA	11-5-22
75	Barbara Chubb		2614 W. Dunsmuir St.	11-5-22
76	Chris Hurlinger		3497 QUANO CTR 92626	11/5

Petition for Approval of Conditional Use Permit

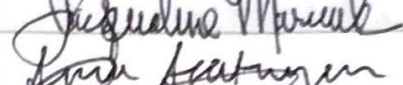

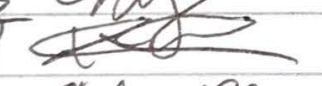
AK MARKET

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#	Printed Name	Signature	Address	Date
77	BRAD KAYE		2530 W. MACARTHUR BLVD #B SANTA ANA, CA 92701	11/5/22
78	Noel L Whalen		27700 W. SERRANO AVE #115	11/5/22
79	Brad Charlton		2620 W ORION AVE SA	11/6/22
80	MATT CHARLTON		2620 W Orion Ave	11-6-22
81	Juan Orozco		3924 S. Flower St. SA	11/6/22
82	Cynthia E. Egan		3685 Aspen Vlg Wy #C SA	11/6/22
83	THOMAS CALLAHAN		3130 S. FAIRVIEW ST SA	11/6/22
84	GEORGE MORALES		1017 BEGONIA AVE CM	11/6/22
85	LORENZO FOLCH		3463 SAN RAFAEL CIR CM	11/6/22
86	Josette Neale De Santis		1141 Buckingham Dr. Costa Mesa 92625	11/6/22
87	Kevin Craker		650 W Center Dr. Costa Mesa 92625	11/6/22
88	LAY. FETALAISA		1000 South Coast Dr Apt 204 CM	11/6/22
89	Meghan Foglia		1000 S. COAST DR. RIOY CM	11/6/22
90	Brendan Gerrity		1142 Buckingham Dr. Costa Mesa 92625	11/6/22
91	Shannon Daniels		6102 San Jose Costa Mesa 92625	11/6/22
92	Phillip Hay		1095 Santa Cruz Canal CM	11/6/22
93	Joshua Hayes		1073 Tulare Dr COSTA MESA	11/6/22
94	Ronnie Dufault		2855 PINECREED DR 9201 CM	11/6/22
95	YOSHIE IBUSHI		16937 MT. COLLIER ST. FV 92705	11/6/22
96	Adriana Hernandez		1305 S. Center St. SA	11/6/22
97	Trey Burdette		6722 Pinegrove Ln CM	11/6/22
98	Ami Kadie		2422 Niagara Way CM	11/6/22
99	Kathy Carrera		996 Carnation Ave CM	11/6/22
100	YASUKO JOYAKA		11311 WARNER APT 105, EV 92781	11/9/22
101	Wocheri Villahermosa		3333 Fairview Rd. CM	11/7/2022

Petition for Approval of Conditional Use Permit AK MARKET

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#	Printed Name	Signature	Address	Date
102	GENEVIEVE BELL		3533 PARKVIEW RD CUM	11/7/22
103	Linda Marozak		3730 S. Santa Fe Village Dr.	11-7-22
104	Jacqueline Marozak		3730 S. Santa Fe Village Dr.	11-7-22
105	ANNA ASATURYAN		208 POINTE DR. BREA, CA	11-7-22
106	Tessa Smith		302 Princeton Dr. Costa Mesa, CA	11/7/22
107	Jillian Smith		302 Princeton Dr. Costa Mesa, CA	11/7/22
108	Steve Johnson		2526 MacArthur Blvd S.A. 92704	11/7/22
109	VINCENTA ALICES		960 AZALEA DR CUM	11/7/22
110	TIM FETTIG		1079 REDDING AVE C.M. 92626	11/7/22
111	Tared Brillt		1610 N Broadway Santa Ana 92706	11/7/22
112	Brian Gray		3491 Windsor Court, CUM	11/7/22
113	NORMAN JOHNSON		3636 Fairview R CUM	11/7/22
114	Lee Candelana		1034 Secretariat Circle CUM	11/8/22
115	Braxton Corbin		1056 Salinas ave costamesa 92626	11/8/22
116	Shawn Schumacher		3444 Fuchsia St, Costa Mesa 92626	11/8/22
117	Teff Baruch		1180 Kingston ST Costa Mesa 92626	11/8/22
118	Miguel Hernandez		1054 Redding ave. Costa Mesa, CA	11/9/22
119	Nick Petrucci		1094 Visalia Dr. Costa Mesa, CA	11/9/22
120	Alex Gilman		2821 Sunflower Ave Costa Mesa	11/9/22
121	Dustin Gustafson		1074 Santa Cruz Cir, Costa Mesa	11-9-22
122	Thyme Nash		2521 W. Sunflower Ave Santa Ana	11-11-22
123	KARL MEJENDREZ		3604 W CRYSTAL W SANTA ANA CA	
124	Jacob Holiday		3384 Wimbledon Way, Costa Mesa	11/13/22



Legend

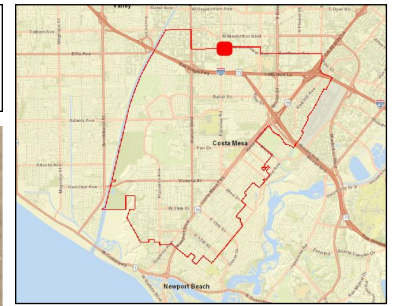
 Costa Mesa

Notes

0.0 0 0.02 0.0 Miles

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Legend

 Costa Mesa

Zoning

-  AP - Administrative Professional
-  IR-MLT - Institutional Recreational I
-  R1 - Single-Family Residential
-  R2-MD - Multiple-Family Residentie
-  R2-HD - Multiple-Family Residentia
-  R3 - Multiple Family Residential
-  MG - General Industrial
-  MP - Industrial Park
-  PDI - Planned Development Indust
-  C1 - Local Business
-  C2 - General Business
-  C1-S - Shopping Center
-  TC - Town Center
-  PDR-NCM - Planned Development Mesa
-  I&R - Institutional Recreational
-  I&R-S - Institutional Recreational - S
-  P - Parking
-  CL - Commercial Limited
-  PDC - Planned Development Compr
-  PDR-LD - Planned Development R
-  PDR-MD - Planned Development R Density
-  PDR-HD - Planned Development R

Notes

0.0 0 0.02 0.0 Miles

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PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 8, 2002

ITEM NUMBER: 111.5

SUBJECT: CONDITIONAL USE PERMIT PA-02-08
1178 SUNFLOWER AVENUE

DATE: APRIL 2, 2001

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, SENIOR PLANNER
714.754.5153

DESCRIPTION

The applicant proposes to sell alcoholic beverages from a reestablished convenience store. The store, previously occupied by Circle K, closed in November 2001.

APPLICANT

Paul Bozarth is representing the property owner, C.J. Segerstrom and Sons.

RECOMMENDATION

Withdraw the request for a conditional use permit for the convenience store, approve the request to sell alcoholic beverages, and make a finding that public convenience or necessity will be served by approval of the ABC license, by adoption of Planning Commission resolution, subject to conditions.

Will Bouwens-Killeen
WILLA BOUWENS-KILLEEN
Senior Planner

Perry L. Valentine
PERRY L. VALANTINE
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 1178 Sunflower Avenue Application: Conditional Use Permit PA-02-08

Request: Conditional use permit to allow sales of alcoholic beverages from a reestablished convenience store.

SUBJECT PROPERTY:

Zone: C1
 General Plan: Neighborhood Comm.
 Lot Dimensions: Irregular
 Lot Area: 23,087 sq.ft.
 Existing Development: Retail strip center

SURROUNDING PROPERTY:

North: City of Santa Ana – apartments
 South: (Acr Sunflower Ave)–PDR-LD, single-fam residence
 East: C1 – Water well
 West: C1, gas station

DEVELOPMENT STANDARD COMPARISON

Development Standard Required/Allowed Proposed/Provided

Lot Size:		
Lot Width		
Lot Area		
Floor Area Ratio:		
(Traffic FAR)		
Building Height:		
Interior Landscaping:		
Setbacks:		
Front		
Side (left/right)		
Rear		
Parking:		
Standard		
Compact		
Handicapped		
TOTAL:		
Driveway Width:		

NA = Not Applicable or No Requirement

CEQA Status: Exempt, Class 1

Final Action: Planning Commission

Notes: *

BACKGROUND

On April 17, 2000, City Council approved Planning Application PA-99-49, which included a conditional use permit to establish a new convenience store (Circle K), with sales of alcoholic beverages, at 3067 Bristol Street. Circle K intended to transfer their business from 1178 Sunflower Avenue to this new location. Because of concerns with the number of Alcoholic Beverage Control (ABC) licenses in the City, City Council included a condition requiring Circle K to surrender their existing ABC license at 1178 Sunflower Avenue. In November 2001, Circle K closed their 1178 Sunflower Avenue location.

The current applicant would like to open a new convenience store in the same suite vacated by Circle K. Although a new convenience store would normally have to obtain a CUP, one is not required in this case, because there is a legal nonconforming use, which may be reestablished any time within six months of its November 2001, closing.

However, the applicant is proposing to sell beer and wine, and has applied for a premises-to-premises transfer of a Type 20 (off-sale beer and wine) ABC license for that purpose. The zoning code requires an existing convenience store to obtain a conditional use permit prior to obtaining a new or transferred ABC license.

In addition, state law prohibits ABC from approving the transfer of an off-sale license if the census tract to which it will be transferred has an "undue concentration" of off-sale licenses. "Undue concentration" is defined as a higher ratio of off-sale ABC licenses to population than the county average. ABC may, however, approve the license if the City makes a finding that public convenience or necessity would be served by approval of the license. The census tract within which this site is located currently has four (4) off-sale ABC licenses. Under the State standard, an undue concentration of licenses would result if more than four (4) such licenses were issued. Thus, in addition to the conditional use permit, the City must make a finding of public convenience or necessity before the applicant may sell beer and wine.

ANALYSIS

The zoning code amendment requiring a conditional use permit for sales of alcoholic beverages was based on concerns with littering, loitering, graffiti, noise, and interference with the quiet enjoyment of surrounding properties. Adjacent apartment residents to the north should be buffered by the existing building since the parking lot and front door of the unit face Sunflower Avenue to the south. On Sunflower Avenue, a 25-foot deep landscaped setback, and a block wall separate the site from the single-family homes to the south. Furthermore, the applicant proposes limited hours of operation (7 a.m. to 9 p.m., Monday through Thursday and 7 a.m. to 11

p.m., Friday and Saturday), which should further reduce the potential for impacts on neighboring residents.

Although there are four existing off-sale ABC licenses in the census tract where this business is located, two of the licenses are for suites inside South Coast Plaza for a seasonal business (Christmas gift baskets). Consequently, beer and wine cannot be purchased throughout the year nor are they sold independent of the gift baskets. One of the licenses is for Cost Plus Imports, located at 1313 Sunflower Avenue. The fourth existing license is for the Mobil gas station abutting this site to the west (3470 Fairview Road). The gas station mini-mart sells snack-type foods, coffee and soft drinks in addition to beer and wine. The proposed convenience store will offer a greater variety of items, including grocery and household items (milk, bread, detergent, etc.) and beer and wine.

Because of the limited and seasonal nature of the businesses represented by two of the existing four licenses, it is staff's opinion that approval of the subject application will not violate the intent of State regulations limiting off-sale ABC licenses in census tracts with an undue concentration of licenses. Further, it is staff's opinion that public convenience would be served by approval of this ABC license because of the difference between the proposed convenience store and the more limited type and number of products offered in the adjacent gas station mini-mart. In addition, based on testimony from the property owner and adjacent business owners, reestablishment of a successful convenience market as an anchor to this neighborhood retail center will attract additional customers to other businesses in the center, resulting in a healthier economic environment for all.

The Police Department had 40 calls for service under this address in the last, approximately 8 years. Of these, at least 26 – or 65% - were for offenses against the Circle K (theft, primarily of beer, and robberies). Additionally, some calls of service were for trespassing and disturbances. However, since Circle K shared a common parking lot, it is difficult to confirm whether these calls for service were directly related to the Circle K. It is staff's opinion that, since the majority of the calls for service were for crimes committed against the store, there was not the disruptive effect on the surrounding community like loitering, drinking in public, littering, etc., which the conditional use permit requirement addresses. Furthermore, the new business owner has another, similar location in the City of Tustin which, according to the City of Tustin's Planning and Code Enforcement Departments, is operated without complaint.

The City Council adopted a list of standard conditions to be applied to liquor stores and convenience stores that sell alcoholic beverages. These conditions, which have been incorporated into the attached conditions of approval (Exhibit B), are intended to minimize negative impacts that such uses may have on surrounding properties, and to restrict the number of off-sale alcoholic beverage outlets in the City.

ALTERNATIVES

The Planning Commission may deny the requested conditional use permit to sell alcoholic beverages and not make the required public convenience or necessity finding. The convenience store could still open, but could not sell alcoholic beverages.

ENVIRONMENTAL DETERMINATION

This application is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

Although the abutting Mobil gas station property already has a type 20 ABC license, they provide a different type of service than the proposed convenience store. Approval would cause the census tract to have an undue concentration of off-sale ABC licenses. However, the intent of the limitation will not be violated, since two of the existing licenses are for a seasonal gift basket business, so beer and wine cannot be purchased throughout the year nor are they sold independent of the gift baskets. Public convenience or necessity will be served by the approval of the proposed ABC license. Approval will also bring additional customers and greater stability to other businesses in the center.

Attachments: Applicant's Project Description and Justification
 Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Plans

cc: Deputy City Manager - Dev. Svcs. Director
 Assistant City Attorney
 Assistant City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Mike Paz
 C.J. Segerstrom and Sons
 3315 Fairview Road
 Costa Mesa, CA 92626

Paul Bozarth
 18661 Vale Avenue
 Santa Ana, CA 92705

RESOLUTION NO. PC-02-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING CONDITIONAL USE
PERMIT PA-02-08

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES
AS FOLLOWS:


WHEREAS, an application was filed by Paul Bozarth, authorized agent for C.J. Segerstrom and Sons, with respect to the real property located at 1178 Sunflower Avenue, requesting approval of a conditional use permit to sell alcoholic beverages in a convenience store in the C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 8, 2002.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in exhibit "A", and subject to the conditions contained in exhibit "B", the Planning Commission hereby **APPROVES** Conditional Use Permit PA-02-08 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Conditional Use Permit PA-02-08 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 8th day of April, 2002.



Chair, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed sale of alcoholic beverages is substantially compatible with developments in the same general area. Specifically, the convenience store provides a different type of service than the adjoining gas station that also sells beer and wine. Although approval would cause the census tract to have an undue concentration of off-sale licenses, two of those licenses are for a seasonal gift basket business, which is not open year round and does not sell beer and wine independent of the gift basket. For these reasons, public convenience or necessity will be served by approval of the proposed ABC license. Reestablishment of a successful convenience market as an anchor to this neighborhood retail center will attract additional customers to other businesses in the center, resulting in a healthier economic environment for all. Past calls for Police service at this site have been primarily for crimes against the store, and not for littering, loitering, drinking in public, or other problems which the conditional use permit requirement is intended to address. The business owner operates a similar business in the City of Tustin without any record of Planning or Code Enforcement complaints. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable
2. Prior to alcohol sales at this location, the applicant shall exercise his best efforts to purchase and transfer an existing Alcoholic Beverage Control license from a location within the City limits of Costa Mesa. If, within a six-month period, it can be proved to the satisfaction of staff that this is not possible, then a transfer from outside Costa Mesa will be permitted.
3. Alcoholic beverage sales shall be limited to only beer and wine.
4. No wine shall be sold with an alcoholic content of greater than 15% by volume except for "dinner wines" which have been aged 2 years or more and maintained in corked bottles.
5. Wine shall not be sold in bottles or containers smaller than 750 milliliters.
6. No sale of beer in single cans or bottles (any size) shall be permitted. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of 2 or more gallons, which are clearly designed to dispense multiple servings.
7. Malt beverages, wine coolers or pre-mixed distilled spirit cocktails (if allowed by the license) packed in 16-ounce containers or smaller, may not be sold as single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
8. Beer or wine shall not be displayed or sold from an ice tub or any other type of portable refrigerated unit.
9. Applicant shall post signs inside and outside the premises prohibiting the on-site consumption of alcoholic beverages and loitering.
10. Applicant shall post signs inside and outside the premises in compliance with the City of Costa Mesa Municipal Code notifying the public with regard to the prohibition of open containers of alcohol beverages.
11. Every 2 hours, from 4:00 p.m. to closing, the applicant shall patrol the area over which the applicant has control in an effort to prevent the loitering of persons about the premises. The applicant shall make

reasonable efforts to prevent loitering during other hours the business is open.

12. Applicant shall secure the premises with appropriate security lighting and employee scrutiny of adjacent areas under which applicant has control, to prevent trash, graffiti and littering. Any lighting under the control of applicant shall be directed in such a manner so as not to unreasonably interfere with the quiet enjoyment of nearby residences. Applicant shall further provide adequate lighting above the entrance to the premises sufficient in intensity to make visible the identity and actions of all persons entering and leaving the premises.
13. Exterior public telephones shall be equipped to prohibit incoming calls.
14. Except as permitted by the City of Costa Mesa Municipal Code for temporary window signs, windows shall not be blocked or obscured.
15. The applicant shall maintain free of litter all areas of the premises under which applicant has control.
16. Any graffiti painted or marked upon the premises shall be removed or painted over within 48 hours of being applied.
17. Exterior advertising shall comply with the City's sign regulations, and exterior advertisements shall be prohibited which indicate the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible from the exterior at the closest public street or sidewalk, shall constitute a violation of this condition.
18. Hours of operation are limited to 7 a.m. to 9 p.m., Sunday through Thursday and 7 a.m. to 11 p.m. Friday and Saturday. Expansion beyond these hours will require prior approval of an amendment to this conditional use permit.
- Police 19. A list of security recommendations has been provided by the Police Department for the applicant's consideration.
20. Applicant and property owner shall work with the adjacent property owner to the north to, if possible, extend the height of the wall/fence between the two properties.

STATE OF CALIFORNIA)

)ss

COUNTY OF ORANGE)

I, Perry L. Valentine, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 8, 2002, by the following votes:

AYES: COMMISSIONERS: Katrina Foley, Bruce Garlich, Walt Davenport and Eleanor Egan

NOES: COMMISSIONERS: Bill Perkins

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

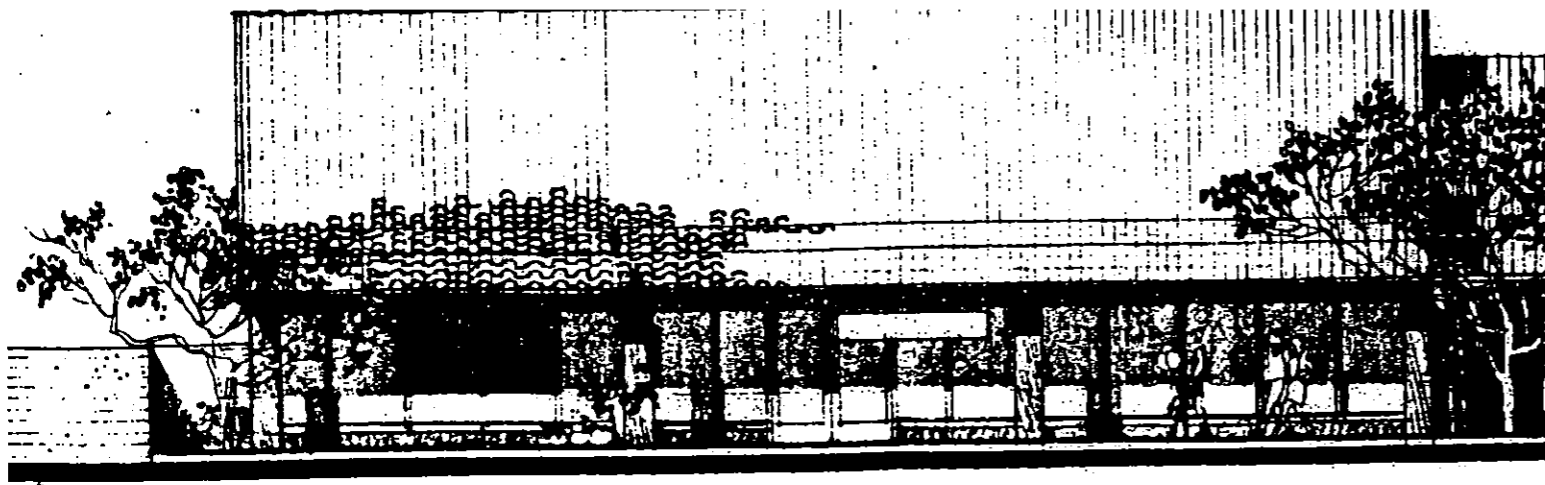


Secretary, Costa Mesa
Planning Commission

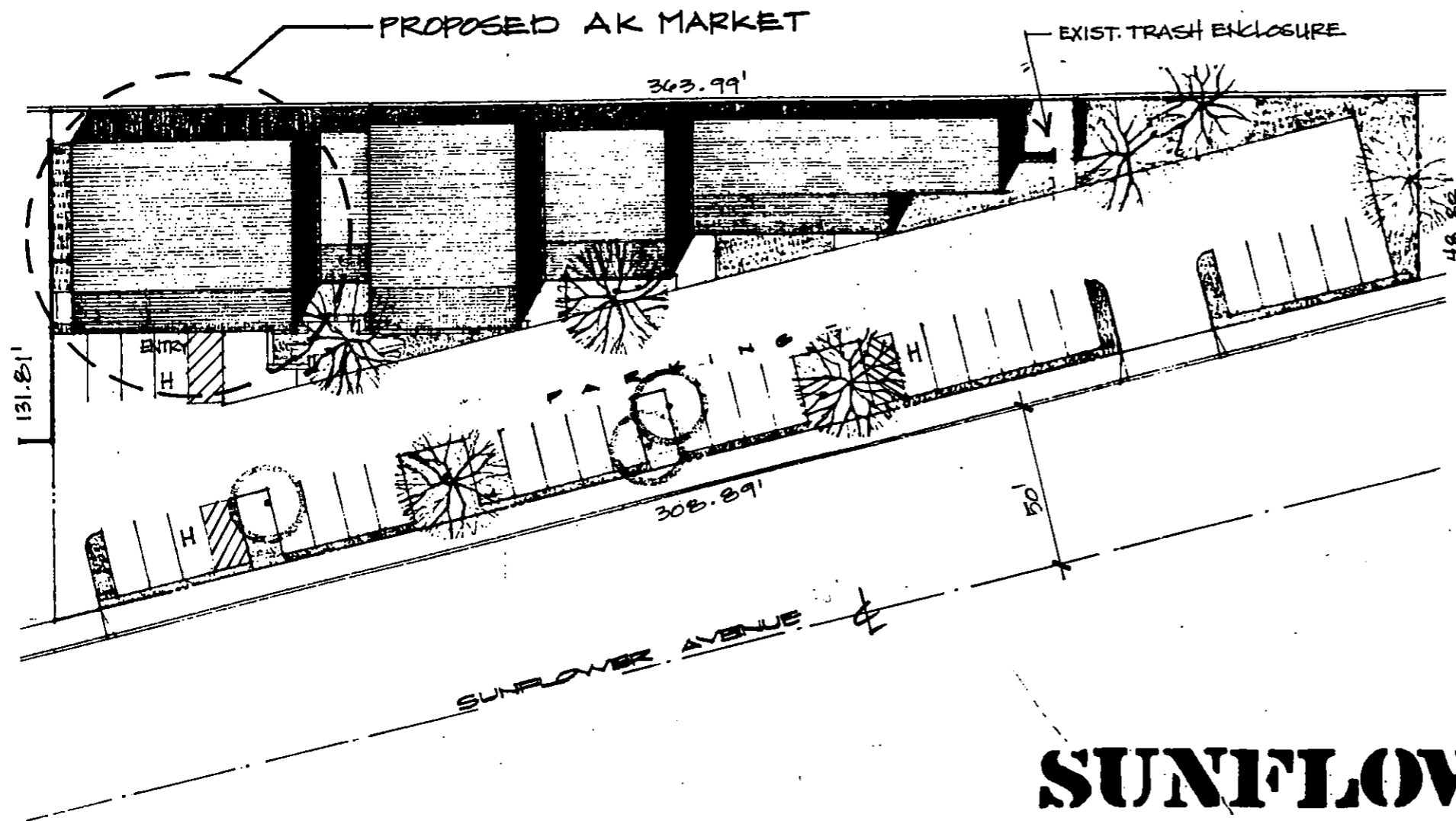
CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- | | | |
|----------------|----|--|
| Ping. | 1. | Approval of the conditional use permits valid for one (1) year and will expire at the end of that period unless business license is obtained and business commences, or the applicant applies for and is granted an extension of time. |
| Parks & Pkwys. | 2. | Existing trees to remain. |



SUNFLOWER AVE. ELEVATION
= 1"=20'



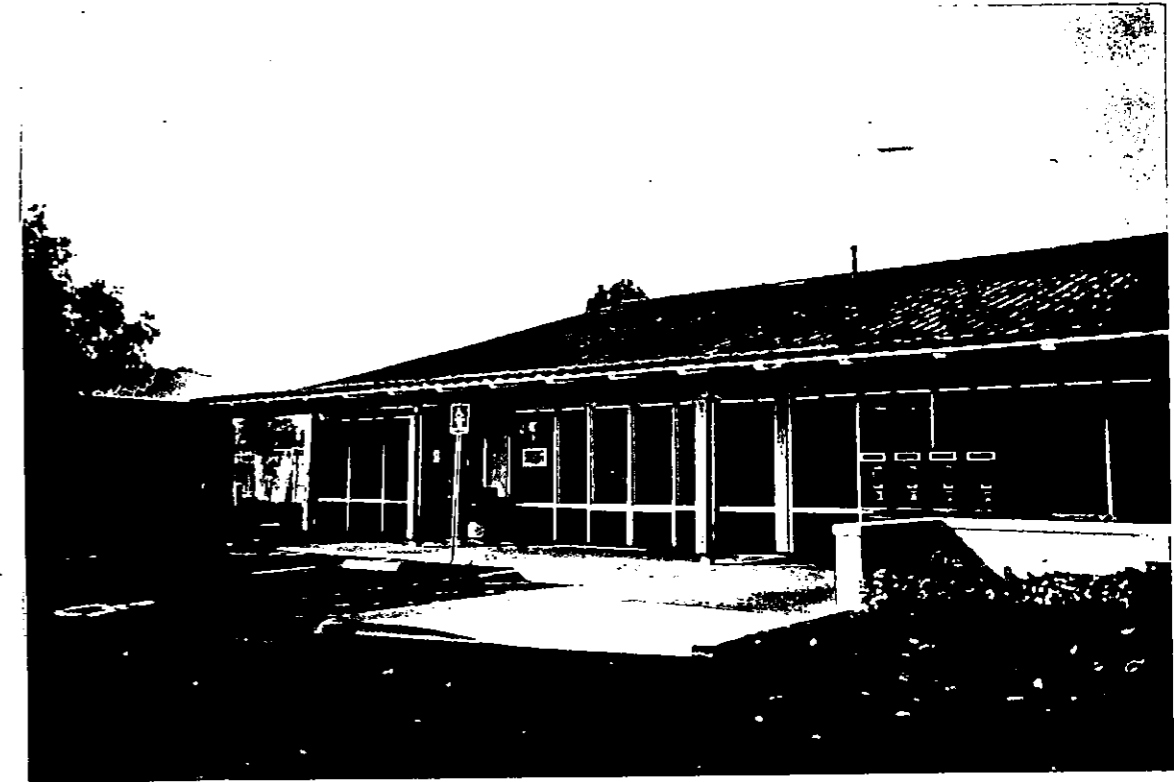
31 PARKING SPACES PROVIDED

SITE PLAN

SCALE: 1/40" = 1'-0"



(17)



APPLICANT/TENANT: KIMER PATEL
425 S. STATE COLLEGE BLVD.
ANAHEIM 92806 (714) 609-1516

SUNFLOWER CENTER

PROPOSED AK MARKET 1178 SUNFLOWER AVENUE AVE.

ARCHITECT: PAUL BOZARTH 18661 VALE AVE.
SANTA ANA 92705 (714) 538-5777

MARCH 5-02

SERVICE

PREP

OFFICE

WALK-IN REFRIGERATOR

WINE & BEER

SODAS

CANDY/CHIPS

COFFEE
SERVICE

CHECK-OUT
COUNTER

PROPOSED
AK MARKET

GROCERIES

EXISTING
DOUGHNUT
SHOP

PRIOR
FLORIST
(VACANT)

1178

60' x 40' = 2400 S.F.

1172

20' x 40' = 800 S.F.

1166

40' x 42'-10" = 1712 S.F.

EXIST
HANDICAP
PARKING

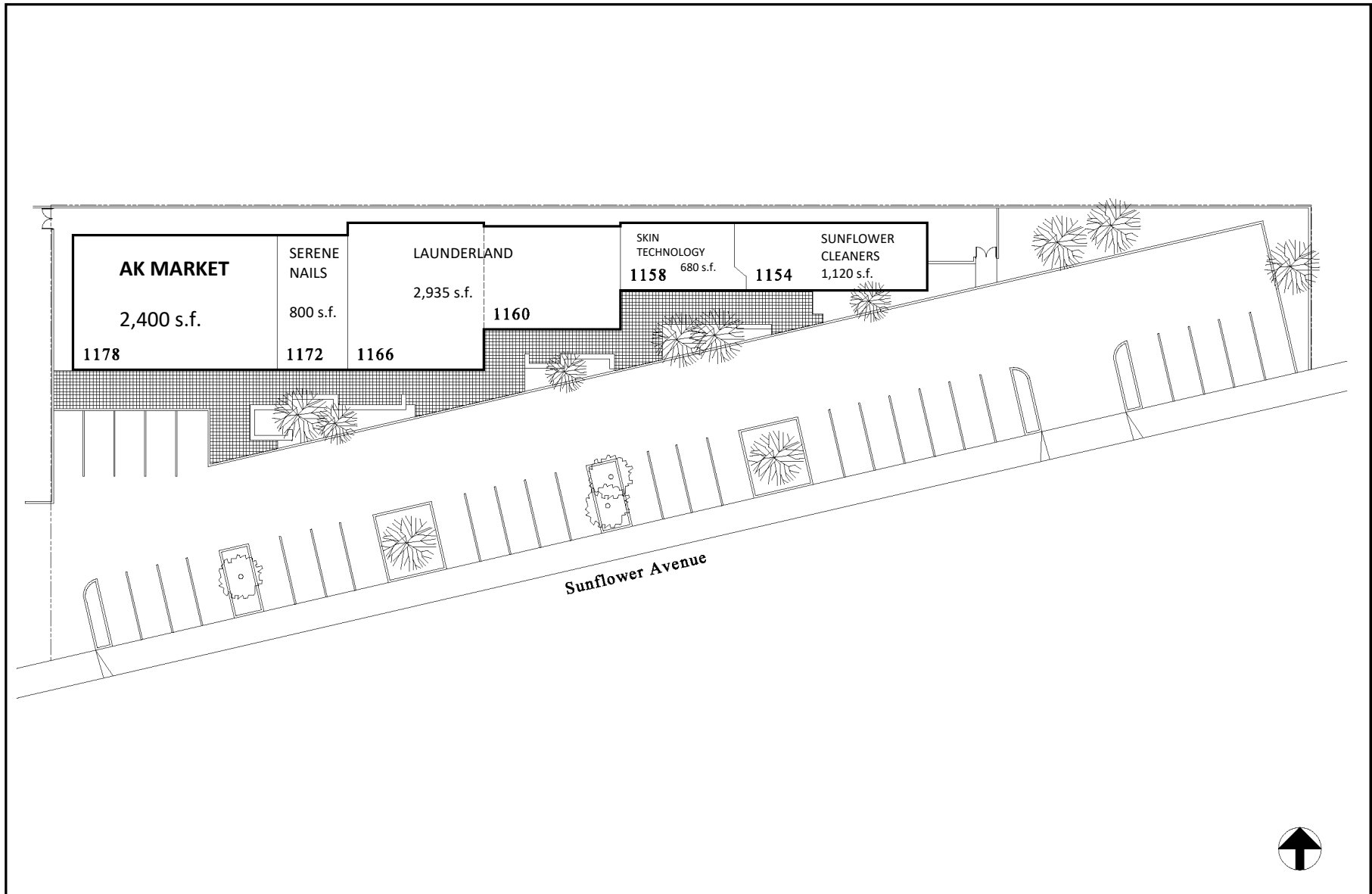
FLOOR PLAN

SCALE: 1/8" = 1'-0"



MARCH 5.02

18



Sunflower Center

1154-1178 Sunflower Avenue, Costa Mesa, CA

J. Marzich Design
 Commercial Interior Planning
 1154-1178 Sunflower Avenue, Costa Mesa, CA 92626
 714.441.1111
 January 20, 2012

RIMANDO, JEFFREY

Subject: RE: Application PA-22-43 1178 Sunflower ave Rakesh Dadrah

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

From: SKIN TECHNOLOGY <ocfacials@yahoo.com>
Sent: February 17, 2023 6:08 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: Application PA-22-43 1178 Sunflower ave Rakesh Dadrah

I have been doing business in the same shopping center along side AK Market for more than 20 years. I'm supportive of them and haven't had any issues with them and their business.
I hope city grant their application and renew their license.

Melody Sarabi
Skin Technology
1158 Sunflower ave.
714-356-1310

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.

RIMANDO, JEFFREY

Subject: RE: In support of CUP PA-22-43

From: Jared Britt <jaredbritt4@gmail.com>

Sent: February 18, 2023 5:28 PM

To: PC Public Comments <PCPublicComments@costamesaca.gov>

Subject: In support of CUP PA-22-43

Hello planning commission, my name is Jared Britt. This email is regarding application PA-22-43. I've been a resident of this neighborhood for 2 years now and I trust the staff and the customers that come here. I feel safe and welcomed when I go to AK. They always have what I need. I am confident the operators of AK Market will be responsible with this new upgrade to their license. Please accept this email as support for their upcoming public hearing on Feb 27.

Jared Britt

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RIMANDO, JEFFREY

Subject:

RE: Planning Commission

From: Heather Hatcher <heatherashleehatcher@yahoo.com>

Sent: February 18, 2023 3:48 PM

To: PC Public Comments <PCPublicComments@costamesaca.gov>

Subject: Planning Commission

Dear Costa Mesa Planning commission,

My name is Ashee Shaw and I live in Costa Mesa. I'm writing in regards to the pending updates to AK Market. This is the closest market to my home and I find the owners to be so kind, helpful, and hardworking. I have been made aware that AK market has applied to update their liquor selection which I think would greatly improve their store as well as allowing residents to give their money towards a small family owned business. Thank you for your time and high hopes you grant their request!

Thank you,

Ashlee Hatcher

850.238.1665

<http://www.raptorjewelry.com>

<http://www.littlemermaidproperties.com>

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RIMANDO, JEFFREY

Subject: RE: Protest against passage of liquor issue license type 21 for AKTA Investments

From: Phil Twente <ptwente@gmail.com>

Sent: February 18, 2023 3:45 PM

To: PC Public Comments <PCPublicComments@costamesaca.gov>

Cc: Phil Twente <ptwente@gmail.com>

Subject: Fwd: Protest against passage of liquor issue license type 21 for AKTA Investments

Attached is my completed form ABC-510 protesting against the issuing of alcoholic beverage Type 21 license for:

Application No. PA-22-43

Applicant: 1178 Sunflower Ave # E, Costa Mesa, CA 92626-1630

Type of license: 21 - Off Sale General

Names of applicant - AKTA Investments, Inc. Rakesh Dadrah

DBA: AK Market

Please confirm receipt of this protest!

Philip W. Twente

3489 Wimbledon Way, Costa Mesa, CA 92626

email: ptwente@gmail.com

phone: 714 425 9221

Thank you.

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PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. April 2010), before completing and submitting your protest. The ABC-510 is located at www.abc.ca.gov and in each district office.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA), (Gov. Code sec. 6254 et seq.)
- A copy of all valid and verified protests (ABC-510-A) and Protestant's/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Rakesh Dadrah/C.J. Segerstrom & Sons; AK Market; AKTA Inv. Inc.

(Name(s) of Applicant(s))

For premises at:

1178 Sunflower Ave, App # PA-22-43

(Exact address of proposed premises)

on the grounds that:

The premises is located just across the street, in the immediate vicinity of a school and a church and a children's playground. The normal operation of the licensed premises would interfere with their functions, (Bus. & Prof. Code # 23789.) Sale of liquor will adversely affect the facilities of the school, church and playground.

There is already a problem of homeless, mostly drunk, sleeping on the sidewalk, bus stop benches and on lawns. There have been problems already with homeless hanging around the school and church.

Sale of hard liquor would only make the problem worse. I can not visualize any advantage of having this Type 21 permit issued.

I have been a home owner/resident in Wimbledon Village, directly across Sunflower Avenue from the AK Market. I strongly object to any issuance of any increased sale of alcohol beverages. ☒

☐ Check here if additional sheets attached

I, **Philip W. Twente**, declare under penalty of perjury:

PRINT (Name of Protestant)

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

PROTESTANT'S SIGNATURE

Philip W. Twente

SIGNED AT (City and State)

3489 Wimbledon Way, Costa Mesa, CA 92626

PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)

TELEPHONE NUMBER (Optional & non-public)

(714) 425-9221

DATE SIGNED

02/17/23

RIMANDO, JEFFREY

Subject: RE: Public hearing PA-22-43

From: Sid Rai <sidnot@gmail.com>
Sent: February 22, 2023 8:54 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: Public hearing PA-22-43

Hello, my name is Sidhartha Sticco and 1178 Sunflower Ave is my local convenience store. The owners are always gracious, attentive and provides top notch service, this has been a great motivation to keep returning.

I also believe that the upgrade to their license would help to meet the needs of the local community, providing a more convenient and accessible option for purchasing alcoholic beverages. It would also help to boost the business of the store, and contribute to the economy of my neighborhood. I support this change at 1178 Sunflower Ave and I hope that you will take my comments into account.

Thank you for your attention to this matter.

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CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1097

Meeting Date: 2/27/2023

TITLE:

PLANNING APPLICATION 21-36 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 167 CABRILLO STREET (CABRILLO COMMUNITY PROJECT LLC DBA NATIVE GARDEN)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

RECOMMENDATION:

Staff recommends the Planning Commission review and consider the revised staff report and Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 21-36, subject to conditions of approval.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 27, 2023

ITEM NUMBER: PH-2

**SUBJECT: PLANNING APPLICATION 21-36 FOR A RETAIL CANNABIS
STOREFRONT BUSINESS LOCATED AT 167 CABRILLO STREET
(CABRILLO COMMUNITY PROJECT LLC DBA NATIVE GARDEN)**

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: MICHELLE HALLIGAN, CONTRACT PLANNER

**FOR FURTHER INFORMATION MICHELLE HALLIGAN
714-754-5608**

CONTACT: MICHELLE.HALLIGAN@COSTAMESACA.GOV

RECOMMENDATION

Staff recommends the Planning Commission review and consider the revised staff report and Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 21-36, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The applicant/authorized agent is Christopher Glew on behalf of Cabrillo Community Project LLC dba Native Garden and the property owner, Palanjian Family Trust.

PLANNING APPLICATION SUMMARY

Location:	167 Cabrillo Street	Application Number:	PA-21-36
Request:	Planning Application 21-36 for a Conditional Use Permit for the establishment of a cannabis retail storefront in the CL (Commercial Limited District) zone.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	CL (Commercial Limited District)	North:	R2-HD (Multiple-Family Residential, High Density)
General Plan:	Neighborhood Commercial	South:	CL (Commercial Limited District)
Lot Dimensions:	North: 67.59; South: 82.57' East: 87.54'; West: 72.53'	East:	CL (Commercial Limited District)
Lot Area:	7,180 SF	West:	CL (Commercial Limited District)
Existing Development:	One 1,050-square-foot single-story building.		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed CL Zone	Proposed/Provided
Building Height	2 stories/30 ft. maximum	13'-8"
Setbacks:		
Front	20 ft. minimum	24'-11"
Side	15 ft. minimum (public street) 15 ft. minimum (interior)	34'-5" 9'-10" ¹
Rear	0 ft.	32'-10"
Landscape Setback – front	20 ft.	27'-10"
Parking	4 stalls	6 stalls ²
Floor area ratio (FAR)	0.15 maximum	0.15
¹ The interior side setback was approved by Zoning Exception 80-124.		
² The proposed site plan includes bike racks for a credit of one parking stall, included in the proposed total.		
CEQA Status	Exempt per CEQA Guidelines Section 15270 (Disapproved Projects) or 15301 (Existing Facilities)	
Final Action	Planning Commission	

BACKGROUND

Planning Application PA-21-36 was presented at the Planning Commission meeting on January 23, 2023. The staff recommendation was for project denial. After considering the information provided in the staff report, the applicant's presentation, and public comment, the Planning Commission voted 6-1 to continue the public hearing to their regular meeting on February 27, 2023. The Planning Commission specifically directed staff to return with a draft approval resolution with conditions of approval for Planning Commission consideration.

For a complete analysis of the site history, proposed project, site conditions and adjacent area conditions and uses, the January 23, 2023 Planning Commission staff report and attachments are available online via the following link:

- Staff Report and Resolution for Denial:
<https://costamesa.legistar.com/View.ashx?M=PA&ID=1077538&GUID=9FA32ADF-FAAE-4555-9BB4-21B74D804B36>
- Video:
https://costamesa.granicus.com/player/clip/3939?view_id=14&redirect=true&h=bf172995f3dead1f3cf00ad9a8b75080

ANALYSIS

At the January 23, 2023 Planning Commission hearing, after receiving the staff presentation and considering public testimony, Commissioner Zich made a motion that was seconded by Commissioner Toler to continue Planning Application 21-36 to February 27, 2023. During Planning Commission discussion of the proposed motion, the majority of the Planning Commission generally commented that a denial of the application may not be warranted pending Planning Commission review of potential conditions of approval. The Planning Commission directed staff to develop conditions of approval for the Planning Commission to consider, and also provided the following specific comments regarding the project and its surroundings:

- Cabrillo Street serves both commercial and residential uses, and the revised analysis should “balance the rights of businesses with the expectations of the adjacent residential uses”;
- Since major commercial corridors are now being considered for residential uses, locating retail activities away from residential areas and only on major commercial corridors may not be desirable;
- The proposed cannabis use is consistent with the “Commercial Limited” Zoning District in that the proposal includes relocating the front entrance, providing landscaping on Cabrillo Street, and according to the applicant’s presentation includes a business model that provides considerable customer consultation that will ultimately slow-down customer turn-over;
- There are businesses such as a gym, a seafood restaurant and many other commercial uses located in close proximity to the Cabrillo Street residential neighborhood;
- The proposed cannabis retail storefront is not located in close proximity to the City’s commercial corridors, and includes a relatively small retail floor area; therefore, the proposed use can be considered a neighborhood serving business and could be consistent with the intent of the “Commercial Limited” Zoning District;
- The proposed cannabis retail storefront is consistent with Measure Q and the voter’s intent to allow cannabis operations in the City’s commercial zoning districts;

- Traffic and circulation impacts from the business should be considered by staff , and with specific emphasis on past vehicle collisions occurring in the area, and the circulation affects from “cut-through” traffic on Cabrillo Street; and
- The cannabis retail storefront may be potentially a viable use if hours of operations are modified/limited;

Conditions of Approval

Staff developed a Resolution for approval of the subject application based on the Planning Commission's comments, and included staff recommended conditions of approval. Per Operational Condition No. 2, the business would operate between the hours of 9 AM and 6 PM, seven days per week. This is generally consistent with the nearby uses operating in the Commercial Limited Zoning District and is two hours longer than the existing spa business currently operating at the site. The staff-proposed hours of operation is less than the maximum permitted hours allowed for cannabis retail establishments by the CMMC (7 AM and 10 PM) and two hours less than the applicant's originally proposed hours of operation (9 AM to 8 PM). However, the Planning Commission could also consider reducing the hours further in the morning or in the evening to improve neighborhood compatibility, or increasing the hours if the Commission believes that staff's proposed hours of operation are excessively conservative. In addition and similar to several other previous cannabis application approvals, staff has included a condition of approval that requires the applicant return in six months (from the date of opening) for a follow-up Planning Commission review. This CUP shall be placed on the Planning Commission agenda as a noticed public hearing item for a follow-up review, consideration of operations, and modifications to the conditions of approval. Prior to that hearing, staff may provide notice to the neighbors, obtain any information regarding calls for service, and request that the City's Transportation Division visit the site during peak traffic hour periods to determine any traffic and/or circulation issues. During this six-month review, the Planning Commission may also consider modifying the approved hours of operation as well as other conditions of approval and may make modifications necessary to ensure neighborhood compatibility based on evidence in the record.

Lastly, staff has conditioned the proposed business to comply with City's typical cannabis storefront operational conditions/requirements as follows:

- Display State license, CBP, and City business license in a conspicuous building location;
- Shipments of cannabis goods may only be accepted during regular business hours (9 AM and 6 PM);
- Cannabis inventory shall be secured using a lockable storage system during non-business hours;
- At least one licensed security guard shall be on premises 24-hours a day;
- The premises and the vicinity must be monitored by security and/or other staff to ensure that patrons immediately leave and do not consume cannabis onsite or within close proximity. The CMMC prohibits the consumption of cannabis or cannabis products in public areas; cannabis consumption is limited to non-public

areas, such as within a private residence. State law further prohibits cannabis consumption and open container possession within 1,000 feet of sensitive uses and while riding in or driving a vehicle;

- There must be continuous video monitoring and recording of the interior and exterior of the premises;
- Adequate security lighting shall be provided and shall be designed to prevent offsite light spill;
- Onsite sales of alcohol or tobacco products and on-site consumption of alcohol, cannabis, and tobacco products is prohibited;
- No one under the age of 21 is allowed to enter the premises. If the business holds a retail medical cannabis license (M-license) issued by the State, persons over the age of 18 may be allowed with the proper medical approvals i.e. physician's recommendation or medical card pursuant to CMMC Section 9-495(h)(6);
- Prior to employment, all prospective employees must successfully pass a background check conducted by the City, and the employee must obtain a City issued identification badge;
- Customers are only granted access to the retail area after their age and identity has been confirmed by an employee;
- Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information:
 - Date and time of transaction;
 - Name and employee number/identification of the employee who processed the sale;
 - List of all cannabis goods purchased including quantity; and
 - Total transaction amount paid.
- There must be video surveillance of the point-of-sale area and where cannabis goods are displayed and/or stored;
- Cannabis products shall not be visible from the exterior of the building;
- Free samples of cannabis goods are prohibited;
- When receiving new inventory from licensed distributors, employees will verify the distributor's identity and license prior to allowing them to enter the facility through an access-controlled door. After distributor's credentials have been confirmed, an employee will escort the distributor to the controlled access door and remain with them throughout the process.
- Cannabis goods to be sold at this establishment must be obtained by a licensed cannabis distributor and have passed laboratory testing;
- Cannabis product packaging must be labeled with required test results and batch number; and
- Packaging containing cannabis goods shall be tamper and child-resistant; if packaging contains multiple servings, the package must also be re-sealable.

GENERAL PLAN CONFORMANCE

Based on the comments provided by the Planning Commission at the January 23, 2023 public hearing, staff has revised the below applicable General Plan Conformance review to reflect the Planning Commission's feedback:

1. **Policy LU-1.1:** *Provide for the development of a mix and balance of housing opportunities, commercial goods and services and employment opportunities in consideration of the need of the business and residential segments of the community.*

Consistency: The proposed use would provide a new entrepreneurial business in Costa Mesa as allowed under Measure Q, and provides new goods and services and new employment opportunities in the community; therefore, the proposed use would be consistent with General Plan Policy LU-1.1.

2. **Objective LU-6B:** *Encourage and facilitate activities that expand the City's revenue base.*

Consistency: Retail cannabis uses are expected to generate increased tax revenues in that cannabis sales are subject to a seven-percent local tax on gross receipts. Approval of the proposed cannabis retail storefront would allow business operations that would expand the City's revenue base. This revenue can then be used for community services and infrastructure improvements that serve the community; therefore, the proposed use would be consistent with General Plan Policy LU-6B.

3. **Policy LU-6.15:** *Promote unique and specialized commercial and industrial districts within the City which allow for incubation of new or growing businesses and industries.*

Consistency: The proposed use is part of the specialized and growing cannabis industry. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry; therefore, the proposed use would be consistent with General Plan Policy LU-6.15.

4. **Policy LU-3.1:** *Protect existing stabilized residential neighborhoods, including mobile home parks (and manufactured housing parks), from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

Consistency: The CMMC does not establish a minimum separation between retail cannabis uses and residential uses. The City's thorough, multi-step permitting process and project-specific conditions of approval decrease the potential for a cannabis storefront business to impact neighboring properties including residential uses. In addition, the 1,050-square-foot retail facility has a small footprint, an operational plan that would limit customer turn-over (according to the applicant), conditions of approval are proposed that will minimize impacts to traffic and parking, and the use would be located in an area that includes a variety of office, retail and other commercial uses in close proximity, and therefore would not result in an incompatible or potentially disruptive land use and/or activity.

Further and as conditioned, the proposed cannabis retail storefront would have limited hours of operation. Signs would also be posted in the parking lot to remind customers, employees, and vendors to exercise consideration for adjacent uses. Lastly, the use would be conditioned to have a security

guard present at all times. As a result, the use would operate similarly to other commercial uses in this area, and would not disrupt existing residential uses in the vicinity. Therefore, the proposed use would be consistent with General Plan Policy LU-3.1.

5. **Policy C-1.11:** *Reduce or eliminate intrusion of traffic related to non-residential development on local streets in residential neighborhoods.*

Consistency: The proposed cannabis storefront would be located at the intersection of Cabrillo Street and Fullerton Avenue, two streets where there is a mixture of commercial and residential uses. The general vicinity also includes a variety of retail, office, and restaurant uses. The City's Transportation Division staff determined that the projected number of vehicle trips that may result from the proposed use is 53 trips per day, which does not meet the threshold to warrant a traffic study. Furthermore, staff review of five years of neighborhood accident and complaint data does not indicate any existing transportation issues on Cabrillo Street. However, if a parking or circulation concern arises at the proposed business, draft operational condition of approval number 6 directs the business owner or operator to incorporate parking and circulation management techniques in a manner deemed appropriate by the Director of Economic and Development Services. Given the location of the proposed project in a mixed-use area, and trip generation estimates indicating 53 new trips per day, the proposed use would not result in the intrusion of traffic on a local street in a residential neighborhood, consistent with General Plan Policy C-1.11.

6. **Policy N-2.9:** *Limit hours and/or attenuation of commercial/entertainment operations adjacent to resident and other noise sensitive uses in order to minimize excessive noise to these receptors.*

Consistency: Although the proposed cannabis storefront would be located adjacent to a residential use and across the street from residential uses, the business operation would be limited in scope and hours. As conditioned, the proposed 1,050-square-foot cannabis establishment would be open less than the maximum hours allowed by the CMMC. Furthermore, the proposed retail storefront would be required to have onsite security at all times and parking lot signage reminding customers, employees, and vendors to exercise consideration. As stated in proposed operational condition of approval number 5, the use must operate "in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute appropriate security and operational measures as necessary to comply with this requirement." Therefore, the use would be consistent with General Plan Policy N-2.9.

FINDINGS

Based on the comments provided by the Planning Commission at the January 23, 2023 public hearing, staff has revised the below required findings pursuant to Title 13, Section 13-29(g):

- *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.*

The subject site is located within the CL zone (Commercial Limited District) and the general vicinity includes a variety of commercial uses including office, retail, fitness, and restaurant uses. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation. These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof, no outdoor storage or sales are proposed nor would be allowed.

The CMMC does not establish a minimum separation between retail cannabis uses and residential uses. Instead, the City's thorough, multi-step permitting process and project-specific conditions of approval decrease the potential for the proposed use to impact neighboring properties, including residential uses.

As conditioned, the use would operate under restricted hours in consideration of adjacent uses. Other conditions of approval are designed to further improve compatibility with other uses in the area, including but not limited to:

- At least one security guard shall be present at all times;
- Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not detected outside the property, anywhere on adjacent property or public right-of-way;
- A lighting plan shall be provided during plan check and exterior lighting shall be shielded down and away from adjacent properties;
- Signs regarding consideration and noise shall be posted in the parking lot;
- A parking management and security plan would be required for any grand opening or other high volume event; and
- The operator would be required to make changes to the business should noise or parking problems arise.

The proposed use would be substantially compatible with developments in the general area and would not be materially detrimental to other properties within the area.

- *Granting the 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.*

The proposed cannabis retail storefront use would follow safety measures detailed in a professionally prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, at least one security guard would be onsite at all times and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and interior limited access spaces. In addition, the business employees must pass a live scan background check and obtain an identification badge from the City. As conditioned, the proposed use would feature air filtration devised so odors from cannabis are not detected outside the property. When operating in accordance with the professionally prepared security plan and in conformance with local and State laws, the proposed use would not be materially detrimental to public health and safety, or otherwise injurious to property or improvements within the immediate neighborhood.

- *Granting the 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 retail use would be located in an existing commercial building on a property that has a General Plan land use classification of "Neighborhood Commercial." Given the limited customer area (approximately 400 square feet) of the proposed retail establishment, and being located several hundred feet from a major commercial corridor, the proposed use is considered a neighborhood-serving business as intended by the General Plan. No additional square footage is proposed and the current use is retail in nature, therefore approving the CUP would not increase site intensity.

The proposed use, as conditioned, is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; promoting the incubation of unique and specialized businesses; protecting neighborhoods; reducing nonresidential traffic in residential neighborhoods; and reducing noise impacts on sensitive receptors.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing or prior use. This project site contains an existing commercial building that has previously been used for commercial

activities and the application does not propose an increase in floor area and reflects a negligible expansion of the prior commercial use. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the hearing should be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings into a Resolution for denial. If denied, staff will return at a subsequent Planning Commission meeting with a denial resolution that reflects the Planning Commission's decision for adoption. If the project is denied, the applicant could not submit substantially the same type of application for six months.

LEGAL REVIEW

The draft Resolution and this report have been approved as to form by the City Attorney's Office.

PUBLIC NOTICE

Pursuant to Title 13, Section 13-29(d) of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site.
3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

CONCLUSION

The proposed project is a retail cannabis storefront at a developed commercial property that is located in the CL zone (Commercial Limited District). Although the property is located adjacent to several residential uses, the CMMC does not establish any minimum separations between retail cannabis and residential uses. Further, the proposed location meets all of the separation requirements established in CMMC 13-200.93(e).

Staff and the City's cannabis consultant completed the Pre-Application Determination, Business Plan and Security Plan evaluations, owner background checks, and thoroughly reviewed the CUP materials. If approved, the proposed use is subject to conditions of approval and regulations to facilitate substantial compatibility with surrounding uses and developments. Lastly, the Planning Commission should consider if the staff recommended draft conditions of approval justifies approval of the application based on the required CUP findings, and/or direct staff to include further conditions.

RESOLUTION NO. PC-2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-36 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (CABRILLO COMMUNITY PROJECT LLC DBA NATIVE GARDEN) IN THE CL ZONE AT 167 CABRILLO STREET

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, in November 2020, the Costa Mesa voters approved Measure Q; which allows for storefront and non-storefront retail cannabis uses in commercially zoned properties meeting specific location requirements, and non-storefront retail cannabis uses in Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties;

WHEREAS, on June 15, 2021, the City Council adopted Ordinance Nos. 21-08 and No. 21-09 to amend Titles 9 and 13 of the Costa Mesa Municipal Code (CMMC) to establish regulations for cannabis storefront and non-storefront uses;

WHEREAS, Planning Application 21-36 was filed by Christopher Glew with Cabrillo Community Project LLC DBA Native Garden, the authorized agent for the property owner, Palanjian Family Trust, requesting approval of the following:

A Conditional Use Permit to operate a storefront retail cannabis business within an existing 1,050-square-foot commercial building located at 167 Cabrillo Street. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, subject to conditions of approval and other City and State requirements;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 23, 2023 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, the Planning Commission voted 6-1 to continue the project to the February 27, 2023 Planning Commission meeting, and directed staff to return with a resolution for approval for Planning Commission consideration;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 27, 2023 with all persons having the opportunity to speak for and against the proposal;

WHEREAS pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of CEQA per Section 15301 (Class 1), for Existing Facilities, as described specifically in the staff report;

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 21-36 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 21-36 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 27th day of February, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 27, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: 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.

Facts in Support of Findings: The subject site is located within the CL zone (Commercial Limited District) and the general vicinity includes a variety of commercial uses including office, retail, fitness, and restaurant uses. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation. These regulations are adopted to prevent land use inconsistencies with adjacent properties. Additionally, the proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet of a youth center. All retail sales would take place underroof, no outdoor storage or sales are proposed nor would be allowed.

The CMMC does not establish a minimum separation between retail cannabis uses and residential uses. Instead, the City's thorough, multi-step permitting process and project-specific conditions of approval decrease the potential for the proposed use to impact neighboring properties, including residential uses.

As conditioned, the use would operate under restricted hours in consideration of adjacent uses. Other conditions of approval are designed to further improve compatibility with other uses in the area, including but not limited to:

- At least one security guard shall be present at all times;
- Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not detected outside the property, anywhere on adjacent property or public right-of-way;
- A lighting plan shall be provided during plan check and exterior lighting shall be shielded down and away from adjacent properties;
- Signs regarding consideration and noise shall be posted in the parking lot;
- A parking management and security plan would be required for any grand opening or other high volume event; and

- The operator would be required to make changes to the business should noise or parking problems arise.

The proposed use would be substantially compatible with developments in the general area and would not be materially detrimental to other properties within the area.

Finding: Granting the 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.

Facts in Support of Finding: The proposed cannabis retail storefront use would follow safety measures detailed in a professionally prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL. Measures designed to maintain safety at the site include, but are not limited to, at least one security guard would be onsite at all times and security devices shall be installed before operation. Examples of security devices include window and door alarms, motion-detectors, limited access areas, and a monitored video surveillance system covering all exterior entrances, exits, and interior limited access spaces. In addition, the business employees must pass a live scan background check and obtain an identification badge from the City. As conditioned, the proposed use would feature air filtration devised so odors from cannabis are not detected outside the property. When operating in accordance with the professionally prepared security plan and in conformance with local and State laws, the proposed use would not be materially detrimental to public health and safety, or otherwise injurious to property or improvements within the immediate neighborhood.

Finding: Granting the 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.

Facts in Support of Finding: The proposed retail use would be located in an existing commercial building on a property that has a General Plan land use classification of "Neighborhood Commercial." Given the limited customer area (approximately 400 square feet) of the proposed retail establishment, and being located several hundred feet from a major commercial corridor, the proposed use is considered a neighborhood-serving business as intended by the General Plan. No additional square footage is proposed and the current use is retail in nature, therefore approving the CUP would not increase site intensity. The proposed use, as conditioned, is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; promoting the incubation of unique and specialized businesses; protecting neighborhoods;

reducing nonresidential traffic in residential neighborhoods; and reducing noise impacts on sensitive receptors.

- B. The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing or prior use. This project site contains an existing commercial building that has previously been used for commercial activities and the application does not propose an increase in floor area and reflects a negligible expansion of the prior commercial use. The project is consistent with the applicable General Plan land use designation and policies as well as with the applicable zoning designation and regulations.
- C. The project is subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

General

- Plng.
1. The use of this property as a cannabis storefront business shall comply with the approved plans and terms described in the resolution, these conditions of approval, and applicable sections of the Costa Mesa Municipal Code (CMMC). The Planning Commission may modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
 2. Approval of the planning/zoning application is valid for two years from the effective date of this approval and will expire at the end of that period unless the applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 30 days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
 3. No person may engage in any cannabis business or in any cannabis activity within the City including delivery or sale of cannabis or a cannabis product unless the person:
 - a. Has a valid Cannabis Business Permit from the City;
 - b. Has paid all Cannabis Business Permit and all application fees and deposits established by resolution of the City Council, including annual Community Improvement Division inspection deposits;
 - c. Has obtained all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to operate;
 - d. Has obtained a City business license pursuant to Chapter I of the Municipal Code;
 - e. Is in compliance with all requirements of the Community Improvement Division regarding the property;
 - f. Has obtained any and all licenses required by State law and/or regulations; and
 - g. Has satisfied all CUP conditions of approval.

4. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
5. No cultivation of cannabis is allowed anywhere on the premises.
6. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
7. Except for operations allowed by this Conditional Use Permit and under an active Cannabis Business Permit and State Type 10 license, no permit holder or any of its employees shall sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product to any person, firm, corporation, group or any other entity, unless that person or entity is a lawful, bona fide customer, or it possesses all currently valid permits and/or licenses required by both the State of California and applicable local governmental entity to lawfully receive such cannabis and to engage in a "cannabis activity" as defined by Costa Mesa Municipal Code sec. 9-485. The permit holder shall verify that the recipient, regardless of where it is located, of any cannabis or cannabis product sold, distributed, furnished, and/or otherwise provided by or on behalf of the permit holder, possesses all required permits and/or licenses therefor.
8. The applicant, the property owner and the operator (collectively referred to as "indemnitors") shall each jointly and severally defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the indemnitors' joint and several obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section.
9. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
10. The use shall operate in accordance with the approved Security Plan. Any changes to the Security Plan must be submitted to the Planning Division with

a written explanation of the changes. If the Director determines that changes are substantial, a modification to the Cannabis Business Permit and/or amendment to the CUP may be required.

11. A parking and security management plan, including techniques described in Operational Condition of Approval No. 6, must be approved by the Director of Economic and Development Services or designee prior to any grand opening or other high volume event on the subject property.
 12. After being open to the public for at least six months, this CUP shall be placed on the Planning Commission agenda as a noticed public hearing item for a follow-up review, consideration of operations, and modifications to the conditions of approval. Prior to that hearing, staff may provide notice to the neighbors, obtain any information regarding calls for service, and request that the City's Transportation Division visit the site during peak hour periods to determine any traffic and/or circulation issues. During this six-month review, the Planning Commission may also consider modifying the approved hours of operation as well as other conditions of approval and may make modifications necessary to ensure neighborhood compatibility based on evidence in the record.
- Bldg. 13. Development shall comply with the requirements of the following adopted codes: 2022 California Residential Code, 2022 California Building Code, 2022 California Electrical Code, 2022 California Mechanical Code, 2022 California Plumbing Code, 2022 California Green Building Standards Code and 2022 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2022 California Building Code.
- CBP 14. The operator shall maintain a valid Cannabis Business Permit and a valid Business License at all times. The Cannabis Business Permit application number associated with this address is MQ-21-26. Upon issuance, the Cannabis Business Permit will be valid for a two-year period and must be renewed with the City prior to its expiration date, including the payment of permit renewal fees. No more than one Cannabis Business Permit may be issued to this property.
15. The use shall operate in accordance with the approved Business Plan. Any changes to the Business Plan must be submitted to the Planning Division with a written explanation of the changes. If the Director determines that changes are substantial, a modification to the Cannabis Business Permit and/or amendment to the CUP may be required.
 16. A Cannabis Business Permit may be revoked upon a hearing by the Director of Economic and Development Services or designee pursuant to Section 9-120 of the CMMC for failing to comply with the terms of the

permit, the applicable provisions of the CMMC, State law or regulation and/or any condition of any other permit issued pursuant to this code. Revocation of the Cannabis Business Permit shall trigger the City's proceedings to revoke the Conditional Use Permit and its amendments. The Conditional Use Permit granted herein shall not be construed to allow any subsequent owner/operator to continue operating under PA-21-36 until a valid new Cannabis Business Permit is received from the City of Costa Mesa.

17. A change in ownership affecting an interest of 51 or more percent, or an incremental change in ownership that will result in a change of 51 or more percent over a three year period, shall require submittal and approval of a new Cannabis Business Permit. A change in ownership that affects an interest of less than 51 percent shall require approval of a minor modification to the Cannabis Business Permit.
- State 18. The business must obtain any and all licenses required by State law and/or regulation prior to engaging in any cannabis activity at the property.
19. The applicant shall obtain State License Type 10 prior to operating. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
20. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City. This Conditional Use Permit will expire and be of no further force and effect if any State issued license remains suspended for a period exceeding six (6) months. Documentation of three violations during routine inspections or investigations of complaints shall result in the Community Improvement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
21. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business, except as otherwise specifically provided for by state law and CMMC Section 9-495(h)(6). It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.
- PD 22. Every manager, supervisor, employee or volunteer of the cannabis business must submit fingerprints and other information specified on the Cannabis Business Permit for a background check by the Costa Mesa Police Department to verify that person's criminal history. No employee or

volunteer may commence paid or unpaid work for the business until the background checks have been approved. No cannabis business or owner thereof may employ any person who has been convicted of a felony within the past 7 years, unless that felony has been dismissed, withdrawn, expunged or set aside pursuant to Penal Code sections 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance.

- CID 23. Should any employee, volunteer or other person who possesses an identification badge be terminated or cease their employment with the business, the applicant shall return such identification badge to the City of Costa Mesa Community Improvement Division within 24 hours, not including weekends and holidays.
24. The property owner and applicant shall use "Crime Prevention Through Environmental Design" techniques to reduce opportunities for crime, loitering and encampments on the property as deemed appropriate by the Community Improvement Manager and Director of Economic and Development Services.
- Finance 25. This business operator shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under State and local law. This business operator shall cooperate with the City with respect to any reasonable request to audit the cannabis business' books and records for the purpose of verifying compliance with the CMMC and this CUP, including but not limited to a verification of the amount of taxes required to be paid during any period.
26. The following records and recordkeeping shall be maintained/conducted:
- a. The owner/operator of this cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis, or at any time upon reasonable request of the City, the owner/operator shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.
 - b. The owner/operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this condition shall be provided to the City Manager upon a reasonable request.
 - c. The owner/operator shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the retail sale process. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA), the

owner/operator shall allow City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City.

- d. The owner/operator shall have in place a point-of-sale tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale). The owner/operator shall ensure that such information is compatible with the City's record-keeping systems. The system must have the capability to produce historical transactional data for review by the City Manager or designees.

- Insp. 27. The City Manager or designees may enter this business at any time during the hours of operation without notice, and inspect all areas of this business as well as any recordings and records required to be maintained pursuant to Title 9, Chapter VI or under applicable provisions of State law. It is a violation of this use permit for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection of the business or areas within and/or associated with the business. If business areas are located behind access controlled (locked) doors, these areas shall be opened/available immediately for inspection upon request. If areas of the business are not available to the City Manager or designees for inspection upon immediate request, the Cannabis Business Permit (CBP) shall be subject to revocation pursuant Costa Mesa Municipal Code section 9-120.
28. Inspections of this cannabis business by the City will be conducted, at a minimum, on a quarterly basis. The applicant will pay for the inspections according to the adopted Fee Schedule.
29. Quarterly Fire & Life Safety Inspections will be conducted by the Community Risk Reduction Division to verify compliance with the approved operation. The applicant will pay for the inspection according to the Additional Required Inspections as adopted in the Fee Schedule.
30. Annual Fire & Life Safety Inspections will be conducted by the Fire Station Crew for emergency response pre-planning and site access familiarization. The applicant will pay for the inspection according to the adopted Fee Schedule.
31. Pursuant to Title 9, Chapter VI, it is unlawful for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law. It is also unlawful for a person to conceal, destroy, deface,

damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law.

Prior to Issuance of Building Permits

1. Plans shall be prepared, stamped and signed by a California licensed Architect or Engineer.
2. The conditions of approval and ordinance or code provisions of Planning Application 21-36 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Prior to the Building Division issuing a demolition permit, the applicant shall contact the South Coast Air Quality Management District (AQMD) located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
Or visit its website:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>. The Building Division will not issue a demolition permit until an Identification Number is provided by AQMD.
4. Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not detected outside the property, anywhere on adjacent property or public right-of-way. Building and mechanical permits must be obtained from the Building Division prior to work commencing on any part of the odor control system.
5. Plan check submittal shall include air quality/odor control device specification sheets. Plan check submittal shall also include a landscape plan that includes drought-tolerant plants and/or California native plants, bike racks, parking lot striping in conformance with CMMC requirements, and a trash enclosure.
6. No signage shall be installed until the owner/operator or its designated contractor has obtained permits required from the City. Business identification signage shall be limited to that needed for identification only. Business identification signage shall not include any references to cannabis, whether in words or symbols. All signs shall comply with the CMMC.
7. The plans and business operator shall comply with the requirements of the applicable California Fire Code, including any referenced standards as amended by the City of Costa Mesa.
8. The Traffic Impact Fee as calculated by the Transportation Services Division shall be paid in full.
9. Construction documents shall include a temporary fencing and temporary security lighting exhibit to ensure the site is secured during construction and to discourage crime, vandalism, and illegal encampments.

10. The applicant shall submit a lighting plan to the Planning Division for review and approval. The lighting plan shall show locations of all security lighting. As determined by the Director of Economic and Development Services or their designee, a photometric study may be required to demonstrate compliance with the following: (a) lighting levels on the property including the parking lot shall be adequate for safety and security purposes (generally, at least 1.0 foot candle), (b) lighting design and layout shall minimize light spill at the adjacent residential property line and at other light-sensitive uses (generally, no more than 0.5-footcandle at the property line), and (c) glare shields may be required to prevent light spill.
11. Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits.

Prior to Issuance of a Certificate of Use/Occupancy

1. The operator, contractors, and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final occupancy and utility releases will not be granted until all such licenses have been obtained.

Prior to Issuance of Cannabis Business Permit

1. The applicant shall contact the Planning Division for a facility inspection and provide a matrix of conditions of approval explaining how each was met prior to issuance of a Cannabis Business Permit.
2. The applicant shall pay the public notice fee (\$1 per notice post card) and the newspaper ad publishing cost.
3. The final Security Plan shall be consistent with the approved building plans.
4. Each entrance to the business shall be visibly posted with a clear and legible notice stating the following:
 - a. That smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited;
 - b. That no person under the age of twenty-one (21) years of age is permitted to enter upon the premises;
 - c. That loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises is prohibited; and
 - d. The premise is a licensed cannabis operation approved by the City of Costa Mesa. The City may also issue a window/door sticker, which shall be visibly posted.
5. The owner/operator shall obtain and maintain at all times during the term of the permit comprehensive general liability insurance and comprehensive automotive liability insurance protecting the permittee in an amount of not less than two million dollars (\$2,000,000.00) per occurrence, combined

single limit, including bodily injury and property damage and not less than two million dollars (\$2,000,000.00) aggregate for each personal injury liability, products-completed operations and each accident, issued by an insurance provider admitted and authorized to do business in California and shall be rated at least A-viii in A.M. Best & Company's Insurance Guide. Such policies of insurance shall be endorsed to name the City of Costa Mesa as an additional insured. Proof of said insurance must be provided to the Planning Division before the business commences operations. Any changes to the insurance policy must be submitted to the Planning Division within 10 days of the date the change is effective.

6. The applicant shall submit an executed Retail Cannabis Business Permit Defense and Indemnity Agreement on a form to be provided by the City.
7. The applicant shall post signs within the parking lot directing the use of consideration such as no loud voices, loud music, revving car engines, etc. The language of the parking lot signs shall be reviewed and approved by the Planning Division prior to installation.

Operational Conditions

1. No product deliveries to the facility shall occur after 6:00 PM and before 9:00 AM.
2. Onsite sales to customers is limited to the hours between 9:00 AM and 6:00 PM.
3. At least one security guard shall be onsite at all times.
4. The operator shall maintain free of litter all areas of the property under which applicant has control.
5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute appropriate security and operational measures as necessary to comply with this requirement.
6. If parking shortages or other parking-related problems develop, the business owner or operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services or designee. Temporary or permanent parking management strategies include, but are not limited to, reducing operating hours of the business, hiring an additional employee trained in traffic control to monitor parking lot use and assist with customer parking lot circulation, and offering discounts for online and phone orders.
7. All employees must wear an identification badge while on the premises of the business, in a format prescribed by the City Manager or designee. When on the premises, badges must be clearly visible and worn on outermost clothing and above the waist in a visible location.
8. Vendor product loading and unloading shall only take place within direct unobstructed view of surveillance cameras, located in close proximity to the vendor entry door, as shown on an exhibit approved by the Director of

Economic and Development Services or designee. No loading and unloading of cannabis products into or from the vehicles shall take place outside of camera view. The security guard shall monitor all on-site loading and unloading of vehicles. Video surveillance cameras shall be installed on the exterior of the building with direct views of the vendor entry door and the entire parking lot. Any modifications or additional vehicle loading and unloading areas shall be submitted to the Director of Economic and Development Services or designee for approval.

9. Vendor vehicle standing, loading and unloading shall be conducted so as not to interfere with normal use of streets, sidewalks, driveways and on-site parking.
10. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
11. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
12. Cannabis shall not be consumed on the property at any time, in any form.
13. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
14. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the property.
15. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
16. If cannabis odor is detected outside the building, the business owner or operator shall institute corrective measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services.
17. Cannabis liquid or solid waste must be made unusable and unrecognizable prior to leaving a secured storage area and shall be disposed of at facility approved to receive such waste.
18. Each transaction involving the exchange of cannabis goods between the business and consumer shall include the following information: (1) Date and time of transaction; (2) Name and employee number/identification of the employee who processed the sale; (3) List of all cannabis goods purchased including quantity; and (4) Total transaction amount paid.

Conditional Use Permit Applicant Letter – NATIVE GARDEN – 167 Cabrillo St

**167 Cabrillo St****APPLICANT:** Cabrillo Community Project LLC**Operator (dba):** NATIVE GARDEN**Request:** The request is for a Conditional Use Permit to allow a Cannabis Retail Storefront (Type 10) and a Cannabis Business Permit.

EXECUTIVE SUMMARY

NATIVE GARDEN has selected a neighborhood site to provide a neighborhood friendly cannabis retail offering, designed to appeal to the Eastside Neighborhood.

The Retail Facility will be on the small size @ 1,050 sf and efficiently be utilized to provide the proper scaled down operation servicing a neighborhood. We expect frequent repeat of customers, lower transaction counts and higher average volume per transaction on most customer visits. We expect and will incentivize customers and employees to walk or bike.

Solid support. Our project has over 40 properties with support letters.

The Property Owner owns many Costa Mesa properties and is in process of a substantial improvement in half of their portfolio.

Summary of Modifications to support proximity to Residential:

- Reduced Hours: 9 am to 8pm
- Changed Ingress / Egress of vehicle orientation away from Residential
 - Now enter off Cabrillo, exit to Fullerton
- Modified Front Entrance, away from Residential, towards Fullerton
- Added Landscape Screening Buffer on Cabrillo to screen Front Entrance
- Expanded Bike Racks & Added 1st Know E Bike Charging Station at Cannabis Retail
- Observed neighborhood parking patterns on different days, different hours
- Secured Offsite Parking on adjacent 170 Wells Place
- Held Community Outreach Event
 - No opposition
- Knocked on all doors within 500', some twice
- Enhance Security Guard Role:
 - Lead introduction of Neighborhood Watch Program. Meetings and Communications
 - Expand sphere of patrol from 50 feet to a greater patrol area to support Neighborhood Watch
- Surveyed all the Eastside Bars and Liquor Stores in Proximity to Residential, open till 2 am

Neighborhood Store Operational Characteristics :

- The goal is to reduce potential impacts and become a part of the Neighborhood
 - Reduced Hours
 - Expanded Security perimeter patrol and Neighborhood Watch
- Limited Product Offering, higher price points, lower transaction counts
- Carry products oriented towards health & fitness
- Partner with local offsite health & wellness partners
 - Think Pilates or Yoga class, with a cannabis expert talking about pain or sleep solutions
 - Cooking classes, neighborhood walks and bike rides
 - Planned retreats for customers
- Focus on deeper customer education & Consultation (Pain & Sleep solutions)
- Focus on Seniors
- Non-Cannabis offerings around Health & Wellness
 - Examples:
- Utilize Customer Exit Bags and signage to communicate with Customers
 - Good Neighbor Policy in General, address any topics that come up
- Regular Mailers to neighbors offering the “Neighbor Discount”

Enhanced Security Guard Role & Responsibilities:

- Standard Condition of Approval, requires monitoring and influencing outcomes within 50 feet
- Propose expanding sphere of patrol of Public Areas adjacent to Store to establish and support Neighborhood Watch

Significant Improvement to the Property:

- The Project is investing in revitalizing this mid century, deferred maintenance property

Community Benefits:

- Native Garden is committed to giving back and becoming part of the community
- We will support TRIUNFO Jui-Jitsu & MMA with sponsorship and scholarships
- We believe in a bikeable & walkable community so we are seeking to partner with groups like Costa Mesa Alliance 4 Better Streets (CMABS)

Bike Racks and E Bike Charging Station:

- Native Garden is committed to being part of a walkable bikeable City
- Accommodate more Bikes with expanded Bike Racks
- Introducing the first new E Bike Charging Station at a Cannabis Store
- Great for Beachgoers, our Target Market

Eastside Monthly Events:

- Organized and Sponsored Walk & Bike Events

Methods to Communicate with Customers to achieve desired outcomes:

- Customer Exit Bags. Place general and targeted messages, EX: Please respect Neighbors by controlling noise when you exit
- Interior & Exterior Signage

Off Site Parking:

- Secured additional employee parking (3 spaces) at adjacent property

Security Plan: Implement our approved 126 page thorough Security Plan

Odor Control: Introduce Charcoal Filters to achieve the standard of no detectable odor outside the premises.

Applicant Supplemental Information

Dear Costa Mesa City,

My name is Jerry Palanjian and have operated my businesses here in Costa Mesa since 1971. I currently own 115 Cabrillo, 167 Cabrillo, 263 costa mesa street, 1724 newport blvd, 1734 newport blvd, 1970 newport blvd, 1974 newport blvd, 1982 newport blvd, 1984 newport blvd, 1996 newport blvd, 2960 randolph ave, 2968 randolph ave, and 1965 church street. I approve a retail cannabis dispensary located at 167 cabrillo.

Thanks

Jerry Palanjian

949 633 8888

Dear Costa Mesa City,

My name is Jeff Koga and I reside in East Side Costa Mesa with my wife and young family. I have lived and operated my businesses here for 50 plus years. I currently own 334 16th place, 336 16th place, 221 A and B 20th street, 1698 Whittier Street, 995 W 17th street, 989 W 19th street , 1892 Whittier Street, and 211 Walnut Street. I approve the retail cannabis storefront at 167 Cabrillo.

Thank you

Jeff Koga

714 309 0303

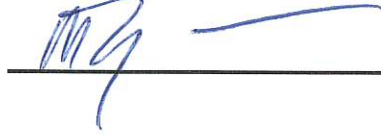
Dear Costa Mesa City,

My name is Mike Penjoyan and I currently operate a small business in Costa Mesa which was founded in 1969. Our family currently owns 2000 newport blvd, 2016 newport blvd, 2020 newport blvd, 2037 newport blvd, 144 east bay street and 148 east bay street. I reside in Costa Mesa and have raised my daughters locally with my wife of 20 plus years. I am supportive of a retail cannabis dispensary doing business at 167 Cabrillo Street.

Sincerely,

Mike Penjoyan

714 356 2177



Dear Costa Mesa City,

My name is Jeff Tanner and I own 125 and 127 Cabrillo Street. I approve a retail dispensary located at 167 Cabrillo.

Thank you,

Jeff Tanner

A handwritten signature in black ink, appearing to read "Jeff Tanner", written over a horizontal line.

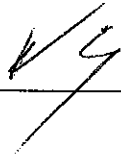
Dear Costa Mesa City,

My name is Kevin Sand and I own multiple bars and property on Newport blvd between Rochester and Broadway Street. I currently reside on 20th street between Santa ana ave and Orange. I am in favor of a retail dispensary located at 167 Cabrillo.

Thank you,

Kevin Sand

949-378-1194

A handwritten signature, appearing to be 'KS', is written over a horizontal line.

October 4 2022

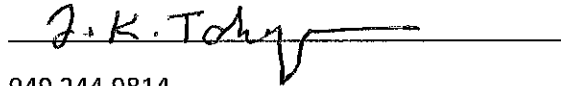
Dear Costa Mesa City,

My name is John Thaglasian and reside at 115 CABRILLO Street in Costa Mesa. I have lived at this current address for 20 plus years. I have been notified of a possible cannabis dispensary planning to operate at 167 Cabrillo, a few units away from me, and I wanted to communicate that I am in favor of this business being added to our street.

Thank you.

Sincerely,

John Thaglasian


949 244 9814

October 5, 2022

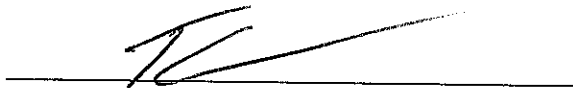
Dear Costa Mesa City,

My name is Travis Castro and I live at 180 Cabrillo street, unit 11b, in Costa Mesa. I have lived in this area most of my life and support the ever changing business climate we are encountering in our area with the recent approval of cannabis sales. I walk my dogs daily on Cabrillo Street daily, frequent all nearby restaurants, and shop locally every chance I get. I am supportive of the recent request of 167 Cabrillo to operate a limited hours dispensary. I do feel it will be a good addition to our community for multiple reasons.

Sincerely,

Travis Castro

949 697 9420

A handwritten signature in black ink, appearing to be 'TC', is written over a horizontal line.

Dear Costa Mesa City,

My name is Jeff Wright and I currently own 126 Rochester, 128 Rochester, 123 E 18th street, 123.5 E 18th street, 125 E 18th Street and 127 E 18th Street. I also live in my residence of 30 years in Santa Ana Heights. I have been notified of the possible retail cannabis storefront located at 167 Cabrillo. I am in favor of this business use.

Thank you

Jeff Wright

A handwritten signature in black ink, consisting of several overlapping loops and vertical strokes, positioned above a horizontal line.

714 620 4140

To: City of Costa Mesa Planning Department
Re: Cannabis Dispensary at 167 Cabrillo Street
Date: October 7, 2022
From: Conrad Tona and Stacy Tona at 160 Wells Place

This letter is in support of approval to submit to the Planning Commission the Application for a Conditional Use Permit for a Cannabis Dispensary at 167 Cabrillo Street. The applicant is Cabrillo Community Project, LLC (CCP)

My wife and I want to support the Community Project, LLC company in receiving their conditional use permit for a Cannabis Dispensary next door to my property. The business that is currently located at 167 Cabrillo has for many years violated many city codes and currently is doing so. I believe that this new business will be a welcome addition to our neighborhood as it comes under such tight controls by both the city and the state and will address all the existing code violations.

The current business sells Spa's. The owner of the business is a renter. He planted Palm trees right next to my garage, on my property. These trees began to rub against my garage and tear off the fascia board. I have complained many times and finally a few days ago he cut the trees down but he replaced them with Spa covers which are now leaning up against my garage. I cannot see if he stump ground these trees out of the ground as the Spas he placed there are completely covering that section of the ground.

A fence was built by the renter's parents and it is on my property. This same fence blocks my sight when backing out of my garage.

An 18 Wheeler Rig periodically pulls up in front of my garage, blocking it, and uses the area as an unloading zone for the Spas. The business owner drives a Forklift on Fullerton Street to unload the Spa's and stacks them on the parking lot. The Spa's are stacked way above the height of my garage which is a hazard and a liability. The City is aware of these problems.

The owner uses orange cones to block off a whole section of Fullerton Street to save parking for him. He sometimes leaves his trailer on the street unattached to a vehicle to help block the area. There is no on-site parking as the Spa's take up all the space of the old parking lot.

There are Spa chemicals left onsite and next to my garage. These are highly flammable and should be kept inside a fire proof metal container and stored out of sight of any children.

The business owner was living on the property for about 15 years but he has moved out and someone else appears to be living on the property now. There is someone in the house after dark and after the owner has closed his business and gone home.

The above are just a few reasons why I have taken careful consideration in writing this letter. I know the City is aware of all of the above violations but nothing has been done at this point

We want the Planning Department and Commission to know that we approve of the Cabrillo Community Project, LLC to have a Cannabis Dispensary located at 167 Cabrillo Street. We believe they will clean up the property and rid the neighborhood of all the liabilities and hazards that exist on this property today. We also think that we will have a safer neighborhood due to the security the Cannabis companies are required to have 24 hours, 7 days a week.

Please approve their application and let this move forward to the Planning Commission. Also, please forward our letter to the Planning Commission. Thank you.

Conrad and Stacy Tona

C. Tona

Stacy L. Tona

To: City of Costa Mesa Planning Department
Re: Cannabis Dispensary at 167 Cabrillo Street
Date: October 6, 2022
From: Lorraine Lambeth, CPA at 170 Wells Place

APPROVAL REQUEST:

This letter is in support of approval to submit to the Planning Commission the Application for a Conditional Use Permit for a Cannabis Dispensary at 167 Cabrillo Street. The applicant is Cabrillo Community Project, LLC (CCP)

INTRODUCTION:

I recently spoke with the CCP attorney and two of the CCP members at length, wherein I asked many, many questions. Each CCP member was very congenial and didn't hesitate to give me clear, concise, and honest answers. I'm a Tax Accountant and my whole career has consisted of asking questions, dealing with people, and following government rules and regulations. Needless to say, I asked a full gamut of questions and also researched CCP online to satisfy myself that this was a viable business that could fit into our very unique neighborhood. The three people representing CCP were professional, always polite, and indicated a deep concern for the neighborhood. They have already spent much time in an effort to develop a good working relationship with the neighbors.

BUFFER ZONE:

34 years ago, when I first bought my property at 170 Wells Place, I was told by a City employee that this small area, where my office building is located, is meant to be a "noise buffer zone" from the busy traffic and noise on 17th Street and the quiet residential area on Cabrillo Street. This "noise buffer zone" idea made complete sense to me (and still does) so I kept this in mind when talking with the Cannabis retailers and also while researching the rules and regulations for Cannabis dispensaries online.

WHAT IT TAKES TO BE A CANNABIS COMPANY IN CALIFORNIA:

The members of CCP are a team of businessmen who are well versed in the expertise required to successfully run a Cannabis dispensary. They have several facilities in Oregon and California, all of which are successful. The Cannabis industry is probably the most scrutinized business in the state of California. Both city and state governments oversee and regulate these businesses. Most all other businesses are required to merely acquire a license and each year pay a fee to renew it, nothing more. The Cannabis businesses are held to a much higher standard. They must follow stringent rules and regulations and are required to prove they have adhered to the strict rules of the City in a time-frame of six months or up to every two years. They must also renew their state license every year and follow similar stringent rules.

The surrounding businesses and residents will not have to worry about CCP following the rules as they must pay large sums of money to just start an application for licensing and conditional use permits along with paying heavy taxes and other fees when in business. The cost of rehabbing the property and bringing it up to code will be horrendous. They have so much invested; it would never be in their best interest to not follow even the smallest rule or regulation. The City can basically end their business

operations overnight but that is not true for any other type of business. A Cannabis company such as CCP has so much at stake monetarily that they will make a much better neighbor than most any other type of business. They walk a tightrope all the time, whereas most all other businesses are left alone.

BEING A GOOD NEIGHBOR:

Because the CCP members are well established in the Cannabis business, they have created good relationships in every neighborhood they have entered throughout Oregon and California. They know exactly what it takes to make a safe and desirable neighborhood to work for everyone. They are so in tune to this that they have already spent money to reach out to the neighborhood by sponsoring a "get-to-know-us" neighborhood party. I personally was surprised to see the flyer and thought this is a great idea because I have had my business in this neighborhood for 34 years and I still don't know everyone so I will look forward to meeting other neighbors. No one else has ever done this for our neighborhood! The CCP members want everyone in the neighborhood to feel free to ask questions or express concerns so they can address them. They want to be completely transparent as they want to be a good neighbor. All of the above is what I discerned from my lengthy conversations with the CCP members.

CLEAN UP THE NEIGHBORHOOD EYE-SORE AND CREATE PARKING:

CCP's plan to beautify the property is a gift from the gods!! This will be such an added asset to the community. The current condition of the property, to say the least, is unsightly and hazardous. If you don't believe me, please just do a drive-by. The neighbors look forward to this unbelievable benefit.

The CCP parking plans are much needed as the current business owner, employees, and its customer's park on the street as they have no on-site parking. The CCP will have onsite parking ample for its customers and employees. They will remove the unsightly gray tarps that run from Fullerton Street to Cabrillo Avenue. These tarps hang from metal poles and stretch from one end of the property to the other and wrap around the back side of the building. Also the large unsightly structure attached to the building will be removed which will open up additional parking along with room to add drought resistant plants to dress up the area. The entrance will be moved to the Fullerton Street side, away from the residential property on Cabrillo.

My property at 170 Wells Place is contiguous to one corner of the 167 Cabrillo property. It will be such a pleasure to have the site cleaned up and not have to look at the old gray tarps anymore. Also, the Spas are stacked several feet higher than the neighbor's garage which is a hazard and a City liability that will disappear. The forklift, always parked on the sidewalk by Fullerton Street, is what insurance company's call an "attractive nuisance." This liability will also be removed. I am very excited to have a highly regulated business that is willing to make our neighborhood much more attractive and much safer than it is currently.

SECURITY ALL DAY, EVERY DAY:

All Cannabis company's must have 24/7 security which will definitely be welcomed by all of us in the area. That is another big plus that our neighborhood will benefit from: the requirement of high level security regulations.

BACK TO THE NOISE BUFFER:

The noise "buffer zone", that I mentioned in the beginning of my letter, would be adhered to by CCP. In fact, with CCP as a neighbor, they will be much quieter than the current neighbor who has Spa motors running in the backyard, noise from the Forklift running back and forth lifting Spas to either stack onsite or load onto a truck, plus the noise of a large 18 wheeler that delivers Spas and uses Fullerton Street as a delivery off-loading zone; thereby blocking the road. In addition, there is daily noise from the sales people transacting business in the backyard, rather than inside the building as required by the code. None of this would occur with the Cannabis Dispensary. CCP's customers are only allowed on the premises long enough to acquire a product. In fact, the customers are patrolled into and out of the property in a quick and orderly fashion with NO NOISE! The Cannabis business will reinstitute the "noise buffer zone" that the four contiguous properties are meant to be, according to the City.

INCREASED REVENUE:

Lastly, please take into consideration the fact that this Cannabis business is a huge source of revenue for the City of Costa Mesa which will ultimately benefit all Costa Mesa neighborhoods. Our neighborhood is depending on the support of the Planning Department to not only help our neighborhood acquire a responsible neighbor but also the added monetary benefit to all of the neighborhoods in Costa Mesa.

MORE OR LESS DISPENSARIES IN AREA vs COMPETITIVE PRICING:

I realize there will be many Cannabis Dispensaries in Costa Mesa, and even near this location, but every Economist will tell you that "Competition is Good." So, because this business is well established, run by highly professional individuals well versed in the industry, I believe this business will not only survive and prosper but also have competitive pricing. We must strive to not create a monopoly for any particular Cannabis Dispensary as we need to ensure fair pricing to the public or lose customers to an adjoining city. CCP will be a win-win situation monetarily for not only the City but also for the public as well; their competitive pricing fits perfectly with the idea that "Competition is good."

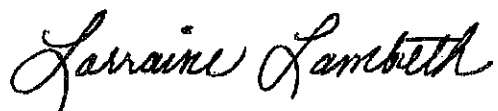
SUMMARY:

The above mentioned items are just a few reasons why I am respectfully requesting that the Planning Department approve the Cabrillo Community Project LLC as a candidate to go forward to the Planning Commission for a Conditional Use Permit. I am also respectfully requesting that you include this letter in your documentation to the Planning Commission.

I know the Planning Department has been working overtime to address all the concerns regarding Cannabis. So I want you to know that I very much appreciate your time and consideration in this matter. Please know that the neighborhood is depending on your support for our community along with your ability to create an added monetary benefit to all the neighborhoods in Costa Mesa. Thank You.

ATTACHED: The attachment is very interesting as the "myths" around marijuana are all coming to the forefront and being debunked. According to the statistics, this Cannabis Dispensary will save lives, if it diverts people from alcohol and/or cigarettes which are both killers and health hazards.

Lorraine Lambeth, CPA at 170 Wells Place

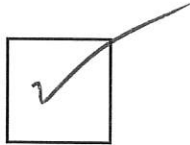




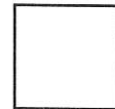
Native Garden @ 167 Cabrillo

I support Cannabis retail at this location. This store will be a community-focused business with a holistic cannabis approach. (Think complimentary to yoga, organized walks and retreats, and educational opportunities to integrate cannabis into a healthy lifestyle, etc.) This regulated operation will have reduced hours, 24-hour security, and a substantial renovation to modernize the property and bring the site up to today's codes. We support local businesses and are eager to connect with the community.

Resident:



Business:



NAME: Tim Lynch

Address: 135 Rochester St.

Signature:

Email: Timlynch@gmail.com



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Resident:

☐

Business:

☒

NAME:

JIM FIRZPATRICK

Address:

170 E 17TH ST Suite 202

Signature:

10 YEARS OFFICE ACROSS THE STREET

Email:

JimFitzCo@gmail.com

(Will not be made public, only to add to our email list for Grand Opening)



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Resident:



Business:



NAME: Evan Shaw

Address: 180 Cabrillo St Apt B22

Signature: 

Email: shawkid2@yahoo.com



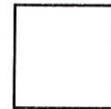
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Resident:



Business:



NAME:

Wendy Simao

Address:

140 Cabrillo St. SPC 3

Signature:

Wendy Simao

Email:

wendyisarockstar@gmail.com

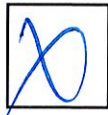
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Resident:



Business:



NAME:

Andre Neuman

Address:

140 Cabrillo St #5

Signature:

Email:

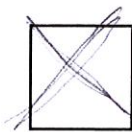
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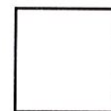
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Resident:



Business:



NAME:

DREW FISHER

Address:

131 E 18th St

Signature:

Email:

Greenpointfundings@gmail.com

(Will not be made public, only to add to our email list for Grand Opening)



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Resident:

☐

Business:

☒

NAME:

Joy Olund

Address:

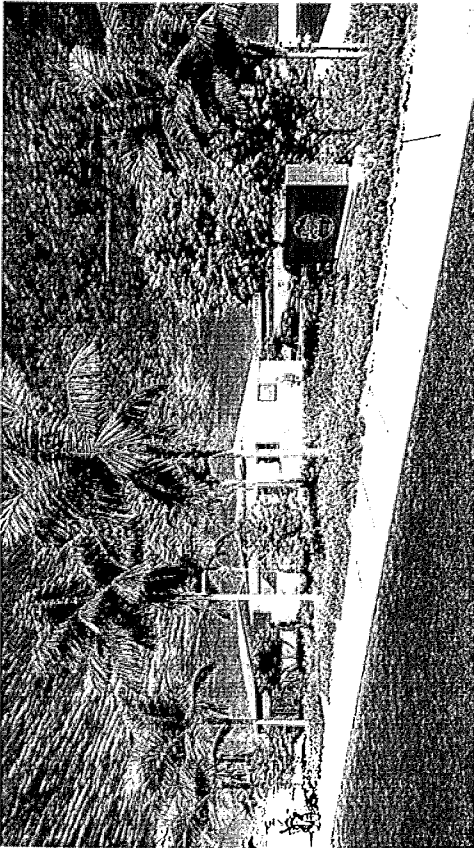
#200 E 170 E. 17th St.

Signature:

Email:







JOB@ingramcompany.net Jim@IngramCompany.net

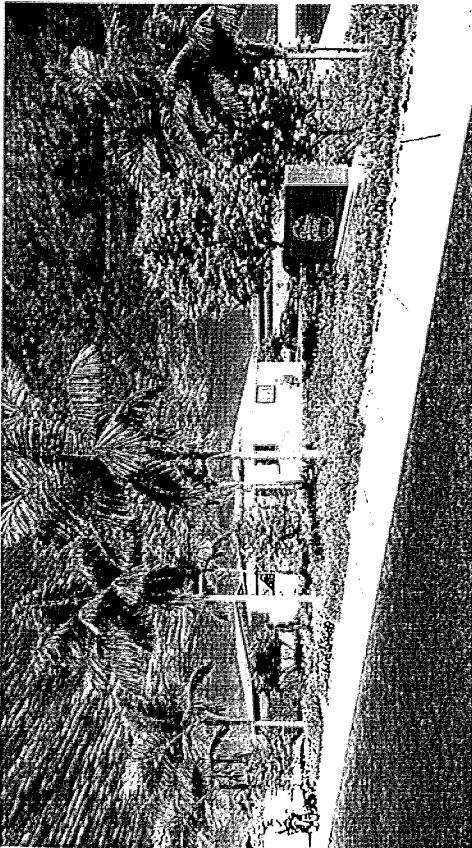
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Native Garden - Cannabis @ 167 Cabrillo

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Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Adam Rojas	Garden Grove			✓		X	
Sophie Lor	Garden Grove			✓		X	
Kim Witke	Irvine			✓		X	
William Jordan	Irvine		✓		X		
Amber Wester	Costa Mesa			X		X	
Elaine Billed	Westminster			✓			✓



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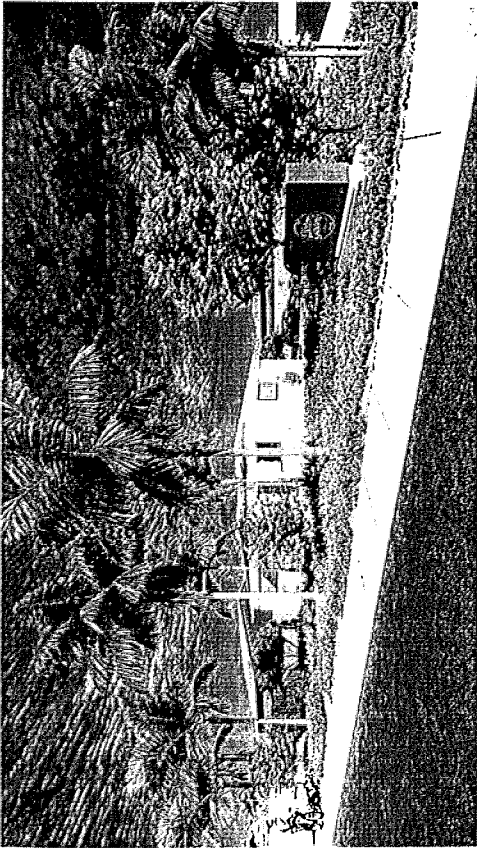
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
PHIL	IRVINE		X			X	X
Rebecca	IRVINE		X			X	
ELLIE W	IRVINE		X				X
TESSA	COSTA MESA			✓			✓
Ariel	IRVINE		X			X	
Alex	IRVINE		X				X



Native Garden - Cannabis @ 167 Cabrillo


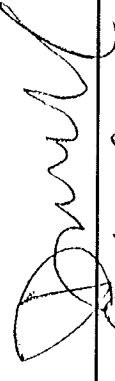
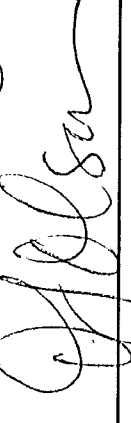


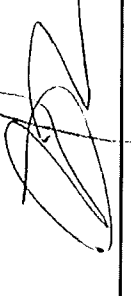
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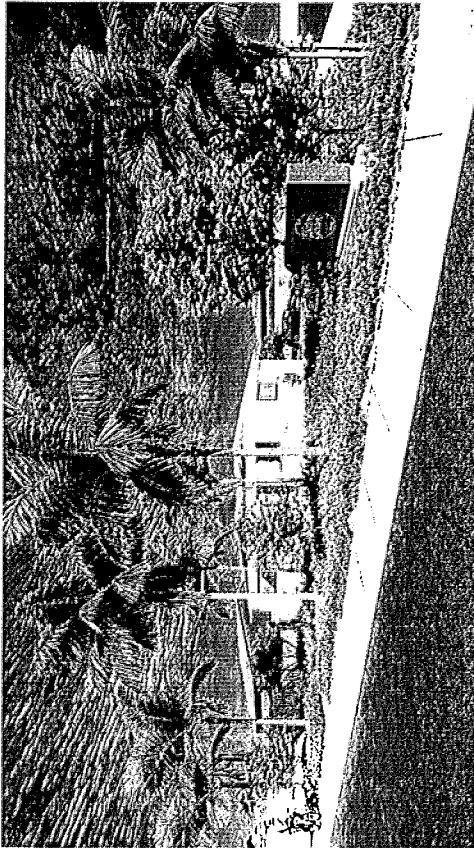
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
C. Ross	Newport	<i>C. Ross</i>		X		X	
Nick Perisano	Tustin	<i>Nick Perisano</i>	✓				✓
Yvonne Segura	Costa mesa	<i>Yvonne Segura</i>	✓	✓			✓
Fernando Segura	Costa mesa	<i>Fernando Segura</i>	✓	✓			✓
Max Whitt	NEWPORT	<i>Max Whitt</i>	✓	✓		✓	
Dee de Kuhl	NEWPORT	<i>Dee de Kuhl</i>	✓	✓			✓



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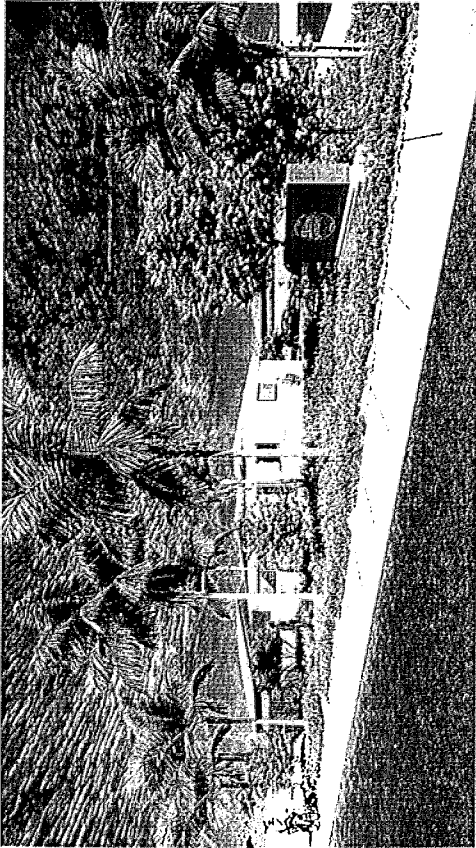
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Bola Lopez	Santa Ana.		✓				✓
Drew Brees	Green		✓				✓
Diana Olson	Costa Mesa		✓	✓			✓
Logan Feld	Costa Mesa			✓			✓
Tony Duarte	Orange		✓				✓
Gemma Tardón	Irvine.		✓				✓



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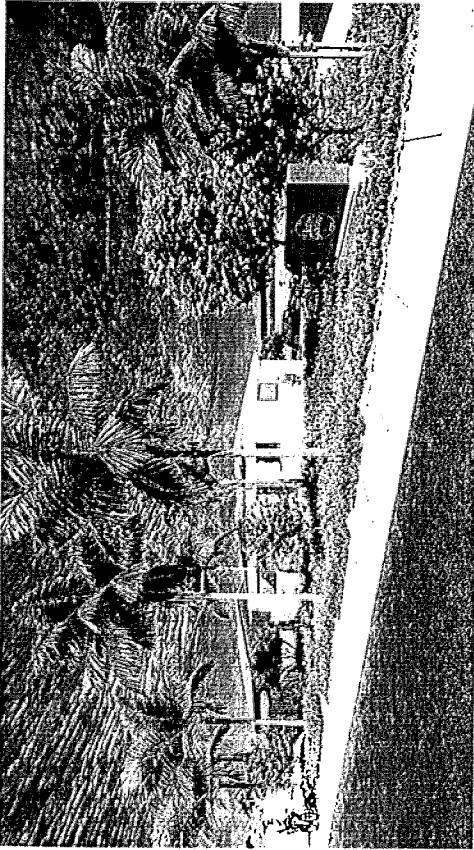
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Kyle C	1300 ADAMS AVE C.M. 92626	<i>Kyle C</i>		<i>X</i>			<i>X</i>
TIFF D.	COSTA MESA	<i>T. D.</i>		<i>✓</i>			<i>X</i>
Carl G.	C.M	<i>Carl G.</i>		<i>✓</i>			<i>X</i>
Jaime	C.M	<i>Jaime</i>		<i>✓</i>			<i>X</i>
Nathan	~	<i>Nathan</i>		<i>X</i>			<i>X</i>
Josh G	CORONA	<i>Josh G</i>		<i>X</i>			<i>X</i>



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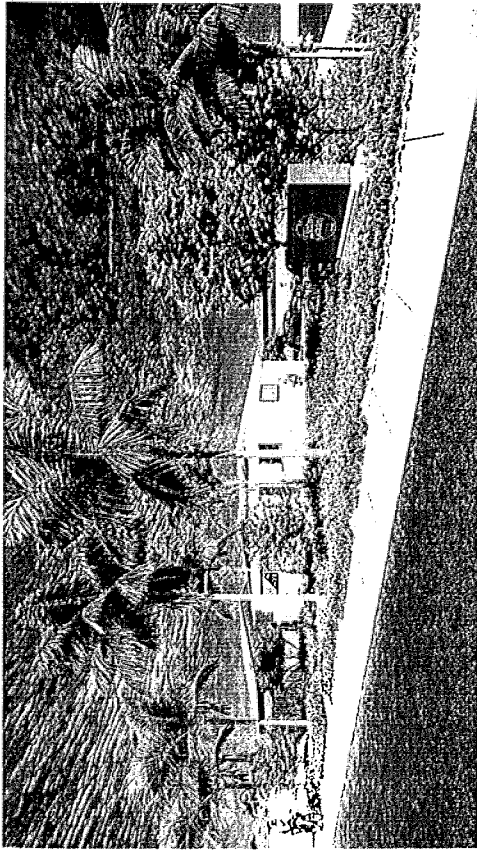
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Ivan	Garden Grove		✓				✓
Tim Rath	Lake Havasu City		✓				✓
E. Minn	Rim		✓			✓	
B. Baker	Orange		✓				✓
L. Torres	Orange		✓			✓	
Brian	Westminster		✓				✓



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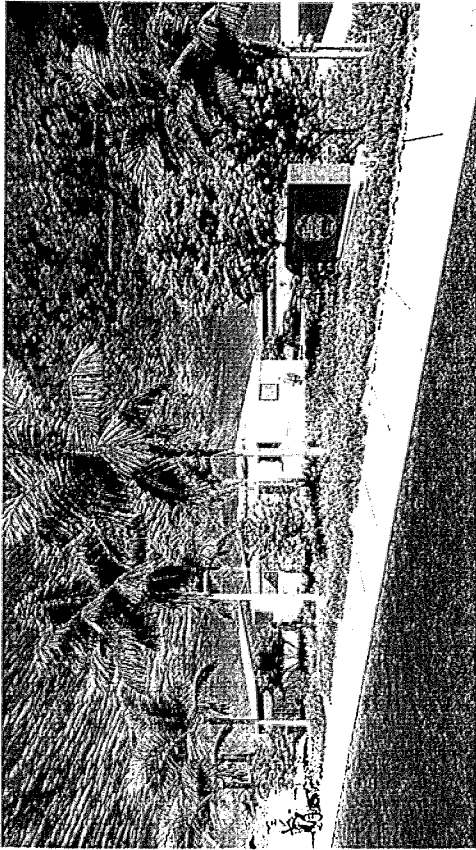
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Serafin C.	Orange		X				X
Joel .M	Orange		X				X
Emma . A	Orange		X			X	
Artist 9	Long Beach		✓			✓	
Samantha Cavambis	Santa Ana		X				X
Christopher Morton	Yorba Linda		X				X



Native Garden - Cannabis @ 167 Cabrillo

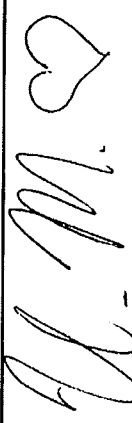




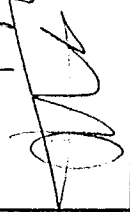
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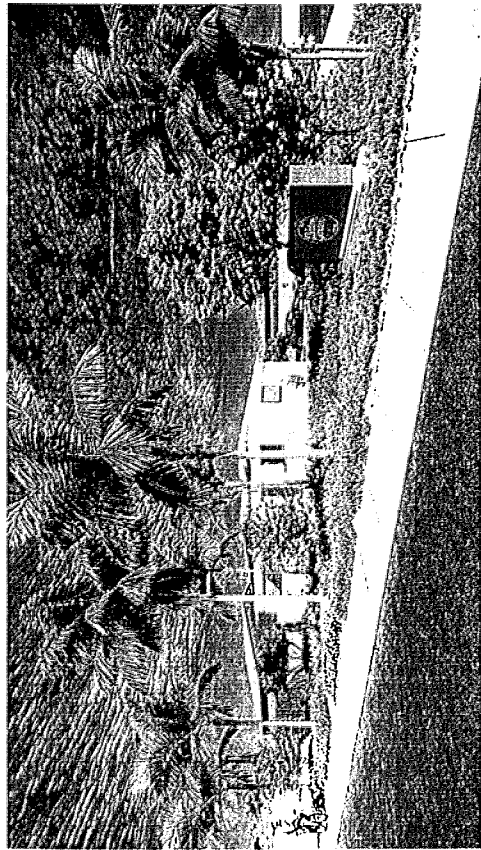
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Hamilton	Mission Viejo	<i>Hamilton Blake</i>	<i>Proth</i>			✓	
Air Wassiliev	Orange	<i>Air Wassiliev</i>		<i>W</i>		✓	
Matthew Bennett	Newport Beach	<i>Matthew Bennett</i>		✓	×		
<i>Lucia Cervantes</i>	Santa Ana	<i>Lucia Cervantes</i>		✓		✓	
Jessica Temple	Costa Mesa	<i>Jessica Temple</i>		✓	×		
Mariza Arteaga-Piller	Costa Mesa	<i>Mariza Arteaga-Piller</i>		✓		✓	



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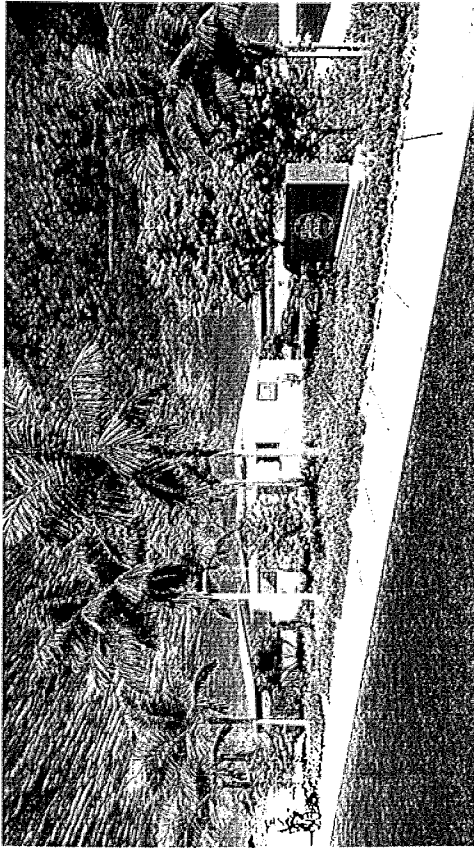
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Uriah Martin	Costa Mesa			✓			✓
Cameron Stewart	Anaheim			✓			✓
Fred Medina	Santa Ana			✗		✗	
Franklin	Santa Ana			✗			✗
Yeny B.	Irvine		✓				✓
Jake Dominguez	Costa Mesa, CA			✗			✗



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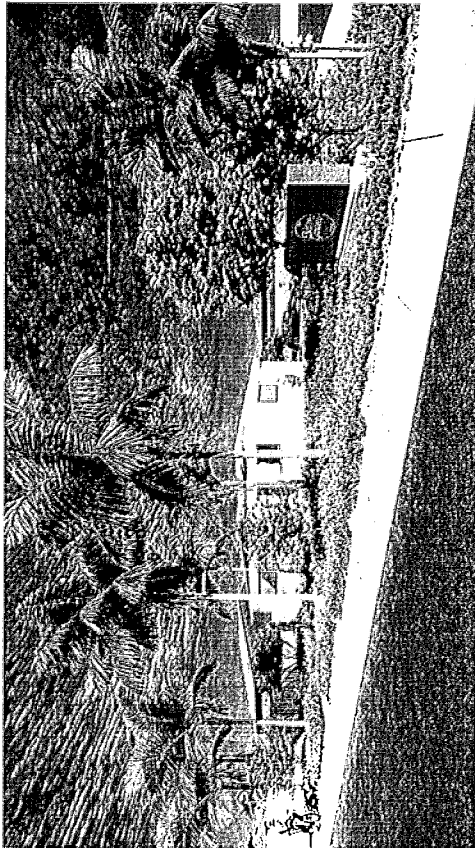
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Jordan Gelinas	Costa Mesa			✓	✗		
biogymmy Cabrillo	Costa Mesa			✓		✓	
Michael Bauer	Hunting Beach			✓		✓	
Tom Fuehrer	Costa Mesa			✓		✓	
marcus Sostakowski	Costa Mesa			✓	✗		✓
STACEY Cruz	H. Beach			✓		✓	



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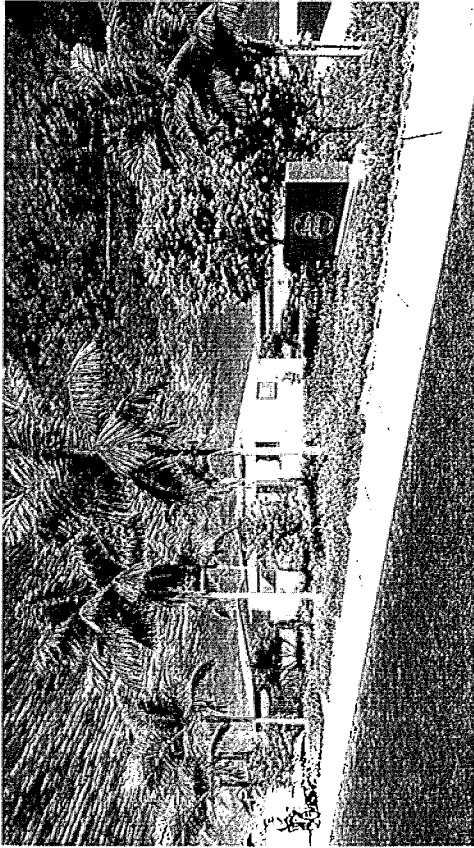
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Nancy Navarro	Santa Ana			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Jacob Singer	Santa Ana			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
ShiDanaBodas	Costa mesa			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Dan J,	Fontaine			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Justin Bonkhian	Costa mesa			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Sam Scheurer	Costa mesa			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	



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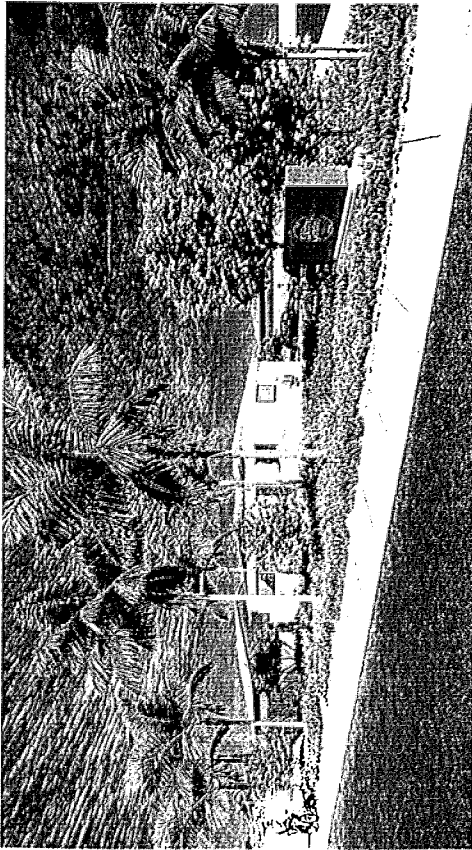
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
<i>S. Nard</i>	<i>Irving</i>	<i>[Signature]</i>	✓			✓	
Elizabeth	Stanton	<i>[Signature]</i>		✓		✓	
George B.	Garden Grove	<i>[Signature]</i>	✓			✓	
<i>S. Nard</i>	<i>Newport Blvd</i>	<i>[Signature]</i>	✓			✓	
<i>M. Loret</i>	<i>Newport Beach</i>	<i>[Signature]</i>	✗			✗	
Stephen S.	Costa Mesa	<i>[Signature]</i>		✓	✓		



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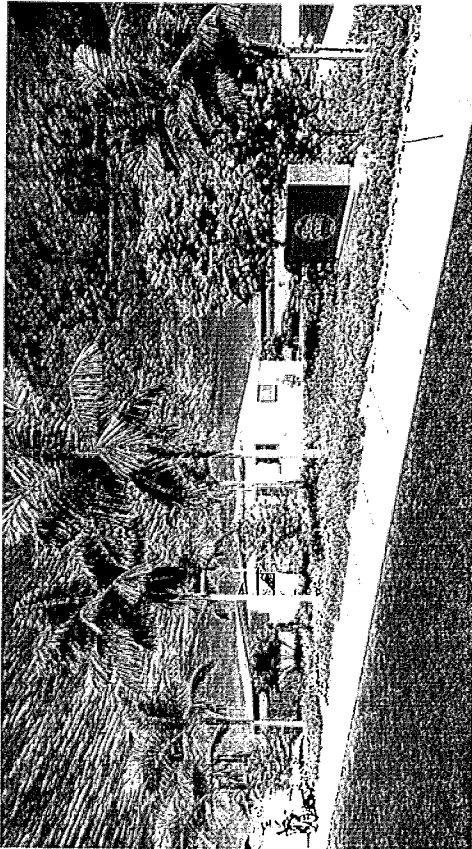
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Orlana Hansen	Santa Ana	Orlana Hansen		✓			✓
Eric Cox	Santa Ana	Eric Cox	✓			✓	
Hanza	Costa Mesa			✓			✓
Artema		M. Artema		✓			✓
Sake Moller							
Condara	Santa Ana	Condara		✓			✓
Victoria Kennedy	San Clemente	Victoria Kennedy		✓			✓
VICTOR HANE	Brea	VICTOR HANE	✓				✓



Native Garden - Cannabis @ 167 Cabrillo




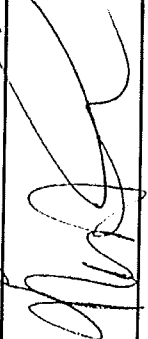

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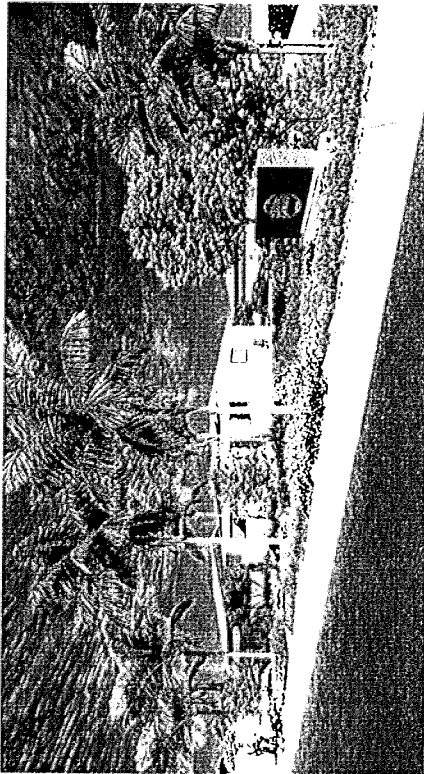
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Denise ^{Greg}	Tustin			X			X
Sahana Liang	Garden Grove			X			X
Naomi Garcia	Costa Mesa			X		X	
Wendy Cabrillo	Tustin			X			X
Juan Lomeli	Long Beach		X				X
Mike Smith	Orange			X			X



Native Garden - Cannabis @ 167 Cabrillo

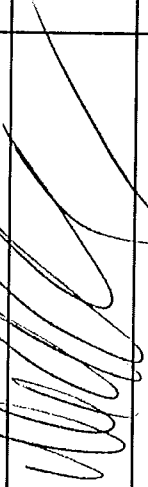




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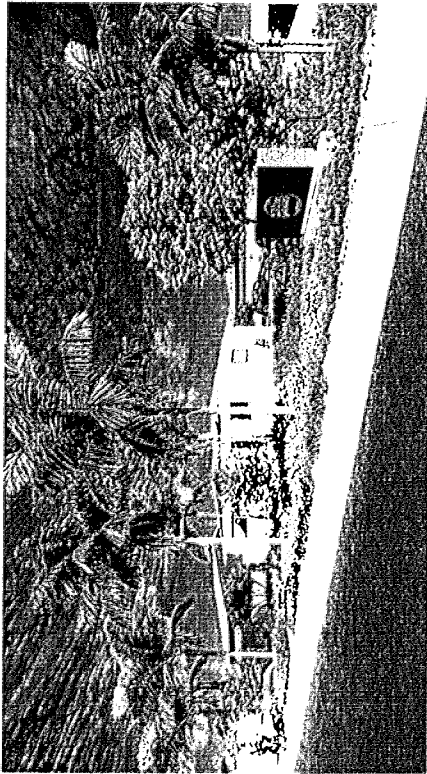
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Layla Makren	Irvine			X			X
Super Patty							
John Andrew	Irvine			X			X
Virginia Carmichael	Costa Mesa			X			
Nate Fisher	Tustin			X			X
Mario	Irvine			X			X



Native Garden - Cannabis @ 167 Cabrillo


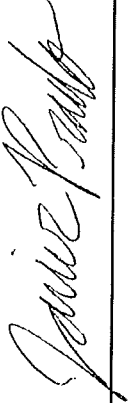

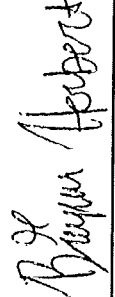


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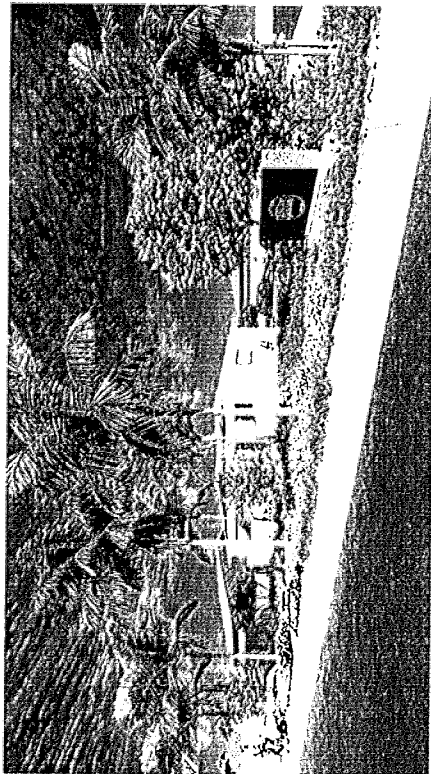
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Michael Kim	Garden Grove			✓			✓
Brian Trunick	Placentia			X			X
Ryan Arkano	Orange			X			X
Missisbelague	Orange		✓				✓
W. K. H. H.							
C. L. H. H.	Orange		✓				✓



Native Garden - Cannabis @ 167 Cabrillo

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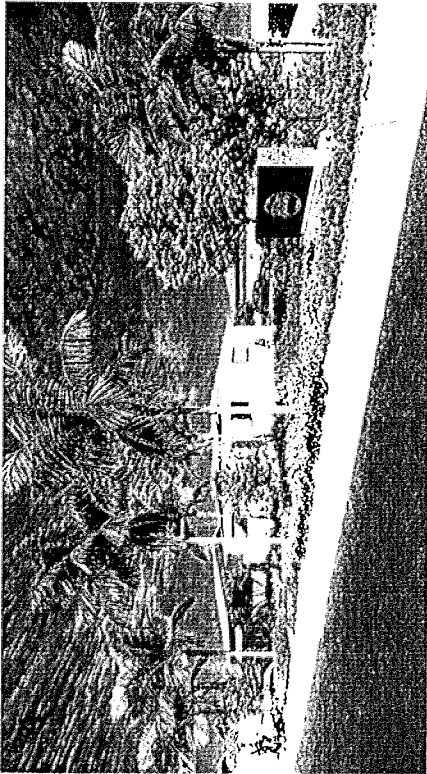
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Juliane Etheridge	Irving		X			X	
Javier Prado	Santa Ana		✓				✓
SEREN VERDUGO	SANTA ANA		✓				✓
Bringing Herbert	Santa Ana		✓				✓
DAVID GALINZ	Orange Ca		X				X
JOEL JOE Ocampo	PERUENE		X				X



Native Garden - Cannabis @ 167 Cabrillo

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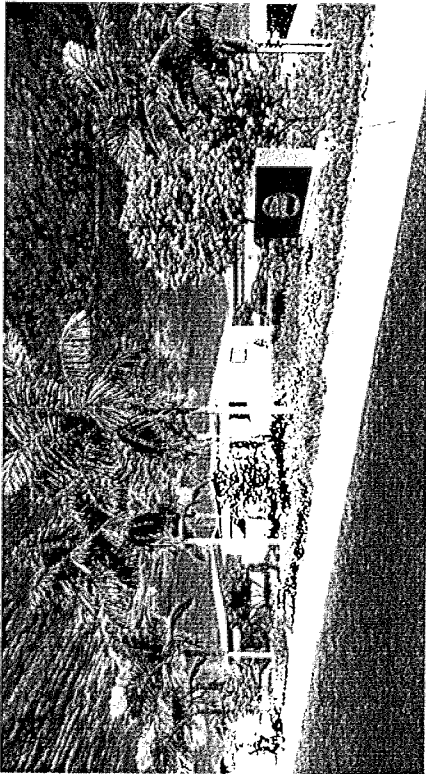
Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Native Garden	Orange						
Mary Acosta	A.B.	Mary Acosta	✓				✓
Ilmares Pinos	Santa Ana	Ilmares Pinos	X				X
Amelia	Costa Mesa	Amelia	X			X	
Jeremy Flores	San Juan	Jeremy Flores	✓				✓
Jeremy Flores	Long Beach	Jeremy Flores	X				X



Native Garden - Cannabis @ 167 Cabrillo

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Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Disa Rlys	Costa mesa	Disa Rlys		X			X
SHARON MURPHY	Yorba Linda	Sharon Murphy		X			X
Virginia	Fullerton	vee		X			X
Jm	Costa Mesa	Jm		X		X	
Fuller	Santa ana	Fuller		X			X
50977 Murphy	SANTA ANA	50977		P			P



Native Garden - Cannabis @ 167 Cabrillo

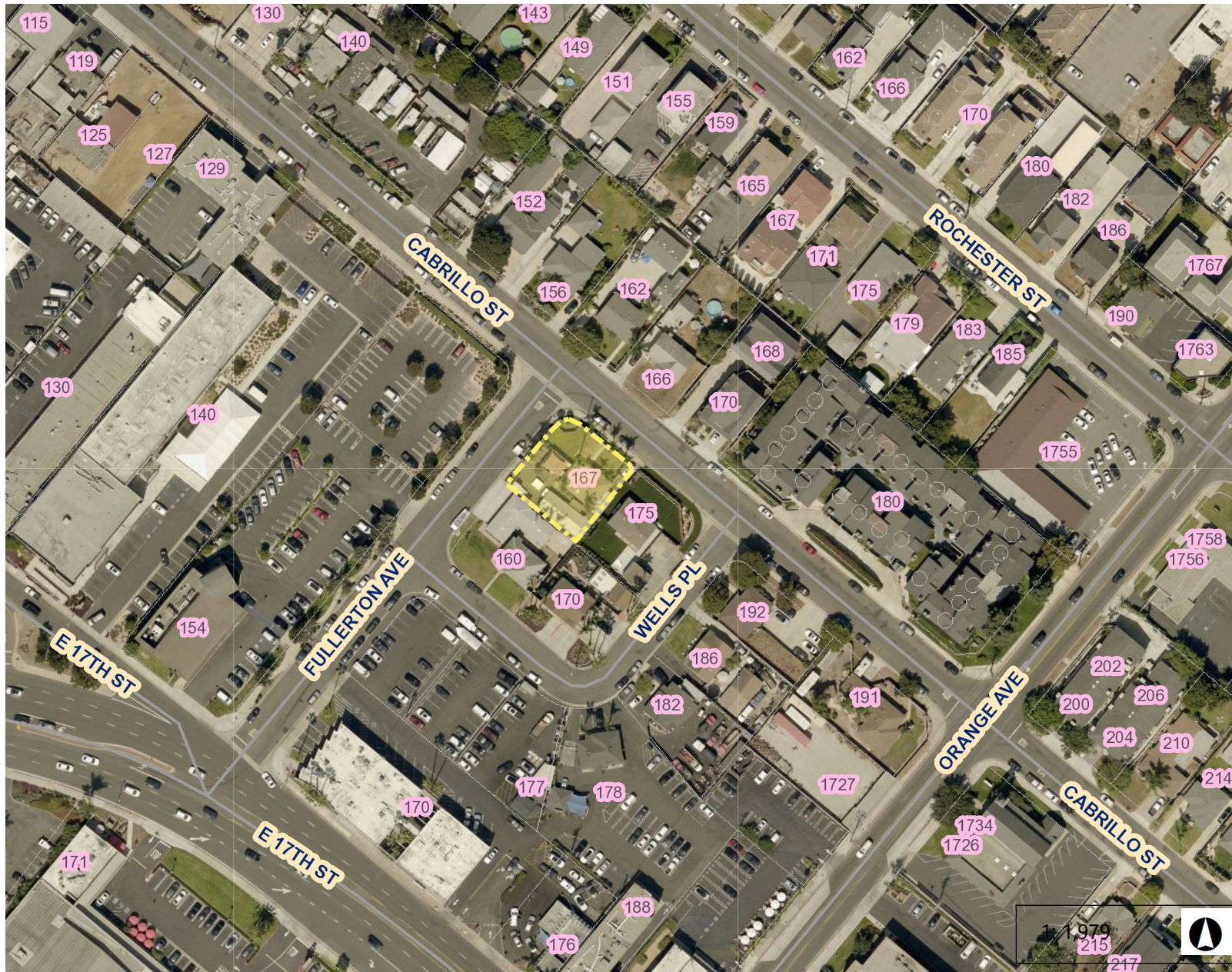
I support Cannabis at this location. The store will be neighborhood oriented with a community based wellness focus. (Think complimentary to yoga, Organized Walks and Retreats. How to integrate cannabis into a healthy lifestyle) I would rather shop in Costa Mesa than drive to Santa Ana. We support local businesses. Hour to Close:

Name	CITY	Signature	Biz	Resi	5pm	8pm	10pm
Lee							
Juan esquivel	Ontario	<i>[Signature]</i>	✓				✓
Alan Sosa	Costa Mesa	<i>[Signature]</i>		X			X
Matt	Orange		✓				✓
MAURICIO PINEDA	Santa Ana	<i>[Signature]</i>	X				X
Rosa	Santa Ana Santa Ana	<i>[Signature]</i>	X				X



Legend

 Costa Mesa



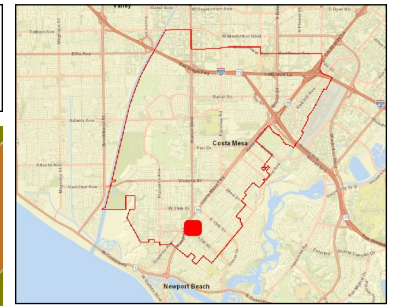
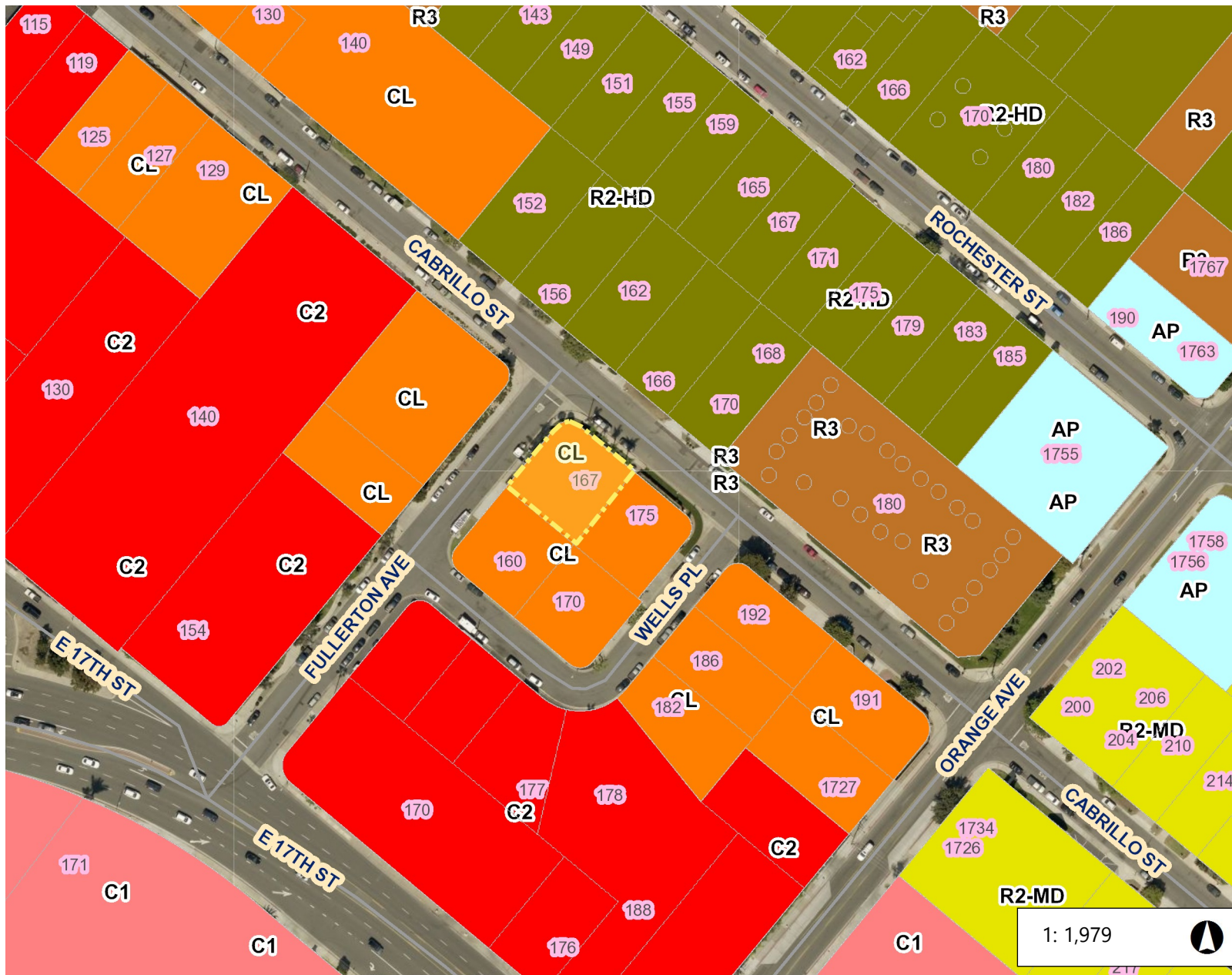
0.1 0 0.03 0.1 Miles

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The City of Costa Mesa makes no guarantee as to the accuracy of any of the information provided and assumes no liability for any errors, omissions, or inaccuracies.

Notes

PA-21-36



Legend

- Costa Mesa
- Zoning**
- AP - Administrative Professional
- IR-MLT - Institutional Recreational I
- R1 - Single-Family Residential
- R2-MD - Multiple-Family Residential
- R2-HD - Multiple-Family Residential
- R3 - Multiple Family Residential
- MG - General Industrial
- MP - Industrial Park
- PDI - Planned Development Industrial
- C1 - Local Business
- C2 - General Business
- C1-S - Shopping Center
- TC - Town Center
- PDR-NCM - Planned Development Mesa
- I&R - Institutional Recreational
- I&R-S - Institutional Recreational - S
- P - Parking
- CL - Commercial Limited
- PDC - Planned Development Commercial
- PDR-LD - Planned Development Residential Density
- PDR-MD - Planned Development Residential Density
- PDR-HD - Planned Development Residential Density

Notes

PA-21-36

0.1 0 0.03 0.1 Miles

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© City of Costa Mesa

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Site Photos



View of the site from Cabrillo Street



View of the site from Fullerton Avenue



Legend:

- EXISTING PROPERTY LINE, TYP. (APPROXIMATE)
- EXISTING STUCCO BUILDING WALL, TYP.
- NEW STUCCO BUILDING WALL, TYP.
- NEW LANDSCAPE, TYP.
- EXISTING WALKWAY
- NEW BLOCK WALL, FENCE 6' HIGH
- NEW 3X6-8" GLASS DOOR - PUSH/PULL HARDWARE
- NEW CONCRETE STEPS WITH HANDRAIL
- NEW CONCRETE RAMP WITH HANDRAILS
- NEW ADA STALL
- NEW CONCRETE WALKWAY
- NEW BIKE RACK, TYP.
- NEW 3X6-8" METAL DOOR AND FRAME
- NEW TRASH ENCLOSURE BLOCK WALLS 6' HIGH WITH METAL DOORS PAINT FINISH - ADD ROOF COVER
- NEW MONUMENT SIGN
- NEW TALL LANDSCAPE TO SCREEN VEHICLES

Cannabis Dispensary
Tenant Improvements
167 Cabrillo Street
Costa Mesa, CA 92627

Issued For	Date
Client Review Set	07-21-2021

These drawings are the property of Frank Martinez.
All design ideas and information on these drawings are the property of Frank Martinez and can not be copied or disclosed without written permission from Frank Martinez.

File No:	A-12
Job No:	2133A
Drawn By:	Staff
Date:	07-19-2021
Scale:	As Shown

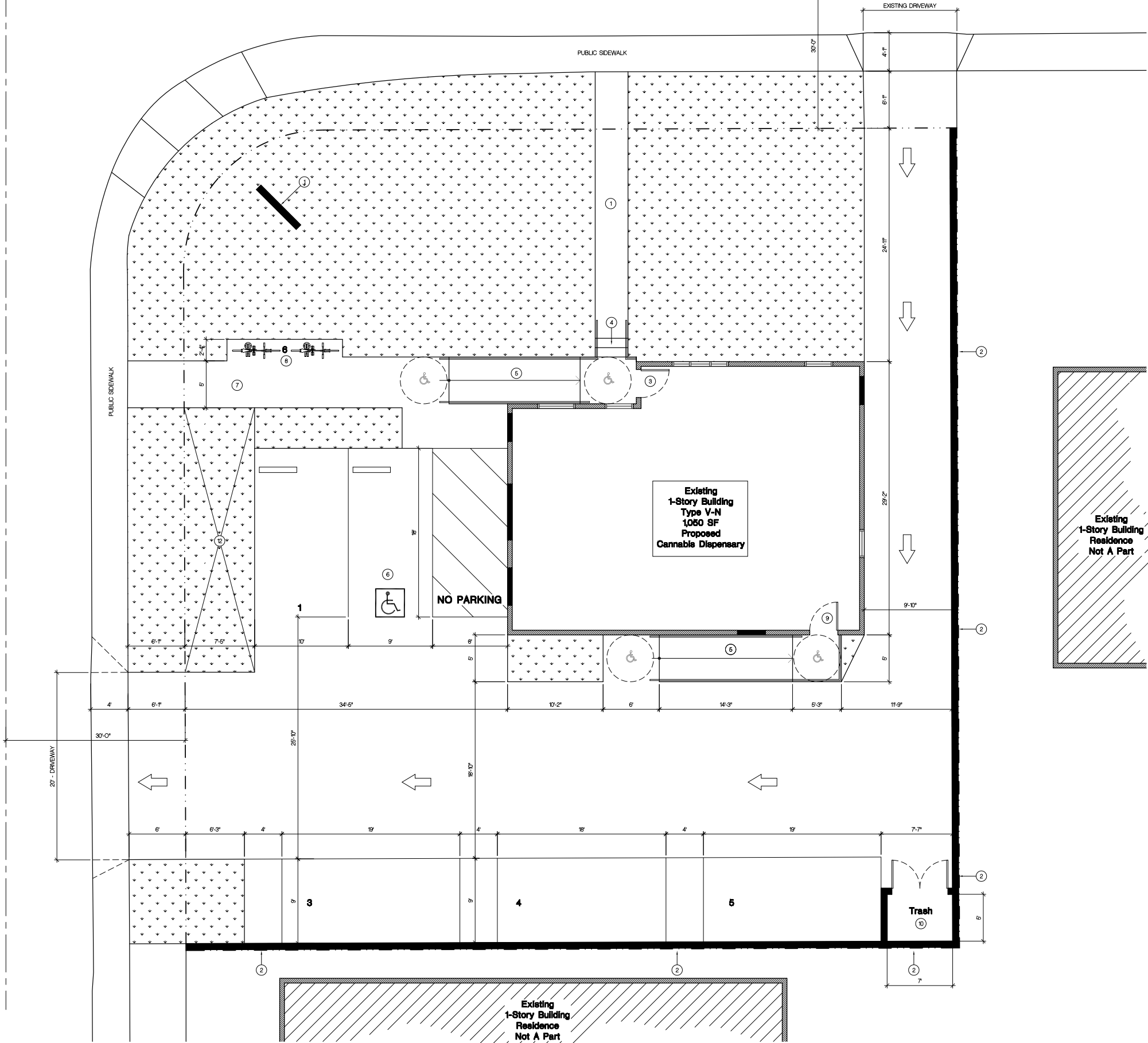
PROPOSED
SITE PLAN

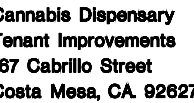


A-1.2

Cabrillo Street

Fulerton Avenue



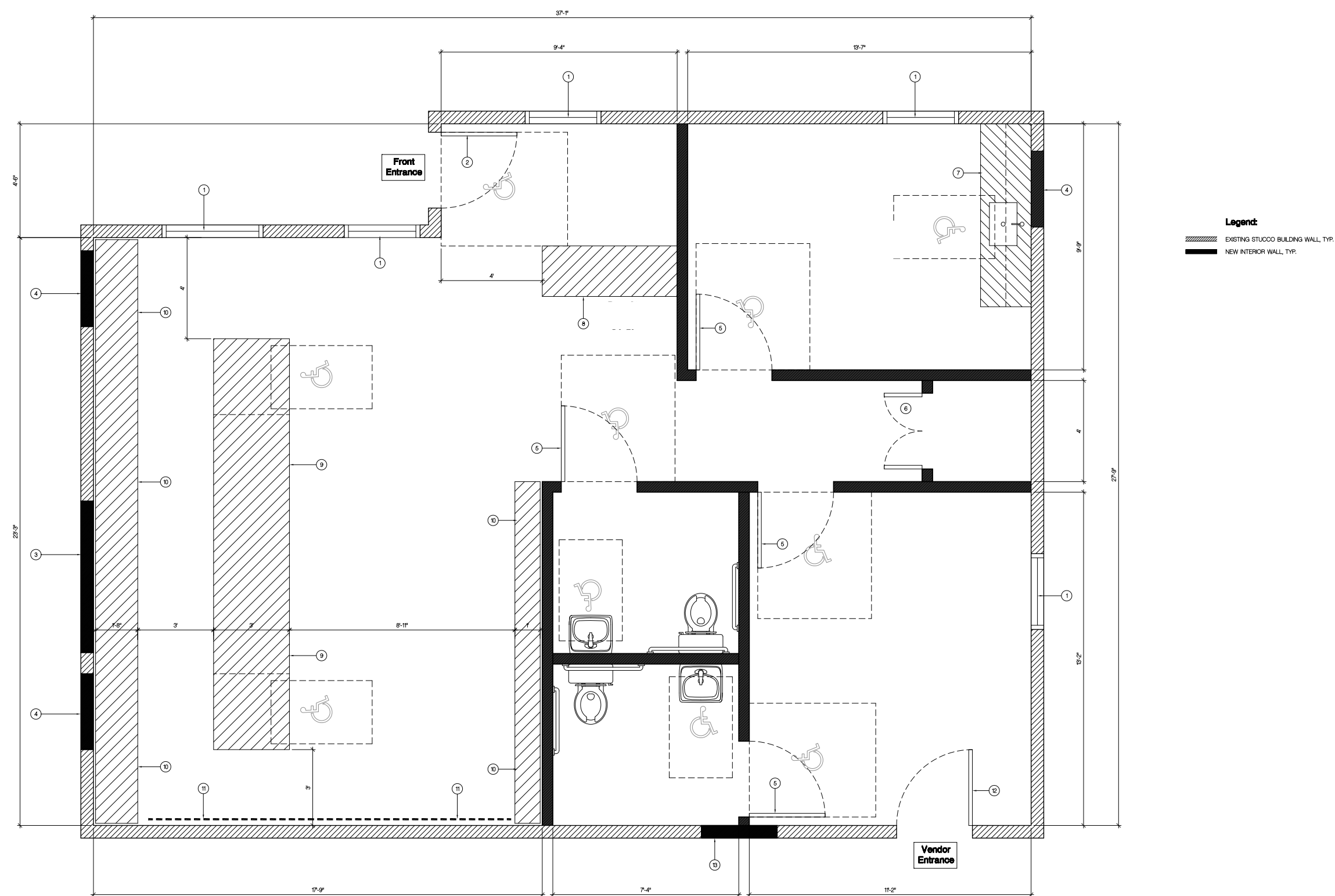
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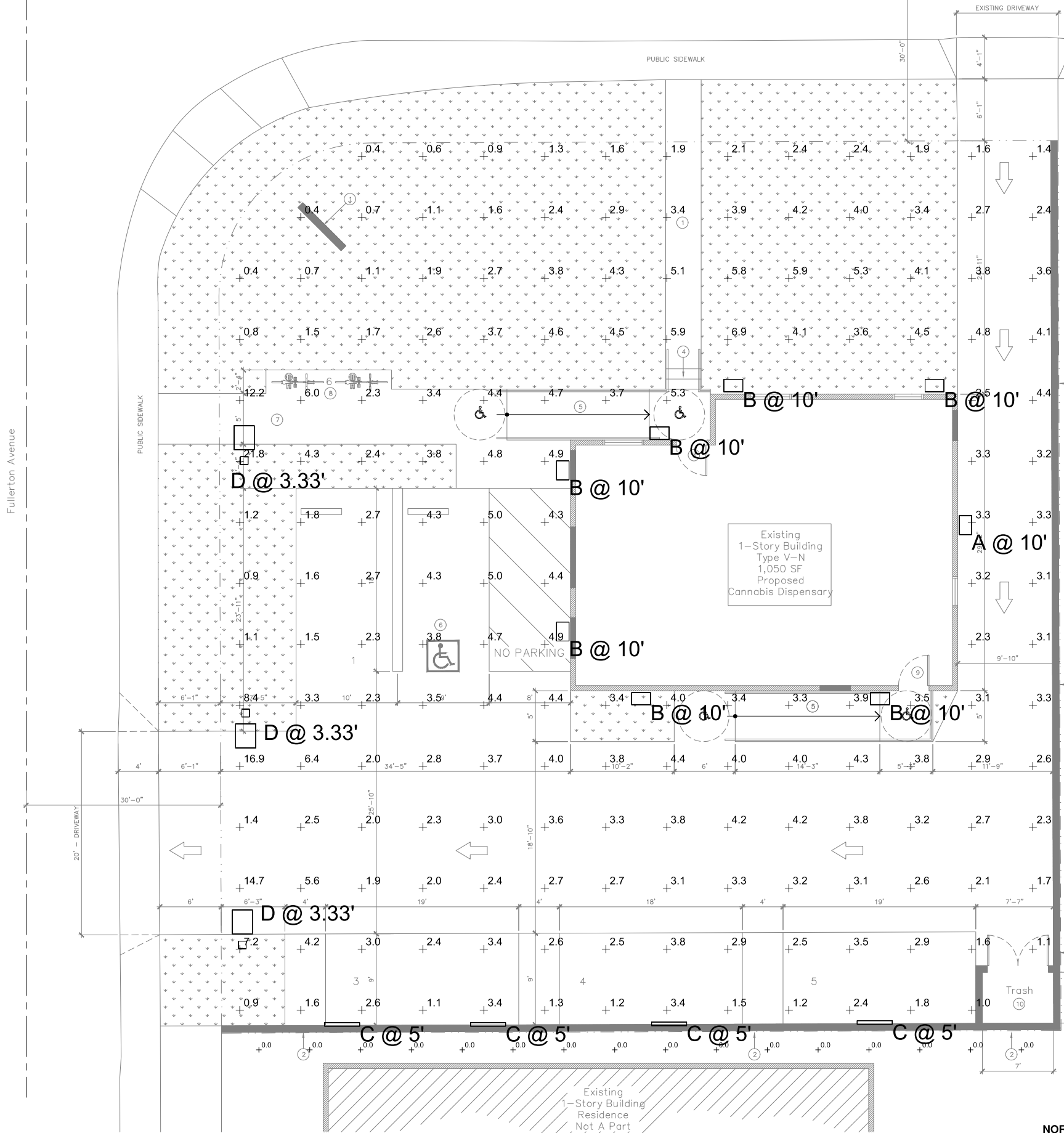
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File No:	A-22
Job No:	2133A
Drawn By:	Staff
Date:	07-19-2021
Scale:	As Shown





**PROPOSED
FLOOR PLAN**

A-2.2





Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
OVERALL SITE @ 0' A.F.G.	+	3.4 fc	21.8 fc	0.4 fc	54.5:1	8.5:1
PARKING AREAS @ 0' A.F.G.	X	3.3 fc	16.9 fc	1.0 fc	16.9:1	3.3:1
SOUTH AND EAST RESIDENTIAL PROPERTIES @ 0' A.F.G.	+	0.0 fc	0.0 fc	0.0 fc	N/A	N/A

Schedule									
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	A	1	Lithonia Lighting	WDGE2 LED P2 30K 80CRI T1S	WDGE2 LED WITH P2 - PERFORMANCE PACKAGE, 3000K, 80CRI, TYPE 1 SHORT OPTIC	1	1886	0.9	18.9815
	B	7	Lithonia Lighting	WDGE2 LED P3 30K 80CRI TFTM	WDGE2 LED WITH P3 - PERFORMANCE PACKAGE, 3000K, 80CRI, TYPE FORWARD THROW MEDIUM OPTIC	1	3015	0.9	32.1375
	C	4	BEGA Converted by LUMCat V 27.08.2015 / H.R.		33157K3	1	1329	0.9	20
	D	3	LIGMAN	LI-10021-T4-W30	Light linear PT one side bollard	1	2231	0.9	29.2



FRANK MARTINEZ
750 EAST GREEN STREET #308
PASADENA, CA 91101
626-407-6427
WWW.MARTINEZHOSSETTLER.COM
FRANK@MARTINEZFM.COM



Project #: 22126



ebssinc@ebs-la.com
818-763-9179

15515 San Fernando Mission Blvd., Suite 9 | Mission Hills, CA 91345

Cannabis Dispensary
Tenant Improvements
167 Cabrillo Street
Costa Mesa, CA. 92627

Issued For	Date
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File No.:	
Job No.:	2133A
Drawn By:	Staff
Date:	07-19-2021
Scale:	As Shown

SITE
PHOTOMETRIC
PLAN

SPH-1









FLINN WEST

February 1, 2023

Via E-Mail and USPS

City of Costa Mesa/Cannabis Division
77 Fair Drive
Costa Mesa, CA 92626
Attn: Planning Department

RE: Proposed Marijuana Dispensary
167 Cabrillo Street, Costa Mesa, CA

To Whom It May Concern:

My name is Jill Welton and I am the Senior Property Manager of an office building located at 129 Cabrillo Street in Costa Mesa. I am reaching out to you as it has been brought to my attention that a marijuana dispensary has applied for a CUP with the City Costa Mesa for the property located at 167 Cabrillo Street. The property is one block away from our building, with no visible parking lot and only street parking available in the surrounding neighborhood streets.

I am here to relay to you first-hand the devastation that a dispensary caused in another property that I manage located on the corner of Harbor Boulevard and 19th Street in Costa Mesa. The Tenant fraudulently described his use as a "cosmetics/skincare" company in order to sign a lease. They trashed our center, wreaked havoc on the limited parking, caused excessive litter and loitering and brought homeless and drug users to our center. After reaching out to the Mayor, council members and the Code Enforcement division, we were finally able to have them shut down and evicted in the Summer of 2021. We have been through the devastation which cost the Landlord approximately \$300,000 in repairs, loss of rents, legal fees and the loss of a tenant due to the marijuana use.

We recognize that is an application for a legal marijuana user, however, the legal dispensaries should have parking that is equivalent to that of a restaurant or medical use, which is somewhere between 5 to 10 per 1,000 SF and this location clearly does not have this. The number of cars that visit a dispensary far exceeds that of a typical retail tenant and they come in and out by the minute. This use would bring too much traffic going up and down Cabrillo on a street mixed with residential and business uses and would most certainly cause accidents and congestion in an already compromised traffic/access situation. Adding this type of heavy parking/traffic user will harm the existing residents and business owners and cause damage to their businesses.

In addition, this use attracted vagrants, homeless, patrons who littered, loitered, smoked marijuana in the parking lot and additionally threatened and scared our existing patrons and tenants will return. We had to fight every day to keep the homeless and the ill-willed off our private property. We believe that having even a legal dispensary at this location would compromise the surrounding businesses, the residential neighborhood, and surrounding centers.

We are extremely concerned that if this new dispensary is approved, it will draw the same types of issues to this neighborhood block. We are somewhat experts on this use and how it affects the surrounding areas. We lived it, breathed it and fought tooth and nail to finally remove it. The hardship that we endured by this previous use was well beyond the \$300,000 +/- loss due the dispensary's occupancy.

We appeal to you to review this situation carefully and NOT allow a CUP to be granted to a dispensary in this location.

My office phone number is (949) 722-1131 ext. 207. Please let me know if you need anything from me or have any further questions or comments.

Sincerely,

FLINN WEST, a California corporation,

as authorized agent for

**VMA HARBOR HOLDING COMPANY, LLC, A CALIFORNIA LIMITED LIABILITY
COMPANY**



Jill Welton

Director Leasing/Property Management



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1098

Meeting Date: 2/27/2023

TITLE:

PLANNING APPLICATION 22-34 FOR A CANNABIS MANUFACTURING, DISTRIBUTION, AND NON-STOREFRONT RETAIL FACILITY ("FABULOUS CREATIONS INC.") AT 3505 CADILLAC AVENUE, UNIT M-202)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

RECOMMENDATION:

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) Existing Facilities; and
2. Approve Planning Application 22-34, subject to conditions of approval.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 27, 2023

ITEM NUMBER: PH-3

SUBJECT: PLANNING APPLICATION 22-34 FOR A CANNABIS MANUFACTURING, DISTRIBUTION, AND NON-STOREFRONT RETAIL FACILITY ("FABULOUS CREATIONS INC.") AT 3505 CADILLAC AVENUE, UNIT M-202)

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: CHRISTOPHER ALDANA, ASSISTANT PLANNER

FOR FURTHER INFORMATION CHRISTOPHER ALDANA
714-754-4868

CONTACT: CHRISTOPHER.ALDANA@COSTAMESACA.GOV

RECOMMENDATION

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) Existing Facilities; and
2. Approve Planning Application 22-34, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The applicant/authorized agent is Barry Fisher, for the property owner, 3505 Cadillac Ave. LLC.

BACKGROUND

The subject property is located on the west side of Cadillac Avenue near the westerly terminus of Sunflower Avenue. This City land use area is commonly known as the "Green Zone" which allows a variety of cannabis uses including manufacturing, distribution, and non-storefront uses (delivery only), subject to the issuance of City and State permits and licenses. The 13.9-acre property known as Cambridge Park (developed in 1982) is an industrial park with approximately 230,000 square feet of industrial, research and development, and office condominiums. Physical on-site

improvements include landscaping and surface parking shared among the businesses within Cambridge Park. The property is zoned Planned Development Industrial (PDI), and is surrounded by properties zoned Industrial Park (MP) to the north and east, the Interstate 405 Freeway to the south, and the Santa Ana River Trail to the west. The site has a General Plan Land Use Designation of Industrial Park (IP).

The proposed project is located in an existing 2,206-square-foot tenant space on the second floor of a multi-tenant industrial building (Building M). There are no open Code Enforcement cases at this proposed location. The existing industrial building currently contains seven tenant spaces (including the proposed use), all of which are cannabis distribution, manufacturing and/or non-storefront retail businesses, as shown in Table 1.

Table 1 – Building M Tenant List

Unit	Entity	Use	Case Number	Status
M101	Se7en Leaf, LLC	Manufacturing & Distribution	PA-18-03; A1	CBP issued; In operation
M102	Tranz, LLC	Manufacturing & Distribution	PA-18-19; A1	CUP approved
M201	Biosgrove Technology, Inc.	Distribution	PA-18-38	CBP issued; In operation
M202 (Applicant)	Fabulous Creations Inc.	Proposed Use: Manufacturing/ Distribution & Non-Storefront Retail (Direct Delivery)	PA-22-34	CUP pending
M103	Pure Labs, Inc.	Manufacturing & Distribution	PA-18-17; A1	CBP issued; In operation
M104	SCCC Group	Manufacturing/ Distribution & Non-Storefront Retail (Direct Delivery)	PA-20-18; A1	CUP approved
M204	New Normal Labs, LLC	Manufacturing & Distribution	PA-20-15	CUP approved

City of Costa Mesa Medical Marijuana Measure (Measure X) and Costa Mesa Retail Cannabis Tax and Regulation Measure (Measure Q)

In November 2016, Costa Mesa voters approved Measure X, allowing medical cannabis manufacturing, packaging, distribution, research and development laboratories, and testing laboratories in Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties north of South Coast Drive and west of Harbor Boulevard, excluding the South Coast Collection (SOCO) property located at 3303 Hyland Avenue. This industrial area is known as the “Green Zone”. Measure X is codified in Titles 9 and 13 of the Costa Mesa Municipal Code (CMMC). Cannabis uses are also subject to State cannabis requirements.

In 2018, non-medical adult use cannabis became legal in California under the State’s Medicinal and Adult-Use Cannabis Regulation and Safety Act (Proposition 64). On April 3, 2018, the City Council adopted Ordinance No. 18-04 to allow non-medical use cannabis facilities in the same manner and within the same geographic area as previously allowed pursuant to Measure X.

On November 3, 2020, Costa Mesa voters approved Measure Q, the Costa Mesa Retail Cannabis Tax and Regulation Measure. This measure allowed the City to adopt regulations permitting storefront retail (dispensaries) and non-storefront retail (delivery) within the City subject to certain requirements. On June 15, 2021, the City Council adopted Ordinances No. 21-08 and No. 21-09 to amend Titles 9 and 13 of the CMMC to establish regulations for legal cannabis storefront and non-storefront uses. A non-storefront retailer sells packaged cannabis goods to customers through direct delivery only.

Cannabis Business Permit (CBP) Process

Prior to establishing a Cannabis business, an applicant is subject to an extensive submittal and application review process and must obtain all of the following City approvals before conducting business:

- Cannabis Business Permit Notice to Proceed;
- Conditional Use Permit (or Minor Conditional Use Permit in specific circumstances);
- Building Permits (and final inspections by multiple departments and the City’s cannabis consultant);
- Cannabis Business Permit; and
- Business License.

The initial phase of a Cannabis Business Permit review includes a background check of the proposed owner, and an evaluation of the proposed business plan and security plan by the City’s cannabis consultant, HdL Companies. The applicant has successfully completed these evaluations and staff issued a Notice to Proceed, which allows the

applicant to continue to the next step in the review, which is the submittal of a Conditional Use Permit (CUP) application.

If the CUP is approved, the applicant would begin the remaining steps of the CBP process. The applicant must obtain building permits, complete building improvements, demonstrate that all conditions of approval have been satisfied, and that all other requirements of the CMMC have been satisfied. After passing the final City inspection, the CBP would be issued. CBP approval is valid for a two-year period and must be renewed prior to expiration. During the two-year permit period, the Community Improvement Division (CID), along with other City staff, will conduct site visits to verify the operation complies with all CUP and CBP requirements. Violations identified during site visits may be grounds for the revocation of the CBP or for non-renewal of a CBP.

After obtaining the CBP, the applicant may apply for and obtain a City Business License. In addition to the CUP, CBP, and Business License, the applicant must obtain the appropriate licenses from the State Department of Cannabis Control prior to operating.

DESCRIPTION

Planning Application 22-34 is a request for a Conditional Use Permit (CUP) to operate a cannabis non-volatile manufacturing, distribution, and non-storefront retail (delivery) facility within a 2,206-square-foot, second floor tenant space located at 3505 Cadillac Avenue, Unit M-202. Unit M-202 is located directly above Unit M-102 (Tranz, LLC) and shares a common ground floor entrance/lobby area with direct access from the adjacent southerly parking area. Additionally, Unit M-202 also has a second entry door with access from the northerly parking lot area. This northerly entry door is located on the second-floor and is accessed from the ground level via an exterior stair access. The exterior stairway is also shared by the business operating in suite 201 (Biosgrove Technology, Inc.).

As indicated by the applicant, the business will be owned by three individuals. At this time, the owners will not be hiring any employees and the three owners will alone manage the proposed cannabis daily distribution, manufacturing and delivery operations. The applicant indicates that only the owners are anticipated to be on-site during business hours; however, as the business grows, employees may be added to the business. The owners intend on eventually purchasing a van for the distribution service; however and at this time, all business related distribution and deliveries would occur via the owner's personal vehicles.

Although manufacturing, distribution and delivery aspects of the proposed business are described below in detail, the applicant anticipates that a typical day would consist of one of the owners arriving to the site and parking their personal vehicle in the designated loading/unloading parking space. When a delivery is requested by phone, email or on the business website, the owner would use their vehicle to deliver products. If during the day a distribution of their products is needed, then the owner would use the same personal vehicle to complete the requested distribution service. At the end of the day, the owners would close the business and drive home their personal vehicle. As

conditioned, vehicles for delivery and distribution will be installed with secure storage areas for cannabis products. In addition and as also conditioned, all transfer of cannabis products from the licensed premises to the delivery/distribution vehicles will be within a secured container.

The required State licenses for the proposed cannabis business includes a Type 6 “manufacturer – non-volatile,” Type 9 “non-storefront retailer” and Type 11 “distributor.” A CUP and State license for the facility would allow the business to manufacture and transport cannabis products, as well as deliver pre-packaged cannabis and cannabis products directly to off-site customers, subject to conditions of approval and local and State requirements. Cannabis cultivation is not proposed and is prohibited in Costa Mesa.

ANALYSIS

As described in the applicant’s letter (Attachment 2) and illustrated on the proposed plans (Attachment 6), the proposed cannabis facility includes three main areas:

1. Manufacturing (75 square feet);
2. Distribution (515 square feet); and
3. Delivery (700 square feet).

In addition, a Common Area (916 square feet) serves all three operations, which includes a shared office, restroom, security closet, and shared employee lockers. Only minor changes are proposed to the interior floor plan (the closure of one doorway), and no exterior changes are proposed.

Manufacturing & Distribution Use

The manufacturing area is proposed within a 75-square-foot room, and manufacturing does not involve the use of hazardous materials for cannabis extraction. The cannabis business is primarily proposing to produce pre-rolled cannabis cigarettes (“pre-rolls”) which involves grinding cannabis flower that would be used for filling the pre-roll. The pre-rolls would be hand rolled using “RAW” brand filters and pre-roll wrapping paper. The applicant anticipates an estimated 1,000 pre-rolls would be produced each month.

The distribution area would be located within an approximate 500-square-foot portion of the proposed cannabis facility including a secure storage room and distribution office. Cannabis flower would be stored in the secure storage room and would be sorted for either final retail packaging or pre-roll manufacturing. Cannabis flower intended for retail (delivery and licensed storefronts) would be stored in the distribution area of the facility where it will be packaged and labeled for order fulfillment. Cannabis flower intended for manufacturing purposes would be transferred to the manufacturing area of the facility, as needed.

The distribution vehicle loading and unloading activity is proposed to occur within the existing shared southerly surface parking lot. The cannabis facility would have a designated loading/unloading area that is located approximately 60 feet from the front entrance. As proposed and conditioned, video surveillance cameras would be installed on the interior and exterior of the building with direct views of the loading and unloading area. As described above and conditioned in the Resolution, cannabis products will be transported securely from the licensed premises to the delivery/distribution vehicles, and the delivery and distribution vehicles will also be equipped with secure storage areas for cannabis products.

Below is a summary of the activities and product movement that are involved with the proposed manufacturing and distribution uses:

- Receipt of bulk shipments, including but not limited to, cannabis flower would be transported from the specified loading/unloading area into the premises, via the front entry located at the northern parking area (approximately 60-foot path of travel). All cannabis products will be transported within secured/locked storage/transport devices;
- Once received and validated per State requirements, bulk shipments are stored in the designated secured storage area until it is ready to be transferred to the manufacturing areas;
- Once transferred from the distribution to the manufacturing areas, the Type 6 non-volatile manufacturing would occur. Pursuant to the Type 6 State license, the following cannabis manufacturing is allowed:
 - Use non-volatile solvents for extraction or post-extraction processing;
 - Use mechanical methods for extraction;
 - Make cannabis products through infusion; and/or
 - Package and label cannabis products;
- Finished cannabis products are transported back to the distribution secure storage room while a sample batch undergoes laboratory testing by an authorized third-party testing facility; and
- Finished product scheduled for distribution to a licensed retail buyer would be staged within the distribution secure storage room

Non-Storefront Retail Use (Delivery)

A 700-square-foot delivery area is proposed that includes an office, secure storage room, and delivery dispatch room. The office would be used for general administrative purposes. The secure storage area will be the location of the facility where cannabis retail products are stored, and items that are ready for delivery will be stored in the delivery dispatch room. Pursuant to the Type 9 State license, only packaged cannabis products can be delivered directly to customers. Packaged cannabis products would arrive to the facility via in-house distribution and a portion of product will come from in-house manufacturing, and proceed through compliance testing. As described above and conditioned, loading and unloading of cannabis product into delivery vehicles is also

proposed to take place within the existing northern surface parking lot in the designated loading/unloading area.

All areas of the facility including the non-storefront retail use would be closed to the public and could only be accessed through secured or controlled access points in the facility with the proper security credentials. The applicable State and local operating requirements for non-storefront retail delivery operations are summarized below:

- All employees who deliver cannabis shall have valid identification and a copy of the CBP and State license at all times while making deliveries.
- All employees are at least 21 years of age.
- Delivery to consumers is limited to the hours between 7 a.m. – 10 p.m.
- All commercial cannabis retail businesses shall maintain proof of vehicle insurance for all vehicles being used to transport cannabis goods as required by State law.
- During delivery, the delivery employee shall not leave the State of California while possessing cannabis products and/or performing his or her duties for the cannabis retailer.
- A commercial cannabis retail business shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the State.
- A manifest with all information required pursuant to local and State provisions shall accompany any delivery person at all times during the delivery process and delivery hours.
- Any delivery methods shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated GPS device for identifying the location of the vehicle (cell phones and tablets are not sufficient).
- Each delivery request shall be entered into a point-of-sale tracking system and have a receipt prepared by the commercial cannabis retail business with the following information:
 - Name and address of the commercial cannabis retail business;
 - The name of the employee who delivered the order;
 - The date and time the delivery request was made;
 - The complete customer's first name, retailer-assigned identification number, and delivery addresses;
 - A detailed description of the cannabis goods requested for delivery including the weight or volume, or any accurate measure of the amount of cannabis goods requested;
 - The total amount paid for the delivery including any fees or taxes;
 - The date and time delivery was made, and the signature of the person who received the delivery; and
 - At the time of the delivery, the person receiving the delivery provides identification and must be 21 years old.
- No cannabis delivery vehicle shall display signs, decals or any other form of advertisement.
- Inspections by an authorized City representative may be conducted anytime during regular business hours.

- Delivery must be made to a physical address that is not on publicly owned land, a school, a day care, or a youth center.
- The delivery employee shall not carry cannabis goods valued in excess of \$5,000 at any time with no more than \$3,000 of cannabis goods that are not already part of a customer order that was processed prior to leaving the premises.
- A direct employee of the licensed retailer must make delivery in person. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered directly employed by the licensed retailer.
- The delivery employee shall confirm the age of the buyer through entering government issued identification information into an electronic age verification system.

Business Plan

The applicant has submitted a detailed business plan that was evaluated by the City's cannabis consultant (HdL). The business plan described the owners' experience, proof of capitalization, start-up budget, a three-year pro forma, target customers, key software, and daily operations. The business plan contains proprietary details and is therefore not included as an attachment to this staff report. The City's cannabis consultant determined that the applicant's business plan was appropriate for continued entitlement processing.

Security Plan

The applicant provided a professionally prepared security plan for the proposed cannabis facility. The City's cannabis consultant reviewed the proposed security plan and determined that appropriate security measures were included to address the City's security requirements pursuant to Chapter VI of CMMC Title 9 and State law. Since the security plan contains sensitive operational details that require limited exposure to remain effective, the plan is not included as an attachment. However, the following is a list of general security measures that are required for the proposed cannabis facility:

- Live scan background check for every employee including drivers;
- City-issued identification badge for each employee;
- Professionally installed and monitored exterior and interior surveillance cameras;
- Professionally installed, maintained, and monitored alarm system including panic buttons and window and door alarms;
- Surveillance footage must be maintained for a minimum of 90 days;
- Secured storage of cash, cannabis and cannabis products;
- Sensors that detect entry and exit from all secured areas;
- Emergency power supply;
- Emergency equipment and training;
- Driver and vehicle safety protocol;
- Vendor protocol (cash and product transportation); and
- Limited access areas and visitors check-in and security.

As proposed and conditioned, all facility entry and exit points, locations where cash or cannabis products are handled or stored shall be under camera surveillance. Additionally, the applicant shall submit to the City a list of all vehicles to be used for retail delivery purposes. The list shall identify the make, model, color, license plate number, and registered owner of each vehicle. The applicant shall submit an updated vehicle list each quarter with the required quarterly update to the employee roster pursuant to the CBP. Delivery vehicle drivers shall be at least age 21, have a current driver's license, successfully complete a live scan, and have a City-issued badge. The business operator shall ensure that all vehicles are properly maintained, all delivery drivers have a good driving record, and each driver conducts a visual inspection of the vehicle at the beginning of a shift.

Circulation and Parking

The existing surface parking lot was designed with the intent to be shared and to serve all of the businesses operating within the Cambridge Park industrial complex. The industrial complex was originally developed in 1981 and was required to provide 591 parking spaces based on the City's established industrial use parking requirement of three spaces per 1,000 gross square feet. There are 731 parking spaces provided in the existing surface lot, which exceeds the City's industrial floor area/parking requirement by 140 spaces. The delivery use involves no customer traffic so it would not further intensify the site or require additional parking. Therefore, the project does not require any additional parking stalls. Conditions of approval are included to ensure that if parking shortages or parking related issues arise that the business operator would be required to institute appropriate measures necessary to minimize or eliminate the parking problem to the satisfaction of the Director of Economic and Development Services or their designee.

GENERAL PLAN CONFORMANCE

Conformance with the City of Costa Mesa General Plan

The Costa Mesa General Plan establishes the long-range planning and policy direction that guides change and preserves the qualities that define the community. The 2015-2035 General Plan sets forth the vision for Costa Mesa. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that serve both local needs and attract regional and international spending, and providing cultural, educational, social, and recreational amenities that contribute to the quality of life in the community. Over the long term, General Plan implementation will ensure that development decisions and improvements to public and private infrastructure are consistent with the goals, objectives, and policies contained in this Plan.

The following analysis evaluates the proposed project's consistency with specific policies and objectives of the 2015-2035 General Plan.

1. **Policy LU-1.1:** *Provide for the development of a mix and balance of housing opportunities, commercial goods and services and employment opportunities in consideration of the need of the business and residential segments of the community.*

Consistency: The proposed cannabis use would provide a new entrepreneurial business in Costa Mesa as allowed under Measure X and Measure Q (local voter approved ballot measures), new goods and services, and may potentially provide new employment opportunities in the community.

2. **Policy LU-6.3:** *Continue to prioritize commercial and industrial park use of properties north of I-405 and within the Airport Industrial District.*

Consistency: The proposed use would create new jobs and continue the industrial and commercial nature of an existing industrially-zoned property located north of I-405.

3. **Policy LU-6.15:** *Promote unique and specialized commercial and industrial districts within the City which allow for incubation of new or growing businesses and industries.*

Consistency: The proposed use is part of a growing industry and would be based in a location specifically identified for such uses by the City's electorate through Measure X and Measure Q. Therefore, approval would encourage new businesses and entrepreneurial opportunities in an area of the City identified for such by local voters.

REQUIRED FINDINGS

Pursuant to Title 13, Section 13-29(g), Findings, of the Costa Mesa Municipal Code, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets specified findings as follows:

- **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.** The subject site is located within the Green Zone, an industrial area of the community where several types of cannabis uses are conditionally permitted, such as non-storefront retail (delivery), distribution, and manufacturing. The proposed use is a manufacturing, distribution and non-storefront (delivery) retail use proposed within the City's Green Zone. The other tenants in the building are also approved cannabis facilities. Similar to other industrial uses, the proposed delivery business would generally not generate customer traffic to the site. As proposed and conditioned, the cannabis use would be compatible with adjacent industrial and commercial uses, including several other adjacent cannabis uses. Compliance with conditions of approval, other local regulations, and State requirements would allow this use to operate with minimal impact on surrounding properties and uses.

- **Granting the 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.** The proposed manufacturing, distribution and non-storefront retail use would follow safety measures detailed in a professionally prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL Companies. Measures designed to maintain safety at the facility include—but are not limited to—window and door alarms, panic buttons, motion-detectors, limited access areas, a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. As proposed and conditioned, video recordings shall be maintained for a minimum of 90 days As required by the CMMC and affirmed in the security plan, the business shall designate a security representative to be available to meet with the City Manager, Chief of Police, or their designees, regarding any security or operational concerns. The business employees, including delivery drivers and part-time staff, shall pass a live scan background check and obtain identification badges from the City. The recommended conditions of approval and local and State laws are intended to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood.
- **Granting the 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 use is consistent with the General Plan goals and policies as discussed earlier in this report. The proposed use will be located within an existing building and there are no proposed additional square footage to the tenant space or to the building; therefore, there is no change in intensity. As stated in the General Plan Land Use Element, the City's industrial designations "accommodate a variety of industrial and compatible office uses, as well as limited and supportive commercial uses." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; prioritizing commercial and industrial uses at properties north of the I-405; and promoting the incubation of unique and specialized commercial and industrial businesses. In addition, the proposed use is a conditionally permitted use in the subject industrial zone.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities (Class 1). This project site contains an existing industrial building and the proposed project only involves minor interior tenant improvements that would not expand the existing footprint or increase the square footage. The proposed use would not require any other exterior modification or off-site improvements to the industrial complex. Thus, the proposed use does not intensify the area in terms of Floor Area Ratio (FAR) or generate increased traffic that was not already anticipated for this area pursuant to the General Plan. The project also

complies with all applicable business operational standards of Article 9 and 13 of the CMMC. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve the project. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
2. Approve the project with modifications. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any of the additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign and/or additional analysis. In the event of significant modifications to the proposal, staff will return with a revised Resolution incorporating new findings and/or conditions.
3. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the findings for denial into a Resolution for subsequent Planning Commission review/approval. If the project is denied, the applicant could not submit substantially the same type of application for at least six months.

LEGAL REVIEW

The draft Resolution and this report have been approved as to form by the City Attorney's Office.

PUBLIC NOTICE

Pursuant to Title 13, Section 13-29(d), of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site.

3. **Newspaper publication.** A public notice was published once in the Daily Pilot newspaper.

As of the date this report was drafted, no written public comments have been received. Any public comments received prior to the Planning Commission meeting will be forwarded separately to the Planning Commission.

CONCLUSION

The proposed use is for a cannabis manufacturing, distribution and non-storefront retail (delivery only) facility in the City's Green Zone. As proposed and conditioned, the proposed use would be consistent with other industrial uses in the Green Zone. The use is consistent with the Zoning Code and the City's General Plan. In addition, the required findings for the Conditional Use Permit can be met as described above. Therefore, staff recommends approval of Planning Application 22-34, subject to conditions of approval.

RESOLUTION NO. PC-2023-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA, CALIFORNIA APPROVING
PLANNING APPLICATION 22-34 FOR A CANNABIS
MANUFACTURING, DISTRIBUTION AND NON-STOREFRONT
RETAIL FACILITY (“FABULOUS CREATIONS INC.”) AT 3505
CADILLAC AVENUE, UNIT M-202**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, on or about November 8, 2016, Costa Mesa voters approved Measure X; which allows for the distribution, manufacturing, processing, research and development laboratories, testing laboratories and transportation of cannabis related uses located in the Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties north of South Coast Drive, west of Harbor Boulevard, excluding the South Coast Collection (SOCO) property located at 3033 Hyland Avenue.

WHEREAS, on or about November 3, 2020, Costa Mesa voters approved Measure Q; which allows for storefront and non-storefront retail cannabis uses in commercially zoned properties meeting specific location requirements, and non-storefront retail cannabis uses in Industrial Park (MP) and Planned Development Industrial (PDI) zoned properties.

WHEREAS, Planning Application 22-34 was filed by Barry Fisher, authorized agent for the property owner, 3505 Cadillac Avenue Property, LLC, requesting approval of the following:

A Conditional Use Permit to operate a cannabis manufacturing and distribution facility including a non-storefront retail cannabis use (delivery only) located within a 2,206-square-foot tenant space at 3505 Cadillac Avenue, Unit M202.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 27, 2023 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application 22-34 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application 22-34 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 27th day of February, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on February 27, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023- __

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: 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

- **Facts in Support of Findings:** The subject site is located within the Green Zone, an industrial area of the community where several types of cannabis uses are conditionally permitted, such as non-storefront retail (delivery), distribution, and manufacturing. The proposed use is a manufacturing, distribution and non-storefront (delivery) retail use proposed within the City's Green Zone. The seven other tenants in the building are also approved cannabis facilities. Similar to other industrial uses, the proposed delivery business would not generate customer traffic to the site. As proposed and conditioned, the cannabis use would be compatible with adjacent industrial and commercial uses, including several other adjacent cannabis uses. Compliance with conditions of approval, other local regulations, and State requirements would allow this use to operate with minimal impact on surrounding properties and uses.

Finding: Granting the 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.

- **Facts in Support of Finding:** The proposed manufacturing, distribution and non-storefront retail use would follow safety measures detailed in a professionally prepared security plan. The security plan was evaluated for compliance by the City's cannabis consultant, HdL Companies. Measures designed to maintain safety at the facility include—but are not limited to—window and door alarms, panic buttons, motion-detectors, limited access areas, a monitored video surveillance system covering all exterior entrances, exits, and all interior limited access spaces. As proposed and conditioned, video recordings shall be maintained for a minimum of 90 days As required by the CMMC and affirmed in the security plan, the business shall designate a security representative to be available to meet with the City Manager, Chief of Police, or their designees, regarding any security or operational concerns. The business employees, including delivery drivers and part-time staff, shall pass a live scan background check and obtain identification badges from the City. The recommended conditions of approval and local and State laws are intended to ensure that the use would not be materially detrimental to the health, safety and general welfare of the public or be otherwise injurious to property or improvements within the immediate neighborhood.

Finding: Granting the 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.

Facts in Support of Finding: The use is consistent with the General Plan goals and policies as discussed earlier in this report. The proposed use will be located within an existing building and there are no proposed additional square footage to the tenant space or to the building; therefore, there is no change in intensity. As stated in the General Plan Land Use Element, the City's industrial designations "accommodate a variety of industrial and compatible office uses, as well as limited and supportive commercial uses." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; prioritizing commercial and industrial uses at properties north of I-405; and promoting the incubation of unique and specialized commercial and industrial businesses. In addition, the proposed use is a conditionally permitted use in the industrial zones.

- B. The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities (Class 1). This project site contains an existing industrial building and the proposed project only involves minor interior tenant improvements that would not expand the existing footprint or increase the square footage. The proposed use would not require any other exterior modification or off-site improvements to the industrial complex. Thus, the proposed use does not intensify the area in terms of Floor Area Ratio or generate increased traffic that was already anticipated for this area pursuant to the General Plan. The project also complies with all applicable standards of Article 9 and 13 of the CMMC. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.
- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

General

1. The use of this property as a cannabis manufacturing, distribution and non-storefront retail (delivery) business shall comply with the approved plans and terms described in the resolution and these conditions of approval. The Planning Commission may modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. Approval of the planning/zoning application is valid for two years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and has continued to maintain a valid building permit by making satisfactory progress as determined by the Building Official, 2) a certificate of occupancy has been issued, or 3) the use is established and a business license has been issued. A time extension can be requested no less than 30 days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180-days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
3. No person may engage in any cannabis business or in any cannabis activity within the City including manufacturing, processing, laboratory testing, transporting, delivery, distribution, or sale of cannabis or a cannabis product unless the person:
 - a. Has a valid Cannabis Business Permit from the City;
 - b. Has paid all Cannabis Business Permit and all application fees and deposits established by resolution of the City Council, including annual Community Improvement Division Inspection deposits;
 - c. Has obtained all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to operate;
 - d. Has obtained a City business license pursuant to Chapter I of the Municipal Code;
 - e. Has met all requirements of Community Improvement Division regarding the property;
 - f. Has obtained any and all licenses required by State law and/or regulations; and
 - g. Has satisfied all conditions of approval of this CUP.

4. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
5. The subject business shall comply with the operating requirements for non-storefront delivery listed in CMMC Title 9, Chapter VI, Section 9-495(i), except for No. 4, which applies only to delivery conducted from a retail storefront, not non-storefront delivery.
6. No storefront retail or cultivation of cannabis is allowed anywhere on the premises.
7. No signage shall be installed until the owner/operator or its designated contractor has obtained permits required from the City. Business identification signage shall be limited to that needed for identification only. Business identification signage shall not include any references to cannabis, whether in words or symbols. All signs shall comply with the CMMC.
8. A Cannabis Business Permit may be revoked upon a hearing by the Director of Development Services pursuant to Section 9-120 of the CMMC for failing to comply with the terms of the permit, the applicable provisions of the CMMC, State law or regulation and/or any condition of any other permit issued pursuant to this code. Revocation of the Cannabis Business Permit shall trigger the City's proceedings to revoke the CUP and its amendments. The CUP granted herein shall not be construed to allow any subsequent owner/operator to continue operating under PA-22-34, until a valid new Cannabis Business Permit is received from the City of Costa Mesa.
9. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable State and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
10. The applicant shall obtain State License Types 6, 9 and 11 prior to operating. The uses authorized by this Conditional Use Permit must be conducted in accordance with all applicable state and local laws, including, but not limited to compliance with the most current versions of the provisions of the California Code of Regulations that regulate the uses permitted hereby. Any violation thereof shall be a violation of the conditions of this permit and may be cause for revocation of this permit.
11. Except for delivery operations allowed by this CUP and under an active CBP and State Type 9 license, the applicant, including any employee thereof, shall not sell, distribute, furnish, and/or otherwise provide any cannabis or cannabis product under its possession and/or control to any person, firm, corporation, group or any other entity, unless that person or entity possesses all currently valid permits and/or licenses required by both the state of California and applicable local governmental entity to

lawfully receive such cannabis and to engage in a “cannabis activity” as defined by Costa Mesa Municipal Code sec. 9-485. Applicant is charged with a duty to, and shall first verify, that the recipient, whether located in the City or elsewhere, of any cannabis or cannabis product so sold, distributed, furnished, and/or otherwise provided by or on behalf of Applicant, possesses all required permits and/or licenses therefore.

12. Vehicle loading and unloading shall only take place in designated parking spaces within direct unobstructed view of surveillance. No loading and unloading of cannabis products into the vehicles shall take place outside of camera view. Video surveillance cameras shall be installed on the exterior of the building with direct views of the exterior door and loading areas. Any modifications or additional vehicle loading and unloading areas shall be submitted to the Director of Development Services or designee for approval.
13. If distribution is conducted by a third party company, the loading areas shall be free and clear of any cannabis products and the third party distributor shall be escorted at all times. All cannabis products within the receiving/quarantine or storage area shall be secured in a locked container. Prior to a distributor’s arrival, distributors are required to give notice to authorized facility personnel. Upon arrival, authorized facility personnel shall escort the distributor vehicle to the loading area.
14. Third parties are prohibited from providing delivery services for the Type 9 non-storefront retail (delivery) license.
15. The applicant, the property owner and the operator (collectively referred to as “indemnitors”) shall each jointly and severally defend, with the attorneys of City’s choosing, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as “proceeding”) brought against the City, its elected and appointed officials, agents, officers or employees arising out of City’s approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney’s fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the indemnitors’ joint and several obligation to indemnify the City for all the City’s costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this condition.
16. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
17. The owner/operator shall obtain and maintain at all times during the term of the permit comprehensive general liability insurance and comprehensive automotive liability insurance protecting the permittee in

an amount of not less than two million dollars (\$2,000,000.00) per occurrence, combined single limit, including bodily injury and property damage and not less than two million dollars (\$2,000,000.00) aggregate for each personal injury liability, products-completed operations and each accident, issued by an insurance provider admitted and authorized to do business in California and shall be rated at least A-:viii in A.M. Best & Company's Insurance Guide. Proof of said insurance must be provided to the Planning Division before the business commences operations. Any changes to the insurance policy must be submitted to the Planning Division within 10 days of the date the change is effective.

18. The operator shall maintain a valid Cannabis Business Permit and a valid Business License at all times. The original Cannabis Business Permit application number associated with this address is MQ-22-05. Upon issuance, the Cannabis Business Permit will be valid for a two-year period and must be renewed with the City prior to its expiration date, including the payment of permit renewal fees. No more than one Cannabis Business Permit may be issued to this tenant space.
19. No outdoor storage of cannabis or cannabis products is permitted at any time.
20. All cannabis and cannabis products tested, sold, distributed and/or manufactured pursuant to this CUP shall be transported by persons licensed to do so and shall only be sold, distributed, transported or otherwise furnished to facilities operating in full conformance with all applicable State and local laws and regulations. The discovery of a cannabis product originating from this facility at any unpermitted or otherwise unlawful cannabis facility or operation, including a dispensary, may be considered as evidence in any action to revoke, suspend or modify this CUP and/or the corresponding Cannabis Business Permit that is based on whole or in part on this condition of approval or any related provision of the Municipal Code.
21. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
22. Persons under the age of twenty-one (21) years shall not be allowed on the premises of this business. It shall be unlawful and a violation of this CUP for the owner/operator to employ any person who is not at least twenty-one (21) years of age.
23. The owner/operator shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
24. Every manager, supervisor, employee or volunteer of the cannabis business must submit fingerprints and other information specified on the Cannabis Business Permit for a background check by the Costa Mesa Police Department to verify that person's criminal history. No employee or volunteer may commence paid or unpaid work for the business until the background checks have been approved. No cannabis business or owner thereof may employ any person who has convicted of a felony within the past 7 years, unless that felony has been dismissed, withdrawn, expunged

or set aside pursuant to Penal Code sections 1203.4, 1000 or 1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance.

25. Should any employee, volunteer or other person who possess an identification badge be terminated or cease their employment with the business, the applicant shall return such identification badge to the Community Improvement Division within 24 hours, not including weekends and holidays.
26. Inspections of this cannabis business by the City will be conducted, at a minimum, on a quarterly basis. Code Enforcement officers, the Building Official and/or the Fire Marshal may enter and inspect the location of this business between the hours of 8 a.m. and 5 p.m. Monday through Friday upon 24 hours' telephonic notice to the owner or operator, to ensure compliance with this CUP.
27. The City Manager or her or his designees may enter this business at any time during the hours of operation without notice, and inspect this business as well as any recordings and records required to be maintained pursuant to Title 9, Chapter VI or under applicable provisions of State law. If the City Manager or her or his designees are not allowed to enter the business or inspect any area of the premises, a revocation process will immediately be started pursuant to the applicable provisions of the CMMC.
28. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City. This CUP will expire and be of no further force and effect if any State issued license remains suspended for a period of 6 months. Documentation of three violations during routine inspections or investigations of complaints shall result in the Community Improvement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
29. The business must obtain any and all licenses required by State law and/or regulation prior to engaging in any cannabis activity at the property.
30. This business operator shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under state and local law. This business operator shall cooperate with the City with respect to any reasonable request to audit the cannabis business' books and records for the purpose of verifying compliance with the CMMC and this CUP, including but not limited to a verification of the amount of taxes required to be paid during any period.
31. The following records and recordkeeping shall be maintained/conducted:

- a. The owner/operator of this cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis, or at any time upon reasonable request of the City, the owner/operator shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.
 - b. The owner/operator shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this condition shall be provided to the City Manager upon a reasonable request.
 - c. The owner/operator shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the production or manufacturing, laboratory testing and distribution processes. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA), the owner/operator shall allow City officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City.
 - d. The owner/operator shall have in place a point-of-sale tracking system to track and report on all aspects of the cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, and gross sales (by weight and by sale). The owner/operator shall ensure that such information is compatible with the City's record-keeping systems. The system must have the capability to produce historical transactional data for review by the City Manager.
32. A change in ownership affecting an interest of 51 or more percent, or an incremental change in ownership that will result in a change of 51 or more percent over a three year period, shall require submittal and approval of a new CBP. A change in ownership that affects an interest of less than 51 percent shall be required to be a minor modification to the CBP.
 33. Pursuant to Title 9, Chapter VI It is unlawful for any person having responsibility for the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law. It is also unlawful for a person to conceal, destroy, deface,

damage, or falsifies any records, recordings or other documents required to be maintained by a cannabis business under this chapter or under State or local law.

34. There shall be no extraction operations, refining, or winterization conducted in this facility.
35. There shall be no storage or use of volatiles, solvents, or hazardous materials at this facility.
36. Any change in equipment, operation, or hazard shall be submitted to the City for review and approval prior to the change taking place.
37. A copy of the approved Safety Plan shall be maintained onsite at all times, and it shall be available at the request of any City Official.
38. Quarterly Fire & Life Safety Inspections will be conducted by the Community Risk Reduction Division to verify compliance with the approved operation. The applicant will pay for the inspection according to the Additional Required Inspections as adopted in the Fee Schedule.
39. Annual Fire & Life Safety Inspections will be conducted by the Fire Station Crew for emergency response pre-planning and site access familiarization. The applicant will pay for the inspection according to the adopted Fee Schedule.
40. Hours of construction shall comply with Section 13-279, Title 13, of the Costa Mesa Municipal Code.
41. Street address shall be visible from the public street and/or shall be displayed on the freestanding sign. If there is no freestanding sign, the street address may be displayed on the fascia adjacent to the main entrance or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum twelve (12) inches in height with not less than three-fourth-inch stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be four (4) inches in height with not less than one-fourth-inch stroke and shall contrast sharply with the background.
42. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
43. Trash enclosure(s) or other acceptable means of trash disposal shall be provided. Design of trash enclosure(s) shall conform to City standards.
44. Vehicle standing, loading and unloading shall be conducted so as not to interfere with normal use of streets, sidewalks, driveways and on-site parking.
45. No vehicle loading area shall encroach into a required building setback along a public right-of-way.
46. Development shall comply with the requirements of the following adopted codes: 2019 California Residential Code, 2019 California Building Code, 2019 California Electrical Code, 2019 California Mechanical Code, 2019 California Plumbing Code, 2019 California Green Building Standards Code

and 2019 California Energy Code (or the applicable adopted, California Residential Code, California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards and California Energy Code at the time of plan submittal or permit issuance) and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the 2019 California Building Code.

47. Equipment shall comply with the California Building and Fire Code requirements, including, but not limited to, the requirement that equipment be approved by a recognized testing laboratory for the specific use.
48. The use shall operate in accordance with the Business Plan approved as part of the Cannabis Business Permit. Any changes to the Business Plan must submitted to, and approved by, the Planning Division. A written explanation of the changes shall accompany the submittal. Changes to the Business Plan will trigger an amendment to the CBP and may trigger an amendment to this CUP.
49. The use shall operate in accordance with the Security Plan approved as part of the Cannabis Business Permit. Any changes to the Security Plan must submitted to, and approved by, the Planning Division. A written explanation of the changes shall accompany the submittal. Changes to the Security Plan will trigger an amendment to the CBP and may trigger an amendment to this CUP.

Prior to Issuance of Building Permits

1. Plans shall be prepared by a California licensed Architect or Engineer. Plans shall be wet stamped and signed by the licensed Architect or Engineer.
2. No sign shall be installed until the owner/operator or its designated contractor has obtained any permit required from the City. Business identification signage shall be limited to that needed for identification only. Business identification signage shall not include any references to cannabis, whether in words or symbols. All signs shall comply with the CMMC.
3. The conditions of approval and ordinance or code provisions of Planning Application 22-34 shall be blueprinted on the face of the site plan as part of the plan check submittal package when building permits are necessary.
4. Prior to the Building Division issuing a demolition permit. contact South Coast Air Quality Management District (AQMD) located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909- 396-2000
or

Visit their web site:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>. The Building Div. will not issue a demolition permit until an Identification Number is provided by AQMD.

5. Odor control devices and techniques shall be incorporated to ensure that odors from cannabis are not are not detected outside the property, anywhere on adjacent property or public right-of-way, or within any other units located within the same building as the cannabis business. Building and mechanical permits must be obtained from the Building Division prior to work commencing on any part of the odor control system.
6. The plans shall comply with the requirements of the 2019 California Fire Code, including the 2019 Intervening Update and referenced standards as amended by the City of Costa Mesa.

Prior to Issuance of a Certificate of Use/Occupancy

1. The operator, contractors, and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

Prior to Issuance of Cannabis Business Permit

1. The applicant shall contact the Planning Division for a facility inspection and provide a matrix of conditions of approval explaining how each was met prior to issuance of a modification to the Cannabis Business Permit.
2. The applicant shall submit to the City a list of all vehicles to be used for retail delivery purposes. The list shall identify the make, model, color, license plate number and registered owner of each vehicle.
3. The applicant shall pay the public notice fees (\$1 per notice post card) and the newspaper ad publishing cost.
4. The final Security Plan shall be consistent with the approved building plans.
5. Each entrance to the business shall be visibly posted with a clear and legible notice stating the following:
 - a. That smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited.
 - b. That no person under the age of twenty-one (21) years of age is permitted to enter upon the premises.
 - c. That loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises is prohibited.
6. The applicant shall submit an executed Retail Cannabis Business Permit Defense and Indemnity Agreement on a form to be provided by the City.

Operational Conditions

1. No product distribution shall occur between 12:00 AM and 5:00 AM.

2. Delivery to customers is limited to the hours between 7:00 AM and 10:00 PM.
3. The applicant shall submit an updated vehicle list each quarter with the quarterly update to the employee roster required pursuant to the CBP. The number of vehicles parked onsite in commonly-held parking areas shall not exceed the number of available onsite surplus parking spaces. Delivery vehicles not owned by employees shall not be parked on City streets when not in use.
4. The operator shall ensure that all vehicles are properly maintained, all delivery drivers have a good driving record, and each driver conducts a visual inspection of the vehicle at the beginning of each shift.
5. The operator shall maintain free of litter all areas of the premises under which applicant has control.
6. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.
7. If parking shortages or other parking-related problems develop, the business owner or operator will be required to institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Development Services Director.
8. All employees must wear an identification badge while on the premises of the business and/or performing deliveries, in a format proscribed by the City Manager. When on the premises, badges must clearly visible and worn on outermost clothing and above the waist in a visible location.
9. During each delivery stop, the delivery vehicle shall be parked in a safe manner (i.e., not impeding traffic circulation), the engine shall be turned off and the vehicle shall be locked.
10. The operator shall ensure that deliveries are grouped to decrease total trip generation.
11. Vehicle standing, loading and unloading shall be conducted so as not to interfere with normal use of streets, sidewalks, driveways and on-site parking.
12. Cannabis shall not be consumed on the premises at any time, in any form.
13. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of this property, or on any of the vehicles owned or used as part of the cannabis business.
14. Cannabis liquid or solid waste must be made unusable and unrecognizable prior to leaving a secured storage area and shall be disposed of at facility approved to receive such waste.
15. Prior to exiting the premises for loading/unloading cannabis products for deliveries/distribution into the delivery/distribution vehicle(s) from the licensed premises, products shall be transferred in a secured/locked container approved by the Economic and Development Services Director, or his/her designee. In addition, delivery/distribution vehicles shall also be

equipped with a locked container where products shall be stored during deliveries/distribution.

FABULOUS CREATIONS INC.

3505 CADILLAC AVE.

SUITE 202

COSTA MESA, CA 92626

TEL: 310-936-3416

RE: PRE APPLICATION DELIVERY SERVICE

TO THE CITY OF COSTA MESA

Fabulous Creations, Inc. intends to operate a cannabis retail delivery service, manufacturing, and distribution facility located at 3505 Cadillac Ave, Bldg M, Unit 202, in Costa Mesa Ca. The square footage is 2,500 square feet for unit 202. We will be manufacturing infused pre-roll joints, ~~vape cartridges, and we will be conducting mechanical (solvent-less) extraction.~~

This facility will operate in strict compliance with all local and state laws, including the Compassionate Use Act, the Medical Cannabis Regulation and Safety Act, and the latest California Attorney General Guidelines. Fabulous Creations, Inc will not take any action that may cause any violation of California cannabis laws or otherwise jeopardize the ability of this facility to operate in the city of Costa Mesa.

Cannabis legislation and compliance is complicated at all levels of the government. Successful operators must be able to navigate the regulatory landscape at the local, state, and federal level(s). To remain compliance, Fabulous Creations, Inc, through its legal team and consultations, will continuously monitor updates on all state and local cannabis laws and requirements to ensure all operations are compliant.

COMPLIANCE COUNSEL

Fabulous Creations, Inc. recognizes the complexity of the newly regulated market that is the cannabis industry. In order to stay on top of all compliance and regulatory changes instituted by the Bureau of Cannabis Control, the governmental agency that regulates cannabis distribution and sales, we have hired Shevin Law Group as our in-house corporate compliance officers.

As a staple in the traditional medical marijuana market and cannabis industry for over 25 years, Shevin Law Group possesses the expert knowledge of the laws pertaining to the cannabis regulatory landscape and providing guidance to ensure our compliance. Shevin Law Group is a premier cannabis-centric law firm that will help guide the Company through the regulatory pathways of the State and the City of Costa Mesa.

COMPLIANCE PROCEDURES

Fabulous Creations, Inc. shall implement a range of compliance policies and procedures to ensure the distribution facility is operating in compliance with all State and Local rules and regulations, including the legal advice and consult with our legal team, standard operating procedures, and other policies referenced elsewhere in this application.

In order to meet this compliance, Fabulous Creations, Inc. will only work with other licensed commercial cannabis businesses to acquire, receive, produce, prepare or compound cannabis or cannabis products.

Fabulous Creations, Inc. will maintain and take reasonable steps to assure this compliance with state and local laws and the California attorney generals guidelines for the security and non-diversion of medical cannabis grown for medical use by prohibiting:

1. Diversion of cannabis to anyone who is not a licensed and permitted facility;
2. Transporting or otherwise sending or directing cannabis outside the State of California;
3. Access to the facility and products to persons under the age of 21;
4. Any activities or associating with any criminal enterprises, gangs or cartels;
5. The use of its status as a cannabis facility in California as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
6. The use of violence to firearms in the manufacturing and /or distribution of cannabis;

Additionally, Fabulous Creations, Inc. will implement and enforce the following rules to further ensure compliance:

1. Advising employees and/or agents to never engage in the prohibited activities listed above;
2. Prohibiting the use or consumption of cannabis during work hours and/or on the business premises;
3. Advising employees and/or agents to refrain from driving and/or operating heavy machinery while under the influence of cannabis, medical or otherwise;
4. Implementing inventory and quality control procedures to ensure that each cannabis product is tested for quality assurance and meets required labeling, packaging in order to keep products out of the reach of children and animals;
5. Maintain proper security measures to prevent the potential for illicit activity and crime; and.
6. Maintaining compliance with all local and state laws applicable to the licensing and permitting of this facility.

VERY TRULY YOURS
FABULOUS CREATIONS INC.

BY: B. Fischer
BARRY FISCHER
PRESIDENT



Legend

 Costa Mesa



1:2,338

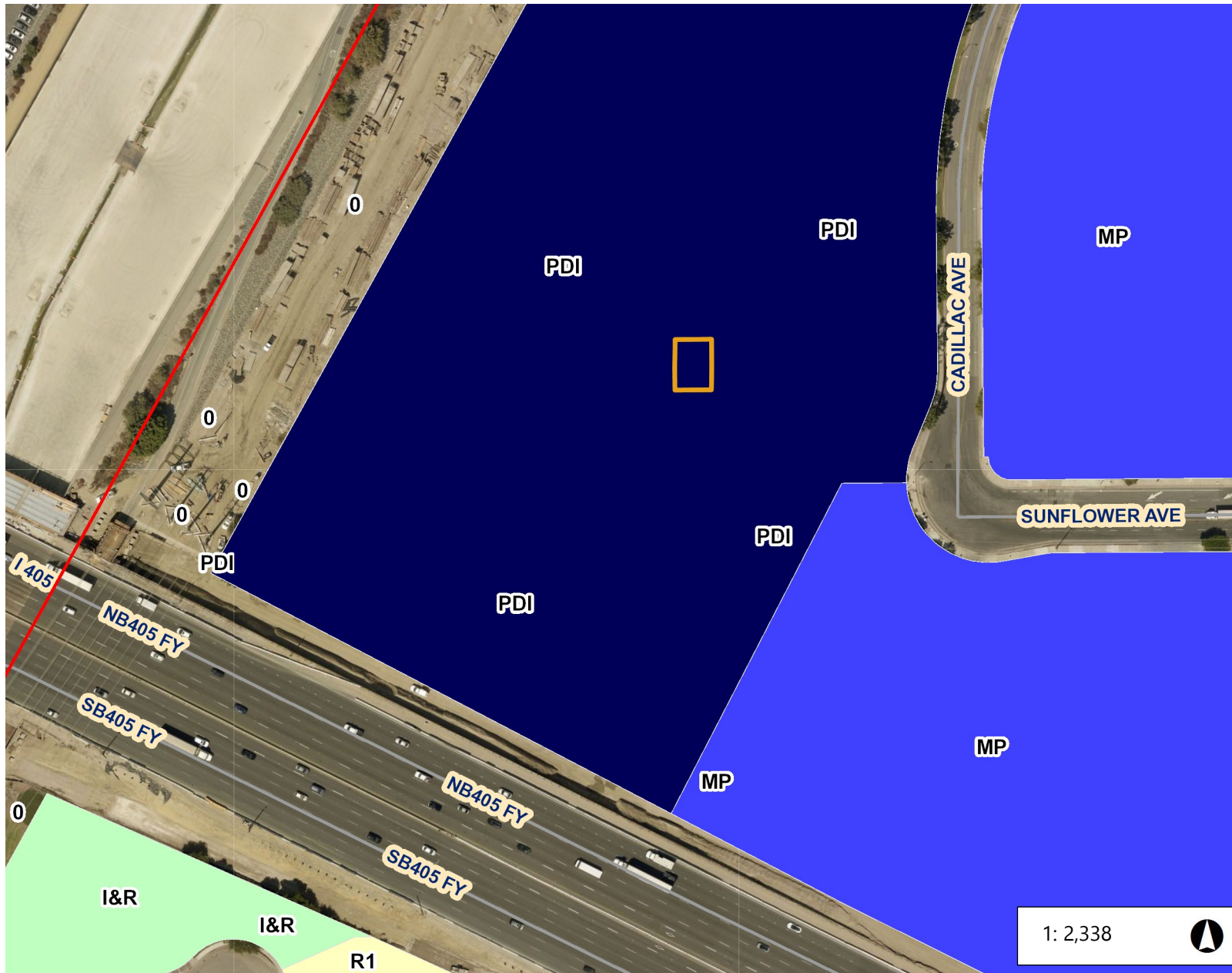


Notes

0.1 0 0.04 0.1 Miles

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The City of Costa Mesa makes no guarantee as to the accuracy of any of the information provided and assumes no liability for any errors, omissions, or inaccuracies.



Legend

- Costa Mesa
- Zoning**
- AP - Administrative Professional
- IR-MLT - Institutional Recreational I
- R1 - Single-Family Residential
- R2-MD - Multiple-Family Residentie
- R2-HD - Multiple-Family Residentia
- R3 - Multiple Family Residential
- MG - General Industrial
- MP - Industrial Park
- PDI - Planned Development Industr
- C1 - Local Business
- C2 - General Business
- C1-S - Shopping Center
- TC - Town Center
- PDR-NCM - Planned Development Mesa
- I&R - Institutional Recreational
- I&R-S - Institutional Recreational - S
- P - Parking
- CL - Commercial Limited
- PDC - Planned Development Compr
- PDR-LD - Planned Development R
- PDR-MD - Planned Development R Density
- PDR-HD - Planned Development R

Notes

0.1 0 0.04 0.1 Miles

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GENERAL NOTES:

1. GENERAL CONTRACTOR (G.C.) TO REVIEW AND VERIFY ALL JOB CONDITIONS, DIMENSIONS, AND DETAILS PRIOR TO BIDDING, PRICING AND CONSTRUCTION TO DETERMINE WHICH NOTES APPLY DIRECTLY TO GENERAL CONTRACTOR'S RESPONSIBILITY. G.C. TO MAKE NOTE AND SUBMIT IN WRITTEN FORM TO DESIGNER ANY DAMAGES OR DEFICIENCIES, NOTES OR SPECIFICATIONS.
2. ALL WORK SHOWN OR IMPLIED, UNLESS SPECIFICALLY QUESTIONED, SHALL BE CONSIDERED FULLY UNDERSTOOD IN ALL RESPECTS BY THE GENERAL CONTRACTOR.
3. DRAWINGS ARE NOT TO BE SCALED. WRITTEN DIMENSIONS GOVERN. LARGER SCALE DRAWINGS GOVERN SMALLER SCALE DRAWINGS.
4. DRAWINGS AND NOTES ARE COMPLEMENTARY. ANY WORK SHOWN OR REFERRED TO ON ANY ONE DRAWING SHALL BE PROVIDED AS THOUGH SHOWN ON ALL RELATED DRAWINGS.
5. GENERAL CONTRACTOR SHALL COMPLY WITH ALL RULES AND REGULATIONS OF BUILDING MANAGEMENT, IF ANY, IN ALL RESPECTS INCLUDING TRASH DISPOSAL, PARKING, HOURS OF OPERATION, ETC. GENERAL CONTRACTOR IS RESPONSIBLE TO ADHERE TO SUCH REGULATIONS FROM THESE DRAWINGS AND TO PROVIDE A COPY FOR REVIEW BY ALL SUB-CONTRACTORS. G.C. TO NOTIFY DESIGNER / OWNER OF ANY CONFLICTS BETWEEN REGULATIONS AND OTHER CONTRACTUAL DOCUMENTS PRIOR TO PROCEEDING WITH ANY WORK.
6. ALL WORK TO BE PERFORMED IN PUBLIC AREAS SHALL BE PERFORMED AS REQUIRED BY BUILDING RULES AND REGULATIONS UNLESS OTHERWISE ARRANGED WITH OWNER.
7. GENERAL CONTRACTOR TO MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DRAWINGS ON SITE DURING ALL PHASES OF CONSTRUCTION FOR USE OF ALL TRADES.
8. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ALL TRADES AND WORK-RELATED SPECIALTIES REQUIRED IN ORDER FOR PROJECT AND ITS PARTS TO COME TOGETHER PROPERLY AND FIT TO RECEIVE OR BE RECEIVED BY WORK OF OTHER TRADES AND CONTRACTOR'S IMPLIED BY DRAWINGS OR NOTES.
9. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR SCHEDULING AND FOR FEES FOR HOISTING EQUIPMENT AS MAY BE REQUIRED BY THE WORK OF THE PROJECT.
10. ALL WORK SHALL CONFORM TO DRAWINGS AND SPECIFICATIONS BY DESIGNER AND OTHER PROJECT CONSULTANTS AND SHALL BE NEW AND OF THE BEST QUALITY OF KINDS SPECIFIED. ALL MANUFACTURER ARTICLES TO BE INSTALLED, CONNECTED CONDITIONED AS DIRECTED BY MANUFACTURER. ALL WORK TO BE PERFORMED IN A GOOD WORKMANSHIP MANNER.
11. SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR REVIEWING AND UNDERSTANDING ENTIRE SET OF DRAWINGS AND NOTING THEIR WORK AS APPLICABLE. ALL SHOP DRAWINGS SHALL BE SUBMITTED TO DESIGNER FOR REVIEW, COMMENT, AND APPROVAL BY WAY OF GENERAL CONTRACTOR PRIOR TO COMMENCEMENT OF WORK.
12. GENERAL CONTRACTOR TO BE SOLELY RESPONSIBLE FOR REMOVAL, REPLACEMENT, AND RECTIFICATION OF ALL DAMAGED AND DEFECTIVE MATERIAL AND/OR WORKMANSHIP IN CONNECTION WITH THE CONTRACT WORK WHICH SHALL APPEAR WITHIN ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION AS DIRECTED BY DESIGNER ANY COST ACCRUED BY DEFECTIVE OR ILL-TIMED WORK AS A RESULT OF, BUT NOT LIMITED TO, INTERIOR WORKMANSHIP OR MATERIALS, POOR SCHEDULING OR DELINQUENT ORDERING SHALL BE BORNE BY THE PARTY RESPONSIBLE.
13. DURING ENTIRE PERIOD OF DEMOLITION AND CONSTRUCTION ANY AND ALL REQUIRED EXISTING EXITS, EXIT LIGHTING AND FIRE PROTECTIVE SERVICES SHALL BE PROPERLY MAINTAINED. ALL WAYS OF TRAVEL FROM EXITS TO THE STREET SHALL BE MAINTAINED FREE FROM ALL OBSTRUCTIONS IN CASE OF FIRE OR OTHER EMERGENCY.
14. GENERAL CONTRACTOR SHALL PROPERLY PROTECT THE BUILDING AND ANY ADJOINING PROPERTY OR WORK, AND PROTECT ALL EXISTING SURFACES OR FINISHES TO REMAIN DURING DEMOLITION AND CONSTRUCTION. ANY DAMAGE TO THE SAME SHALL BE REPAIRED BY GENERAL CONTRACTOR AT G.C.'S EXPENSE TO "LIKE-NEW" CONDITION.
15. GENERAL CONTRACTOR SHALL VERIFY ALLOWED WORKING HOURS FOR ALL WORK DONE TO THE CORE TO INCLUDE DRILLING, PATCHING, AND ELECTRICAL HOOK-UPS AND IS RESPONSIBLE FOR ALL COSTS NECESSARY TO COMPLY WITH SUCH HOURS WITHIN BASE BID.
16. GENERAL CONTRACTOR IS RESPONSIBLE TO MAINTAIN JOBSITE CLEANLINESS AND REMOVAL OF ALL WASTE MATERIALS FROM PREMISES AS GENERATED BY CONSTRUCTION DEMOLITION, DRYWALLING, AND ALL TRADE RELATED WORK BY CONTRACTURAL WORK.
17. ALL WORK NOTED N.I.C. OR "BY TENANT" OR "BY OWNER" IS TO BE ACCOMPLISHED BY PERSONS OTHER THAN GENERAL CONTRACTOR AND IS NOT TO BE PART OF CONSTRUCTION AGREEMENT.
18. GENERAL CONTRACTOR SHALL SECURE ALL REQUIRED PERMITS AND FEES ASSOCIATED WITH ALL BUILDING & SAFETY DEPARTMENTS AND FORWARD COPIES TO APPROPRIATE PERSONNEL I.E. DESIGNER, AND / OR OWNER REPRESENTATIVE.
19. GENERAL CONTRACTOR TO PROVIDE CONSTRUCTION SCHEDULE, AND LIST OF LONG LEAD ITEMS THAT MAY CAUSE DELAY WITH SCHEDULING BY END OF FIRST WEEK OF CONSTRUCTION.
20. GENERAL CONTRACTOR SHALL SUBMIT SAMPLES, AND CUT-SHEETS WHERE REQUESTED FOR WRITTEN APPROVAL BY DESIGNER, OR OWNER PRIOR TO MATERIAL ORDERING. NO MATERIAL SUBSTITUTIONS SHALL BE MADE WITHOUT PRIOR CONSENT OF DESIGNER, AND / OR OWNER.
21. GENERAL CONTRACTOR TO SUBMIT IN WRITING ALL CHANGE ORDERS FOR ADDITIONAL WORK TO DESIGNER OR OWNER REPRESENTATIVE FOR REVIEW AND APPROVAL. NO WORK IS TO PROCEED UNTIL A SIGNED CHANGE ORDER IS RETURNED TO GENERAL CONTRACTOR UNLESS NOTED OTHERWISE. ANY AND ALL CHANGES IN THE FIELD SHALL BE APPROVED AND SIGNED BY THE DESIGNER AND / OR OWNER.
22. UPON COMPLETION OF THE WORK, THE GENERAL CONTRACTOR SHALL PROVIDE TO OWNER:
 - A. COPY OF INSPECTIONS REPORT & FINAL SIGN-OFF
 - B. CERTIFICATE OF SUBSTANTIAL COMPLETION (AIA DOCUMENT #G704)
 - C. COPY OF PERMIT CARD
 - D. BUILDING DEPARTMENT APPROVED DRAWINGS
 - E. WARRANTIES FOR SPECIFIED MATERIALS
 - F. RECORD AS-BUILD DOCUMENTS FOR M.E.P. SUB-TRADES
 - G. ELECTRICAL PANEL SCHEDULE
23. OCCUPANCY DURING CONSTRUCTION:
AREA OF WORK SHALL BE OCCUPIED BY DURING CONSTRUCTION. ADJACENT AREAS ARE OCCUPIED DURING CONSTRUCTION.
24. ALL EQUIPMENT, PRODUCTS, AND MANUFACTURED MATERIAL SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. GENERAL CONTRACTOR IS RESPONSIBLE FOR FOLLOWING THE MANUFACTURERS INSTALLATION INSTRUCTIONS IN ALL RESPECTS.
25. ALL WORK SHALL COMPLY WITH THE REGULATIONS OF THE GOVERNMENTAL AUTHORITIES HAVING JURISDICTION. THE SPECIFICATIONS SHALL BE SUPPLEMENTAL TO ALL LAWS AND CODES OF GOVERNMENTAL REGULATING BODIES RELATING TO BUILDINGS, AND ALL APPLICABLE REQUIREMENTS SPECIFIED IN THESE REGULATIONS SHALL BE FOLLOWED AS THOUGH SPECIFICALLY NOTED BY SUCH CODES OR LAWS. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO NOTIFY DESIGNER OF ANY CONFLICTS BETWEEN THESE DRAWINGS AND LOCAL BUILDING CODES AS SOON AS THEY BECOME AWARE OF THEM.
26. DESIGNER AND OWNER SHALL HAVE ACCESS TO THE AREA OF WORK AT ALL TIMES AND SHALL CONDUCT PERIODIC VISITS TO DETERMINE OVERALL PROGRESS AND QUALITY OF THE WORK, AND TO CONFIRM GENERAL COMPLIANCE WITH CONTRACT DOCUMENTS. DESIGNER SHALL HAVE NO RESPONSIBILITY FOR MEANS AND METHODS OF CONSTRUCTION WHICH REMAIN THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
27. DESIGNER SHALL HAVE THE RIGHT TO REJECT WORK WHICH DOES NOT CONFORM TO THE CONTRACT DOCUMENTS OR IS OF SUB-STANDARD QUALITY. GENERAL CONTRACTOR SHALL CORRECT SUCH WORK AS DIRECTED. ADDITIONAL COSTS ACCRUED BY NEGLIGENCE OF THE GENERAL CONTRACTOR IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ABSORB SUCH FEES ASSOCIATED WITH SUB-STANDARD WORKMANSHIP.
28. ANY SCOPE OF WORK SUMMARIES ON THIS SHEET ARE PROVIDED FOR THE CONVENIENCE OF THE CONTRACTOR AND TO CLARIFY SCOPE OF WORK. THEY ARE SUPPLEMENTAL TO THE WORK OUTLINED ELSEWHERE IN DESIGNER'S AND / OR CONSULTANTS DRAWINGS AND SPECIFICATIONS AND DO NOT SUPERCEDE THAT INFORMATION. THE OMISSION ON AN ITEM ON THESE SUMMARIES, THAT IS DEFINED ELSEWHERE IN THE BID PACKAGE, CANNOT BE TAKEN AS INDICATION THAT THAT ITEM IS OMITTED FROM GENERAL CONTRACTOR SCOPE OF WORK.
29. GENERAL CONTRACTOR TO PROVIDE WRITTEN LETTER OF CONSENT HAVING READ ALL AND UNDERSTANDING OF THESE TERMS AND CONDITIONS OF THESE DRAWINGS, ANY AND ALL QUESTIONS WILL BE INQUIRED PRIOR TO START OF CONSTRUCTION.

3505 CADILLAC AVE, BLDG M ,
UNIT M202, LEVEL 2,
COSTA MESA, CA 92626

SCOPE OF WORK:
CHANGE OF USE FROM B TO F1
INTERIOR TENANT IMPROVEMENT
NO EXTERIOR WORK PROPOSED

CANNABIS DISTRIBUTION,
MANUFACTURING FACILITY AND
DISTRO, NO EXTRACTION,
NO HAZARDOUS MATERIAL ON SITE
PREROLLS ASSEMBLY ONLY THEN
WHOLE SALE DISTRIBUTION AND
NON-STORE FRONT RETAIL DELIVERY

EXTRACTION WILL NOT
OCCUR WITHIN THIS FACILITY

APPLICABLE CODES:

1. 2020 CBC
2. 2020 CPC
3. 2020 CMC
4. 2020 CALIFORNIA FIRE CODE (CFC).

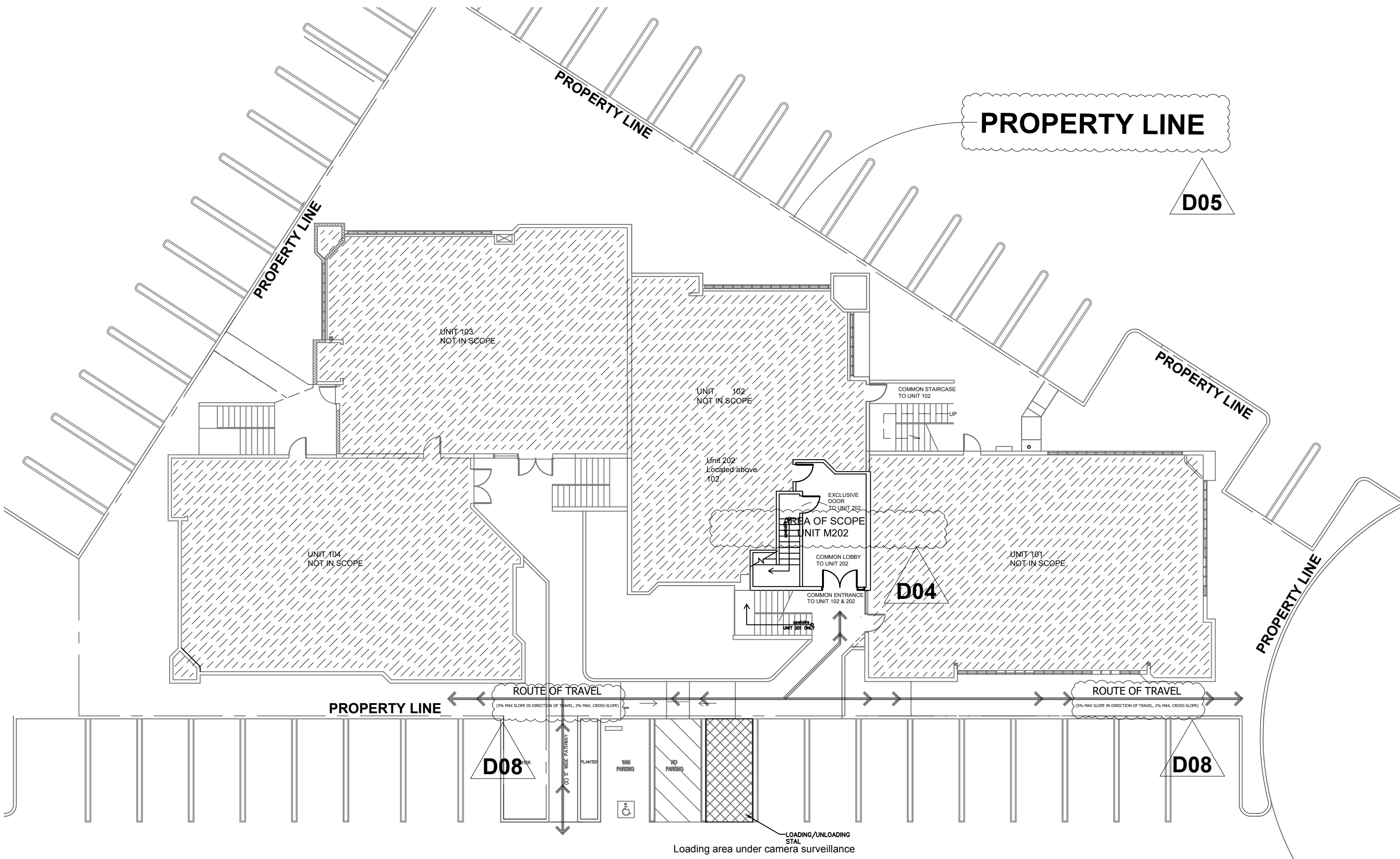
BUILDING INFO:

BUILDING AREA: 10240 SF

UNIT M202 AREA: 2206 SF

OCCUPANCY & CONSTRUCTION TYPE:

CONST. TYPE:	TYPE 5B
FIRE PROTECTION:	SPRINKLERED
OCCUPANCY:	FROM B TO F1
NUMBER OF STORIES:	2
MAXIMUM HEIGHT:	24'



1/CS: (E) SITE PLAN, 1/16"=1'

VICINITY MAP



PARKING MATRIX

(E) PARKING TO REMAIN
NO CHANGE OF USE

(N) USE DISTRIBUTION 2206 SF / 500 = 4
SPACES REQUIRED

PER
ZI-2374 STATE ETNERPRISE ZONE
AND
ZI - 2498 LOCAL EMERGENCY TEMPORARY
REGULATION TIME LIMITS AND PARKING
RELIEF - LAMC 16.02.1

SHEET INDEX

CS1.0: COVER SHEET

A1: (E) FLOOR PLAN
& (N) FLOOR

A2: EGRESS PLAN
& ACCESSIBLE PLAN
& REFLECTED CEILING PLAN

A3: ROOF PLAN
& PREMISES DIAGRAM

ADA1: ADA DETAILS

ADA2: ADA DETAILS

ADA3: ADA DETAILS

ADA4: ADA DETAILS

ADA5: ADA DETAILS

OWNER:

DESIGN:

RAMON BAGUIO
4273 CANOGA AVE
WOODLAND HILLS, CA
310-562-5382
RBPLANDESIGN@GMAIL.COM
WWW.CALPLANDESIGN.COM

APPLICANT:

RAMON BAGUIO

3505 CADILLAC AVE, BLDG M, UNIT M202
COSTA MESA, CA, 92626
CANNABIS DISTRIBUTION & PROCESSING

FIRE DEPT NOTES

1. FD final inspection required. Please schedule all field inspections *at least* 48 hours in advance. Inspections canceled after 1 p.m. on the day before the scheduled date will be subject to a re-inspection fee.
2. Buildings under construction or demolition shall conform to CFC Chapter 14. No smoking or cooking is allowed in structures where combustible materials are exposed or within 25' of combustible materials storage areas. Cutting, welding, or other hot work shall be in conformance with CFC Chapter 35.
3. In buildings four or more stories in height, standpipes shall be provided during construction when the height reaches 40 feet above the lowest point of fire department access. A fire department connection shall be no more than 100 feet from available fire department vehicle access roadways. A hydrant shall be located along the access roadway within 150 feet of the location(s) that the FDC can be accessed from. CFC 3310 & 3313
4. Address numbers shall be provided for all new and existing buildings, be a *minimum* of four inches high for individual dwelling units and six inches high for all other installations and structures, contrast with their background, and be plainly visible from the roadway the building is addressed on. Address numbers shall have a minimum of 1/2" stroke. Temporary address numbers shall be provided on construction fencing or the building until permanent numbers can be provided. CBC 502.1, CFC 505.1
5. Locations and classifications of extinguishers shall be in accordance with CFC 906 and CCR Title 19. At least one extinguisher shall be provided during construction on each floor at each stairway, in each storage and construction shed, in locations where flammable or combustible liquids are stored or used, or where similar hazards are present per CFC 3315.1. Before final occupancy, at least one 2A:10B:C extinguisher shall be provided so that no point is more than 75' travel distance from the extinguisher. Extinguishers shall be located along the path of egress travel and in a readily visible and accessible location, with the bottom of the extinguisher at least 4" above the floor. Additional extinguishers may be required by Brea FD inspectors depending on project or site conditions and final placement is subject to their approval.
6. Wall, floor and ceiling finishes and materials shall not exceed the flame spread classifications in CBC Table 803.13. Decorative materials shall be properly treated by a product or process approved by the State Fire Marshal with appropriate documentation provided to the FD. Such items shall be approved and inspected prior to installation.
7. Knox boxes/key cabinets shall be provided for all high-rise buildings, pool enclosures, gates in the path of firefighter travel to structures, secured parking levels, doors giving access to alarm panels and/or annunciators, and any other structures or areas where immediate access is required or is unduly difficult. A FD inspector can assist with locking gate keys in Knox boxes, contact your local fire station to arrange an appointment to secure master building keys in the Knox box.
8. Approval of these plans shall not permit the violation of any code or law. Requirements or features not identified on the plan may apply and FD inspectors may require additional information or items from those shown on the plan depending on actual or anticipated field conditions. Such changes may necessitate submittal of revised or as-built plans to the Brea FD. Revised 05/20

GENERAL REQUIREMENTS

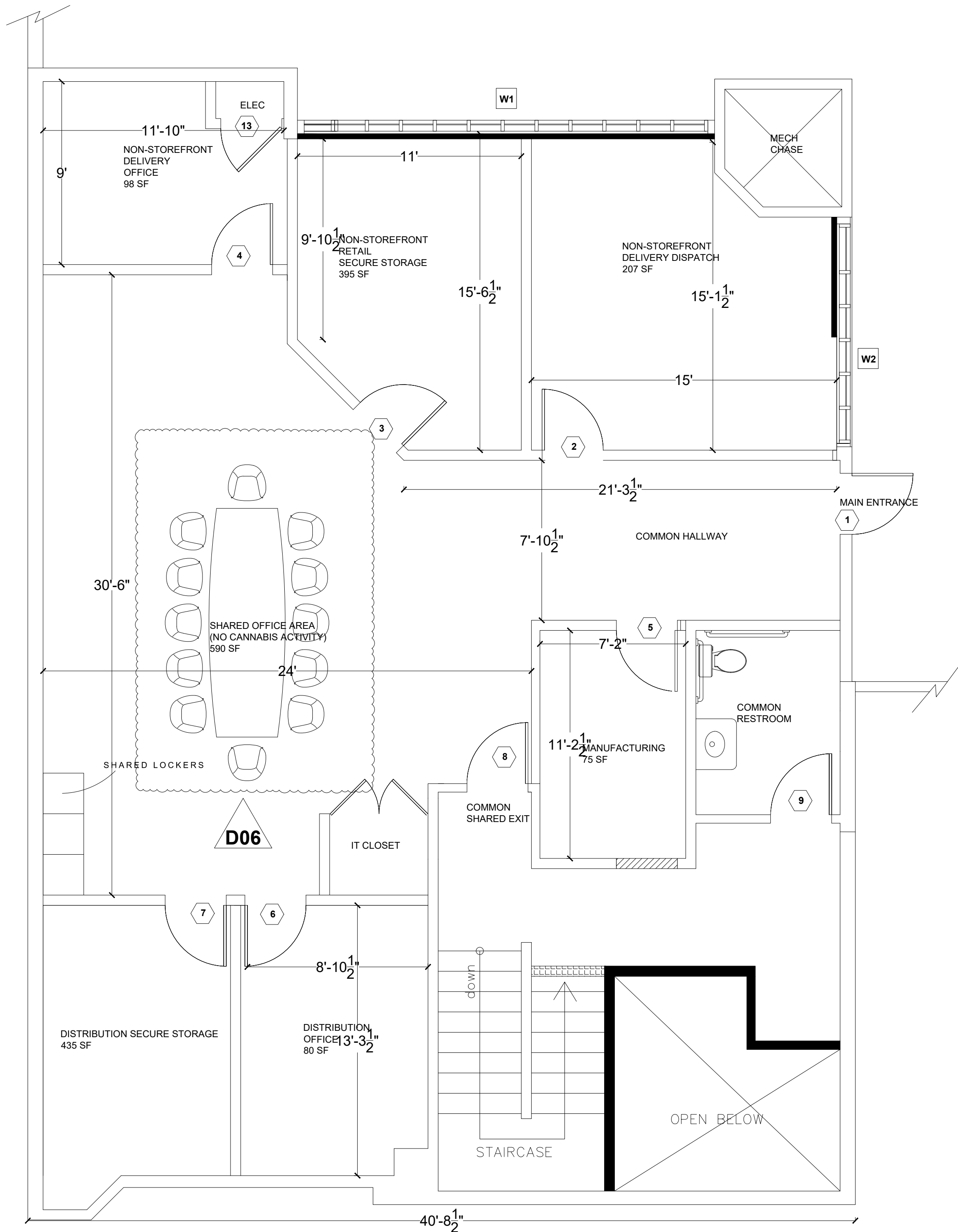
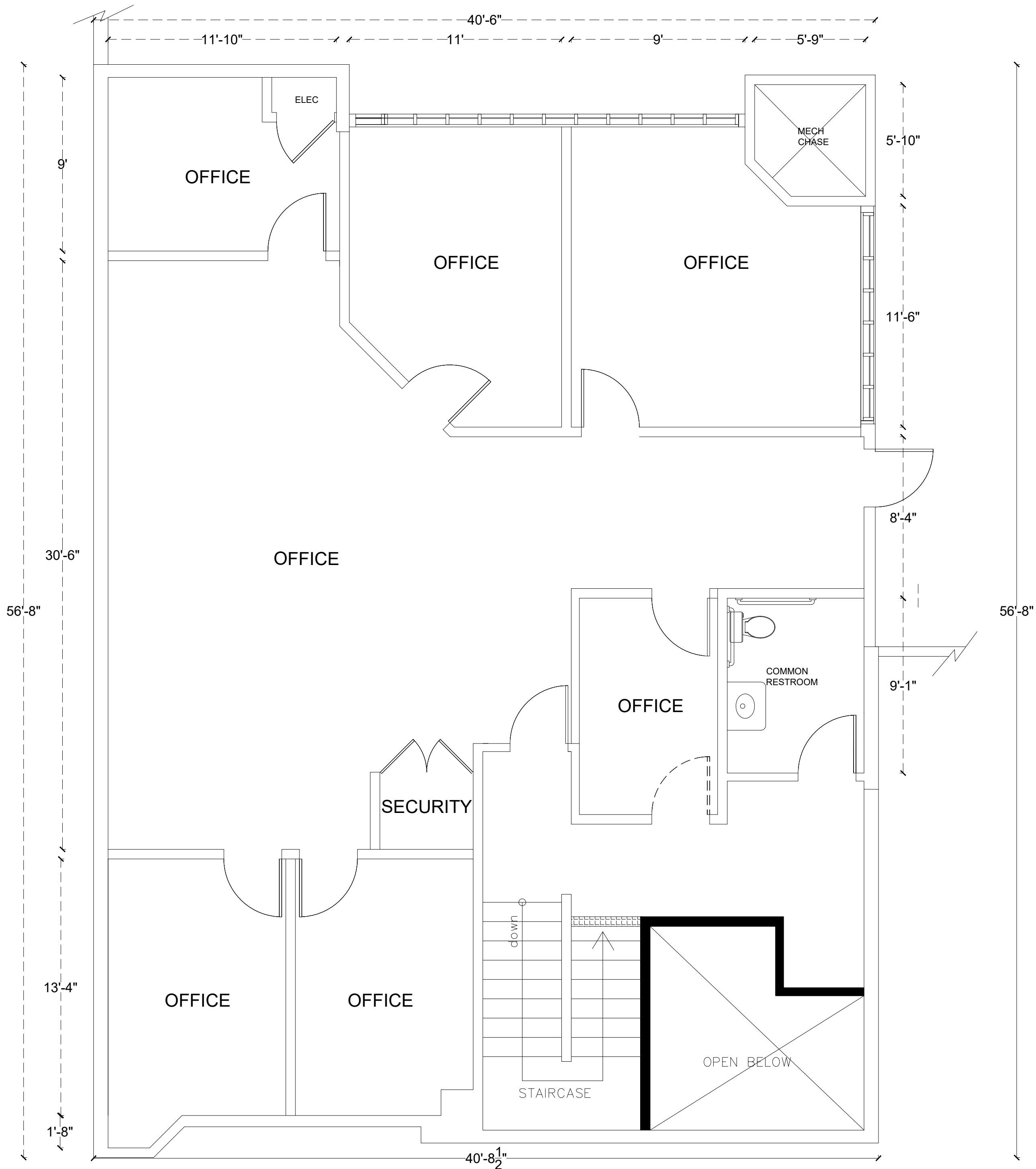
9. The project shall comply with 2019 California Building Code, 2019 California Fire Code, and other currently adopted codes, standards, regulations and requirements as enforced by the FD.
10. Dumpsters and trash containers exceeding 1.5 cubic yards shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved sprinkler system or located in a Type I or IIA structure separated by 10 feet from other structures. Containers larger than 1 cubic yard shall be of non- or limited-combustible materials or similarly protected or separated. CFC 304.3
11. Exits, exit signs, fire alarm panels, hose cabinets, fire extinguisher locations, and standpipe connections shall not be concealed by curtains, mirrors, or other objects.
12. The egress path shall remain free and clear of all obstructions at all times. No storage is permitted in aisles.
13. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Doors shall not be provided with thumb-turn locks or deadbolts that do not unlatch in tandem with the normal operating lever. The opening force for interior doors without closers shall not exceed 5 pounds. The unlatching and opening force for other doors, including fire doors, shall not exceed 15 pounds. CBC 1010
14. The exit path shall be clearly identified with exit signs conforming to CBC 1013. Illuminated exit signs must have 90-minute emergency power back-up.
15. Tactile signs shall be provided in commercial buildings, public buildings/accommodations, and publicly funded housing subject to CBC Chapters 11A and B and conform to 1143A or 11B-703.1, - 703.2, -703.3, and 703.5, be mounted with the bottom of the lowest line of Braille characters at least 4 feet above the floor but the bottom of the highest line of raised text characters no more than 5 feet above the floor and, whenever possible, on the strike side of the door. Lettering shall be between 5/8" and 2" high. CBC 1009.9
16. Stairs serving 4+ stories shall have stairwell signs conforming to CBC 1023.9
17. The exit path shall be illuminated at all times in accordance with CBC 1008. Emergency lighting shall be provided with 90-minute back-up.
18. Rated assemblies shall conform to approved methods and materials of construction. Penetrations through rated walls, ceilings, or floors shall be protected in an approved manner complying with CBC/CFC Chapter 7.
19. Fire/ Smoke rated doors shall be self-closing and latching; such doors shall not be equipped with door stops or otherwise propped open. Fire/ smoke rated doors shall be equipped with rated hardware. CFC 705

SCOPE OF WORK:

1. INTERIOR TENANT IMPROVEMENT
2. NO EXTERIOR WORK PROPOSED

COVER SHEET
101922 SL

CS



WALL LEGEND

- (E) WALLS TO REMAIN
(E) WALLS TO BE DEMOLISHED
(N) NONLOADBEARING PARTITION WALL, 2X6 WOOD STUD CONSTRUCTION @ 12" OC, TYPE X GREEN WS GWB ON BOTH SIDES
(N) 2-1/4" WINDOW COVER

DOOR SCHEDULE & NOTES

ALL DOORS TO HAVE ADA LEVER HANDLE HARDWARE

DESIGNATION	DIMS
1 2 3 4 5 6 7 8	(E) SOLID WOOD CORE 36X80 DOOR, TIMELY FRAME

- ALL (E) ENTRANCES / EXITS TO REMAIN
- SIGN ABOVE ALL EXIT DOORS: "DOORS TO REMAIN UNLOCKED DURING OPERATIONAL HOURS"
- ALL (N) DOORS 6'-8" IN HEIGHT
- DOORS WITH GLASS ARE TEMPERED
- EXTERIOR DOORS TO HAVE LANDING MIN 36" WITH 2% GRADE AWAY FROM DOOR
- ALL DOORS SELF CLOSING , 41A2
- ALL DOORS TO BE EQUIPPED WITH ADA COMPLIANT HARDWARE
- ALL DOORS ARE 36" WIDE
- EXIT DOORS ARE OPENABLE FROM THE INSIDE WITHOUT USE OF A KEY, SPECIAL KNOWLEDGE OR EFFORT

WINDOW SCHEDULE

DESIGNATION	DIMS	OPERATIONAL
W1	246"WX48"H, 3/8" TEMPERED GLASS	NO
W2	135"WX48"H, 3/8" TEMPERED GLASS	NO

FIRE LIFE SAFETY LEGEND

- DUAL POWERED ILLUMINATED EXIT SIGN
W/ "BUG-EYE"
BATTERY IS ALTERNATE POWER SOURCE, MAIN POWER OUTAGE TO EXECUTE BATTERY POWER
FE TYPE A FIRE EXTINGUISHER

OCCUPANCY SCHEDULE

ROOM	SF	LOAD FACTOR TABLE 1004.1.2	OCC
SECURITY CHECK-IN	50	15	3
NON-STORE FRONT DELIVERY OFFICE	98	100	1
DELIVERY DISPATCH	207	100	3
SHARED OFFICE	590	100	6
DIST. OFFICE	80	100	1
MANUFACTURING	75	200	1
DIST. SEC. STORAGE	435	300	1
DEL. SEC. STORAGE	395	300	1
TOTAL			17 PERSONS OCCUPANCY

TOTAL OCC	EXITS REQD	EXITS PROVIDED
17	1	1

SIGN TO BE INSTALLED STATING THAT THE "TOTAL OCCUPANCY IS 17 PERSONS"
MIN EGRESS WIDTH 17 X 3=5.1 REQUIRED
72" PROVIDED

OWNER:

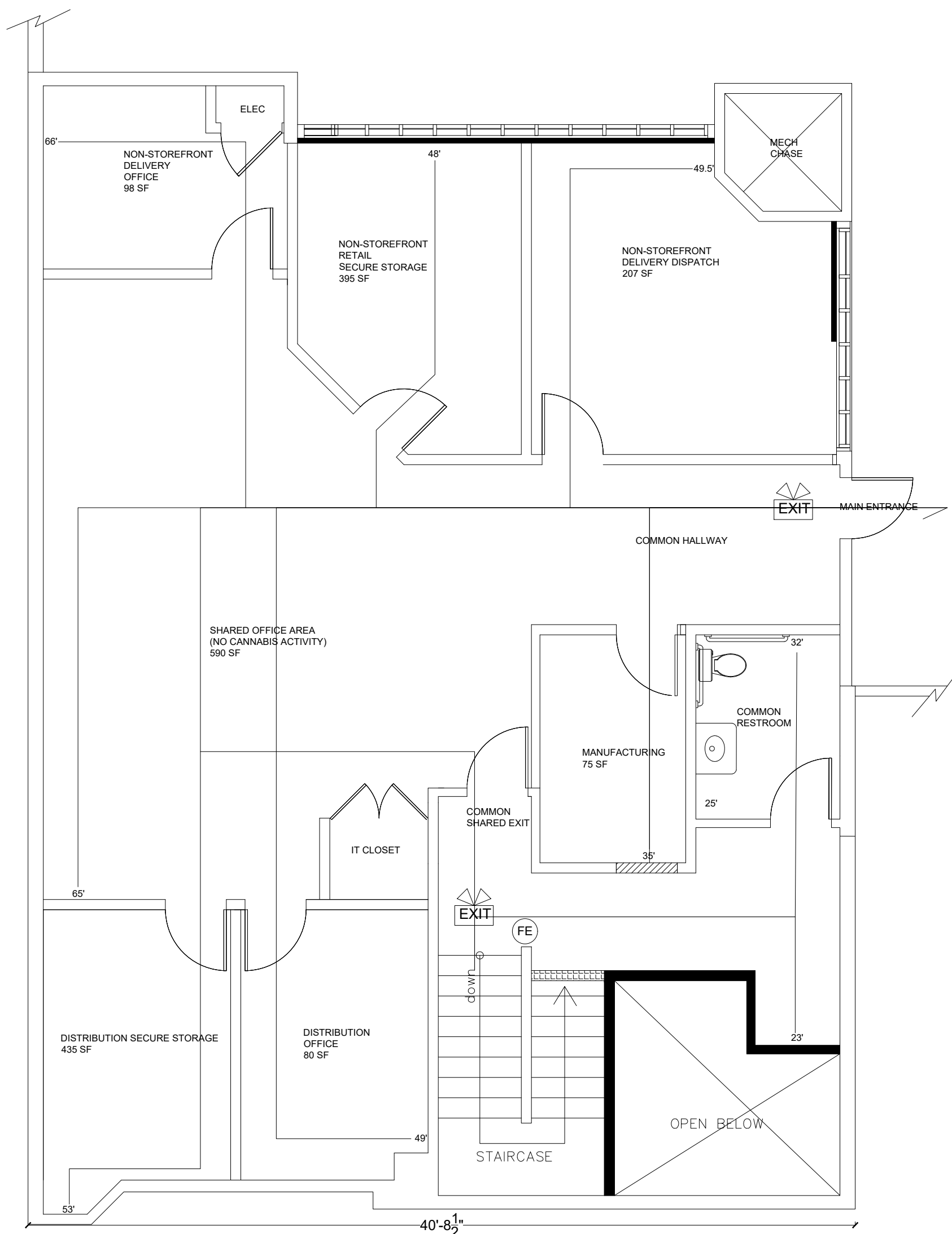
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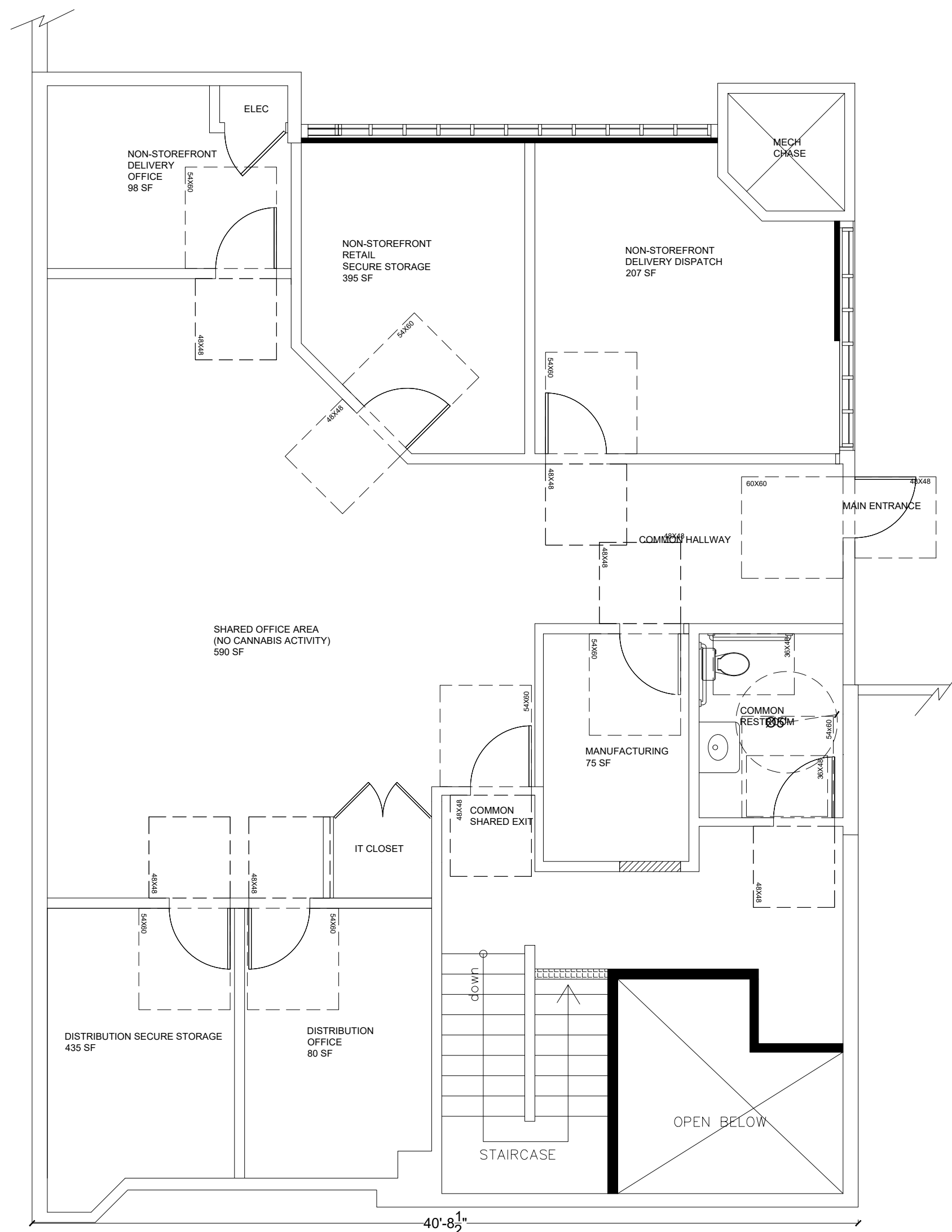
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(E) FLOOR PLAN
&
(N) FLOOR PLAN
101922 SL

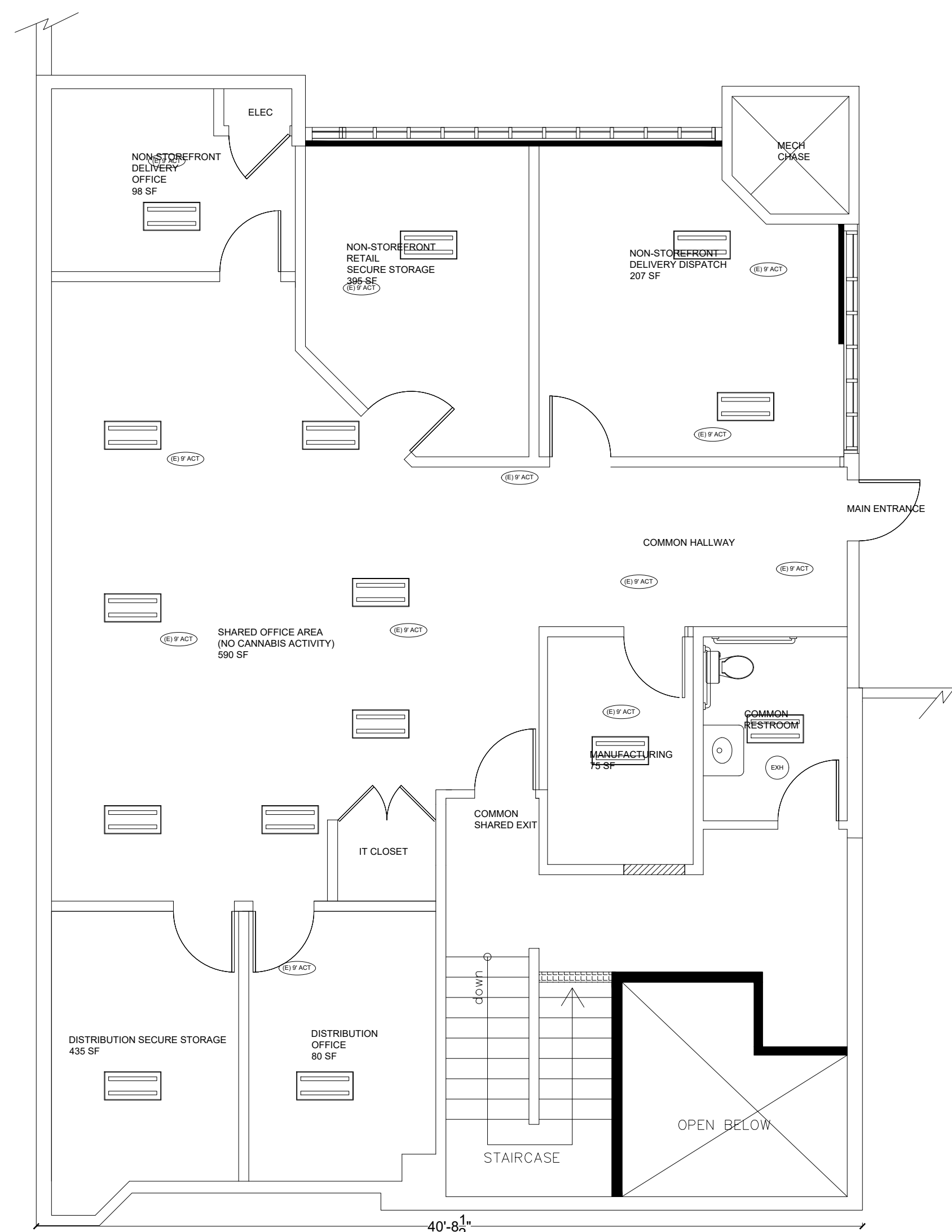
A1



1/A2: (N) EGRESS FLOOR PLAN, 3/16"=1' NORTH



2/A2: (N) ACCESSIBLE PLAN, 3/16"=1' NORTH



3/A2: REFLECTED CEILING PLAN, 3/16"=1' NORTH

PLUMBING FIXTURE COUNT
GROUP F OCCUPANCY, LOAD FACTOR 2000 TABLE A. CPC
1656 SF / 2000 = 1 PERSONS

AS PER TABLE 2902.1							
OCC PER SEX	RATIO WC	RQD WC	PRD WC	RATIO LAV	RQD LAV	PRD LAV	RQD SERV SINK
MALE 50% = 2	1 PER 150	1	1	1 PER 200	1	1	1
FEMALE 50% = 2	1 PER 150	1	1	1 PER 200	1	1	

1 UNISEX ADA RESTROOM PROVIDED & 1 SERVICE SINK
1. PROVIDE ULTRA LOW FLUSH TOILET
2. PROVIDE FAUCETS WITH MAX 1.8 GA PER MINUTE
3. MIN 24" CLEARANCE IN FRONT OF TOILETS, TYP FOR NON ADA TOILETS

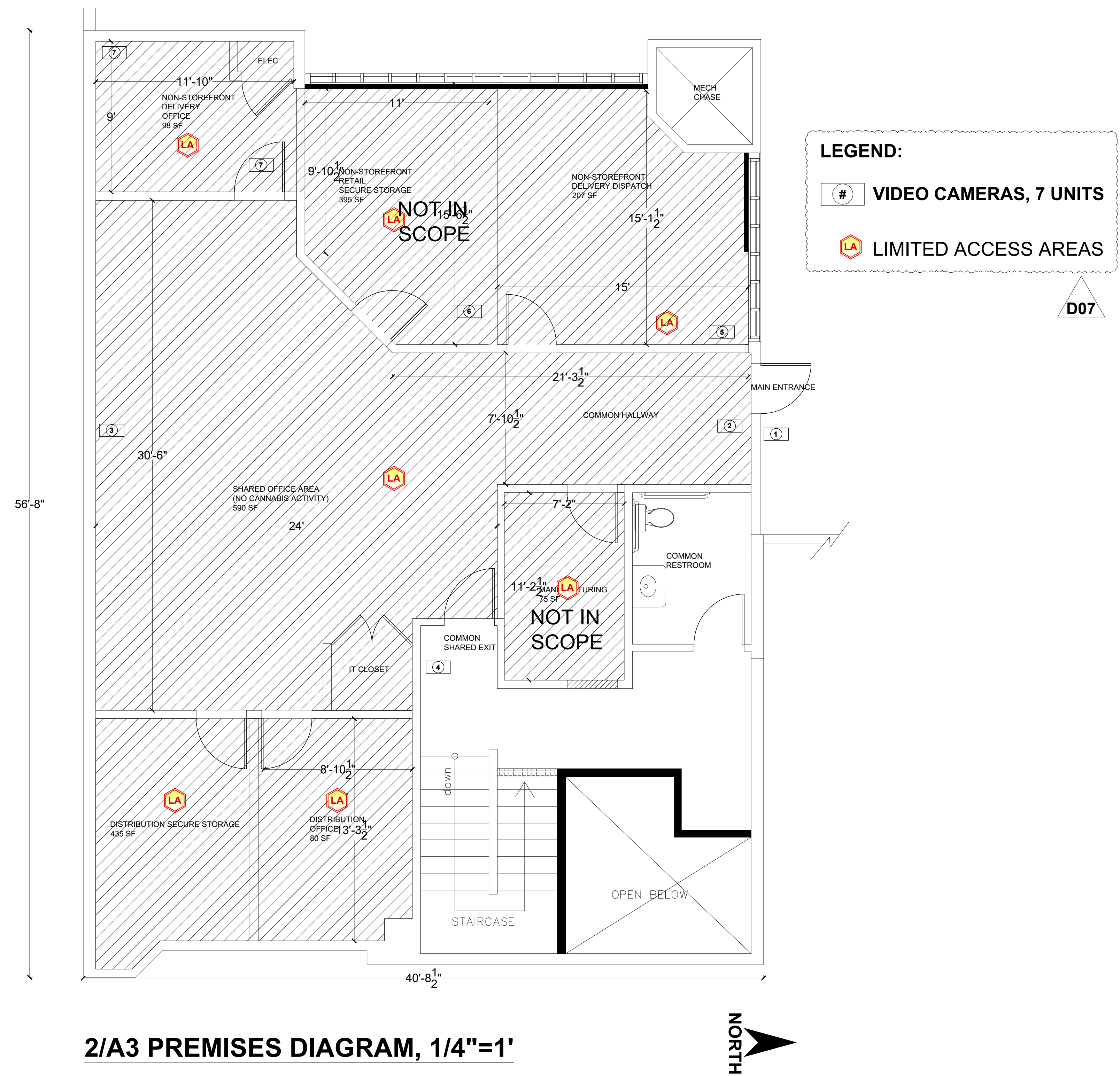
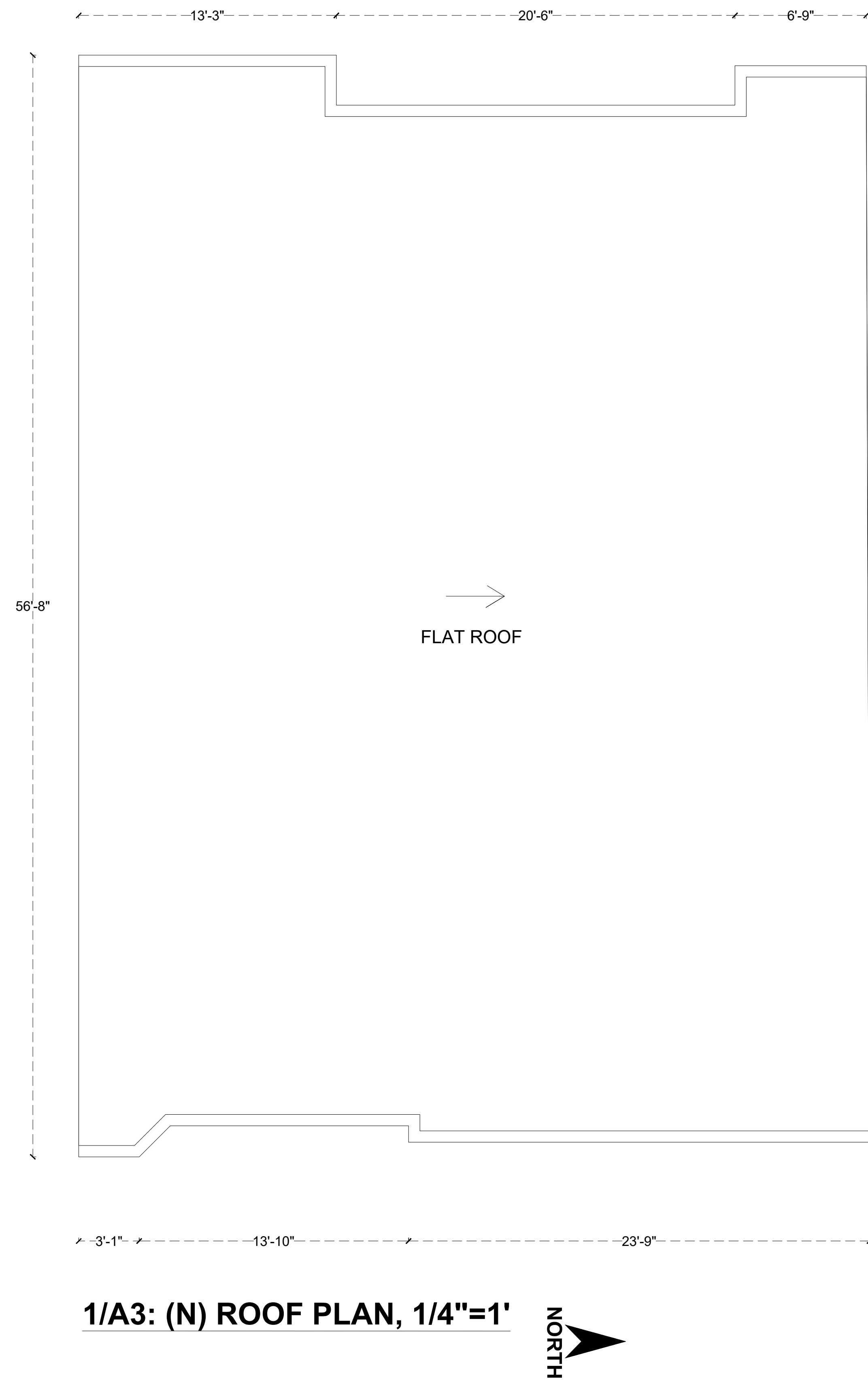
CEILING & LIGHTING LEGEND
(E) 100 CFM EXHAUST FAN, LIGHT SWITCH ACTIVATED
(E) 2'x4' LED LIGHT TUBE WITH SHATTERPROOF DIFFUSER PANEL
(E) ACOUSTICAL CEILING TILE 2'X4', 9' AFF
REPLACE SMOOTH AND CLEANABLE WHITE ACOUSTICAL TILES

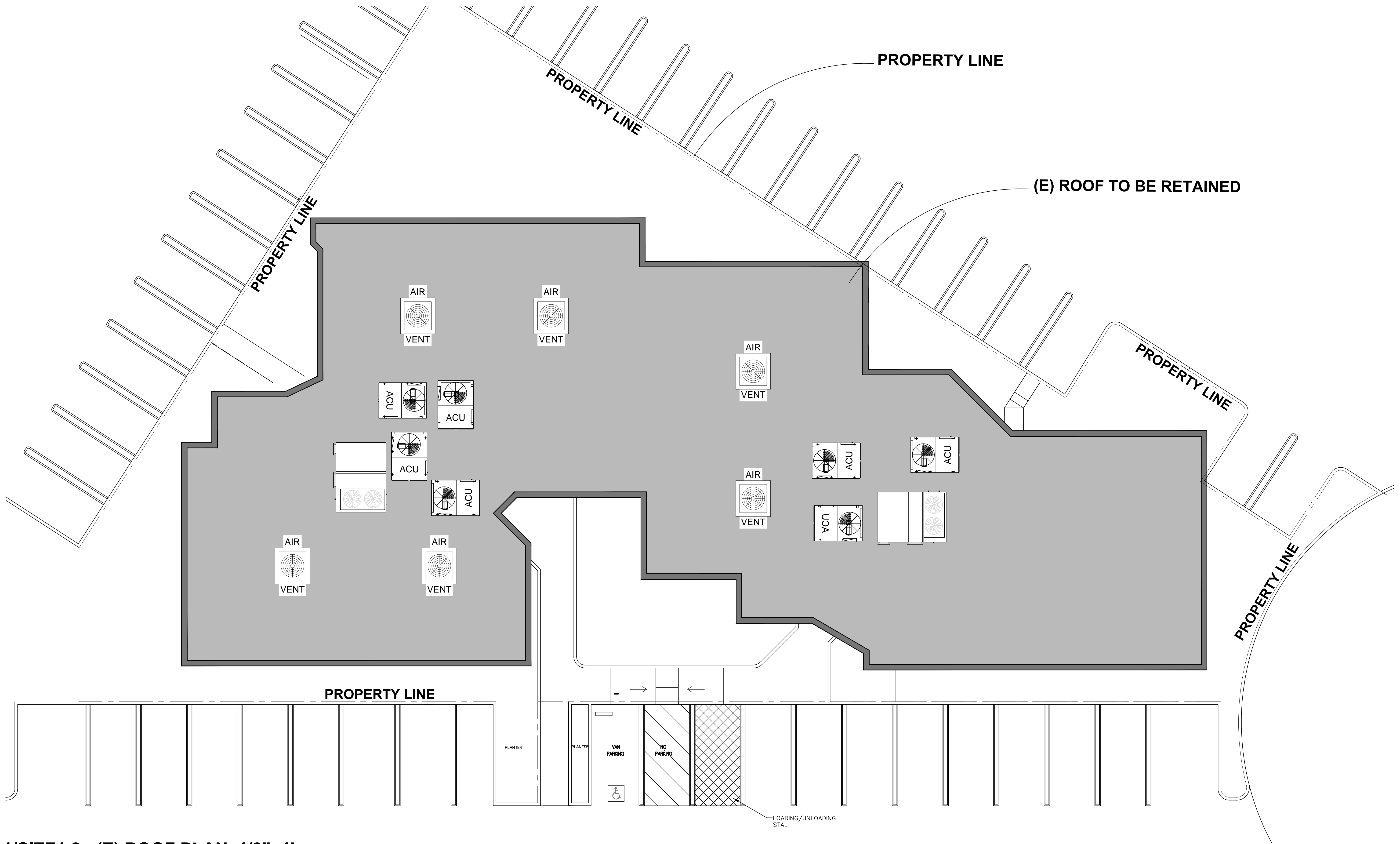


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&
(N) ACCESSIBLE PLAN
101922 SL





1/SITE1.2 : (E) ROOF PLAN, 1/8"=1'

NOTE:
PER CMMC, 13-74 ALL AIR CONDITIONING COMPRESSORS,
DUCT WORK, AND VENTS SHALL BE SCREENED FROM
PUBLIC RIGHTS-OF-WAY AND ADJACENT PROPERTIES.

THE ROOF PLAN EQUIPMENT LAYOUT HAS BEEN VARIFIED.
NO CHANGES TO ROOF PLAN PROPOSED. NO (N)
EQUIPMENT PROPOSED. ROOF PLAN TO REMAIN AS IS

SIGNATURE _____

PRINT NAME: RAMON BAGUIO DATE: 11-10-2022

OWNER:
BLACKSTAR
INDUSTRIAL PROPERTIES LLC

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ROOF PLAN
11102022SL

SITE 1.2