

CITY OF COSTA MESA PLANNING COMMISSION Agenda

Monday, March 27, 2023

6:00 PM

City Council Chambers 77 Fair Drive

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- 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.

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- 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.

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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.

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PLANNING COMMISSION REGULAR MEETING

March 27, 2023 - 6:00 P.M.

ADAM ERETH Chair

RUSSELL TOLER Vice Chair

JOHNNY ROJAS
Planning Commissioner

ANGELY ANDRADE VALLARTA Planning Commissioner

TIM TABER
Planning Commissioner

JON ZICH Planning Commissioner

JENNIFER LE
Director of Economic and
Development Services

JIMMY VIVAR Planning Commissioner

TARQUIN 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:

Please note: Commissioners may legally approve minutes of meetings that took place before they were appointed, or on meetings that they did not attend. 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. FEBRUARY 28, 2022 UNOFFICIAL MEETING MINUTES

23-1140

RECOMMENDATION:

Planning Commission approve Minutes of a Regular meeting of February 28, 2022.

Attachments: 02.28.2022 Unofficial Minutes

2. <u>JUNE 27, 2022 UNOFFICIAL MEETING MINUTES</u>

23-1141

RECOMMENDATION:

Planning Commission approve Minutes of a Regular meeting of June 26, 2022.

Attachments: 06.27.2022 Unofficial Minutes

PUBLIC HEARINGS:

1. PLANNING APPLICATION 21-39 FOR A CONDITIONAL USE PERMIT23-1138
TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS
LOCATED AT 770 W. 19TH STREET (NEBRINA)

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 21-39, 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. Retail Cannabis Storefront Map
- 7. Project Plans
- 2. PLANNING APPLICATION 21-37 FOR A RETAIL CANNABIS23-1139
 STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2146
 NEWPORT BOULEVARD, UNIT C AND D (OTC Ventura LLC)

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; and
- 2. Approve Planning Application 21-37, subject to conditions of approval.

Attachments: Agenda Report

- 1. Draft Planning Commission Resolution
- 2. Applicant Letter
- 3. Vicinity Map
- 4. Zoning Map
- 5. Site Pictures
- 6. Retail Cannabis Storefront Map
- 7. Project Plans

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

DEPARTMENT REPORTS:

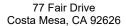
- 1. PUBLIC WORKS REPORT
- 2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY

ADJOURNMENT

Next Meeting: Planning Commission regular meeting, April 10, 2023 - 6:00 p.m.





CITY OF COSTA MESA Agenda Report

File #: 23-1140 Meeting Date: 3/27/2023

TITLE:

FEBRUARY 28, 2022 MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/

PLANNING DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a Regular meeting of February 28, 2022.

MEETING MINUTES OF THE CITY OF COSTA MESA PLANNING COMMISSION

February 28, 2022 Regular Meeting – 6:00 p.m.

CALL TO ORDER:

Chair de Arakal called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

Chair de Arakal led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Adam Ereth,

Commissioner Dianne Russell, Commissioner Russell Toler,

Commissioner Jimmy Vivar

Absent: Commissioner Jonny Rojas

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant

Development Services Director Scott Drapkin, Interim Assistant Director Sheri Vander Dussen, Associate Planner Christopher Yeager, Contract Planner Michelle Halligan, Lieutenant Ed Everett, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie

Colgan and Anna Partida

ELECTION OF OFFICER:

1. SELECTION OF LIAISON TO THE HOUSING AND PUBLIC SERVICE GRANT COMMITTEE

Commissioner de Arakal made motion to appoint Dianne Russell to the Housing and Public Services Grant Committee. Seconded by Vice Chair Zich.

MOVED/SECOND: de Arakal/Zich

MOTION: To appoint Dianne Russell to serve as the Planning Commission

Liaison to the Housing and Public Service Grant Committee.

Commission discussion included:

Commissioner Toler stated he was in full support of the motion.

Commissioner Ereth seconded Commissioner Toler's comments on the motion.

The motion carried by the following roll call vote: Ayes: de Arakal, Zich, Ereth, Russell, Toler, Vivar

Nays: None Absent: Rojas Recused: None Motion carried: 6-0

ACTION: Dianne Russell was selected as the Liaison to the Housing and Public Service Grant Committee.

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS - MATTERS NOT LISTED ON THE AGENDA:

No public comments.

Chair de Arakal closed public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Vivar informed the Commission and public that he spoke at his old high school about the importance of civic engagement and the importance of getting involved in their local community.

Commissioner Russell thanked the Commission for their support and appointing her to the Housing and Services Grant Committee.

Commissioner Toler presented a slide show regrading street frontages and design.

Commissioner Zich thanked Commissioner Toler for his presentation and stated Commissioner Toler had his support. He also thanked those from the public that were present in chambers for coming to the meeting.

CONSENT CALENDAR: None.

PUBLIC HEARINGS:

1. PLANNING APPLICATION 21-13 IS A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A PHARMACEUTICAL MANUFACTURING USE LOCATED AT 3030 AIRWAY AVENUE

Project Description: Planning Application 21-13 is a request for a Conditional Use Permit (CUP) to allow for a pharmaceutical manufacturing use within the MP (Industrial Park) zone. The project proposes a major tenant improvement to

establish offices and laboratories (19,000 square feet), manufacturing (21,300 square feet), and warehousing uses (10,700 square feet). Exterior improvements include the removal and decommissioning of rooftop equipment, construction of a central utility plant, installation of an underground waste neutralization system, installation of an emergency generator, switchboards, compressed air systems, bulk tanks, transformer, modification of parking, and the installation of additional landscaping. The facility would be operated by Avid Biosciences, is proposed to operate 24 hours a day, and is projected to employ approximately 50 people over the next five years.

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

No public comments received on this item.

One ex-parte communication to report: Vice Chair Zich had conversations with staff on the item and conducted his own research on the item.

Associate Planner, Chris Yeager, presented the staff report.

Commission and staff discussion included:

Vice Chair Zich asked staff whether they require physical proof of the applicants, wastewater discharge permit before the City issues the applicant their building permit. He also asked whether the Fire Department reviewed the list of chemicals on the chemical inventory list and whether the applicant will be in possession of material safety data sheets for all the chemicals prior to operation.

Commissioner Vivar asked staff about odor control and what staff finds acceptable in regards to odor levels. He also asked whether the City has been in contact with the Sanitary Department to get their input on the potential discharge loads into the sewer from the facility.

The Chair opened the Public Hearing.

PUBLIC COMMENT

Applicant's Team: Michael Alston and Rami Barghout

Mr. Alston stated that he read the staff report and agrees to the conditions of approval.

Mr. Alston and Mr. Barghout presented a slide show.

Commission, staff and Applicant discussion included:

Vice Chair Zich asked the applicant how often the FDA conducts audits, and if they have an insurer that also conducts inspections. He asked if the Orange County Fire Authority would be conducting the inspections for their Costa Mesa facility. He inquired about clean rooms in the facility and if they employees will have to wear a breathing apparatus.

Commissioner Vivar asked the applicant what the differences between the Tustin facility and the Costa Mesa would be. He inquired about energy consumption and the applicants plan for the energy infrastructure. He asked the applicant about the facilities security.

Chair de Arakal asked the applicant about buffer tanks and what they will be used for. He asked the applicant about the safety features of their equipment with high pressure.

Chair opened Public Comment portion of the public hearing.

No public comments.

The Chair closed the public comment portion of the public hearing.

The Chair closed the public hearing.

MOVED/SECOND: de Arakal/Ereth **MOTION:** Moved staff's recommendation.

Staff comments on Motion included:

Vice Chair Zich thanked staff for following up prior to the public hearing on a number of his questions.

The motion carried by the following roll call vote: Ayes: de Arakal, Zich, Ereth, Russell, Toler, Vivar

Nays: None Absent: Rojas Recused: None Motion carried: 6-0

ACTION: 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 (Class 1), Existing Facilities.
- 2. Approve Planning Application 21-13, subject to conditions of approval.

RESOLUTION PC-2022-01-02 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-13 FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A PHARMACEUTICAL MANUFACTURING USE LOCATED AT 3030 AIRWAY AVENUE

The Chair explained the appeal process.

OLD BUSINESS: None.

NEW BUSINESS:

1. CANNABIS RETAIL STOREFRONT AND NON-STOREFRONT REGULATIONS - INFORMATIONAL PRESENTATION

Project Description: Staff provided to the Planning Commission with an informational presentation to assist and prepare the Commission for its review of the upcoming retail cannabis Conditional Use Permit applications. The presentation focused on the following topics:

- · A background, timeline and summary of the City's cannabis regulations;
- A description of the types of cannabis related businesses that are permitted in the City with specific emphasis on retail cannabis uses;
- A summary of the applicable Costa Mesa Municipal Code regulations relating to cannabis permitting (including location requirements, development standards, and operational requirements);
- A discussion of the City's cannabis permitting process (including pre-application review, ownership requirements/background checks, business plan review, security plan review, and building and safety review);
- · A review of the City's applicable Conditional Use Permit process and findings; and
- · A summary of the cannabis retail applications under review.

Environmental Determination: In accordance with the California Environmental Quality Act (CEQA) Guidelines, the staff presentation is an exempt activity pursuant to Sections 15060(c)(1),(2)&(3) and 15061(b)(3). The presentation is not a "project" under CEQA.

Assistant Director Scott Drapkin presented the presentation.

Commission and staff discussion included:

Commissioner Ereth asked whether the future approved cannabis sites would preclude private schools or charter schools from opening up in the buffer zones around those cannabis businesses.

Commissioner Vivar asked whether business partners or those with majority stakes in the company would need to get a background check. He asked about security concerns with cannabis facilities and whether illegal facilities, which have been shut down in the past, would affect legal cannabis facilities from opening. He inquired about transportation aspects of cannabis retailers, fees and advertising specifics. He also asked staff for a list of business displacements.

Commissioner Toler stated he was also interested in information on business that will be displaced.

Commissioner Russell asked about encouraging minority participation and giving minorities priority.

Vice Chair Zich asked why cannabis applicants need to show their financial situation in detail and for a list of examples of what is not compatible with the City in regards to cannabis application approval. He inquired about taxes and asked what percent of a cannabis delivery sale would be taxable.

Chair de Arakal asked about the cannabis business review process, what the process entails and the timeline of the process. He asked about traffic analysis and parking studies in the approval process. He also asked for an assessment of the Planning Department's staffing levels, where the staff is at in processing the cannabis applications, and whether these applications are hindering other non-cannabis applications from being processed.

Chair de Arakal opened public comment.

PUBLIC COMMENT:

No public comments.

The Chair closed public comment.

Chair de Arakal continued this item to the next meeting on March 14, 2022.

DEPARTMENTAL REPORT(S):

- 1. Public Services Report Mr. Yang provided an update on the Jack Hammett Sports Project construction.
- 2. Development Services Department None.

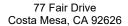
CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney - None.

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Submitted by:

SCOTT DRAPKIN, SECRETARY COSTA MESA PLANNING COMMISSION





CITY OF COSTA MESA Agenda Report

File #: 23-1141 Meeting Date: 3/27/2023

TITLE:

JUNE 27, 2022 MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING

DIVISION

RECOMMENDATION:

Planning Commission approve Minutes of a Regular meeting of June 26, 2022.

MEETING MINUTES OF THE CITY OF COSTA MESA PLANNING COMMISSION

June 27, 2022 Regular Meeting – 6:00 p.m.

CALL TO ORDER:

Chair de Arakal called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

Commissioner Ereth led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Commissioner Adam Ereth, Commissioner Russell

Toler, Commissioner Jimmy Vivar, Commissioner Dianne Russell

Absent: Vice Chair Jon Zich, Commissioner Jonny Rojas,

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant

Development Services Director Scott Drapkin, Senior Planner Nancy Huynh, Associate Planner Chris Yeager, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS:

No public comments.

The chair closed public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

No commissioner comments.

The Chair closed public comments.

PUBLIC HEARINGS:

1. PLANNING APPLICATION 22-13 FOR A CANNABIS DISTRIBUTION FACILITY ("HERA DISTRIBUTION LLC") AT 3505 CADILLAC AVENUE, UNIT F3

Project Description: Planning Application 22-13 is a request for a CUP to operate a cannabis distribution facility within a 5,772-square-foot tenant space in a multi-tenant industrial building located at 3505 Cadillac Avenue (Unit F3). The proposed distribution use involves intake of products, packaging, labeling, storing, and distribution of both bulk flower and finished cannabis products.

No public comments were received for this item.

No ex-parte communications

Chair de Arakal moved staff recommendation.

MOVED/SECOND: de Arakal, Russell **MOTION:** Moved staff's recommendation.

The motion carried by the following roll call vote: Ayes: de Arakal, Ereth, Russell, Toler, Vivar

Nays: None

Absent: Zich, Rojas Recused: None Motion carried: 5-0

ACTION: Continued the Public Hearing to the next Planning Commission meeting date of July 11, 2022.

2. CALL TO REVIEW PLANNING DIVISION ZONING APPROVAL BC21-00147 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND REMODEL AT 283 EAST 19TH STREET

Project Description: This project was previously heard by the Planning Commission on June 13, 2022 and was a call for review of a prior Planning Division administrative approval of residential additions to an existing house. At the June 13th hearing, the Planning Commission continued their review for the applicant to consider several of the Commission's design solutions discussed during the public hearing, and return at the next Planning Commission hearing for the applicant's response. The applicant's architect has developed a modified floor plan that incorporates the previously discussed proposed "storage" area into the existing "Master Bedroom 2." By merging these two rooms, the project design takes advantage of an ingress/egress window located in the previously proposed "storage" area and is thereby able to retain the existing clerestory windows in "Master Bedroom 2" to address potential privacy concerns while remaining compliant with the Building Code.

No public comments were received on this item.

No ex-parte communications to report.

Commissioner Toler Recused for living within 500 feet of subject property.

Associate Planner, Chris Yeager, presented the staff report.

The Chair opened public hearing.

Applicant's Representative: Lorena Lopez

Applicant's representative stated the applicant approved the modifications and agreed to the changes.

PUBLIC COMMENT:

No public comments.

The Chair closed the public comment portion of the public hearing.

The Chair closed the public hearing.

Chair de Arakal made motion to move staff's recommendation.

MOVED/SECOND: de Arakal/Toler

MOTION: Moved staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Ereth, Russell, Vivar

Nays: None.

Absent: Zich, Rojas Recused: Toler Motion carried: 5-0

ACTION: Planning Commission adopted a Resolution to:

Uphold the Planning Division's administrative approval of the proposed secondstory addition at 283 East 19th Street with recommended design modifications, as agreed to by the applicant and owners of the neighboring property located at 279 East 19th Street.

RESOLUTION NO. PC-2022-11 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA UPHOLDING PLANNING DIVISION APPROVAL OF BUILDING PERMIT BC21-00147 FOR A 1,072-SQUARE-FOOT SECOND-STORY ADDITION AND REMODEL AT 283 E. 19TH STREET

The Chair explained the appeal process.

3. PLANNING APPLICATION 21-20 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 124 EAST 17TH STREET

Project Description: Planning Application 21-20 is a request for a CUP to allow retail cannabis uses within an existing 2,340-square-foot commercial building located at 124 East 17th Street. The affiliated State license is a Type 10 "storefront retailer" which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

No ex-parte communications.

Chair de Arakal opened the public hearing

Peter Isheck, applicant, spoke to commission and asked for a continuance to the next Planning Commission meeting on July 11, 2022.

No public comments received.

Chair de Arakal moved that the Commission continue the item to the next Planning Commission meeting on July 11, 2022.

MOVED/SECOND: de Arakal/Russell **MOTION:** Moved staff's recommendation.

The motion carried by the following roll call vote: Ayes: de Arakal, Ereth, Russell, Toler, Vivar

Nays: None

Absent: Zich, Rojas Recused: None Motion carried: 5-0

Action: The item was continued to the July 11, 2022 Planning Commission meeting.

4. PLANNING APPLICATION 21-14 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 1921 HARBOR BOULEVARD

Project Description: Planning Application 21-14 is a request for a CUP to allow a retail cannabis use within an existing 7,215-square-foot commercial building located at 1921 Harbor Boulevard. The affiliated State license is Type 10 "storefront retailer" which also allows retail delivery. Upon approval of a CUP, CBP,

City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

Public comments were received for this item, provided to the commission and made a part of the record.

Three ex-parte communications to report: Commissioner Ereth talked to the applicant two times; Commissioner Russell had a conversation with the applicant; and Commissioner Vivar toured the facility and had conversations with the applicant

Senior Planner, Nancy Huynh, presented the staff report.

Commission and staff discussion included:

Commissioner Toler asked about previous business that previously occupied the site.

Commissioner Russell asked about the traffic flow in front of the proposed site.

Commissioner Vivar asked whether the notices were sent in both English and Spanish. He also asked about noise and light impacts on the mobile homes next to the proposed site. He asked about certified traffic flagger training.

Chair de Arakal asked about parking enforcement.

The Chair opened the public hearing.

Applicant's Representative: Michael Moussalli

Applicant representative stated the applicant approved the modifications and agreed to the changes.

Commission, Staff and Applicant discussion included:

Commissioner Ereth asked the applicant about the shuttle service they would be providing for their employees; what their incentive program will entail; about the proposed sites landscaping, and using drought resistant plants; and about the proposed fish tanks.

Commissioner Toler asked whether the alley behind the proposed site is public or private; about the pedestrian access through the proposed gate; and where the applicant planned to place the parking attendant.

Commissioner Russell asked what information will be on the parking lot full sign.

Commissioner Vivar asked for more information on how the applicant did outreach with the mobile home park residents next to the proposed site; if the applicant considered other traffic reducing measures other than a fence around the property; and about delivery vehicles and their noise output.

Chair de Arakal opened the public comment portion of the hearing.

PUBLIC COMMENT:

Curt Herberts, business owner, commented on the traffic and parking effects on his business.

Eangelio Artoneish, resident, spoke in support of the item.

Lin Mack spoke in support of the item.

Benjamin Essenes, business owner, commented on the traffic and parking effects on his business.

Rob Ramiro, business owner and resident, spoke in support of the item.

Speaker Six, business owner, commented on the traffic and parking effects on her business.

Jose Merian, business owner, commented on the traffic and parking effects on his business.

The Chair closed the public comment portion of the public hearing.

The Chair closed the public hearing.

Chair de Arakal made motion to move staff's recommendation.

MOVED/SECOND: de Arakal/Toler

MOTION: Moved staff's recommendation.

The motion carried by the following roll call vote: Ayes: de Arakal, Ereth, Russell, Toler, Vivar

Nays: None.

Absent: Zich, Rojas Recused: None. Motion carried: 5-0

ACTION: Planning Commission adopted a Resolution to:

- 1. Finds 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. Approves Planning Application 21-14, subject to conditions of approval.

RESOLUTION NO. PC-2022-12 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-14 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (HIGH SEAS) IN THE C2 ZONE AT 1921 HARBOR BOULEVARD

The Chair explained the appeal process.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S):

- 1. Public Services Report Mr. Yang informed the public about the Willison street improvement project.
- 2. Development Services Department None.

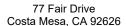
CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney - None.

ADJOURNMENT AT 8:44 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY COSTA MESA PLANNING COMMISSION





CITY OF COSTA MESA Agenda Report

File #: 23-1138 Meeting Date: 3/27/2023

TITLE:

PLANNING APPLICATION 21-39 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 770 W. 19TH STREET (NEBRINA)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING

DIVISION

PRESENTED BY: NANCY HUYNH

CONTACT INFORMATION: NANCY HUYNH 714.754.5609;

Nancy.Huynh@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 21-39, subject to conditions of approval.



SUBJECT: PLANNING APPLICATION 21-39 FOR A CONDITIONAL USE PERMIT

TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS

LOCATED AT 770 W. 19TH STREET (NEBRINA)

FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/

PLANNING DIVISION

PRESENTATION BY: NANCY HUYNH, SENIOR PLANNER

FOR FURTHER NANCY HUYNH INFORMATION 714.754.5609

CONTACT: Nancy.Huynh@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 21-39, subject to conditions of approval.

<u>APPLICANT OR AUTHORIZED AGENT</u>

The applicant/authorized agent is Brandon Banks, on behalf of the property owner, Glynis Ablon.

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25

PLANNING APPLICATION SUMMARY

Location:	770 W. 19th Street	Application Number(s):	PA-21-39
Request:	Planning Application 21-39 is for a Con	ditional Use Permit to opera	ate a retail cannabis storefront
	business.		

SUBJECT PROPERTY: SURROUNDING PROPERTY:

		•••••••••••••••••••••••••••••••••••••••	
Zone:	C1 (Local Business	North:	R2-HD; Multi-Family Residential High
	District)		Density
General Plan:	General Commercial	South:	C1; Local Business District
		(Across W 19th St.)	
Lot Dimensions:	117 FT x 90 FT	East:	C1; Local Business District
Lot Area:	10,500 SF	West:	C1; Local Business District
Existing	The property is developed with an existing 1,933-square-foot single-story commercial building.		
Development:		_	

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed C1 Dev. Standard	Proposed/Provided
Minimum Lot Size	12,000 SF	10,500 SF ¹
Minimum Lot Width	60 ft.	117 ft.
Building Height	2 Stories / 30 ft.	1 story / 13 ft.
Setbacks:		
Front	20 ft.	14 ft. 6 in. ¹
Side (interior)	15 ft. / 0 ft.	36 ft. 9 in. (west) / 4 ft. 5 in. (east)
Rear (interior)	26 ft. ²	49 ft.
Parking	8 spaces	12 spaces
Floor area ratio (FAR)	0.20	0.18 ³

¹ Existing lot size and front setback/landscaped front setback are legal non-conforming; refer to the Non-conforming Development section of this agenda report.

³ Existing nonconforming FAR is 0.29, however, an unpermitted rear structure is proposed to be demolished to bring the FAR into conformance with the maximum allowed for a C1 zone; refer to the Nonconforming Development section below.

CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)
Final Action	Planning Commission

² Pursuant to CMMC Section 13-44, required rear setback for a commercial zone property abutting a residential zone is two times the building height at all locations.

BACKGROUND

The subject property is located at 770 W. 19th Street. The property is located west of State Route 55 Freeway and is bounded by W. 19th Street to the south, Palace Avenue to the west, and Wallace Avenue to the east. The site is zoned C1 (Local Business District) and is surrounded by other commercially-zoned properties (C1) as well as residentially-zoned properties (R2-HD – Multi-Family Residential High Density and R3 – Multi-Family Residential). The site has a General Plan Land Use Designation of General Commercial.

Existing development on the subject property consists of an approximate 2,000-square-foot single-story commercial building with an 1,100-square-foot unpermitted detached structure at the rear of the property, that is proposed to be demolished. The property was originally developed in the mid-1960s and subsequent building additions were approved in the mid-1970s. City permit records indicate that the rear detached structure was permitted in the mid-1970s; however, the approval was for an 800-square-foot building and therefore was increased in size subsequently without City approval. The property also includes an existing 18-foot tall, two-sided, billboard sign located towards the front of property.

Parking spaces are provided in the existing surface parking lot which serves the commercial building and is not shared with any other properties. Access to the site is provided by two approximately 17-foot wide one-way driveways located along W. 19th Street (entrance only) and Palace Avenue (exit only). There are existing access gates along the two driveways but remain open during normal business hours. Pacific Sprinkler Supply, a retail landscaping supply store, currently occupies the existing building. The proposed retail cannabis storefront use, "Nebrina", would occupy the entire building.

The property is located on one of the City's primary commercial corridors and the surrounding uses predominantly include multi-tenant commercial centers. Existing businesses in these surrounding commercial centers consist of a variety of general retail (nail/hair salons, florist, gas stations, and convenience stores), medical and general offices, grocery stores, and restaurants/bars. The nearest residentially-zoned property (R2-HD) is developed with a multi-family residential use (Wallace Apartments), which directly abut the subject property. The multi-family residential structure is located approximately 76 feet from the licensed premise area, which is separated by existing landscaping, a six-foot block wall, and the multi-family and subject property's parking lots.

The applicant has partnered with an existing cannabis manufacturing and non-storefront retail facility, Expando Products, in Costa Mesa – which was approved in 2018 under Measure X. Expando Products has been operating since 2019. There are no open Code Enforcement cases on this property.

Nonconforming Development

The existing development is legal nonconforming in terms of the lot size, FAR, front building setback, and landscaping, and therefore is subject to the nonconforming provisions of the Costa Mesa Municipal Code (CMMC) Section 13-204. Pursuant to this code section, a conforming use may be located on a nonconforming property so long as any new site modifications do not result in greater site nonconformities, and such improvements bring the site into greater conformance with Code requirements.

Improvements would be made to bring this structure into compliance with current building and safety codes; however, and as specifically allowed by the CMMC, the existing site nonconformities can remain pursuant to the City's legal nonconforming provisions. The applicant proposes to demolish the existing 1,100-square-foot detached unpermitted structure which would bring the FAR into conformance with the maximum allowed for a C1 zone property. The applicant also proposes to provide additional landscaping to bring it into closer conformance with the minimum landscaping requirements. The property complies with all other applicable commercial zone development standards including the side and rear setback, parking, building height, and lot width.

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 ("The Green Zone," excluding the South Coast Collection property located at 3303 Hyland Avenue). Measure X is codified in Titles 9 and 13 of the CMMC.

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 were 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 cannabis 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.

Cannabis Business Permit (CBP) Application Process

The process to establish a retail cannabis business is subject to an extensive submittal and application review procedure. Retail cannabis applicants must obtain the following City approvals and obtain State approval before conducting business in Costa Mesa:

- Pre-Application Determination;
- CBP Notice to Proceed:
- Conditional Use Permit (CUP);
- Building Permit(s);
- Final City Inspections;
- CBP Issuance: and
- City Business License.

The "Pre-Application Determination" includes staff review of a detailed applicant letter that describes the proposed business, an existing site plan, statement attesting that there is/has been no unpermitted cannabis activity at the site within one year, and a detailed map demonstrating the proposed storefront's distance from sensitive uses. Staff also visits the site at this time. Planning staff has completed the aforementioned pre-application review, visited the site, and issued a letter indicating that the application complies with the City's required separation distances from sensitive uses and may proceed to submittal of a CBP.

Following completion of the pre-application review, the applicant submitted a CBP application for the initial phase of the CBP process. Staff's initial CBP review includes:

- A background check of the business owner(s)/operator(s);
- An evaluation of the proposed business plan (including a capitalization analysis);
 and
- An evaluation of the proposed security plan by the City's cannabis security consultant, HdL Companies (HdL).

The applicant successfully passed these evaluations and staff issued a "CBP Notice to Proceed," which allows the applicant to submit a CUP application.

The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public Works Department (including Transportation and Engineering Divisions), Fire Department, and Police Department.

If the Planning Commission approves the CUP, the applicant may then begin the remaining steps of the CBP process, which include:

- Obtaining building permits;
- Completing tenant improvements; and

 Demonstrating through various City reviews/inspections that all conditions of approval have been satisfied, and that all other requirements of the CMMC have been met.

After passing the final City and HdL inspections, the CBP would be issued. CBP approval is valid for a two-year period and must be renewed (every two-years) prior to expiration. During the two-year CBP period, the Community Improvement Division (CID), along with other City staff, will conduct site inspections to verify that the business is operating in compliance with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

After obtaining the CBP, the applicant would apply for and obtain a City Business License through the Finance Department. Lastly, the applicant must obtain the appropriate license from the State Department of Cannabis Control (DCC) prior to operating.

Cannabis retail businesses are subject to a City-established seven-percent gross receipts tax, which must be paid to the City of Costa Mesa's Finance Department. Records and revenues are audited annually by the Finance Department and HdL Companies.

DESCRIPTION

Planning Application 21-39 is a request for a CUP to allow a retail cannabis storefront in an existing 1,933-square-foot single-story commercial building located at 770 W. 19th Street. The affiliated State license is a Type 10 "storefront retailer" license which also allows for retail cannabis delivery. However, the applicant is not proposing retail delivery services. Should the storefront wish to offer delivery services in the future, an amendment to the CUP would be required.

Upon approval of a CUP, CBP, City Business License, and State licenses, 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.

<u>ANALYSIS</u>

Conditional Use Permit Required

Pursuant to CMMC Sections 13-28(B) and 13-200.93(c)(1), subject to the approval of the Planning Commission, a CUP is required for the establishment of cannabis retail storefronts and non-storefronts (delivery) in a commercial zone. To obtain a CUP, an applicant must show that the proposed use is compatible with the City's applicable zoning and General Plan provisions/policies, and will not be detrimental to public health, safety, and welfare.

The subject site is located within a commercial zone (C1 – Local Business District) where commercial development is specifically allowed to include cannabis retail storefronts

subject to a conditional use permit. The property is located on one of the City's primary commercial corridors and generally surrounded by other commercial uses. As defined in the CMMC, "this district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the City." Pursuant to the CMMC, cannabis retail storefronts and non-storefronts are subject to extensive regulation (as specifically described in this report) which are adopted to prevent land use inconsistencies with adjacent properties. Pursuant to the CMMC, the approval of a CUP requires that the Planning Commission make specific findings related to neighborhood compatibility, health and safety, and land use compatibility. The analysis regarding CUP findings is provided below in this report.

Separation Requirements

CMMC Section 13-200.93(e) stipulates that no cannabis retail storefront use shall be located within 1,000 feet from a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet from a youth center as defined in CMMC Title 9, Chapter VI, Section 9-485, that is in operation at the time of submission of a completed cannabis business permit application. All separation distances are measured in a straight line ("as the crow flies") from the "premises" (with the exception of playgrounds), where the cannabis retail use is to be located to the closest property line of the sensitive use(s). (For playgrounds, the property line is a 30-foot radius from the exterior physical boundaries of the playground equipment area.) Premises is as defined in the State's Business and Professions Code Section 26001 as the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee. Therefore, the premises only include the retail cannabis activity areas (including sales, storage, back-of-house and/or other ancillary areas) and excludes the parking lot and other areas that are not part of the area licensed by the State for commercial cannabis activity. The subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The applicant proposes to update the building façade with new paint and new diagonal wood slat siding to modernize the exterior. Other proposed exterior improvements include:

- Demolishing the rear unpermitted structure to provide more parking spaces and improve onsite circulation;
- Repaving and restriping the surface parking lot to comply with the City's Parking Design Standards;
- Adding a bicycle rack to encourage multi-modal transportation;
- Replacing the existing chain link gate along Palace Avenue to wrought iron to be consistent with the existing wrought iron gate along the property's frontage;
- Constructing a new trash enclosure;
- New rooftop screening to screen the existing mechanical equipment;

- Improve the site landscaping to bring the property into closer conformance with the CMMC landscape requirements. New landscaping would be installed along the frontage and rear towards the parking lot including two new 24-inch box trees, a variety of five and 15-gallon drought tolerant shrubs, and live groundcover. The applicant has provided a conceptual landscaping plan as part of their CUP plan submittal. A detailed landscaping plan would be reviewed during the building plan check process for consistency with the conceptual plan as conditioned, should the CUP be approved; and
- Installation of security lighting and surveillance cameras. A preliminary lighting/photometric plan has been provided and will be further reviewed during the building plan check process, as conditioned.
- New business signs. Proposed business signs would be reviewed and permitted separately per the City's sign code requirements. Pursuant to Condition of Approval No. 6 (Prior to Issuance of Building Permits), business signage shall not include references to cannabis, whether in words or symbols. As previously indicated, the property includes an existing 18-foot tall, two-sided, billboard sign. The City Council approved the billboard sign in 1962. Pursuant to Municipal Code Section 13-111 (Definitions), a "billboard" can only advertise off-site businesses and services. Therefore, the billboard sign cannot be used to advertise the proposed onsite storefront business, or otherwise include cannabis references in words or symbols pursuant to Condition of Approval No. 6.

Interior Tenant Improvements

The proposed floor plan would involve construction of new demising walls to create new rooms including a retail sales area, a reception, and "back-of-house" areas. The "back-of-house" areas include a storage room, office, employee break room, receiving room (for distribution orders) and a restroom. Below is a floor area summary of the 1,933-square-foot tenant space.

Table 1 – Floor Plan Summary

Operational Area	Square Feet
Retail Sales Area	954 SF
Reception	224 SF
Storage Room	71 SF
Office	87 SF
Receiving Room	131 SF
Employee Break Room	162 SF
Bathroom	80 SF
Hallways	224 SF
Total	1,933 SF

Customer and Employee Access

Customer access is limited to the reception and retail sales area. Customer circulation into the proposed establishment includes entering the licensed premise through the main entrance doors that connect directly into the reception area. A greeter employee would verify the customer's identity and age before allowing the customer to enter the retail sales area. After a customer's identity and age is verified and their transaction is

completed, they must leave the premise. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations.

All other areas of the premises would be accessible only to employees with the proper security credentials. Employees would enter through the employee only access-controlled entrance that leads directly into the back-of-house areas.

Vendor Access

During business hours, vendor vehicles (licensed distributors) would use pre-designated loading/unloading space located towards the front of the property, which is approximately 40 feet from the employee only access-controlled entrance. There would be security cameras installed on the building's exterior to ensure camera coverage of the entire parking lot.

Vendor deliveries would have pre-committed arrival times set by the storefront's operational managers. Licensed vendors would only be allowed to enter the premise while accompanied by an employee with the proper security credentials. In addition, a security guard would monitor the vendor vehicle until the loading/unloading activity is completed, and the vehicle departs the facility. As conditioned, the access-controlled vendor entry door, path of travel, and vehicle loading/unloading area would be under camera surveillance at all times.

Storefront Operations

The proposed business is required to comply with retail storefront and operational conditions/requirements as follows:

- Display State license, CBP, and City business license in a conspicuous building location;
- Hours of operations are limited to 7:00 AM to 10:00 PM daily;
- Shipments of cannabis goods may only be accepted during regular business hours:
- Cannabis inventory shall be secured using a lockable storage system during nonbusiness 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 specific 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 shipping and receiving area 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.

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 the proposed retail operations.

Security Plan

The applicant has submitted a professionally prepared security plan for the proposed retail cannabis establishment. The City's cannabis consultant reviewed the security plan and determined that appropriate security measures were included to address the City's security requirements pursuant to CMMC Title 9, Chapter VI, and State law. Since the security plan contains sensitive operational details that require limited public 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 retail establishment:

- At least one security guard will be on-site 24-hours a day;
- All employees must pass a "Live Scan" background check;
- City-issued identification badges are required for employees;
- · An inventory control system shall be maintained;
- Exterior and interior surveillance cameras shall be monitored and professionally installed:
- An alarm system shall be professionally installed, maintained, and monitored;
- Surveillance footage must be maintained for a minimum of 90 days;
- Cash, cannabis, and cannabis products shall be kept in secured storage areas;
- Sensors shall be installed that detect entry and exit from all secured areas;
- Security lighting (interior and exterior) shall be installed;
- Emergency power supply shall be installed;
- Employees shall be trained for use with any/all emergency equipment;
- Employees and vendors will be trained regarding cash and product transportation protocol;
- Visitor/customer specific security measures shall be required; and
- All facility entry and exit points and locations where cash or cannabis products are handled or stored shall be under camera surveillance.

Parking and Circulation

Retail cannabis uses are subject to the same parking ratio requirement as other retail establishments in the City (four spaces per 1,000 square feet of gross floor area). Based on this ratio, the 1,933-square-foot facility would be required to provide eight onsite parking spaces.

The subject property is developed with ten parking spaces provided in a surface lot that serves the existing commercial building. However, the applicant proposes to demolish the existing unpermitted rear detached building to improve onsite circulation and provide additional parking. After demolishing the unpermitted structure and reconfiguring the parking lot, the property would provide 12 parking spaces (including credit for one bicycle rack) which would increase the existing parking supply by two spaces as well as exceed the minimum required parking by four spaces. In addition, the proposed retail cannabis storefront would be replacing another retail use (landscaping

supply store) that had the same retail parking requirements and all available parking spaces onsite would serve the cannabis business (i.e. parking spaces are not shared with other tenants/businesses). Therefore, there would be adequate parking available to serve the proposed storefront. The property has one point of ingress (entrance) along W. 19th Street and one point of egress (exit) along Palace Avenue. Both access points are provided by two existing one-way only driveways. There is an existing public sidewalk at the front of the property along W. 19th Street, which provides access to the site for pedestrians and bicyclists.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate exact demand for a new use; however, if parking shortages or other parking-related problems occur, the business owner or operator will be required to monitor the parking lot and institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services (see "Operational Conditions" of Approval No. 6 in the attached Resolution). Examples of parking demand management techniques include, but are not limited to, offsite parking for employees, reducing operating hours of the business, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, offering delivery services to reduce in person store visits, and incentivizing employee carpooling/cycling/walking.

Traffic

The CMMC Section 13-275(e) indicates that any increase in traffic generation by a change of use that is required to obtain a discretionary permit, shall be subject to review by the appropriate reviewing authority, which may impose fees to address increased trip generation. If required, the fee collected is used to fund the City's comprehensive transportation system improvement program. The purpose of the program is to ensure that the City's transportation system has the capacity to accommodate additional trips. The Citywide Traffic Impact Fee related to new and expanding developments is determined using estimated Average Daily Trips (ADT), which is the combined total number of vehicular trips both in and out of a development generated throughout an average weekday. The Transportation Services Division determined that the appropriate ADT for a cannabis retail establishment is approximately 108 trips per 1,000 square feet based on the Institute of Transportation Engineers (ITE) 11th Edition Trip Generation Manual for a pharmacy/drug store with drive-through. The City's traffic engineering review focuses on net trip increase for both the ADT and peak hour trips. Therefore, the trip generation is estimated for the previous/existing use(s) and is credited (subtracted) from the proposed use to estimate potential changes in trip generation for ADT and peak hour trips. The proposed use would be subject to a traffic impact fee based on net ADT. The estimated traffic impact fee is approximately \$23,000. The fee calculation would be finalized during the building permit plan check process and must be paid prior to building permit issuance.

CMMC Section 13-275(a), specifies that "a traffic impact study shall be required for all development projects estimated by the Public Works Department to generate one

hundred (100) or more vehicle trip ends during a peak hour." The highest peak hour trips in either the AM or PM peak is used to estimate the number of vehicular trips generated both in and out of a new or expanded development known as vehicle trip ends during a peak hour. Staff reviewed and determined that the proposed use does not meet the threshold of 100 peak hour trips requiring a traffic study based on the net peak hour trips.

Odor Attenuation

Cannabis products would arrive in State compliant packaging that is sealed and odor-resistant, and remain unopened while on the premises. However, a minimal amount of cannabis product would be removed from packaging for display purposes and would be placed in display containers. The proposed HVAC system would utilize "Activated Carbon Filtration" systems to completely filter the air within the building. As conditioned, the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. Further, as conditioned, if cannabis odor is detected outside of the building or off-site, the business owner/operator will be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services. Lastly, cannabis products are not allowed to be disposed of in the exterior trash area.

Proximity to Residential

The subject property abuts an existing residentially-zoned property. The applicant has conducted outreach to the surrounding properties including the residential community. To ensure neighborhood compatibility, proposed project conditions and requirements include the following:

- Business hours are limited from 7AM to 10PM;
- Security lighting is shielded and directed down/away from the residentially-zoned properties to prevent light spill. As conditioned, a photometric study would be required to be submitted during plan check to demonstrate that light levels at the residential property are minimal;
- Post signs within the parking lot to remind customers and vendors to keep noise levels to a minimum (the security guard shall also be responsible for noise enforcement):
- Limit the hours that the business can dispose of waste at the trash enclosure to avoid noise impacts during sensitive hours i.e. dispose of trash between 8AM and 8PM; and
- A staff person or the required 24-hour security guard will monitor the site's parking areas to ensure that customers are quiet, turn off vehicle engines promptly, do not play loud music, and generally do not create excessive neighbor disturbances. The parking lot monitoring will be especially diligent to prevent noise and other neighbor disturbance during morning and evening business hours.

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 for the next two decades. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve 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 applicable policies and objectives of the 2015-2035 General Plan.

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 located within a commercial area as allowed under Measure Q, and provides new goods and services and new employment opportunities in the community.

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.

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 that is limited in the surrounding region. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry.

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 a commercial zone (C1, Local Business District) where commercial development is specifically allowed to include retail. In addition, the property is located on one of the City's primary commercial corridors which is predominantly intended for commercial uses. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). 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, and operations would be conditioned to be compliant with applicable local and State laws as well as to minimize potential impacts. Staff does not anticipate that the proposed retail cannabis use would be materially detrimental to the adjacent uses that include residential uses, a variety of office and commercial uses, and multi-tenant commercial centers. To ensure neighborhood compatibility especially with residential uses, proposed project conditions and requirements have been included such as posting parking lot signs to remind customers to keep noise levels to a minimum, shielding security lighting down/away from residential properties, and limiting business hours from 7AM to 10PM. Existing businesses in the surrounding commercial area consists of a variety of general retail (nail/hair salons, florist, gas stations, and convenience stores), medical and general offices, grocery stores, and restaurants/bars. Therefore, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

 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 all interior limited access spaces. In addition, the business employees, and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The conditions of approval include, but are not limited to, the aforementioned security measures 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 proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate a full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

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, involving negligible or no expansion of the existing or prior use. This project site contains an existing commercial building that has been used for commercial retail activities and the application does not propose an increase in commercial floor area or otherwise expand 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. 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 can consider the following decision alternatives:

- 1. <u>Approve the project</u>. The Planning Commission may approve the project as proposed, subject to the conditions outlined in the attached Resolution.
- 2. <u>Approve the project with modifications</u>. 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. <u>Deny the project</u>. 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 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.

As of the date this report was circulated, no written public comments have been received. Any public comments received prior to the March 27, 2023 Planning Commission meeting will be provided separately.

CONCLUSION

The proposed project is a retail cannabis storefront business at an existing developed commercial property that is located on one of the City's commercial corridors and meets 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 operation would be required to comply with all conditions of approval and extensive City and State regulations.

If the Planning Commission approves the project, the applicant would next obtain building permits, complete tenant improvements, and pass City inspections prior to obtaining a CBP and City Business License. The CBP is valid for two years and must be continuously renewed, including inspections, prior to expiration. During each two-year CBP period, the Community Improvement Division, along with other City staff, will

conduct site inspections to verify that the operation complies with CUP and CBP requirements.

As proposed and conditioned, the use would be consistent with other commercial uses in the C1 zone, the Zoning Code, and the City's General Plan. The required findings for the CUP can be made, as described above, and therefore, staff recommends approval of Planning Application 21-39 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 21-39 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (NEBRINA) IN THE C1 ZONE LOCATED AT 770 W. 19TH 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 21-39 was filed by Brandon Banks, on behalf of the property owner, Glynis Ablon, requesting approval of the following:

A Conditional Use Permit to operate a storefront retail cannabis business within an existing 1,933-square-foot single-story commercial building located at 770 W. 19th 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 March 27, 2023 with all persons having the opportunity to speak for and against the proposal;

WHERAS 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 21-39 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 21-39 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 March, 2023.

Adam Ereth, Chair Costa Mesa Planning Commission

-2-

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 March 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-

-3-

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 a commercial zone (C1, Local Business District) where commercial development is specifically allowed to include retail. In addition, the property is located on one of the City's primary commercial corridors which is predominantly intended for commercial uses. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). 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, and operations would be conditioned to be compliant with applicable local and State laws as well as to minimize potential impacts. Staff does not anticipate that the proposed retail cannabis use would be materially detrimental to the adjacent uses that include residential uses, a variety of office and commercial uses, and multi-tenant commercial centers. To ensure neighborhood compatibility especially with residential uses, proposed project conditions and requirements have been included such as posting parking lot signs to remind customers to keep noise levels to a minimum, shielding security lighting down/away from residential properties, and limiting business hours from 7AM to 10PM. Existing businesses in these surrounding commercial centers consist of a variety of general retail (nail/hair salons, florist, gas stations, and convenience stores), medical and general offices, grocery store, and restaurants/bars. Therefore, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

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 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, exterior loading and unloading, and all interior limited access spaces. In addition, the business employees and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The City and State requirements are designed to ensure that the proposed 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 proposed retail use is located within an existing commercial building on a property that has a General Plan land use classification of "General Commercial." No additional square footage is proposed; therefore, approving the CUP would not increase site intensity. As stated in the General Plan Land Use Element, the City's commercial designations "accommodate the full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

- 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, involving negligible or no expansion of the existing or prior use. This project site contains an existing commercial building that has been used for commercial activities and the application does not propose an increase in commercial floor area or otherwise expand 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. 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 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)].
- Approval of the planning/zoning application is valid for two years from the 2. 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.
- The applicant, the property owner and the operator (collectivley referred to 8. 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.

Bldg.

12. 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

- 13. 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-21-27. 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.
- 14. 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.
- 15. 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-21-39 until a valid new Cannabis Business Permit is received from the City of Costa Mesa.
- 16. 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

- 17. 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.
- 18. 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.
- 19. 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 Inprovement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
- 20. 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 21. 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 22. 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.
- 23. 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 24. 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.

- 25. 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. 26. The City Manager or designees may enter this business at any time during the hours of operation without notice, and inspect the location 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. If the any areas are deemed by the City Manager or designee to be not accessible during an inspection, not providing such access is cause for the City to begin a cannabis business permit (CBP) and/or conditional use permit (CUP) and/or business license revocation process as prescribed by the applicable Municipal Code revocation procedures.
 - 27. 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.
 - 28. 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.
 - 29. 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.
 - 30. 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 21-39 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 and irrigation plan that includes drought-tolerant plants and/or California native plants, bike racks, trash enclosure, and parking space design and striping in conformance with CMMC and Transportation Division requirements.
- 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 applicable provisions of the CMMC, provided, however that the cannabis storefront shall not advertise the business and/or products sold at the business on the existing billboard located on the property, and off-site advertising displayed on the billboard shall not include or depict references to cannabis, whether in words or symbols.
- 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.

-12-

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 Planning Commission 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;
 - That no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis business unless the business holds a retail medical cannabis license (M-license) issued by the State;
 - 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 10:00 PM and before 7:00 AM.
- 2. Onsite sales to customers is limited to the hours between 7:00 AM and 10:00 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, offsite parking for employees, 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. Employees shall not park on residential streets.
- 8. 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.
- 9. Vendor vehicle 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.
- 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.
- 11. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
- 12. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
- 13. Cannabis shall not be consumed on the property at any time, in any form.
- 14. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
- 15. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the property, or on any of the vehicles owned or used as part of the cannabis business.
- 16. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
- 17. 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.
- 18. 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.
- 19. No cannabis products shall be disposed in the onsite trash enclosure. If any damaged or expired cannabis products must be disposed, the owner or operator shall return the damaged or expired cannabis products to the original licensed distributor or vendor and follow all applicable State and City regulations.
- 20. 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.
- 21. Waste disposal to the exterior trash enclosure shall be limited between the hours of 8AM and 8PM to prevent noise impacts to the abutting residential zoned property.
- 22. A staff person or required 24-hour security guard shall be required to periodically monitor the exterior including the parking lot especially during the evening to ensure customers and vendors are using consideration (i.e. abiding by the parking lot signs as conditioned in Cannabis Business Permit Condition No. 7) when entering or leaving the business.
- 23. The vehicle gates along W. 19th Street and Palace Avenue that provide ingress/egress to the site shall remain open at all times during normal business hours of operations.

Nebrina Costa Mesa LLC 770 W. 19th Street Costa Mesa, CA 92627

City of Costa Mesa Development Services Department 77 Fair Drive, 2nd Floor Costa Mesa, CA 92626

December 7, 2021

To the City of Costa Mesa Development Services Department:

Nebrina Costa Mesa LLC ("Nebrina" or the "Company") is applying within the City of Costa Mesa (the "City") for a Cannabis Storefront Business Permit proposed to be located at 770 W. 19th Street, Costa Mesa, CA 92627 (the "Facility"). Nebrina will be 51% owned by Expando Products, LLC ("Expando"), a Measure X business, and 49% owned by Brandon Banks. Nebrina is excited to bring its experience operating, managing, and owning commercial cannabis businesses in California and throughout the United States.

Nebrina's leadership team includes Joseph Nicholas "Nick" Rohan and Brandon Banks. CurrentlyNick manages the daily operations of Expando, overseeing product manufacturing, marketing & sales, and networking among clients. Nick is an expert in the licensing and operations of cannabis and directs a team of managers who produce thousands of cartridges daily while managing a dynamic supply chain. Nick brings a meticulous approach to product development, formulation and procurement while advising Expando's marketing strategy and product innovation pipeline. Brandon Banks is a seasoned cannabis business entrepreneur with over a decade of experience in the regulated cannabis industry including in Colorado, Massachusetts, and California in vertically integrated cannabis operations with both retail and cultivation components. Brandon also co-founded a Massachusetts-based medical cannabis company with four dispensary locations including one in Boston. With their combined skills, experience, and acumen the leadership team is well-positioned to follow through from application to licensure to opening day at the proposed cannabis storefront in Costa Mesa.

Business Description



Nebrina prides themselves on extensive preparation and overall ability to not only meet the requirements of the City but to surpass them and set the bar for a model cannabis storefront. Our leadership team has decades of combined professional cannabis experience, and track records in successful business operation will provide extensive knowledge and insight into the management of the retail storefront. Nebrina is committed to creating a company culture that is grounded in equity, diversity, and respect. This will be achieved through a commitment to ensure that the location is managed and staffed with

qualified and talented Costa Mesa residents who are passionate about the benefits of cannabis and have the desire to develop caring, supportive relationships with their customers. Years of experience operating cannabis businesses have shaped Nebrina's time-tested approach to fostering neighborhood compatibility, beginning with a thoughtful building design plan, extending through a sustainable communication strategy. Our Facility will have a modern rustic feel that reminds customers of entering a log cabin, with wood tones and natural elements.

Square Footage of the Premises

The entire building is approximately 2,000 square feet (1,933 sq. ft.). The proposed cannabis storefront business would take up the entire building on the property. There is ample parking on the side and the rear of the Facility.

How the Space will be Used

The following areas will be at the storefront:

- Reception for Customer Check-in and Lounge (207 sq. ft.)
- Customer Sales Area including educational displays (896 sq. ft.)
- Point-of-Sale Counter and Express Checkout (7 POS Kiosks)
- Office (77 sq. ft)
- Storage (57 sq. ft)
- Employee Breakroom (135 sq. ft)
- Receiving/Work Area (121 sq. ft.)
- Restroom (77 sq. ft)



Upon arrival to the storefront, the customer will check-in with retail staff at the Check-In counter. Retail staff will greet the customer and verify that the consumer is at least twenty-one (21) years of age and has a valid proof of identification or that the individual is at least eighteen (18) years of age, has valid proof of identification, and a valid physician's recommendation for themselves or for a person for whom they are a primary caregiver. Valid proof of identification will clearly indicate the age or birthdate of the consumer or caregiver. Retail staff may request the customer wait to be let back into the retail sales area if the retail sales area has a number of customers already shopping. Waiting customers can sit in the comfortable lounge by the Check-In counter and review educational materials on the products offered and other topics.

Only eligible and verified customers will be permitted in the retail sales area. The sales floor will also be used for the display and sale of cannabis goods. At least one (1) Company employee will be physically present in the retail area at all times when customers are in the retail area. Once a customer has finished browsing and selected the cannabis goods they would like to purchase, a Company employee can check them out at the point-of-sale counter. For those who wish to order ahead,

customers can use the Express Checkout option. Customers will not be permitted to remain on the premises if they will not be engaging in express activity related to the retail operations. Retail staff will notify customers of the City's required signs including noting no consumption is permitted on the premises or its surrounding parking areas.

As a licensed retailer, Nebrina cannot conduct transportation activities. Instead, Nebrina will arrange for licensed distributors to bring tested and compliant cannabis and cannabis products to our storefront for sale to adult-use customers and medical patients. When dropping off an order, distribution vehicles will park in an assigned spaces in the parking lot and notify retail staff of their arrival. Then, the ordered cannabis goods will be taken directly to the Receiving/Work area where it will be inspected for conformance with the shipping manifest and all applicable state and local laws and regulations regarding packaging and labeling. Nebrina's inventory receiving team will confirm the cannabis goods meet all applicable laws and regulations prior to accepting the cannabis goods into their inventory. Once the cannabis goods are accepted, the inventory team will store the cannabis goods in our inventory storage vault for secure and compliant storage.

Certain parts of the Facility, including the Receiving/Work area and the inventory storage vault, will be limited access areas. These areas are only accessible to Company employees, outside vendors or contractors, and other authorized individuals conducting business that requires access to the limited-access area such as state or local inspectors. Except for Company employees, any individual in the limited access-area will be escorted by a Company employee while they are within the limited access areas of the Facility. All activities in the limited access areas will be captured on video by surveillance cameras.

Types of Products to be Sold

Nebrina has chosen to partner with distributors that have firm relationships with particular cannabis brands, guaranteeing a consistent and reliable supply of products that meet popular customer preferences. Nebrina will seek new and established brands that demonstrate through their production, packaging, branding, and marketing, that they are focused on natural ingredients, transparency in sourcing, and ethical work practices. Nebrina believes the brands stocked on its storefront shelves will be a reflection of the Company's high standards, and professional business practices. Over time, the Company will collect feedback from customers and community members on their motivations for consumption, and will adjust the store's product selections accordingly, and in line with regional and statewide sales data for the most cutting-edge, high-quality cannabis products. Of course, Nebrina will offer its own Expando manufactured vaporizer products at the store as well as other locally produced manufactured cannabis goods. The kinds of product categories to be carried include cannabis flower (in various weights), pre-rolls, vaporizer cartridges, cannabis concentrate and extracts, edibles including beverages, tinctures, patches and topical salves, cannabis consumption accessories, and branded merchandise.

Business Location in Green Zone

The proposed cannabis storefront business is not proposed to be located within the City's Green Zone but rather a commercially zoned property (C-1) on W 19th Street between Wallace and Placentia Avenues.

Chemicals Stored Onsite and Utilized

The only chemicals that would be stored and utilized onsite would be limited to standard cleaning products and sanitations aids. Any such chemicals would be found in similar retail storefronts or residential households and would be limited in quantity.

Past Occupant(s) and Uses of the Property

The past three tenants of the property were

- Pro Water Damage, Inc. (2013-2016)
- MVP Pools (2016-2019)
- All Seasons Tree Experts (2019-Present)

We are excited to continue to the Conditional Use Permit process with the City. Please let us know if you require any additional information to process this Conditional Use Permit.

Sincerely,

Nebrina Costa Mesa LLC

Nebrina Costa Mesa LLC Canvassing Report

Contents:

Purpose	2
Canvassing Map	3
Attachment A: Flyers of Support	
Attachment B: Bilingual Notices Used for Canvassing and Mailed to all Residents	
and Businesses within 500 feet of the premises	
Attachment C: Community Outreach Meeting Documentation	

Purpose

At Nebrina Costa Mesa, we believe that our success as a business depends on the health and success of our community. That's why we've made it an express goal to get to know our neighbors as best as we can, and to show that we are committed to being an active, positive influence in the betterment of the area.

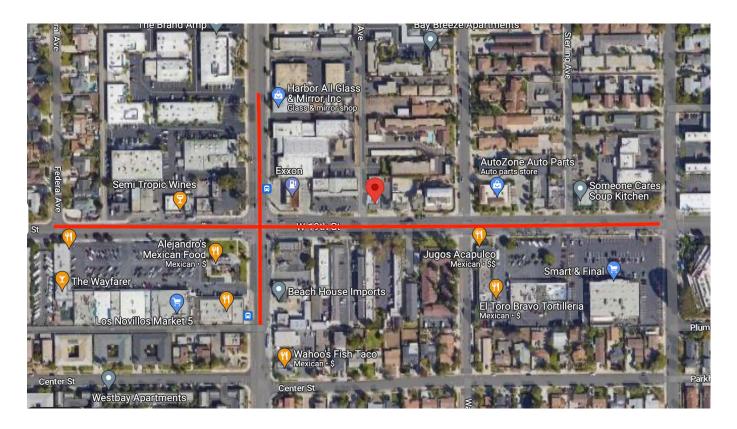
We walked around to our neighbors and introduced ourselves. These neighboring businesses include:

- Neptune Society of Orange County
- 19th Street Smoke Shop
- Pizza Hut
- Electric Bike Company Factory & Showroom
- Famous Donuts
- Dollar Mart Plus
- La Canada Grill
- Super Imperial Market & Deli
- Ww Thrift Store
- Power Liquor
- T-Retailer Cell Phone Store
- Gloria's Mexican Food

Most of these businesses showed genuine support and curiosity about our industry and the work that we do. We're looking forward to getting to know our community members more, and to learn more about how we can best support them.

We are very excited to be part of this community and to build Nebrina Costa Mesa into a proud business leader in the Costa Mesa area. To convey our outreach efforts, we've provided a Canvassing Map on the next page that depicts where we've conducted outreach to our neighbors.

Canvassing Map



Canvassed Area

Attachment A: Flyers of Support

NEBRINA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

Chance Folk

NAME

744 W 19th Street

ADDRESS

SIGNATURE

NEBRINA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

Bodrigo Buvalcaba

NAME

821 w 191h St. # Cocta Mera, CA

ADDRESS

NEBRİNA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

Ruhi Baires

NAME

703 Shalimay

ADDRESS

R.M.B

SIGNATURE

NEBRINA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

Maura Deless 1901 Placentia Ave ADDRESS SIGNATURE

NEBRINA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

Serv Allyn

NAME

1945 PINLENTIN AVI. COSTA MYCA

ADDRESS

SIGNATURE

NEBRINA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

NAME

188 W 19 st Cost Musa

SIGNATURE

NEBRİNA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

Michelle McKidey

NAME

18911 Santa Marta St Value

ADDRESS

ADDRESS

ALTO

SIGNATURE

Muchan

SIGNATURE

NEBRINA

I support the proposed cannabis dispensary at 770 W 19th Street. My signature shows that this operation will be a positive force in the community, and that the applicants have gone above and beyond to build trusting relationships with the neighbors of the project.

Attachment B: Bilingual Notices Used for Canvassing and Mailed to all Residents and Businesses Within 500 Feet of the Premises

-11-

NOTICE OF OPENING OF CANNABIS BUSINESS NEBRINA COSTA MESA LLC

Nebrina Costa Mesa LLC ("Nebrina") would like to provide notice that we have applied to open an Adultuse Cannabis Storefront at 770 W 19th Street Costa Mesa, CA, in accordance with both the City of Costa Mesa and Department of Cannabis Control rules and regulations. Nebrina is excited to renovate the existing space into a fully compliant, secure, and inviting retail center. Further, Nebrina will maintain a secure facility, not accessible to minors, that will positively impact the surrounding community. Nebrina is proposing to be open between the hours of 8:00 AM and 10:00 PM and is looking forward to serving and hearing from interested members of the community!

The Nebrina team will be hosting both in person and Zoom outreach to help connect with members of the Costa Mesa Community. The dates, times, and location of such meetings are as follows:

- 1. In person Meeting: Thursday January 26th from 5:30-7:30 PM at The Holiday Inn & Suites Costa Mesa (2070 Newport Blvd. Costa Mesa, CA 92627).
- 2. Zoom Meeting on: Thursday February 9th from 5:30-7:30 PM.
- 3. Zoom Meeting on: Thursday February 16th from 5:30-7:30 PM.
- 4. Zoom Meeting on: Thursday February 23rd from 5:30-7:30 PM.

All zoom meetings can be accessed at the following link on the above specified date and time: Join Zoom Meeting

https://us06web.zoom.us/j/89033962652?pwd=UXN1NEdZRzFla2FrRE1LRWJoNE9uUT09

Meeting ID: 890 3396 2652

Passcode: 549236

Nebrina will encourage everyone to ask questions and receive answers from company representatives about our proposed facility operations. Please contact Brandon Banks, Owner of Nebrina at, 773-220-5786 or brandonbanks066@gmail.com with any questions, concerns, or support.

Thank you for your time!

BB

Brandon Banks, CEO



-12-

AVISO DE APERTURA DE NEGOCIO DE CANNABIS NEBRINA COSTA MESA LLC

Nebrina Costa Mesa LLC ("Nebrina") desea notificar que hemos solicitado abrir una tienda de cannabis para uso de adultos en 770 W 19th Street Costa Mesa, CA, de acuerdo con las reglas y regulaciones de la Ciudad de Costa Mesa y el Departamento de Control de Cannabis. Nebrina se complace en renovar el espacio existente en un centro minorista totalmente compatible, seguro y acogedor. Además, Nebrina mantendrá una instalación segura, no accesible para menores, que tendrá un impacto positivo en la comunidad circundante. ¡Nebrina propone estar abierta entre las 8:00 a. m. y las 10:00 p. m. y espera servir y escuchar a los miembros interesados de la comunidad!

El equipo de Nebrina organizará el alcance en persona y Zoom para ayudar a conectarse con los miembros de la comunidad de Costa Mesa. Las fechas, horas y lugares de dichas reuniones son las siguientes:

- 1. Reunión en persona: jueves 26 de enero de 5:30 p. m. a 7:30 p. m. en The Holiday Inn & Suites Costa Mesa (2070 Newport Blvd. Costa Mesa, CA 92627).
- 2. Reunión de Zoom el: jueves 9 de febrero de 5:30 a 7:30 p. m.
- 3. Reunión de Zoom el: jueves 16 de febrero de 5:30 a 7:30 p.m.
- 4. Reunión de Zoom el: jueves 23 de febrero de 5:30 p. m. a 7:30 p. m.

Se puede acceder a todas las reuniones de zoom en el siguiente enlace en la fecha y hora especificadas anteriormente:

Únase a la reunión de Zoom

https://us06web.zoom.us/j/89033962652?pwd=UXN1NEdZRzFla2FrRE1LRWJoNE9uUT09

Identificación de la reunión: 890 3396 2652

Código de acceso: 549236

Nebrina alentará a todos a hacer preguntas y recibir respuestas de los representantes de la compañía sobre las operaciones de nuestras instalaciones propuestas. Comuníquese con Brandon Banks, propietario de Nebrina al 773-220-5786 o brandonbanks066@gmail.com si tiene alguna pregunta, inquietud o apoyo. ¡Gracias por tu tiempo!

Brandon Banks



-13-

Attachment C: Community Outreach Meeting Documentation

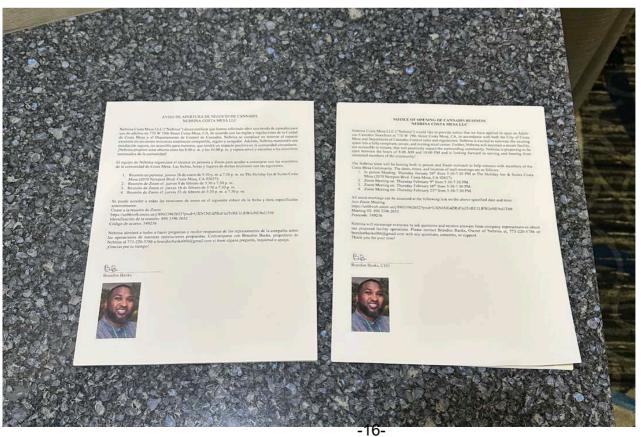
Nebrina Costa Mesa LLC hosted 1 in person and 3 zoom Community Outreach Meetings for local residents and business owners. The in person meeting occurred on January 26, 2023, from 5:30-7:30 PM at the Holiday Inn Express & Suites Costa Mesa. The Zoom meetings were held from 5:30-7:30 PM on February 9th, 16th, and 22nd, 2023.

-14-











Vicinity Map - 770 W 19th Street

0.03





0.1

Legend

Costa Mesa

Notes

PA-21-39

WGS_1984_Web_Mercator_Auxiliary_Sphere

© City of Costa Mesa

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.



Zoning Map - 770 W 19th Street







Costa Mesa

Zoning



IR-MLT - Institutional Recreational I

R1 - Single-Family Residential

R2-MD - Multiple-Family Residentia

R3 - Multiple Family Residential

MG - General Industrial

PDI - Planned Development Industr

C1 - Local Business

C2 - General Business

C1-S - Shopping Center

TC - Town Center

PDR-NCM - Planned Development

I&R - Institutional Recreactional

I&R-S - Institutional Recreational - 5

P - Parking

CL - Commercial Limited

PDC - Planned Development Comr

PDR-LD - Planned Development Re

PDR-MD - Planned Development R Density

PDR-HD - Planned Development R

Notes

PA-21-39

ATTACHMENT 5

770 W 19TH STREET (PA-21-39) EXISTING SITE PHOTOS

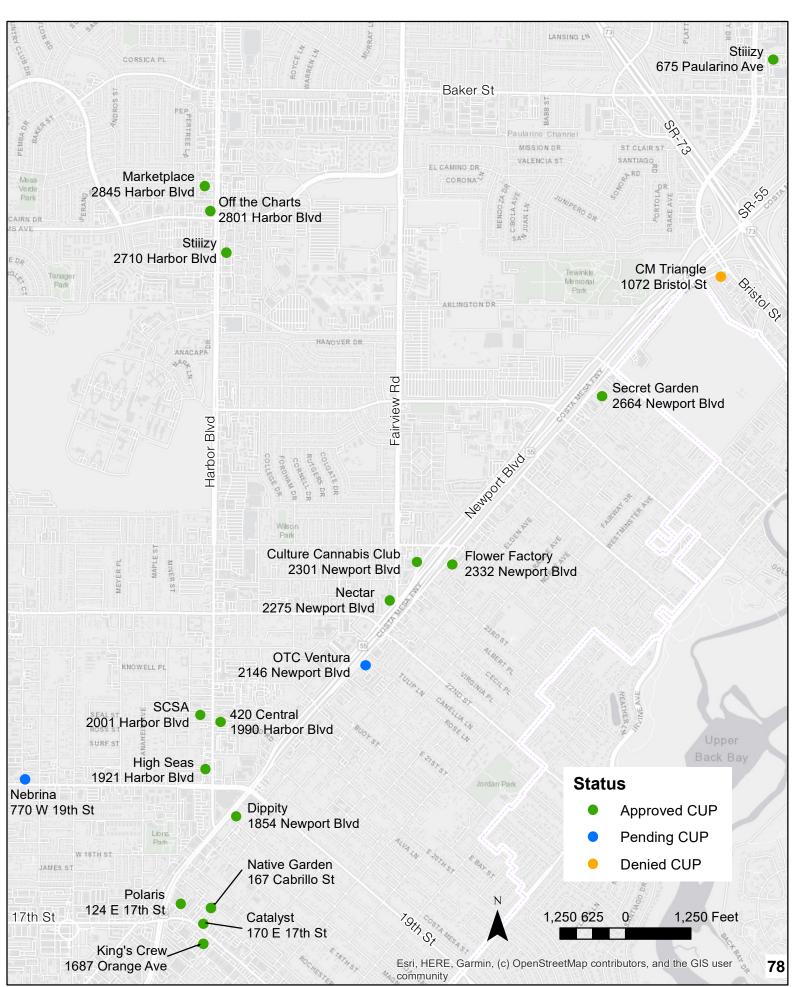


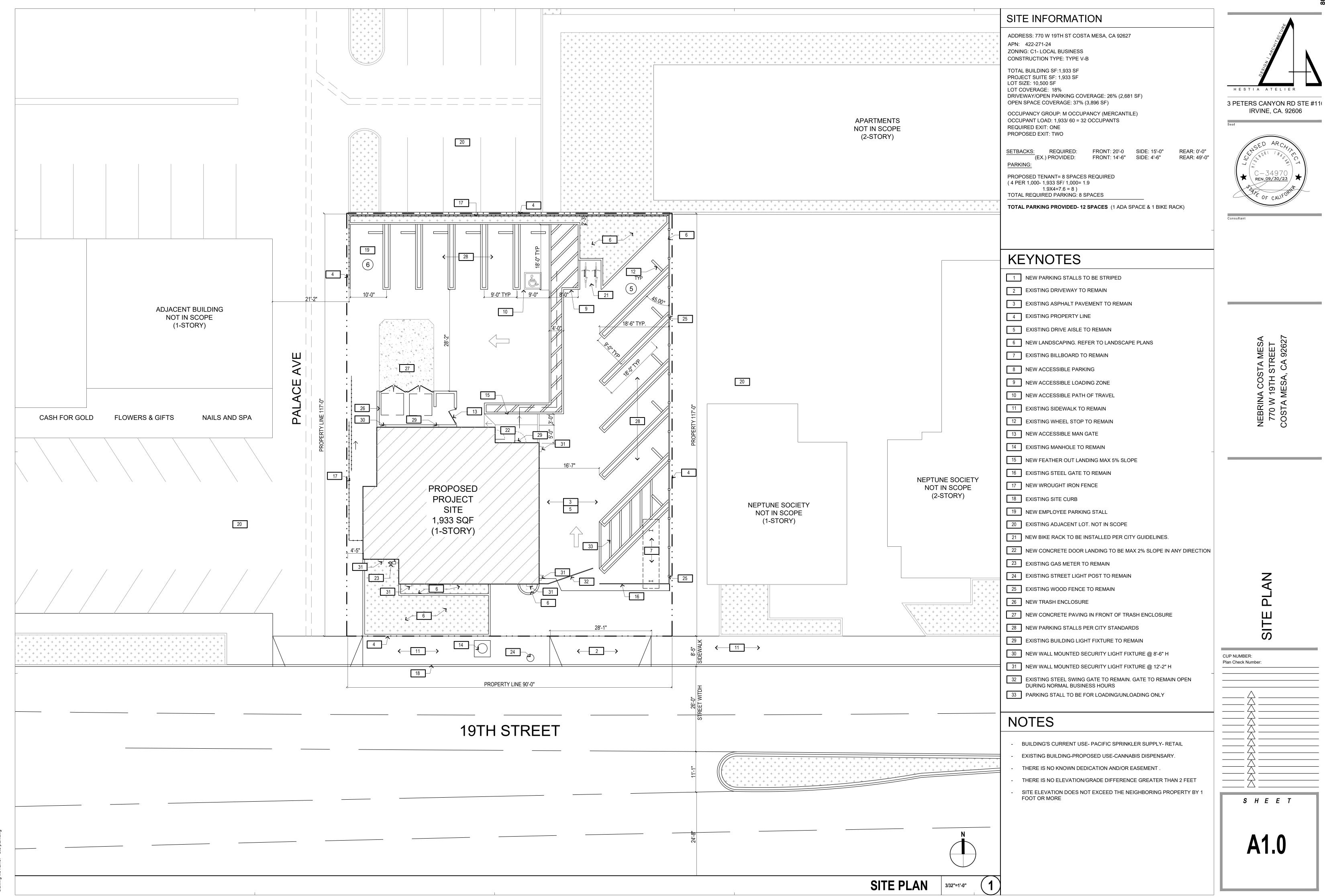


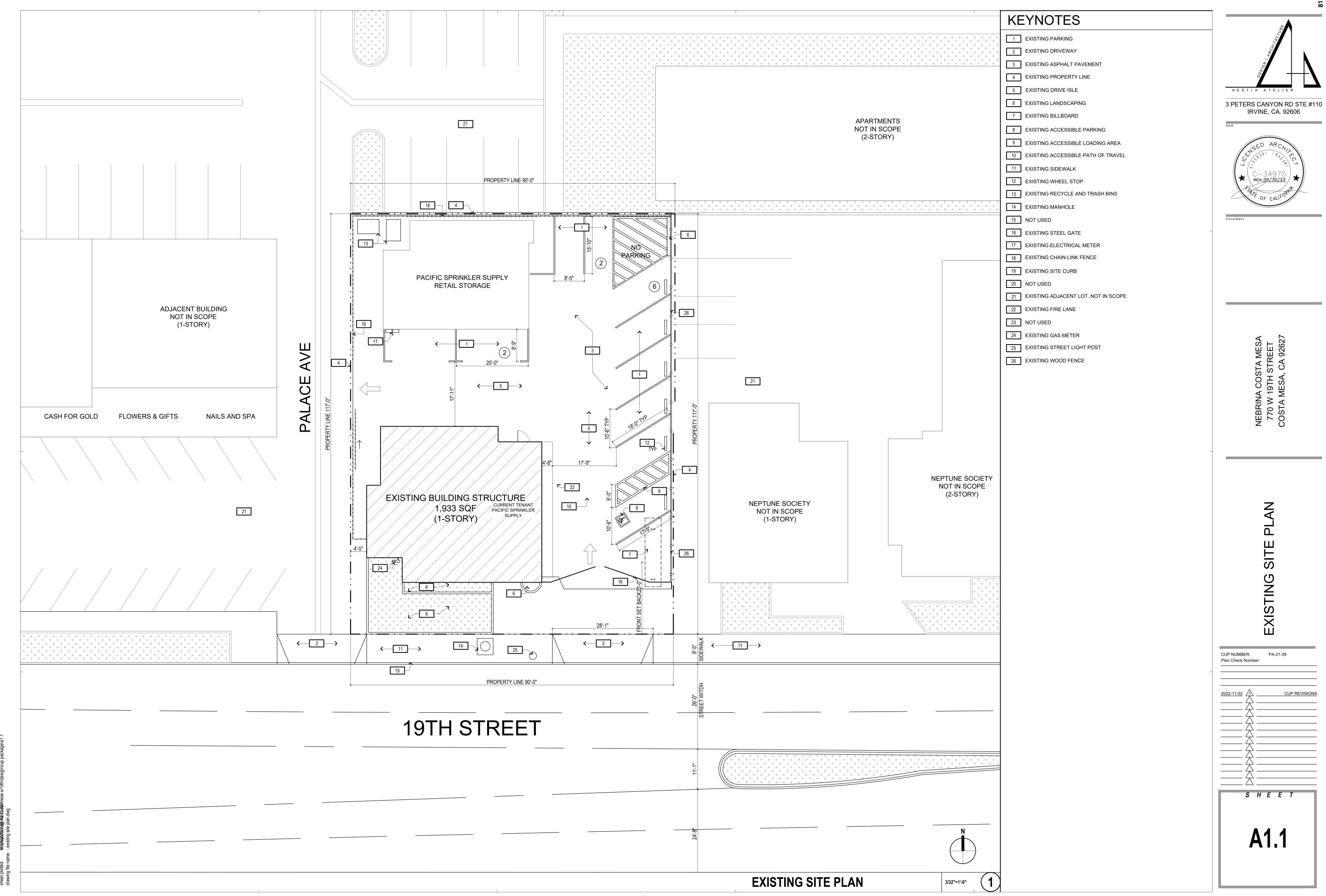




Retail Cannabis Storefront

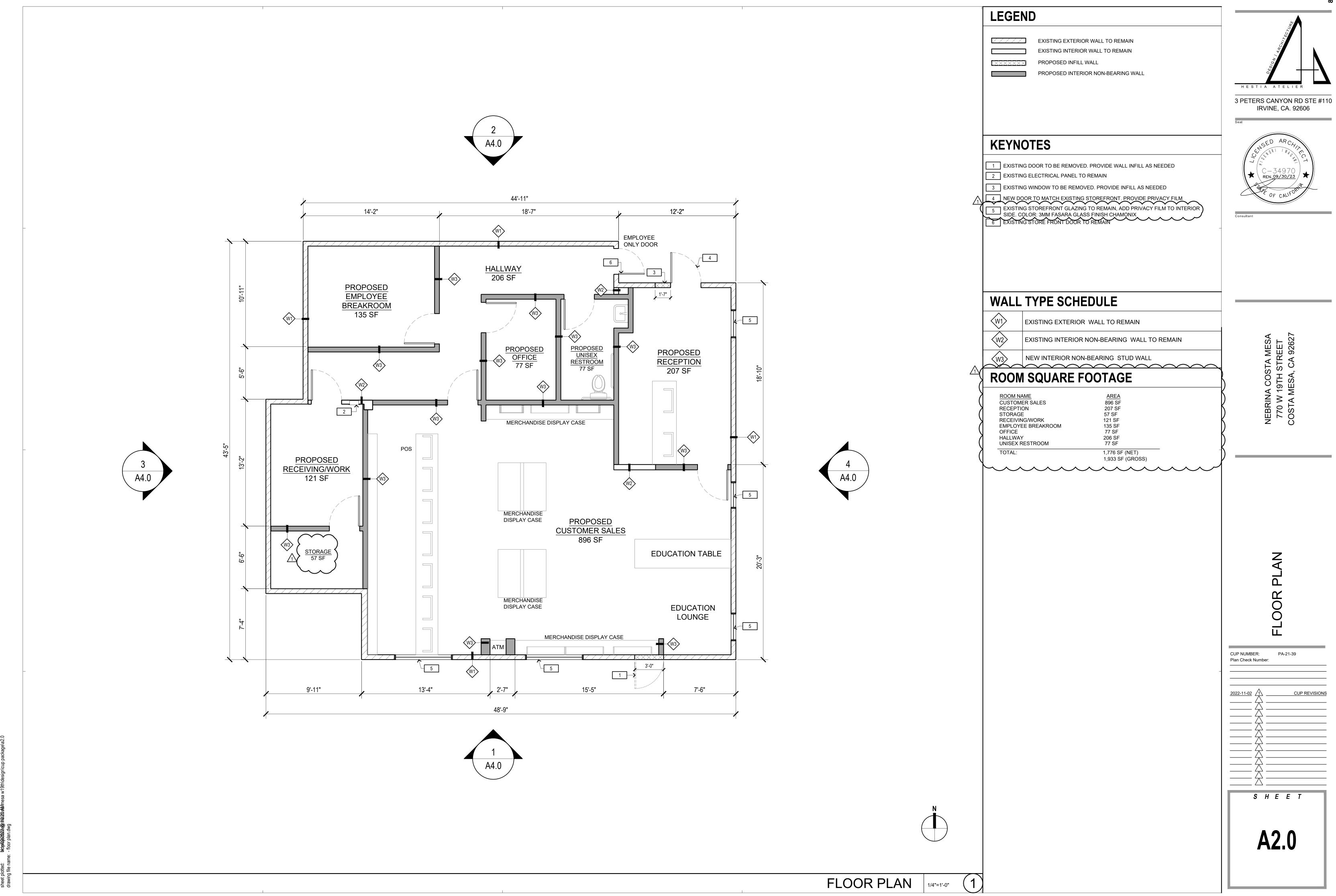






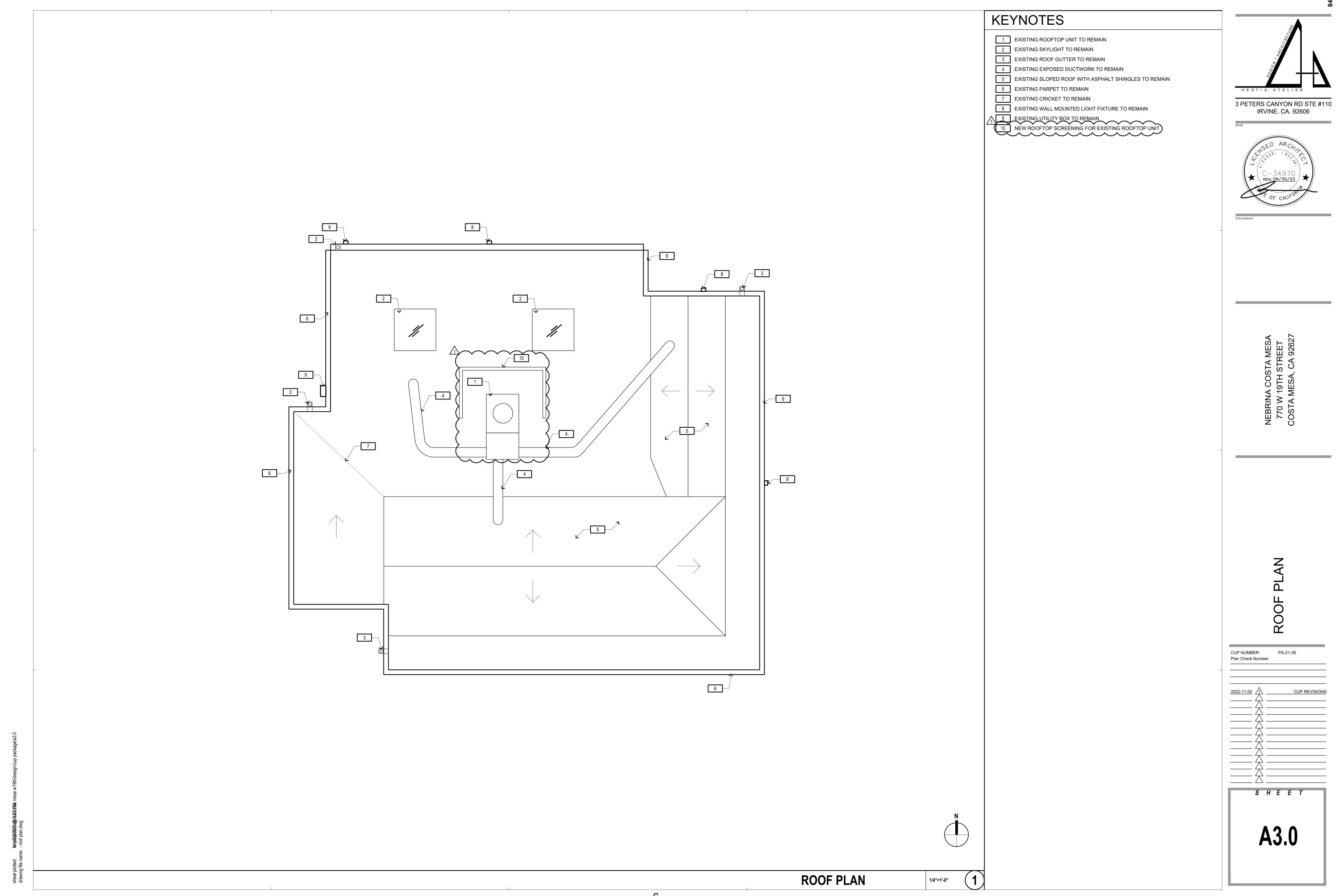
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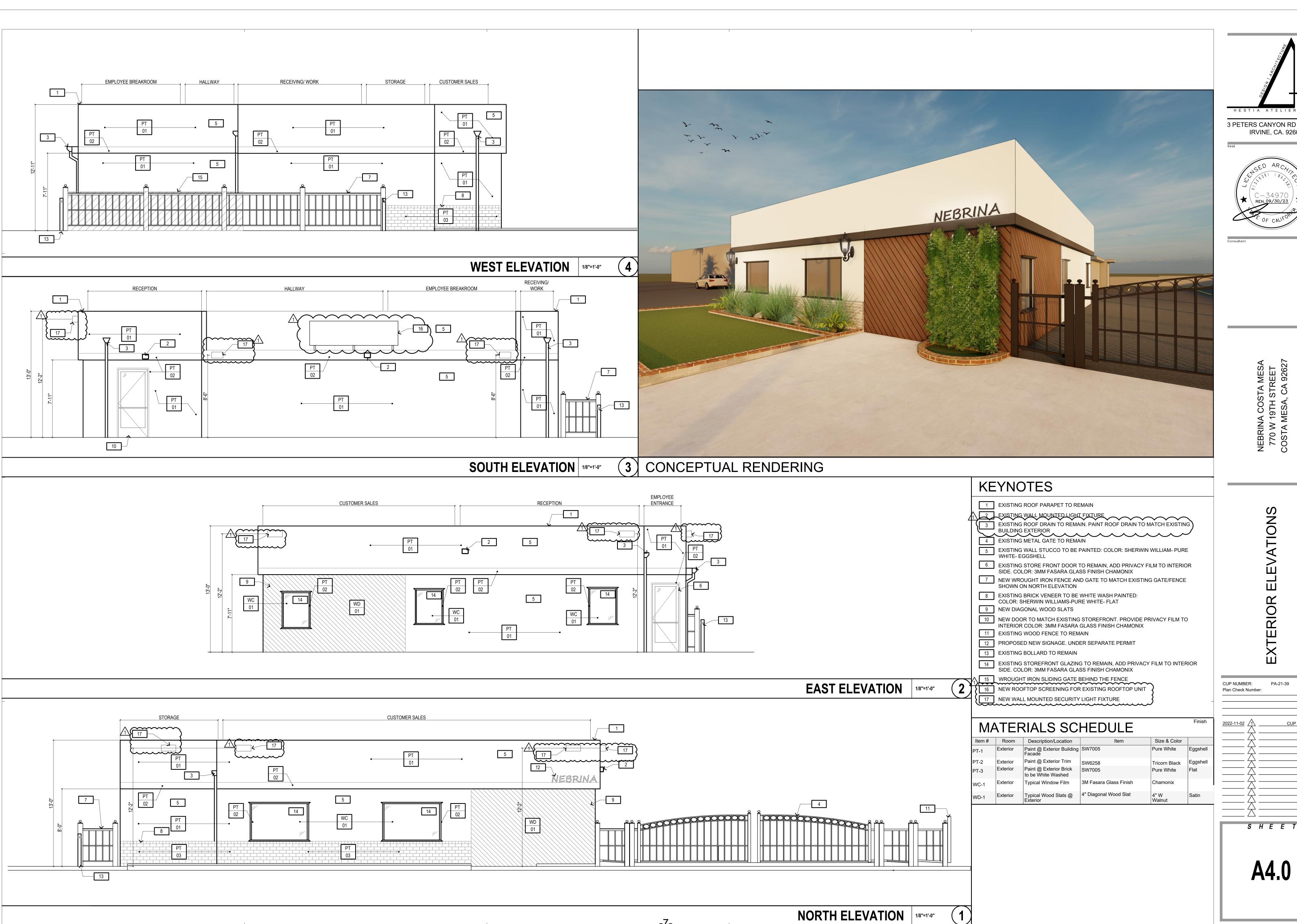
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-5-



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-6-



3 PETERS CANYON RD STE #110 IRVINE, CA. 92606



ELEVATIONS

CUP NUMBER: PA-21-39

A4.0

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT	CAL	<u>PF</u>		QTY	REMARKS
2 ×	Cercidium x `Desert Museum` / Thornless Palo Verde	24" Box		L		2	Detail 5,10/L4.3
SHRUBS	BOTANICAL / COMMON NAME	CONT	<u>PF</u>			<u>QTY</u>	
0	Agave x `Blue Flame` / Blue Flame Agave	15 gal	L			7	
	Dasylirion longissimum / Toothless Desert Spoon	15 Gal.	L			6	
AND AND AND AND AND AND AND AND AND AND	Muhlenbergia dumosa / Bamboo Muhly	5 gal	L			14	
\bigcirc	Salvia greggii 'Deep Red' / Deep Red Autumn Sage	15 gal	L			5	
SHRUB AREAS	BOTANICAL / COMMON NAME	CONT	<u>PF</u>		SPACING		-
	Senecio serpens / Blue Chalksticks	1 Gal.	L		24" o.c.	132	

10.79 cy

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	<u>QTY</u>
	2"-4" FRACTURED ROCK COBBLE OVER DE WITT WEED BARRIER PRO 'NEW CASTLE BROWN' BY DECORATIVE STONE SOLUTIONS, INC. OR APPROVED EQUIVELENT. CONTRACTOR SHALL PROVIDE A REPRESENTATIVE COLOR SAMPLE FOR REVIEW AND APPROVAL.	0.9 cy
SYMBOL	DESCRIPTION	QTY

4" LAYER DECOMPOSED GRANITE OVER NATIVE

APPROVED EQUAL. CONTRACTOR TO PROVIDE SAMPLES FOR REVIEW AND APPROVAL.

`DUNE` BY DECORATIVE STONE SOLUTIONS, INC. OR

Wilson Davis Associates Landscape Architecture 2825 Litchfield Dr. Riverside, CA 92503 Ph.(951) 353-2436

555 ANTON BLVD. SUITE 150 COSTA MESA, CA. 92626

> NEBRINA COSTA MESA 770 W 19TH STREET COSTA MESA CA 92627

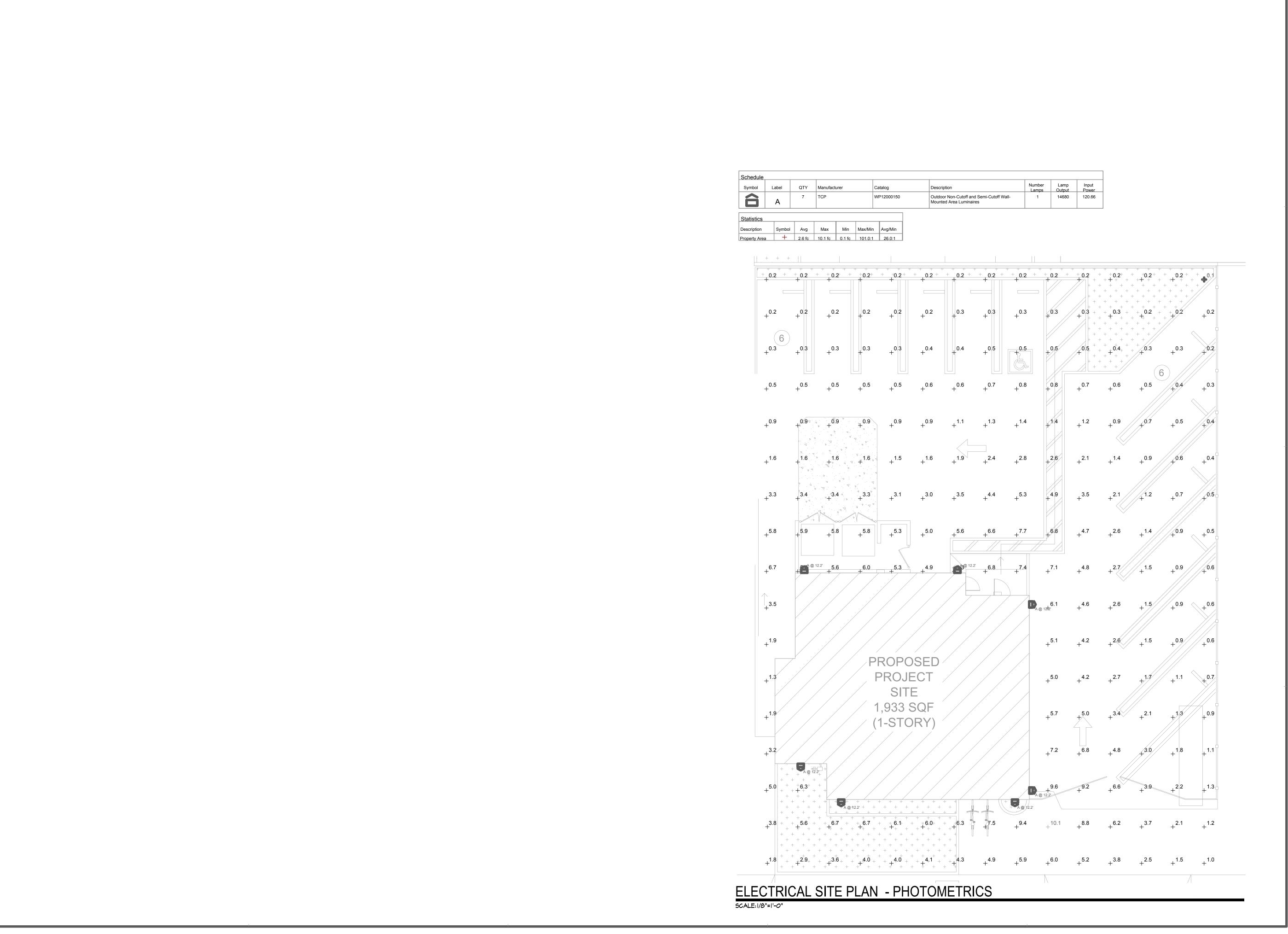
> > CONCEPTUAL LANDSCAPE PLAN

CUP NUMBER:
Plan Check Number:

SHEET

L1.0

ANDSCAPE ANDSCAPE INC. NO. 3353 ISKanature 10/24/22 7/31/22 Renewal Date ORN OF CALIFORN Wda! Job No. 22015









VEBRINA COSTA MES 770 W 19TH STREET COSTA MESA, CA 9262

ELECTRICAL PHOTOMETRICS

CUP NUMBER: PA-21-39
Plan Check Number:

2022-11-02 1 CUP REVISIONS

E-1.0





CITY OF COSTA MESA Agenda Report

File #: 23-1139 Meeting Date: 3/27/2023

TITLE:

PLANNING APPLICATION 21-37 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2146 NEWPORT BOULEVARD, UNIT C AND D (OTC VENTURA LLC)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING

DIVISION

PRESENTED BY: CHRIS YEAGER, ASSOCIATE PLANNER

CONTACT INFORMATION: CHRIS YEAGER 714-754-4883;

Christopher.Yeager@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; and
- 2. Approve Planning Application 21-37, subject to conditions of approval.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MARCH 27, 2023 ITEM NUMBER: PH-2

SUBJECT: PLANNING APPLICATION 21-37 FOR A RETAIL CANNABIS

STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2146

NEWPORT BOULEVARD, UNIT C AND D (OTC VENTURA LLC)

FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/

PLANNING DIVISION

PRESENTATION BY: CHRIS YEAGER, ASSOCIATE PLANNER

FOR FURTHER CHRIS YEAGER INFORMATION 714-754-4883

CONTACT: Christopher.Yeager@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; and

2. Approve Planning Application 21-37, subject to conditions of approval.

APPLICANT OR AUTHORIZED AGENT

The applicant/authorized agent is Sean Maddocks, on behalf of the property owner, 2146 Newport Blvd LLC.

PLANNING APPLICATION SUMMARY

Location:	2146 Newport Boulevard, Unit C and D Application Number: PA-21-37
Request:	Planning Application 21-37 is for a Conditional Use Permit to operate a retail cannabis storefront
	and delivery business.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	C1 (Local Business District)	North:	C1 (Local Business District)	
General Plan:	Commercial Residential	South:	C1 (Local Business District)	
Lot Dimensions:	170' x 149' (Irregularly	East:	C1 (Local Business District)	
	shaped)			
Lot Area:	23,958 sq. ft.	West:	State Route 55	
Existing	The property is developed with an existing 6,014 sq. ft. one-story multi-tenant commercial			
Development:	building.			

DEVELOPMENT STANDARDS COMPARISON

Required/Allowed C1 Zone	Provided/Proposed	
12,000 SF	23,958 SF	
60 ft.	170 ft.	
2 Stories / 30 ft.	1 story / 13 ft.	
	·	
20 FT	18FT 9 IN ³	
15 FT/0 FT	52 FT/0FT	
0 FT	49 FT-3 IN	
27 spaces	27 spaces 1	
	·	
0.20	0.25 ²	
	C1 Zone 12,000 SF 60 ft. 2 Stories / 30 ft. 20 FT 15 FT/0 FT 0 FT 27 spaces	

¹ The proposed parking includes 26 parking spaces and one bicycle rack, which is credited as one standard parking space, for a total of 27 spaces.

³ The existing front setback/landscaped front setback is legal non-conforming and is not proposed to change.

CEQA Status	Exempt per CEQA Guidelines Section 15301 (Existing Facilities)
Final Action	Planning Commission

² The existing FAR is legal non-conforming.

BACKGROUND

The subject site is an approximately 24,000-square-foot property that is located at 2146 Newport Boulevard. The site is located to the east of the State Route 55 (SR-55) Freeway, between 21st Street and 22nd Street. The site is zoned Local Business District (C1) and is surrounded by other C1 zoned properties to the north, south, and east and roadways to the west (Newport Boulevard and SR-55). The site has a General Plan Land Use Designation of Commercial-Residential. Residential properties zoned Single Family Residential (R1) are located approximately 32 feet to the northeast of the subject site.

The property directly to the east of the subject site (2150 Newport Boulevard) is zoned C1 and is developed with an existing non-conforming single-family residential structure. The aforementioned structure is known as the "Stationmaster House" and is the oldest home in Costa Mesa, built between 1898 and 1908. The Stationmaster House was moved from its original location at the Santa Ana Train station. The house is eligible for listing on the National Register of Historic Places; however, it is not currently listed on any historic registry.

Existing development on the subject property consists of a one-story, 6,014-square-foot commercial building with four tenant spaces. The site was originally approved through Development Review (DR) No. 78-59. The DR established a 30-foot easement on the north side of the property to allow shared access with the two properties behind the subject site (2148 Newport Boulevard and 2150 Newport Boulevard). The previous occupants of the subject Units (Units C and D) were a construction company office and a martial arts studio, which have been vacant since early 2020. A massage use and an auto detailing retail use occupy the two other existing units (Units A and B) on the property. The proposed cannabis retail establishment would occupy units C and D (2,833 square feet). The adjacent uses in units A and B are not a part of the project and are not proposed to change. There are no open Code Enforcement cases on the subject property.

The subject property is located along one of the City's primary commercial corridors which includes a variety of commercial uses such as a massage business, ministorage, auto servicing, multi-tenant residential complex, grocery store, and motels.

The applicant has partnered with an existing cannabis manufacturing and non-storefront retail facility, Ash Capital Inc., in Costa Mesa – which was approved in 2021 under Measure X. Ash Capital Inc. has been operating since 2021. There are no open Code Enforcement cases on this property.

Nonconforming Development

The existing commercial development is legal nonconforming in terms of the front setback, landscaping, and floor area ratio (FAR), and therefore is subject to the nonconforming provisions of the Costa Mesa Municipal Code (CMMC) Section 13-204.

Pursuant to this Code Section, a conforming use may be located on a nonconforming property so long as any new site modifications do not result in greater site nonconformities, and such improvements bring the site into greater conformance with Code requirements.

Improvements would be made to bring this structure into compliance with current building and safety codes; however, and as specifically allowed by the CMMC, the existing site nonconformities can remain pursuant to the City's legal nonconforming provisions. The applicant is proposing to bring the property into closer conformance by providing additional site landscaping throughout the property and by improving parking conditions as discussed below.

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 ("The Green Zone," excluding the South Coast Collection property located at 3303 Hyland Avenue). Measure X is codified in Titles 9 and 13 of the 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 were 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.

Cannabis Business Permit (CBP) Application Process

The process to establish a retail cannabis business is subject to an extensive submittal and application review procedure. Retail cannabis applicants must obtain the following City approvals and obtain State approval before conducting business in Costa Mesa:

- Pre-Application Determination;
- CBP Notice to Proceed;
- Conditional Use Permit (CUP);
- Building Permit(s);

- Final City Inspections (by multiple departments and the City's cannabis security consultant);
- CBP Issuance; and
- City Business License.

The "Pre-Application Determination" includes staff review of a detailed applicant letter that describes the proposed business, an existing site plan, statement attesting that there is/has been no unpermitted cannabis activity at the site within one year, and a detailed map demonstrating the proposed storefront's distance from sensitive uses. Staff also visits the site at this time. Planning staff has completed the aforementioned pre-application review, visited the site, and issued a letter indicating that the application complies with the City's required separation distances from sensitive uses and may proceed to submittal of a CBP.

Following completion of the pre-application review, the applicant submitted a CBP application for the initial phase of the CBP review. Staff's initial CBP review includes:

- A background check of the business owner(s)/operator(s);
- An evaluation of the proposed business plan (including a capitalization analysis);
 and
- An evaluation of the proposed security plan by the City's cannabis security consultant, HdL Companies (HdL).

The applicant successfully passed these evaluations and staff issued a "CBP Notice to Proceed," which allows the applicant to submit a CUP application.

The CUP application and required supportive materials were submitted by the applicant and reviewed for conformance with City standards and regulations by the Planning Division, Building Division, Public Works Department (including Transportation and Engineering Divisions), Fire Department, and Police Department.

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 CBP permit periods, 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 these two-year 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 City Business License, the applicant must obtain the appropriate licenses from the State Department of Cannabis Control (DCC) prior to operating.

Cannabis retail businesses are subject to a City-established seven-percent gross receipts tax, which must be paid to the City of Costa Mesa's Finance Department. Records and revenues are audited annually by the Finance Department and HdL Companies.

DESCRIPTION

Planning Application 21-37 is a request for a CUP to allow a retail/medical cannabis storefront and delivery use within a 2,833-square-foot portion of the existing commercial building at 2146 Newport Boulevard (Units C and D). The affiliated required State license is a Type 10 "storefront retailer" license, which also allows for retail cannabis delivery. The proposed use intends to operate from 9AM to 10PM daily with up to eight employees.

Upon approval of a CUP, CBP, City Business License, and State license(s), the business would be allowed to sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and via delivery directly to offsite customers, subject to conditions of approval and other City and State requirements. Additional application details including, but not limited to, parking, CUP requirements, exterior and interior improvements and operation details are discussed in detail below.

ANALYSIS

Conditional Use Permit Required

Pursuant to CMMC Sections 13-28(B) and 13-200.93(c)(1), subject to the approval of the Planning Commission, a CUP is required for the establishment of cannabis retail storefronts and non-storefronts (delivery) in a commercial zone. To obtain a CUP, an applicant must show that the proposed use is compatible with the City's applicable zoning and General Plan provisions/policies/findings, and will not be detrimental to public health, safety, and welfare.

The subject site is located within a commercial zone (C1 Local Business District) where commercial development is allowed to include cannabis retail storefronts subject to a conditional use permit. As defined in the CMMC, "this district is intended to meet the local business needs of the community by providing a wide range of goods and services in a variety of locations throughout the City." Pursuant to the CMMC, cannabis retail storefronts are subject to extensive regulation (as extensively described in this report). These regulations are adopted to prevent land use inconsistencies with adjacent properties. Pursuant to the CMMC, the approval of a CUP requires that the Planning Commission make specific findings related to neighborhood compatibility, health and safety and land use compatibility. A detailed project analysis regarding CUP findings is provided below in this report.

Separation Requirements

CMMC Section 13-200.93(e) stipulates that no cannabis retail storefront use shall be located within 1,000 feet from a K-12 school, playground, licensed child daycare, or homeless shelter, or within 600 feet from a youth center as defined in CMMC Title 9, Chapter VI, Section 9-485, that is in operation at the time of submission of a completed cannabis business permit application. All separation distances, with the exception of playgrounds, are measured in a straight line ("as the crow flies") from the "premises" where the cannabis retail use is to be located to the closest property line of the sensitive use(s). (For playgrounds, the property line is a 30-foot radius from the exterior physical boundaries of the playground equipment area.) Premises is as defined in the State's Business and Professions Code Section 26001, as "the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee". Therefore, the premises only includes the retail cannabis activity areas (including sales, storage, back-of-house and/or other ancillary areas) and excludes the parking lot and other areas that are not part of the area licensed by the State for commercial cannabis activity.

In June 2022, the State Department of Social Services issued a license for a child daycare facility at 2115 Newport Boulevard (The Crossing Church), which is located northwest of the subject site and across the SR-55 freeway. The Church/daycare property is located approximately 350 feet from the proposed licensed premise and is therefore within the minimum 1,000-foot distance, as specified above. However, the child daycare was not in operation at the time of submission of the proposed project's completed cannabis business permit application which was accepted as complete in 2021. Therefore, the subject site complies with the required separation from sensitive uses.

Exterior Tenant Improvements

The applicant is proposing minor site and building improvements including the following:

- New building paint;
- Repaving and restriping the existing surface parking lot to comply with the City's Parking Design Standards;
- Installing a bicycle rack to support multi-modal transportation;
- Installing a new pedestrian path from the parking lot to the public entry door; and
- installing new and updating existing landscaping.

Proposed landscaping improvements include planting 13 new trees in addition to keeping the two existing mature Bradford Pear trees in the front of the property. In addition, a variety of drought tolerant shrubs and groundcover are proposed which would bring the landscaping material into conformance with the CMMC landscape requirements. The applicant has provided a conceptual landscaping plan as part of their CUP plan submittal. A detailed landscaping plan would be reviewed during the Building permit plan check process, as conditioned, should the CUP be approved.

The applicant also proposes to update the site with security lighting, surveillance cameras, and new business signage (signs would be reviewed and permitted separately per the City's sign code requirements). A preliminary lighting plan and photometric study has also been provided. A detailed lighting plan and photometric study will be reviewed during the plan check process, as conditioned.

Interior Tenant Improvements

The proposed floor plan combines two existing tenant spaces into a single storefront business. The proposed interior improvements include creating an entry lobby, an open retail sales area, constructing demising walls to create a limited access "back-of-house" areas, and the addition of new doors, counters, product cases, lighting, and new finishes. The proposed areas where customers would be allowed include the entry lobby and retail sales area. The proposed "back-of-house" areas include a breakroom, office, security, storage, and dispatch room for the delivery operations. Below is a floor area summary of the proposed 2,833-square-foot tenant space.

Table 1 – Floor Plan Summary

Operational Area	Square Feet
Lobby w/ Check-in Area	332
Retail Sales Area	1,493
Storage Room	287
Office	194
Employee Break Room	164
Bathroom	93
Hallways	169
Dispatch	101
Total	2,833 SF

Customer and Employee Access

Customers would enter and exit the establishment through the lobby located in the front of the building. An employee would verify each customer's age and identification before allowing them to enter the retail sales area. After a customer's transaction is completed, they must leave the premise through the same door. As further conditioned, a security guard would monitor the area at all times to ensure that customers are following regulations. All other areas of the premises would be accessible only to employees with the proper security credentials. Employees would enter and exit the facility through an access-controlled door located at the rear of the building that leads directly into the back-of-house areas.

Vendor Delivery Operations and Access

All vendor (licensed distributors) and retail delivery activities are proposed and conditioned in compliance with State and City requirements. All vendors will have precommitted arrival times set by the storefront's operational managers. All vendor and retail delivery vehicles will load and unload at the three designated parking spaces located immediately behind the building (approximately five feet from the vendor/delivery entry/exit door). Vendor employees delivering products for sale would only be allowed to

enter the premise while accompanied by an employee with the proper security credentials. All access-controlled doors, path of travel, and vehicle loading/unloading area would be under camera surveillance at all times. All orders received for delivery will be "tracked and traced" in accordance with State requirements. Additional retail delivery and vendor requirements are specified below.

Storefront/Delivery Operations

The proposed business is required to comply with the City's adopted retail storefront and non-storefront (delivery) operational requirements as follows:

- Display State license, CBP, and City business license in a conspicuous building location;
- Hours of operations are limited to 9:00 AM to 10:00 PM daily;
- Shipments of cannabis goods may only be accepted during regular business hours;
- Cannabis inventory shall be secured using a lockable storage system during nonbusiness 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 appropriate interior location and remain
 with them throughout the process;
- Cannabis goods to be sold at this establishment (either storefront or delivery) 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:
- Packaging containing cannabis goods shall be tamper and child-resistant; if packaging contains multiple servings, the package must also be re-sealable;
- When processing orders for cannabis delivery, employees will collect the prepackaged materials, load products into a secured container and transport the containers to delivery vehicles outside the building. Video surveillance cameras will be installed with direct views of the path of travel and loading and unloading area. All loading and unloading of delivery vehicles will be monitored by the required security guard;
- Cannabis deliveries must be made in-person by an employee of the licensed retailer. An independent contractor, third-party courier service, or an individual employed through a staffing agency would not be considered employed by the licensed retailer;
- The applicant shall maintain proof of vehicle insurance for any and all vehicles being used to deliver cannabis goods;
- During delivery, the employee shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers;
- A delivery employee shall not leave the State of California while possessing cannabis products and while performing their duties for the cannabis retailer;
- The 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;
- Any delivery method shall be made in compliance with State law, as amended, including use of a vehicle that has a dedicated global positioning system (GPS) device for identifying the location of the vehicle (cell phones and tablets are insufficient);
- Signs, decals or any other form of advertisement on the delivery vehicles are prohibited;
- Deliveries must be made to a physical address that is not on publicly owned land and cannot be a school, a day care, homeless shelter, or a youth center; and

 A cannabis 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.

Business Plan

The applicant has submitted a detailed business plan that was evaluated by the City's cannabis consultant (HdL). The business plan describes 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 the proposed retail/delivery operations.

Security Plan

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

- At least one security guard will be on-site 24-hours a day;
- All employees must pass a "Live Scan" background check;
- City-issued identification badges are required for employees;
- An inventory control system shall be maintained;
- Exterior and interior surveillance cameras shall be monitored and professionally installed;
- An alarm system shall be professionally installed, maintained, and monitored;
- Surveillance footage must be maintained for a minimum of 90 days;
- Cash, cannabis, and cannabis products shall be kept in secured storage areas:
- Sensors shall be installed that detect entry and exit from all secured areas;
- Security lighting (interior and shielded exterior) shall be installed;
- Emergency power supply shall be installed;
- Employees shall be trained for use with any/all emergency equipment;
- Delivery drivers shall be trained on delivery safety protocols;
- Employees and vendors will be trained regarding cash and product transportation protocol;
- Visitor/customer specific security measures shall be required;
- All facility entry and exit points and locations where cash or cannabis products are handled or stored shall be under camera surveillance;
- The applicant shall submit a list of all vehicles to be used for retail delivery purposes to the Costa Mesa Police Department. 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; and
- 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.

Parking and Circulation

The subject property was developed with 26 onsite parking spaces provided in a surface parking lot that is shared between all commercial tenants. The parking lot has been modified since the original approval to include unpermitted tandem parking, and parking within an access easement. The project proposes to remove the unpermitted parking lot modifications, and to bring the parking lot more into conformance with City parking standards. The majority of the parking spaces are located at the rear of the existing building, and behind an electronic rolling gate. As proposed, the existing vehicle gate would be open during normal business hours, and signs would be displayed indicating that "customer parking is allowed".

Retail cannabis establishments are subject to the same parking ratio as other retail uses in the City (four spaces per 1,000 square feet of gross floor area). The proposed retail cannabis storefront would be replacing two previous businesses that were located in Suites C and D (martial arts studio and construction company office). The construction office requires the same parking/floor area ratio as the proposed cannabis retail storefront; however, the previous martial arts studio requires 10 parking spaces per 1,000 square feet of gross floor area, and therefore the proposed use would result in less parking demand than under existing approved use conditions. The other existing uses located in Suites A and B include a massage establishment (parking is required at six parking spaces per 1,000 square feet of gross floor area) and a car detail retail facility (the retail parking ratio applies).

Pursuant to the Costa Mesa Municipal Code (CMMC) Section 13-6, when there are mixed-uses within a single development that share the same parking facilities, the total requirement for parking is to be determined by the Costa Mesa shared/mixed-use parking analysis procedures, which is adopted by City Council Resolution. The City's shared/mixed-use parking analysis procedure includes inputting specific uses with their respective floor areas into an engineered parking demand spreadsheet, which than calculates the total site parking demand by hours of operation. The analysis considers use demand by land use category, by time period, and most importantly, the analysis provides for peak-period parking demand (by the hour) for the total combined uses. In mixed-use developments, the peak parking demand is then used as the required parking for the development.

The proposed retail center includes multiple land uses and is therefore considered a "mixed-use development." Pursuant to the CMMC, staff has prepared a project site shared/mixed-use parking analysis (see the below Table 2 which summarizes the parking demand conclusions of the analysis).

Table 2 – Parking Requirements

Previous/existing -	29 spaces
Peak Site Shared Parking Demand	
Proposed -	27 spaces
Peak Site Shared Parking Demand	
Proposed Parking Supply	27 spaces
	(including one bicycle rack)

As summarized in Table 2 above, the mix of land uses with the proposed retail cannabis storefront would result in two less parking spaces at peak center parking demand, than under previous/existing conditions (this includes credit for one parking space based on the proposed bicycle rack). More importantly, the center's peak parking demand with the proposed cannabis retail storefront (27 spaces) is equivalent to the parking spaces proposed to be provided.

Pursuant to Municipal Code Section 13-99 (Vehicle Standing, Loading and Unloading), vehicle loading and unloading cannot interfere with normal use of on-site parking; therefore and since there is no surplus parking spaces provided, the applicant has proposed to store delivery vehicles off-site and located at the associated Measure X manufacturing facility (Ash Capital Inc.). Further, staff has included proposed Resolution Operational Condition No. 5, which requires "delivery vehicles to be stored off site and may only be present onsite when picking up orders for delivery or when ending the delivery route". Therefore, the delivery vehicles will not interfere with normal use of the on-site parking.

As with many new uses and based on many factors that are difficult to quantify, it is difficult to anticipate exact demand for a new use; however, if parking shortages or other parking-related problems occur, the business owner or operator will be required to monitor the parking lot and institute appropriate operational measures necessary to minimize or eliminate the problem in a manner deemed appropriate by the Director of Economic and Development Services (see "Operational Conditions" of Approval No. 8 in the attached Resolution). Examples of parking demand management techniques include, but are not limited to, offsite parking for employees, reducing operating hours of the business, hiring an employee to monitor parking lot use and assist with customer parking lot circulation, offering customer discounts for delivery services to reduce in person store visits, and incentivizing employee carpooling/cycling/walking.

The property has one point of ingress/egress via the existing commercial driveway located off of Newport Boulevard. As indicated above, the driveway also serves the properties at 2148 Newport Boulevard and 2150 Newport Boulevard. All vehicles must enter and exit the property via the Newport Boulevard driveway. There is an existing public sidewalk at the front of the property along Newport Boulevard which provides access to the site for pedestrians and bicyclists.

Traffic

The CMMC Section 13-275(e) indicates that any increase in traffic generation by a change of use that is required to obtain a discretionary permit, shall be subject to review by the appropriate reviewing authority, which may impose fees to address increased trip generation. If required, the fee collected is used to fund the City's comprehensive transportation system improvement program. The purpose of the program is to ensure that the City's transportation system has the capacity to accommodate additional trips. The Citywide Traffic Impact Fee related to new or expanding developments is determined using estimated Average Daily Trips (ADT), which is the total number of vehicular trips both in and out of a development generated throughout an average weekday. The Transportation Services Division determined that the appropriate ADT for a cannabis retail establishment is approximately 108 trips per 1,000 square feet based on the Institute of Transportation Engineers (ITE) 11th Edition Trip Generation Manual for a pharmacy/drug store with a drive-through. The City's traffic engineering review focuses on net trip increase for both the ADT and peak hour trips. Therefore, the trip generation is estimated for the previous use(s) and is credited (subtracted) from the proposed use to estimate potential changes in trip generation for ADT and peak hour trips. The proposed use would be subject to a traffic impact fee based on net ADT and is estimated to be approximately \$33,934. The fee calculation would be finalized during the building permit plan check process and must be paid prior to building permit issuance.

CMMC Section 13-275(a), specifies that "a traffic impact study shall be required for all development projects estimated by the Public Services Department to generate one hundred (100) or more vehicle trip ends during a peak hour." The highest peak hour trips in either the AM or PM peak is used to estimate the number of vehicular trips generated both in and out of a new or expanded development known as vehicle trip ends during a peak hour. Staff reviewed and determined that the proposed use does not meet the threshold of 100 peak hour trips requiring a traffic study based on the net peak hour trips.

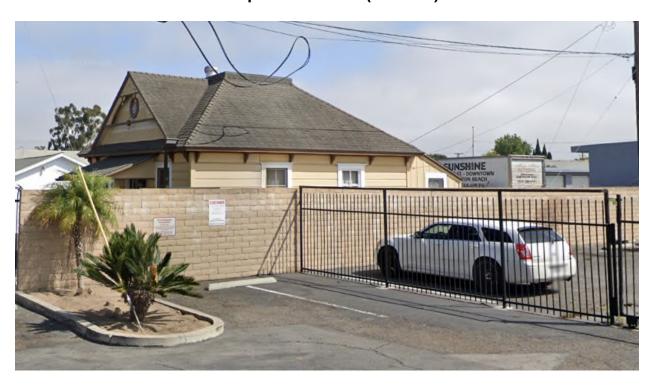
Odor Attenuation

Cannabis products would arrive in State compliant packaging that is sealed and odor-resistant, and remain unopened while on the premises. However, a minimal amount of cannabis product would be removed from packaging for display purposes and would be placed in display containers. The storefront proposes to use carbon filters throughout the facility. If approved, the use would be conditioned so the operator must replace the air filters at regular intervals, as directed in the manufacturer specifications. Further, if cannabis odor is detected outside of the tenant space and/or off-site, the business owner/operator will be required to institute further operational measures necessary to eliminate off-site odors in a manner deemed appropriate by the Director of Economic and Development Services. Lastly, cannabis products would not be allowed to be disposed of in the exterior trash enclosure.

Proximity to Residential

As mentioned above, the project site is located approximately 30 feet from a R1-zoned residential neighborhood on Rural Lane. In addition, a legal non-conforming residence is located on the parcel immediately to the rear of the project site (see the below Exhibit 1).

Exhibit 1 – Abutting Legal Non-conforming Historic Residence Located on 2150 Newport Boulevard (C1 Zone)



The distance between the proposed licensed premise and the abutting 2150 Newport Boulevard residential building is approximately 90 feet; however, the site parking lot is located within several feet of the residential structure. The property is separated from the residential structure by an existing six-foot block wall. The subject site's existing trash enclosure is located immediately abutting the block wall separating the two properties. In addition, the distance between the proposed licensed premise and the closest residence on Rural Lane (2157 Rural Lane) is approximately 240 feet. With the proposed retail cannabis storefront use, the subject property's parking lot is anticipated to be activated by retail customers during later hours than customers of the existing massage and office/retail uses, which could impact the adjacent residences along Rural Lane. To ensure neighborhood compatibility, the proposed project conditions and requirements include the following:

Business hours are limited from 9AM to 10PM;

- Security lighting is shielded and directed down/away from residential uses and residential zoned properties to prevent light spillover. As conditioned, a photometric study would be required to be submitted during plan check to demonstrate that light levels at the residential property are minimal;
- Post signs within the parking lot to remind customers and vendors to keep noise levels to a minimum (the security guard shall also be responsible for noise enforcement):
- Limit the hours that the business can dispose of waste at the trash enclosure to avoid noise impacts during sensitive hours i.e. dispose of trash between 8AM and 8PM; and
- A staff person or the required 24-hour security guard will monitor the site's
 parking areas to ensure that customers are quiet, turn of vehicle engines
 promptly, do not play loud music, and generally do not create excessive neighbor
 disturbances. The parking lot monitoring will be especially diligent to prevent
 noise and other neighbor disturbance during morning and evening business
 hours.

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. This vision focuses on protecting and enhancing Costa Mesa's diverse residential neighborhoods, accommodating an array of businesses that both serve 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 project site is located within the General Plan land use designation Commercial-Residential. The designation is intended to be applied to a limited area on the eastside of Newport Boulevard between East 19th Street and Mesa Drive. It is the intent of this land use designation to allow a complementary mix of commercial and residential zoning along Newport Boulevard. The General Plan identifies that the C1 zoning designation is consistent with the Commercial-Residential land use designation. Therefore, the use and development is appropriate for the land use designation.

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

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 located within a commercial area as allowed under

Measure Q (local voter approved ballot measure), and provides new goods and services and new employment opportunities in the community.

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.

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 that is limited in the surrounding region. Approval of this CUP would facilitate a new local business opportunity in a specialized and expanding industry.

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 a commercial zone (C1, Local Business District) where commercial development is specifically allowed to include retail storefronts. In addition, the property is located on one of the City's primary commercial corridors which is predominantly intended for commercial uses. Existing uses in this immediate area include a massage establishment, ministorage, auto servicing, a multi-tenant residential development, a grocery store, and motels. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). The proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, or homeless shelter, or within 600 feet of a youth center. Although the subject property is located within 1,000 feet of a licensed child daycare (which was licensed in 2022), the cannabis business permit application was deemed complete by the City in 2021 prior to the operation of the child daycare facility. Furthermore, the premise is located approximately 350 feet away from the

daycare property and is separated by SR-55 with no direct pedestrian connections. The walking distance from the daycare facility to the proposed use is approximately 1,500 feet. Therefore, there is no conflict for the public health, safety, or welfare for the existing daycare due to the separation created by SR-55. No outdoor storage or sales are proposed nor would be allowed. The storefront business would operate indoors (underroof) and operations would be conditioned to be compliant with applicable local and State laws as well as to minimize potential impacts. Staff does not anticipate that the proposed retail cannabis use would be materially detrimental to the adjacent commercial uses.

The proposed use would also not be materially detrimental to the surrounding residences because the project would include features to ensure neighborhood compatibility such as: shielding security lighting down and away from the residential zoned properties to prevent potential lighting impacts, posting signs within the parking lot to remind customers and vendors to keep noise levels to a minimum, and having an employee monitor the parking lot to ensure that customers do not create neighbor disturbances. The storefront business would also include odor control measures as described in this report to minimize any odor impacts to the residences. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

 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 with delivery 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, exterior loading and unloading, and all interior limited access spaces. In addition, the business employees, including delivery drivers, dispatchers, and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The City and State requirements are designed to ensure that the proposed 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 property has a General Plan land use designation of Commercial-Residential. It is the intent of this land use designation to allow a complementary mix of commercial and residential zoning along Newport Boulevard and to ensure adequate buffering between the residential and non-residential properties. The proposed project includes conditions to ensure neighborhood compatibility with the adjacent residential zoned properties. Furthermore, no additional square footage is proposed, therefore, the proposed use would not increase building intensity. As stated in the General Plan Land Use Element, the City's commercial land use designations "accommodate a full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (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 been used continuously for commercial activities including retail. The application does not propose an increase in commercial floor area or otherwise expand 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. 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.

Although the project site is located in close proximity to the "Stationmaster House", which is eligible for listing on the National Register, the historic house is located off-site with an existing concrete block wall that divides the historic house from the existing proposed use paved parking lot, and therefore no impacts to the historic building or its historical context from the operation of the proposed retail cannabis use and the minor site improvements are anticipated.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. <u>Approve the project</u>. The Planning Commission may approve the project as proposed, subject to the standard conditions outlined in the attached Resolution.

- 2. <u>Approve the project with modifications</u>. 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. <u>Deny the project</u>. 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 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.

As of the date this report was circulated, no public comments have been received. Any public comments received prior to the March 27, 2023 Planning Commission meeting will be provided separately.

CONCLUSION

The proposed project is a retail cannabis storefront business with delivery at a developed commercial property that is located on one of the City's primary commercial corridors. The location meets 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 operation would be required to comply with all conditions of approval and extensive City and State regulations.

If the Planning Commission approves the project, the applicant would next obtain building permits, complete tenant improvements, and pass City inspections prior to obtaining a CBP and City Business License. The CBP is valid for two years and must be continuously renewed, including inspections, prior to expiration. During each two-year CBP period, the Community Improvement Division, along with other City staff, will conduct site inspections to verify that the operation complies with CUP and CBP requirements. Violations identified during site inspections may be grounds for revocation of issued permits or non-renewal of a CBP.

As proposed and conditioned, the use would be consistent with other similar commercial uses in the C1 zone, the Zoning Code, and the City's General Plan. The required findings for the CUP can be made (as described above) and therefore, staff recommends approval of Planning Application 21-37 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 21-37 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (OTC VENTURA LLC) IN THE C1 ZONE AT 2146 NEWPORT BOULEVARD, UNITS C & D

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 21-37 was filed by Sean Maddocks representing OTC Ventura LLC, the authorized agent for the property owner, 2146 Newport Blvd. LLC., requesting approval of the following:

A Conditional Use Permit to operate a storefront retail and cannabis delivery business within an existing 2,833-square-foot commercial space within a multiple-tenant commercial building located at 2146 Newport Boulevard, Unit C and D. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and through delivery, subject to conditions of approval and other City and State requirements;

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

WHERAS 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 21-37 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 21-37 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 March, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

-2-

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 March 27, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary Costa Mesa Planning Commission

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 a commercial zone (C1, Local Business District) where commercial development is specifically allowed to include retail storefronts. In addition, the property is located on one of the City's primary commercial corridors which is predominantly intended for commercial uses. Existing uses in this immediate area include a massage establishment, mini-storage, auto servicing, a multitenant residential development, a grocery store, and motels. Pursuant to the CMMC, cannabis retail storefronts are conditionally permitted uses in the City's commercial zones and are subject to extensive regulation (as specifically described in this report). The proposed cannabis retail storefront use is not located within 1,000 feet of a K-12 school, playground, or homeless shelter, or within 600 feet of a youth center. Although the subject property is located within 1,000 feet of a licensed child daycare (which was licensed in 2022), the cannabis business permit application was deemed complete by the City in 2021 prior to the operation of the child daycare facility. Furthermore, the premise is located approximately 350 feet away from the daycare property and is separated by SR-55 with no direct pedestrian connections. The walking distance from the daycare facility to the proposed use is approximately 1,500 feet. Therefore, there is no conflict for the public health, safety, or welfare for the existing daycare due to the separation created by SR-55. No outdoor storage or sales are proposed nor would be allowed. The storefront business would operate indoors (underroof) and operations would be conditioned to be compliant with applicable local and State laws as well as to minimize potential impacts. Staff does not anticipate that the proposed retail cannabis use would be materially detrimental to the adjacent commercial uses.

The proposed use would also not be materially detrimental to the surrounding residences because the project would include features to ensure neighborhood compatibility such as: shielding security lighting down and away from the residential zoned properties to prevent potential lighting impacts, posting signs within the parking lot to remind customers and vendors to keep noise levels to a minimum, and having an employee monitor the parking lot to ensure that customers do not create neighbor disturbances. The storefront business would also include odor control measures as described in this report

to minimize any odor impacts to the residences. As proposed and conditioned, the retail cannabis use would be compatible with other properties within the area, and in compliance with local and State requirements.

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 with delivery 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, exterior loading and unloading, and all interior limited access spaces. In addition, the business employees, including delivery drivers, dispatchers, and part-time staff, must pass a live scan background check and obtain an identification badge from the City. The City and State requirements are designed to ensure that the proposed 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 property has a General Plan land use designation of Commercial- Residential. It is the intent of this land use designation to allow a complementary mix of commercial and residential zoning along Newport Boulevard and to ensure adequate buffering between the residential and non-residential properties. The proposed project includes conditions to ensure neighborhood compatibility with the adjacent residential zoned properties. Furthermore, no additional square footage is proposed, therefore, the proposed use would not increase building intensity. As stated in the General Plan Land Use Element, the City's commercial land use designations "accommodate a full range of commercial activity present and desired in Costa Mesa." The use is consistent with General Plan policies related to providing a mixture of commercial goods, services, and employment opportunities; expanding the City's tax base; and promoting the incubation of unique and specialized businesses.

B. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, for the permitting and/or minor alteration of Existing Facilities, involving negligible or no

-5-

expansion of the existing or prior use. This project site contains an existing commercial building that has been used continuously for commercial activities. The application does not propose an increase in commercial floor area or otherwise expand 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. 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.

Although the project site is located in close proximity to the "Stationmaster House", which is eligible for listing on the National Register of Histroic Places and the oldest home in Costa Mesa, the historic house is located off-site with an existing concrete wall that divides the historic house from the existing proposed use paved parking lot, and therefore there would be no impacts to the historic resource from the operation of the proposed retail cannabis use and the minor site improvements.

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)].
- Approval of the planning/zoning application is valid for two years from the 2. 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;
 - 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.
- The applicant, the property owner and the operator (collectively referred to 8. 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. 8, 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. Remove or legalize all unapproved exterior site features including but not limited to the water filling station, water tank, and conduit.

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-21-23. 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-21-37 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 Inprovement Division scheduling a hearing before the Director of Development Services to consider revocation of the Cannabis Business Permit.
- 21. Third parties are prohibited from providing delivery services for non-storefront retail.
- 22. 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 23. 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

-10- **119**

1385, or who is currently on probation or parole for the sale, distribution, possession or manufacture of a controlled substance.

- CID 24. 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.
 - 25. 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 26. 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.
 - 27. 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

-11- **120**

- 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 recordkeeping systems. The system must have the capability to produce historical transactional data for review by the City Manager or designees.
- Insp. 28. The City Manager or designees may enter this business at any time during the hours of operation without notice, and inspect the location 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. If the any areas are deemed by the City Manager or designee to be not accessible during an inspection, not providing such access is cause for the City to begin a cannabis business permit (CBP) and/or conditional use permit (CUP) and/or business license revocation process as prescribed by the applicable Municipal Code revocation procedures.
 - 29. 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.
 - 30. 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.
 - 31. 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.
 - 32. 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 21-37 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 and irrigation plan that includes drought-tolerant plants and/or California native plants, bike racks, and parking space design and striping in conformance with CMMC and Transportation Division requirements.
- 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

122

- 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

 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 Planning Commission 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;
 - That no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the cannabis business unless the business holds a retail medical cannabis license (M-license) issued by the state;
 - 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

-14- **123**

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 10:00 PM and before 7:00 AM.
- 2. Onsite sales to customers is limited to the hours between 9:00 AM and 10:00 PM.
- 3. The applicant shall submit an updated delivery vehicle list each quarter with the quarterly update to the employee roster which is required pursuant to the CBP. The number of delivery vehicles parked onsite shall not exceed the number of available onsite surplus parking spaces. Delivery vehicles shall not be parked on City streets.
- 4. At least one security guard shall be onsite at all times.
- 5. Delivery vehicles shall be stored off site and may only be present onsite when picking up orders for delivery or when ending the delivery route.
- 6. The operator shall maintain free of litter all areas of the property under which applicant has control.
- 7. 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.
- 8. 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.
- 9. While working, employees shall not park on residential streets unless doing so temporarily to make a cannabis delivery.
- 10. 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.

- 11. 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.
- 12. The operator shall ensure that deliveries are grouped to minimize total vehicle trips.
- 13. 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.
- 14. Delivery/vendor vehicle 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.
- 15. Delivery/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.
- 16. The sale, dispensing, or consumption of alcoholic beverages on or about the premises is prohibited.
- 17. No outdoor storage or display of cannabis or cannabis products is permitted at any time.
- 18. Cannabis shall not be consumed on the property at any time, in any form.
- 19. The owner/operator shall prohibit loitering on and within fifty (50) feet of the property.
- 20. No cannabis or cannabis products, or graphics depicting cannabis or cannabis products, shall be visible from the exterior of the property, or on any of the vehicles owned or used as part of the cannabis business.
- 21. The owner or operator shall maintain air quality/odor control devices by replacing filters on a regular basis, as specified in the manufacturer specifications.
- 22. 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.
- 23. 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.
- 24. No cannabis products shall be disposed in the onsite trash enclosure. If any damaged or expired cannabis products must be disposed, the owner or operator shall return the damaged or expired cannabis products to the

125

- original licensed distributor or vendor and follow all applicable State and City regulations.
- 25. 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.
- 26. Waste disposal to the exterior trash enclosure shall be limited between the hours of 8AM and 8PM to prevent noise impacts to the abutting residential zoned property.
- 27. A staff person shall be required to periodically monitor the exterior including the parking lot especially during the evening to ensure customers and vendors are using consideration (i.e. abiding by the parking lot signs as conditioned in Cannabis Business Permit Condition No. 7) when entering or leaving the business.

-17- **126**

January 6, 2023

Costa Mesa Development Services 77 Fair Drive Costa Mesa, CA 92626 (714) 754-5270

RE: OTC Ventura LLC Applicant Letter for Commercial Cannabis Storefront Business Pre-Application

To the City of Costa Mesa,

We are writing this Applicant Letter as part of our Commercial Cannabis Storefront Business Conditional Use Permit application for a retail storefront and delivery service in the City of Costa Mesa. OTC Ventura LLC is working with Measure X Partner Ash Capital, Inc. to establish a retail storefront and delivery service at 2146 Newport Blvd Costa Mesa, CA 92627 on parcel 426-121-40. The parcel's zoning is C2 and the General Plan Use is Commercial. This proposed location is not within the Green Zone, but it is identified as compliant on the City's sensitive use map.

The Applicant owns and operates Off The Charts, one of the first licensed cannabis retailers in the City of Vista. Off the Charts has also opened two locations in Palm Springs, one of which has a consumption lounge and requires heightened compliance measures, as well as one location in Winterhaven, CA, and two locations in Los Angeles. Off The Charts has six (6) more locations scheduled to open by 2023 and has recently extended their footprint to New Jersey, Mississippi, Ohio and New Mexico with five (5) out of state location set to open in 2023. OTC has now established itself amongst the highest rated licensed cannabis retailers throughout Southern California.

The proposed commercial cannabis business amasses 2,833 sqft. We plan to use the space for conducting the retail sale of cannabis along with the processing and preparation of deliveries of cannabis goods offsite. We are obtaining Type 10 Storefront Retail with Delivery licensure with both Adult Use (A) and Medical (M) designations from the Department of Cannabis Control (DCC), so we conduct retail sales to Adult Use customers who are over the age of 21 and Medical customers who are over the age of 18 and have a valid physician's recommendation and/or Cannabis Card. Operating Hours are planned between the hours of 9AM-10PM seven days a week.

The proposed operation may employee as many as 50 employees with up to 8 staff members on-site during a given shift. There is ample parking available for both clients and employees, with 27 spaces available in the parking lot, two of which are handicapped accessible spaces. Delivery vehicles are stored off site when not in use and are only present on site when picking up orders for delivery or when ending their delivery route in accordance with state law requirements.

Areas that are accessible to our clients and visitors include a Check-In Area where we verify client identification and check them into our customer queue, a Retail Floor where cannabis goods are displayed and where transactions are processed and a restroom that is compliant with all provisions of the Americans with Disabilities Act. Limited access areas are only accessible by employees of the commercial cannabis business and visitors that are escorted by an employee of the commercial cannabis business; These areas include a Secure Storage Room where bulk cannabis goods are stored, our Shipping/Receiving Room where incoming deliveries of cannabis goods are received and where orders to be delivered offsite are prepared, our Offices where records and security footage are stored, our Employee Breakroom and additional space that is not open to the public.

We only conduct the retail sale of cannabis goods that have been produced by licensed cultivators and manufacturers and sourced from licensed distributors that operate within the scope of compliance with local and state regulations. This includes cannabis flower, pre-rolls, manufactured cannabis products including various extracts, rosin, edibles, tinctures, topical products, sublingual tabs, capsules, beverages and non-cannabis merchandise such as branded clothing and accessories. All cannabis goods sold at our store are packaged and

labeled in their final form and in compliance with State law. We have longstanding relationships with some of the leading brands including Raw Garden, Pacific Stone, Kiva and various others licensed operators. We have also built strong relationships with various distributors who carry these products so we are able to secure favorable terms on products and maintain a consistent supply of cannabis goods for our clientele. We are implementing a robust inventory management, control and reporting system that allows us to accurately document the present location, amounts, and descriptions of all cannabis goods for all stages of the external supply chain and our internal retail process until purchase by a verified customer or patient.

In addition to the preceding, Off the Charts implements a robust Neighborhood Compatibility Plan that includes proactive outreach, as well as preemptive nuisance mitigation efforts such as a comprehensive Odor Control Plan, Security Plan, Open House, 24-hour Community Liaison, and more. Initial Outreach has included door to door introductions to all surrounding neighbors and a mailer to all residents and businesses within 500ft of the property that includes a background of our organization and steps that are being taken to address common concerns associated with commercial cannabis businesses. Initial feedback has been positive and neighbors have not only been receptive, but also supportive about the prospect of a licensed operator given the prior existence of illegal operators in the vicinity.

We look forward to bringing our neighbors and the City of Costa Mesa a premiere commercial cannabis that provides an exceptional customer experience and various additional community benefits. Please reach out to Sean Maddocks via email at maddocks@greencp.com or via phone at (949) 291-0587 with any questions or concerns.

Sincerely,

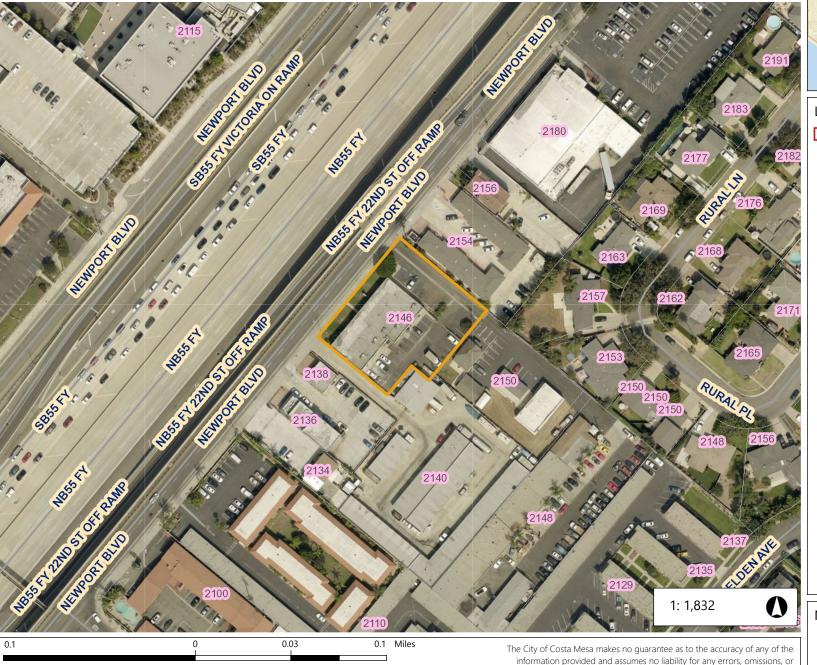
OTC Ventura LLC



WGS_1984_Web_Mercator_Auxiliary_Sphere

© City of Costa Mesa

Vicinity Map



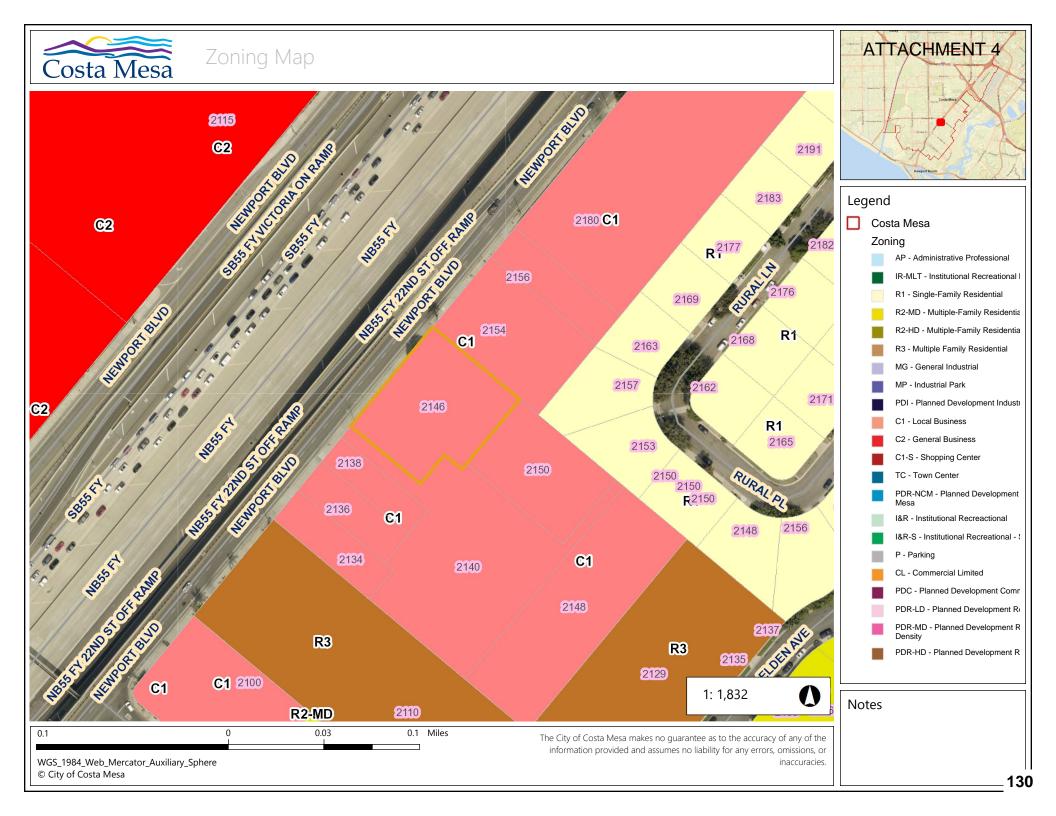


Legend

Costa Mesa

Notes

inaccuracies.

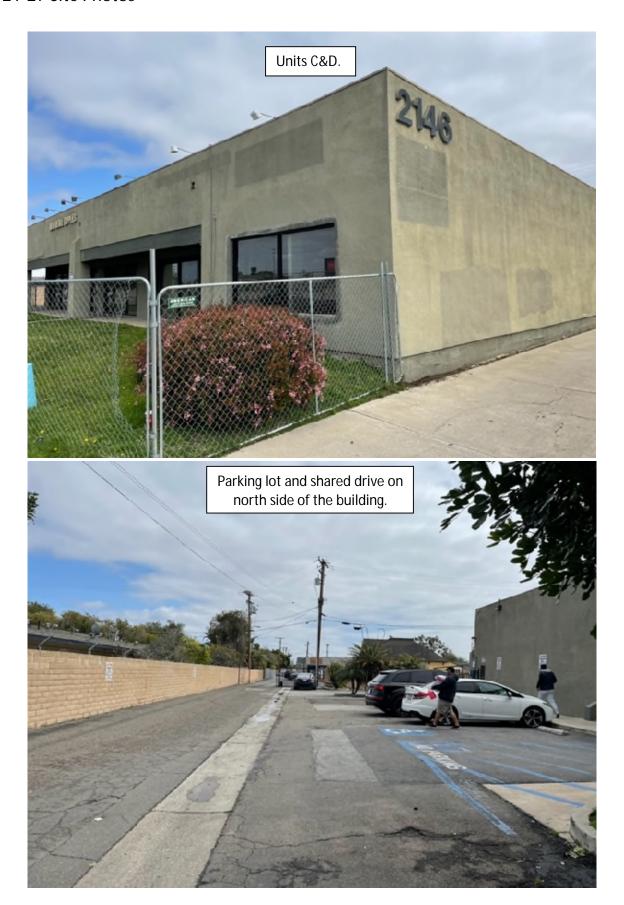


ATTACHMENT 5



-1-

PA-21-27 Site Photos



-2- 132





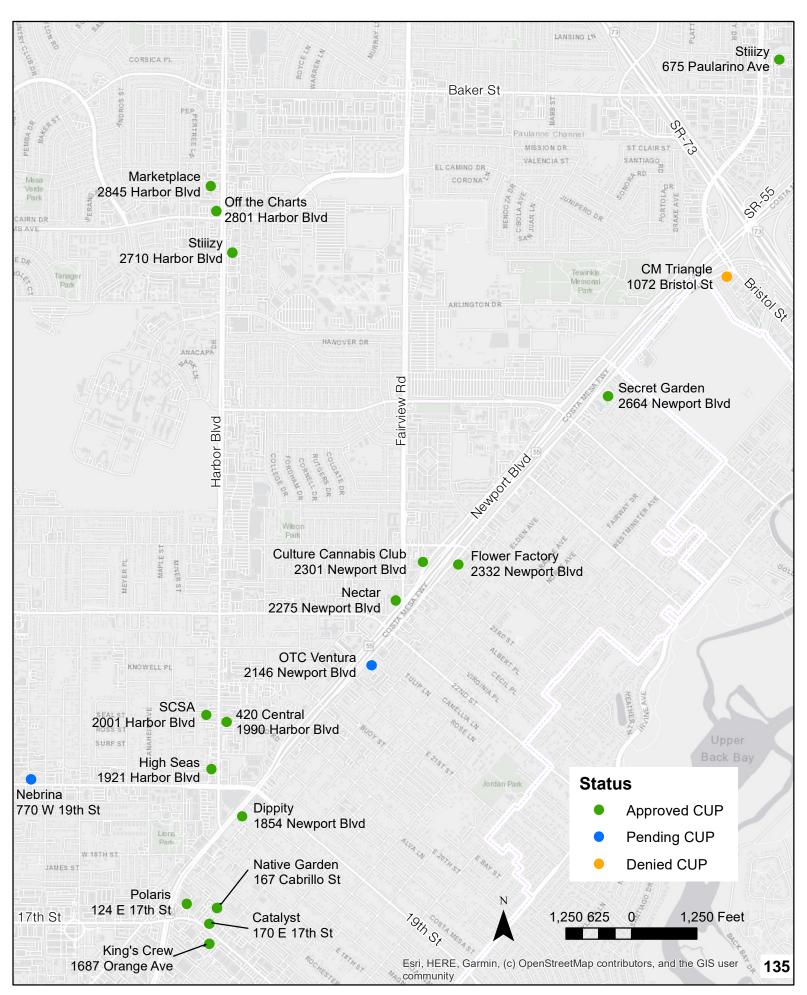
-3- 133

PA-21-27 Site Photos



-4- 134

Retail Cannabis Storefront





Business Premises Location: 2146 Newport Blvd, Costa Mesa

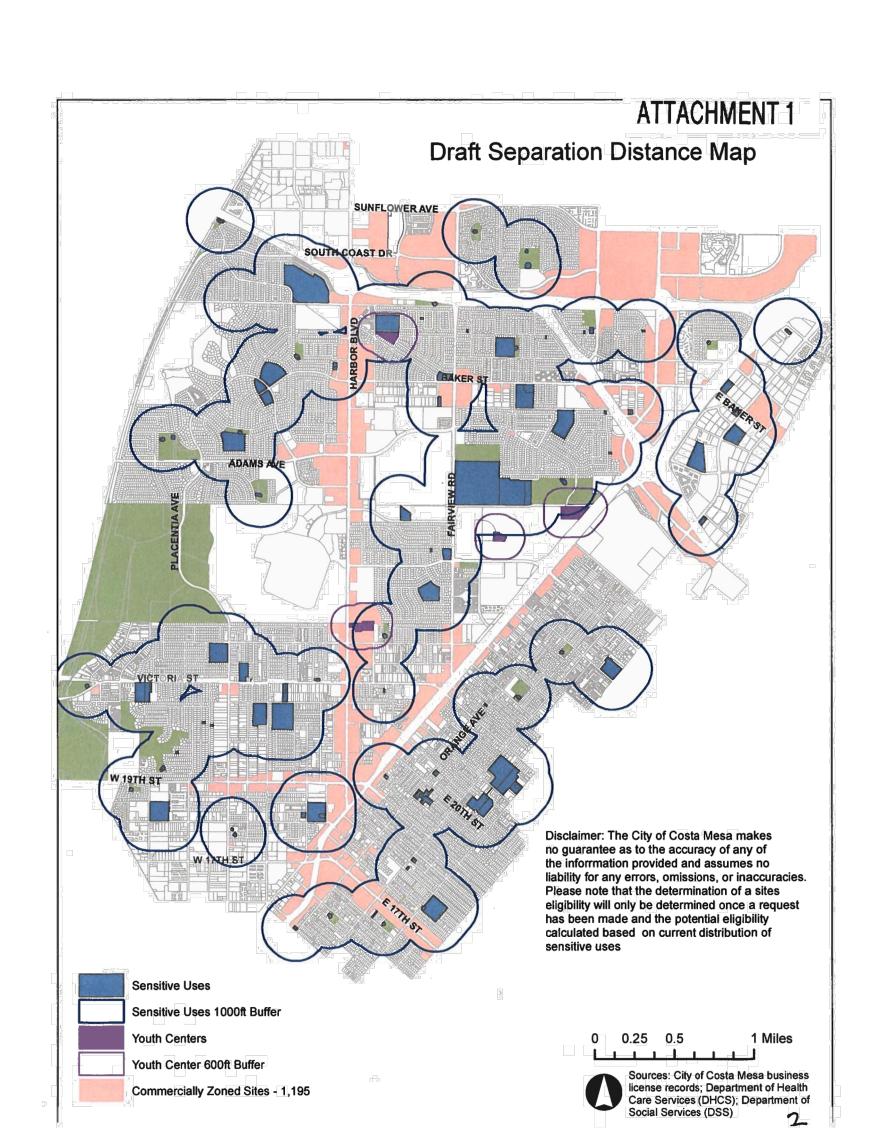
Express Mapping has conducted a diligent and good faith inquiry to determine whether the proposed Business Premises is located within any sensitive uses as specified in the Costa Mesa municipal code 13-200.93 of Ordinance No, 2021-08. All distances shall be measured in a straight line from the premises where the cannabis retail use is to be located to the closest property line of a K-12 school, playground, daycare, homeless shelter or youth center. All distances shall be measured without regard to the boundaries of the city and/or intervening structures or other barriers. Map needs to depict the subject location and all parcels within 1,200 of the proposed storefront premises.

I declare under the perjury of penalty under the laws of the State of California that the information presented in this form and its attachments is complete, true and correct to the best of my knowledge. I certify that the map identifies all sensitive uses as depicted in the City's provided map of sensitive uses based on the City's current records and information, as well as all sensitive uses observed during the preparer's inspection of uses within 1,000 feet of the proposed cannabis business.

The above premises is not located:

Within 1000 ft. from a K-12 school (public and private), playground (public and private), child daycare facilities, or homeless shelter, or within 600 ft. from a youth center.

Laura Emerson Date
Senior Data Manager
Express Mapping
laura@expressmapping.com
(949) 771-0051



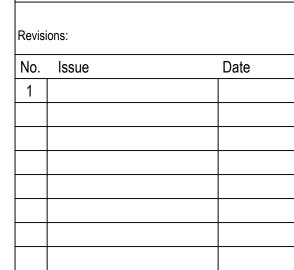
Radius Map 1

2146 Harbor Blvd, Unit E Costa Mesa, CA 92627



Kurt Gibbs AIA 3575 Long Beach Blvd. Long Beach CA, 90807 T: 562.981.2000 E: kurt@gibbs1934.com





Project Number: 31020078

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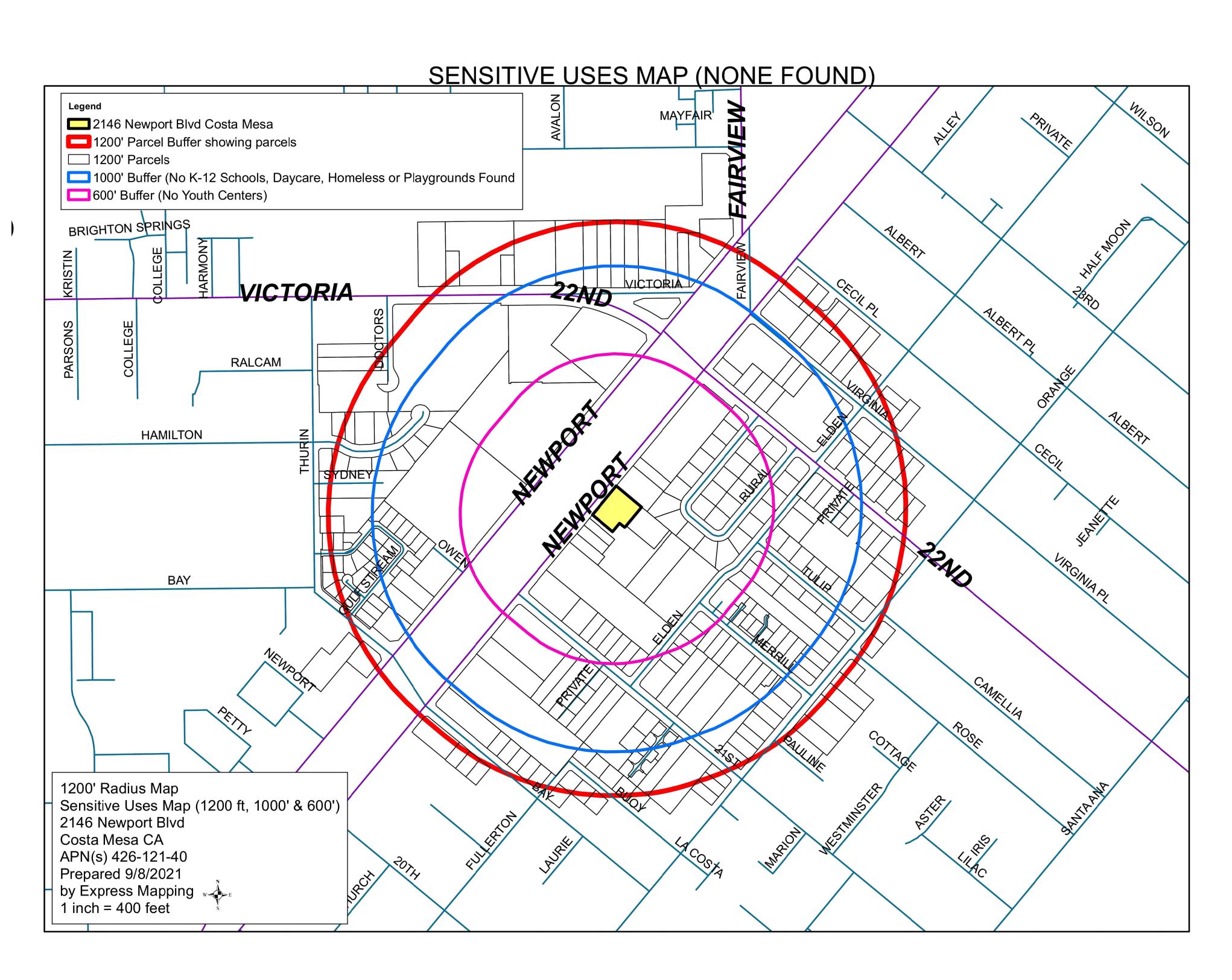
5 January 2023

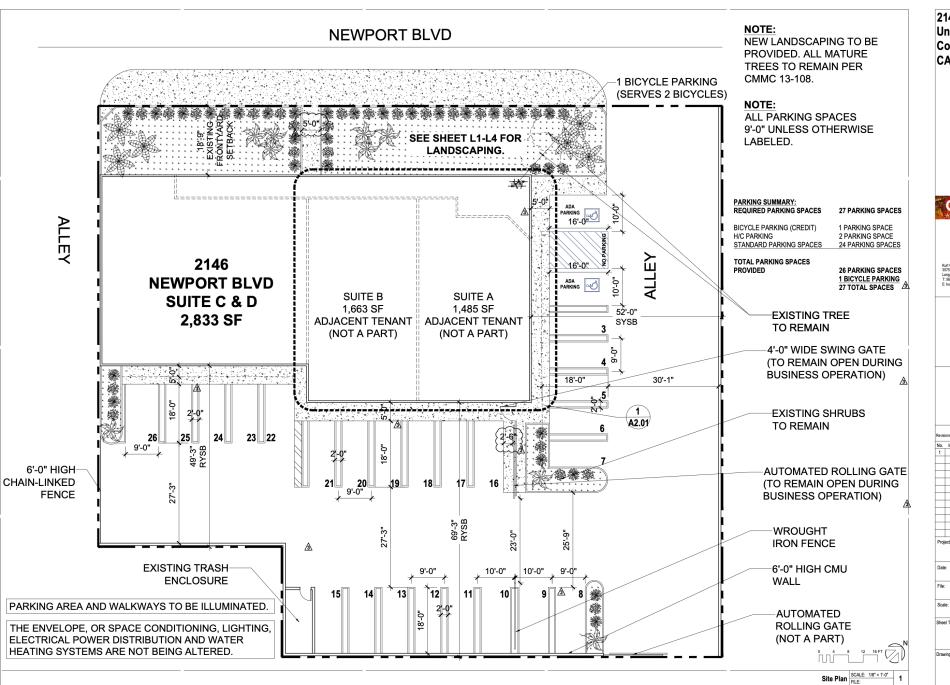
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Sheet Title:

Radius Map

Drawing Number:

A1.00





2146 Harbor Blvd, Unit E Costa Mesa, CA 92627

GIBBS

jurt Gibbs AIA 575 Long Beach Blvd. ong Beach CA, 90807 : 562.981,2000



ne:
Issue Date

Issue Date

CH Number:
31020078

Scale As Noted

Site Plan

A1.01



NO CHANGES IN EXTERIOR FACADE.

PERATIONAL AREA SQ FT LOBBY / CHECK-IN 331.5 RETAIL SALES AREA 1493.2 STORAGE ROOM 286.8 OFFICE 194.3 EMPLOYEE BREAK ROOM 164 BATHROOM 93.4 HALLWAYS 169 100.8 DISPATCH TOTAL 2,833

NOTES: - PENETRATIONS OF FIRE-RESISTIVE WALLS, FLOOR-CEILINGS AND ROOF-CEILINGS SHALL BE PROTECTED AS REQUIRED IN IRC SECTION 7/4

PROTECTED AS REQUIRED IN IBC SECTION 714.

- ENTRANCES AND WINDOWS MUST BE ILLUMINATED DURING EVENING HOURS.

- FLOORS, WALLS, AND CEILINGS MUST BE OF A NON-ABSORBENT CLEANABLE MATERIAL AND

-FLORS, WALLS, AND CELMOS BUST EE OF A NON-ABSTREAM CLAMMER, BANL LITEM, PARKET, PRINCH, AND CELMOS BUST EE OF THE CHARGE STATE AND CELLOR CHARGE AND LITEM CELLOR CHARGE AND LITEM CELLOR CHARGE AND LITEM CELLOR CHARGE AND AND PRECIDENT OF EIGHT STATE AND CELLOR CHARGE DET GON AND WITHIN EXTREME CHARGE A

- SECURITY GATES. SECURED AUTOMATED VEHICLE GATES OR ENTRIES SHALL UTILIZE A COMBINATION OF A TOMAN STRONESWITCH**. OR APPROVED EQUAL, AND AN APPROVED NOX KEY LECTICS OWNFOLWHEN REQUISED BY THE FIRE CODE OFFICIAL SECURED NOW, AUTOMATED VEHICLE GATES OR ENTRIES SHALL UTILIZE AN APPROVED PALIDICATOR OF HAM (MAXMAMI LINK OR LOX SHACKLE SECURE OF N NOT). WHEN REQUISED BY THE FIRE CODE OFFICIAL.

- GATE ARMS SECURING PARKING LOTS AND PARKING STRUCTURES SHALL BE EQUIPPED WITH A FIRE DEPARTMENT APPROVED DUAL NEVER DATO. YE FLECTRIC SWITCH. WHEN ACTIVATED, THE ARM CR ARMS SHALL OPEN TO ALLOW FIRE AND LAW ENFORCEMENT ACCESS.

- APPROVED SECURITY GATES SHALL BE A MINIMUM OF 14 FEET IN UNOBSTRUCTED DRIVE WIDTH ON EACH SIDE WITH GATE IN OPEN POSITION.

 IN THE EVENT OF A POWER FAILURE, THE GATES SHALL BE DEFAULTED OR AUTOMATICALLY TRANSFERRED TO A FAIL SAFE MODE ALLOWING THE GATE TO BE PUSHED OPEN WITHOUT THE USE OF SPECIAL KNOWLEDGE OR ANY EQUIPMENT. IF A TWO-GATE SYSTEM IS USED, THE OVERRIDE SWITCH MUST OPEN BOTH GATES.

- IF THERE IS NO SENSING DEVICE THAT WILL AUTOMATICALLY OPEN THE GATES FOR EXITING, A FIRE DEPARTMENT APPROVED KNOX ELECTRICAL OVERRIDE SWITCH SHALL BE PLACED ON EACH SIDE OF THE GATE IN AN APPROVED LOCATION.

- A FINAL FIELD INSPECTION BY THE FIRE CODE OFFICIAL OR AN AUTHORIZED REPRESENTATIVE IS REQUIRED BEFORE ELECTRONICALLY CONTROLLED GATES MAY BECOME OPERATIVE. PRIOR TO FINAL INSPECTION, ELECTRONIC GATES SHALL REMAIN IN A LOCKED-OPEN POSITION.

- ADD NEW SUBSECTION 506.3, HEIGHT, TO READ AS FOLLOWS:

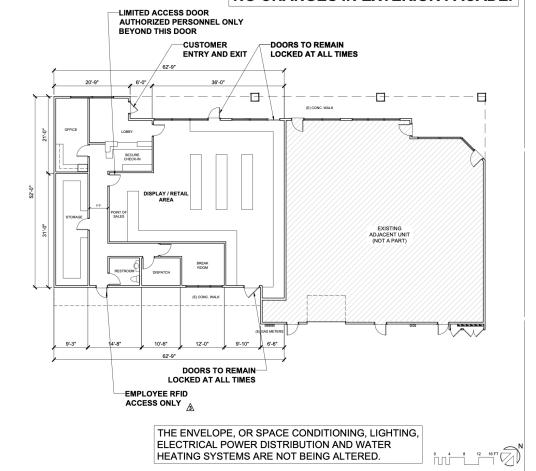
- THE NOMINAL HEIGHT OF KNOX LOCK BOX INSTALLATIONS SHALL BE 5 FEET ABOVE GRADE

PROJECT INFORM	ATION:

PROJECT ADDRESS	2146 NEWPORT BLVD
LOT AREA	24,000 SF
TOTAL BUILDING AREA	6,014 SF
AREA OF LICENSED PREMIS	SE 2,833 SF
ZONING	C1
FAR	25.06%
LANDSCAPE AREA	2,939 SF
LANDSCAPE (%)	12.25 %

PARKING SUMMARY:

STANDARD PARKING STALLS	24 STALLS
HC PARKING STALLS	2 STALLS
BICYCLE PARKING (CREDIT)	1 PARKING SPACE
TOTAL	27 TOTAL SPACES



2146 Harbor Blvd, Unit E Costa Mesa, CA 92627

GIBBS

Kurt Gibbs AIA 3575 Long Beach Blvd. Long Beach CA, 90807 T: 562.981.2000 E: kurt@gibbs1934.com



Rendisions:
No. Issue Date

1 I Project Number:
31020078

:

5 January 2023

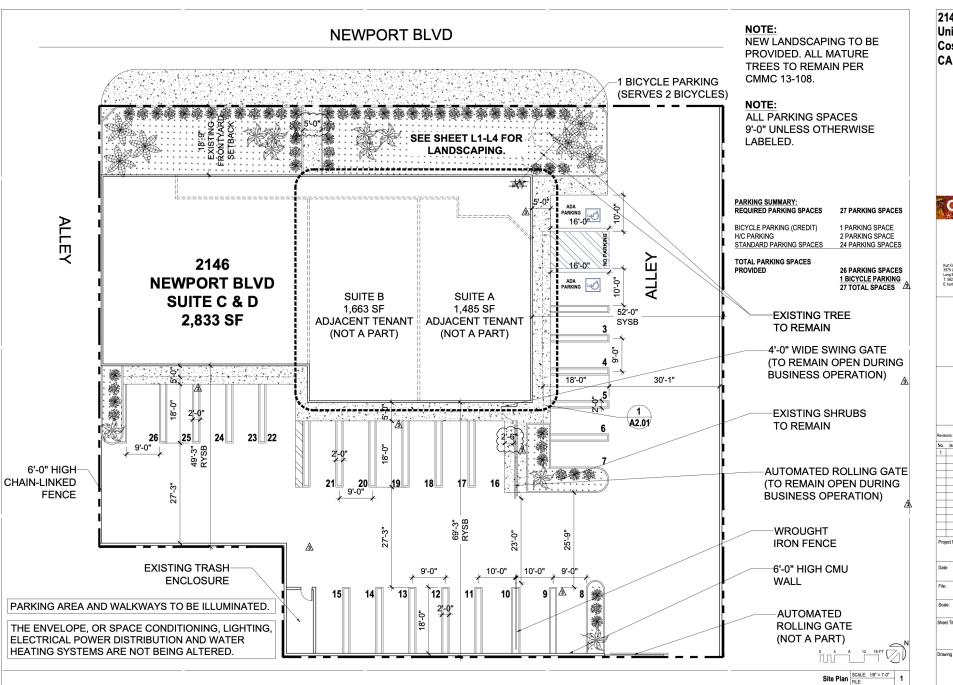
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Sheet Title:

Floor Plan

Drawing Number:

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

A2.01



2146 Harbor Blvd, Unit E Costa Mesa, CA 92627

GIBBS

urt Gibbs AIA 575 Long Beach Blvd. ong Beach CA, 90807 562.981,2000



ne:
Issue Date

Issue Date

CH Number:
31020078

Scale As Noted

Site Plan

A1.01



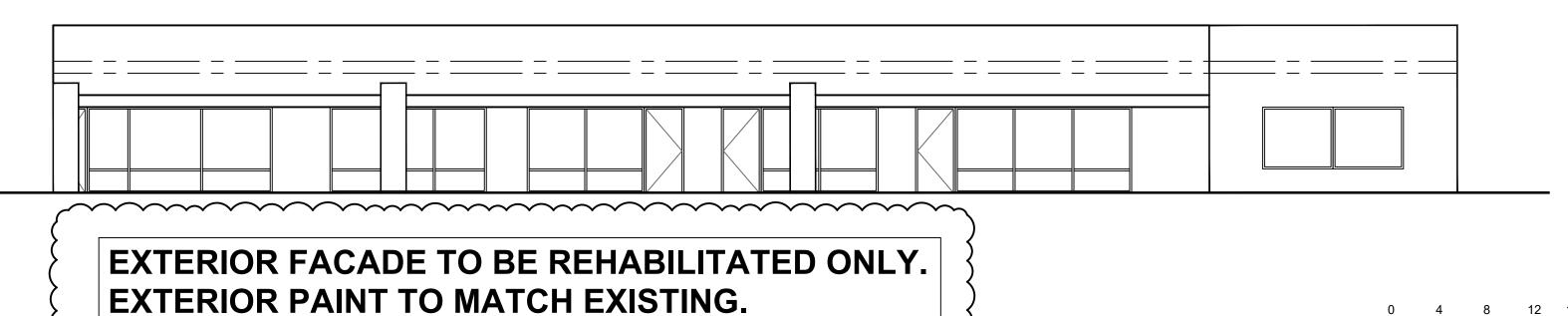
NO CONSTRUCTION CHANGES IN EXTERIOR FACADE.

EXTERIOR FACADE TO BE REHABILITATED ONLY. **EXTERIOR PAINT TO MATCH EXISTING.**

West Elevation | SCALE: 1/8" = 1'-0" | FILE:



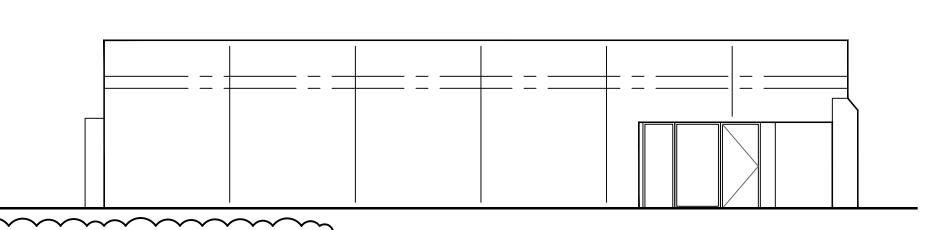
NO CONSTRUCTION CHANGES IN EXTERIOR FACADE.



North Elevation



NO CONSTRUCTION CHANGES IN EXTERIOR FACADE.

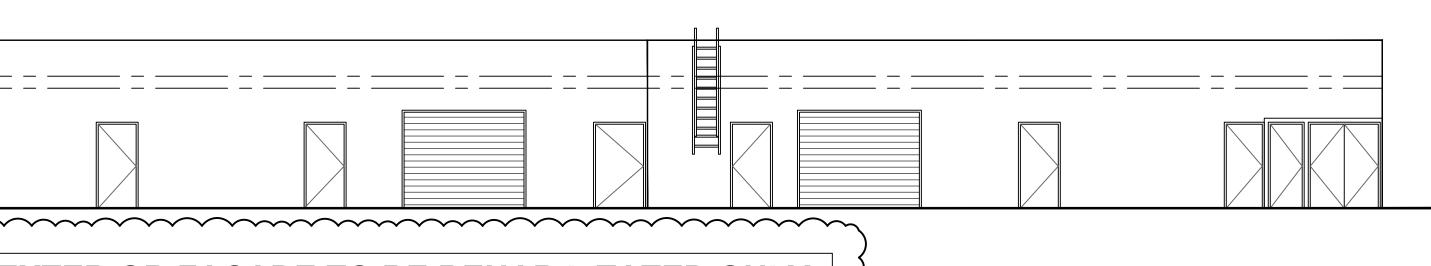


EXTERIOR FACADE TO BE REHABILITATED ONLY. **EXTERIOR PAINT TO MATCH EXISTING.**

East Elevation | SCALE: 1/8" = 1'-0" | FILE:



NO CONSTRUCTION CHANGES IN EXTERIOR FACADE.



EXTERIOR FACADE TO BE REHABILITATED ONLY. **EXTERIOR PAINT TO MATCH EXISTING.**

South Elevation | SCALE: 1/8" = 1'-0" | FILE:

2146 Harbor Blvd, **Unit E** Costa Mesa, CA 92627





Project Number:

31020078

5 January 2023

Elevations

Scale As Noted

Drawing Number: A3.01

			PLANT LEGEND	
		SYMBOL	BOTANICAL NAME COMMON NAME	QTY CONTAINER WUCOLS
	1	THE TOWN THE THE THE THE THE THE THE THE THE THE	Pyrus calleryana 'Bradford' Bradford Pear Deciduous	3 15 Gal. Mod
TREES	2	ANT THE STATE OF T	Rhus lancea African Sumac Evergreen	5 15 Gal. Low
	3		Tristania conferta Brisbane Box Evergreen	5 24"Box Mod
	4		Cistus x 'Mickie' PP #23024 Mickie Rock Rose	24 5 Gal. Low
JBS	5		Muhlenbergia rigens Deer Grass	28 5 Gal. Low
SHRUBS	6		Phormium tenax 'Jack Spratt' Red-Brown Dwarf New Zealand Flax	40 1 Gal. Low
	7	Samuel Sa	Salvia leucantha 'Santa Barbara' Santa Barbara Sage	37 5 Gal. Low
COVER	8		Festuca ovina glauca Blue Fescue @ 12"OC 981 SF	16 Flats Low
GROUNDCOVER	9		Myoporum parvifolium 'Prostratum' Pink Creeping Myoporum @ 30"OC 1047 SF	5 Flats Low

Soil in planting areas to be amended with Class I Forest Floor Mulch available from C&M Topsoil, Inc. (818) 899-5485

2891 SF LANDSCAPE AREA

TOTAL TREES REQ: 15 (1 TREE / 200 SF LANDSCAPE) **TOTAL TREE PROVIDED: 15** (NEW TREES: 13, EXTG TREES: 2) 24" BOX REQ: 4 (25% OF TOTAL TREES) 24" BOX PROVIDED: 5 **EVERGREENS REQ: 8** (50% OF TOTAL TREES) **EVERGREENS PROVIDED: 10** TREES REQ. IN PARKING AREA: 4

(1 TREE / 6 PARKING SPACES) TREES PROVIDED IN PARKING AREA. 5

TOTAL SHRUBS REQ: 116 (1 SHRUB / 25 SF LANDSCAPE) **TOTAL SHRUBS PROVIDED: 129** 5 GAL. SHRUBS REQ: 70

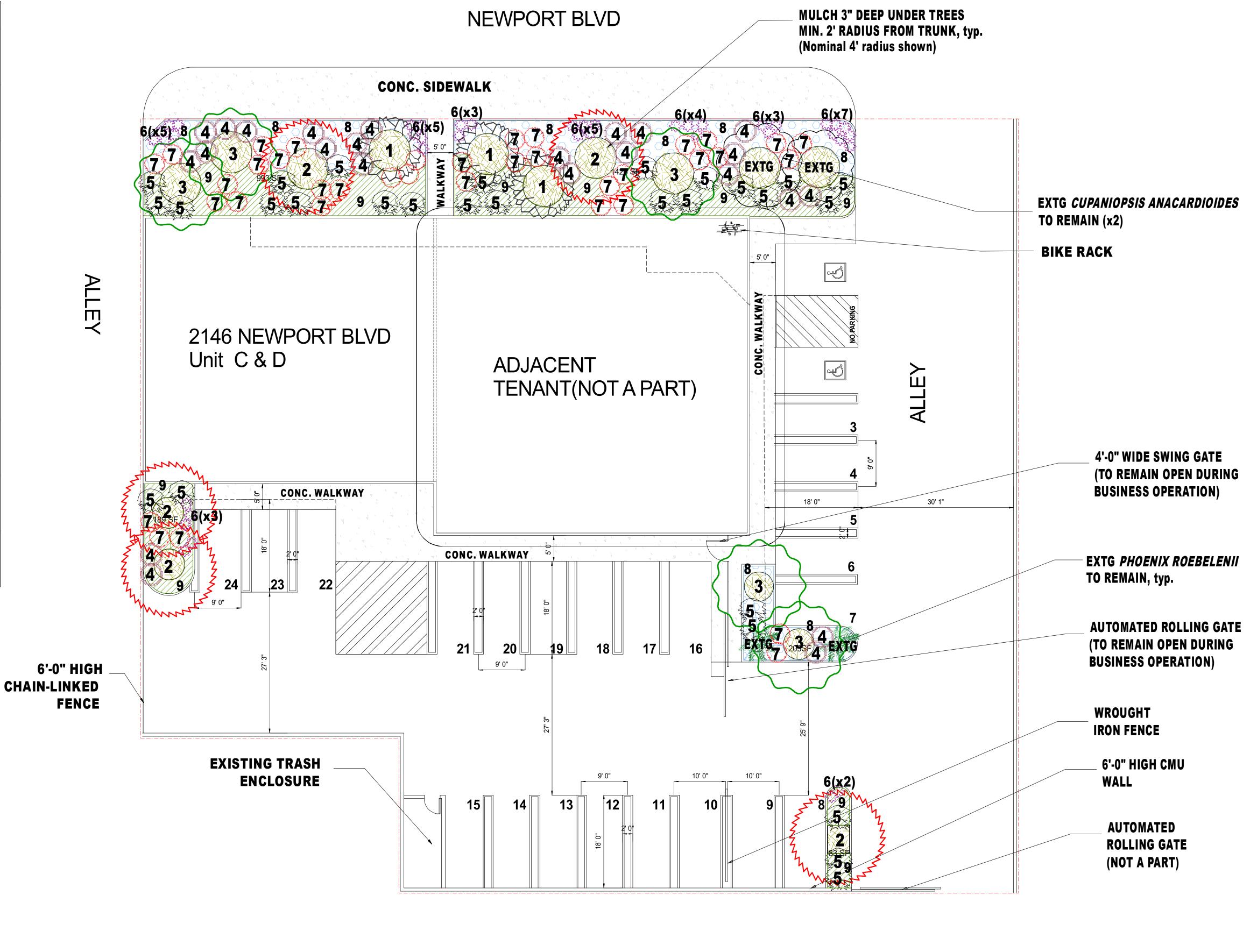
(60% OF TOTAL SHRUBS) 5 GAL. SHRUBS PROVIDED: 89

GROUNDCOVER REQ. IN PLANTING AREAS: 2024 SF (70% OF PLANTED AREAS) GROUNDCOVER PROVIDED IN PLANTING AREAS: 2028 SF

NOTES:

ALL MATURE TREES TO REMAIN PER CMMC 13-108. ALL EXISTING TREES TO HAVE TREE PROTECTION ZONES AROUND THEM DURING DEMOLITION AND CONSTRUCTION (SEE SHEET L4)

REFER TO CIVIL PLANS FOR LID AND DRAINAGE INFORMATION MWELO CALCULATIONS ARE LOCATED ON SHEET L3



PARKING SUMMARY: REQUIRED PARKING SPACES 24 PARKING SPACES

BICYCLE PARKING (CREDIT) H/C PARKING STANDARD PARKING SPACES 22 PARKING SPACES

1 PARKING SPACE **2 PARKING SPACE**

TOTAL PARKING SPACES **PROVIDED**

24 PARKING SPACES 1 BICYCLE PARKING

Green Building Notes Performance Approach

A minimum 3-in. layer of mulch shall be applied on all exposed soil surfaces of planting areas except turf areas, creeping or rooting groundcovers, or direct-seeding applications when mulch is contraindicated

For soils less than 6% organic matter in the top 6 in. of soil, compost at a minimum rate of 4 cu. yd. per 1,000 sq. ft. of permeable area shall be incorporated to a depth of 6 in. into the soil.

Recirculating water systems shall be used for water features.

I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plans.

A Certificate of Completion shall be filled out and certified by either the signer of the landscape plans, the signer of the irrigation plans, or the licensed landscape conractor for the project.

For projects that include landscape work, the Landscape Certification shall be completed prior to final inspection approval. (State Assembly Bill No. 1881, 5.304.1)

I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.



REVISION LOG

SUBMITTAL: DATE:

日るしい

Norman Yousif 2146 Newport Blvd. Units C & D Costa Mesa, CA 926

10/17/2022 Scale:

Drawn By: PG

Sheet No. 1 of 4

HZ = Hydrozone

Flow rate in GPM

TOTAL LANDSCAPE AREA: 2894 SF WATER SUPPLY TYPE: Potable, MWDOC

IRRIGATION EQUIPMENT locations shown on this plan are approximate and schematic. See architectural, mechanical, plumbing, and civil plans to verify placement on site.

	IRRIGATION EQU	IPMENT LEGEND				
SYMBOL	DESCRIPTION	PART NO				
WM	DEDICATED LANDSCAPE IRRIGATION SUB-METER	1"				
B	FEBCO BACKFLOW PREVENTER	MODEL 825Y				
\otimes	WILKINS PRESSURE REDUCING VALVE	600				
	HUNTER CONTROL ZONE VALVE KIT	PCZ-101				
R	HUNTER RAIN SENSOR, CONDUIT MOUNT	SOLAR-SYNC				
C	HUNTER I-CORE CONTROLLER	12C-800-M, eight station w/ x ICM-800 exp. module				
$\overline{\bigcirc}$	HUNTER QUICK COUPLER - HOSE BIB	HQ3-RC				
	NIBCO GATE VALVE	SIZE PER LINE				
	SCHED. 40 PVC LATERAL LINE	3/4"				
— м —	SCHED. 40 PVC MAIN LINE					

IRRIGATION VALVE LEGEND										
VALVE		DESCRIPTION				APP.				
NO.	SYM.	DEGGRIF FIOR	PART NO.	PRESSURE	GPM	IN./HR.	QTY.	SPACING	SUBTOTAL	TOTAL GPN
1		HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	331	16"	3.31	3.31
2		HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	329	16"	3.29	3.29
3		HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	310	16"	3.10	3.10
4		HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	309	16"	3.09	3.09
5	_ · _ · - · -	HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	317	16"	3.17	3.17
6		HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	315	16"	3.15	3.15
7		HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	254	16"	2.54	2.54
8		HUNTER HDL DRIP TUBING	HDL-06-12	40	0.01	0.72	125	16"	1.25	1.25

Weather based irrigation sensor Verify location with owner

> 6'-0" HIGH **CHAIN-LINKED FENCE**

Ή

1) AUTOMATIC CONTROLLERS SHALL BE SET TO WATER

5 PM AND 10 AM TO REDUCE EVAPORATION. 2) A MINIMUM OF PVC SCHEDULE 40 OR EQUIVALENT SHALL BE USED FOR MAIN LINES AND UNDER DRIVEWAY AREAS, AND A MINIMUM OF PVC SCHEDULE 200 OR EQUIVALENT SHALL BE USED FOR LATERAL LINES.

3) THE IRRIGATION SYSTEM MUST COMPLY WITH ALL LOCAL, STATE, AND FEDERAL LAWS AND REGULATIONS 4) CONTRACTOR SHALL PROVIDE THE OWNER WITH A SET OF "AS-BUILT" PLANS.

5) IT IS THE INTENT OF THE DRAWINGS TO SHOW A COMPLETE AND OPERATIONAL IRRIGATION SYSTEM. THE SYSTEM WAS DESIGNED BASED ON LANDSCAPE AND GRADING DRAWING IN EFFECT AT THIS TIME. ANY DISCREPANCIES, OMMISIONS, ERRORS, ETC., OR ON-SITE CHANGES DOES NOT RELIEVE THE IRRIGATION INSTALLER OF HIS RESPONSIBILITY TO PROVIDE A COMPLETE AND OPERATIONAL SYSTEM. 6) IRRIGATION LINES, VALVES AND OTHER EQUIPMENT SHOWN IN PAVED OR PUBLIC AREAS ARE SCHEMATIC

AND ARE FOR DIAGRAMATIC PURPOSES ONLY. LINES VALVES, AND OTHER EQUIPMENT SHOWN IN PAVED OR PUBLIC AREAS ARE INTENDED TO BE LOCATED IN ADJACENT PLANTING AREAS.

7) ALL LINES TRAVERSING HARDSCAPE TO BE PLACED IN CONDUIT UNDER PAVING.

IRRIGATION SCHEDULING:

WATER DURING PLANT ESTABLISHMENT: SHRUB AND GROUNDCOVER SYSTEMS: 10 MIN., 1X PER DAY, FOR FIRST 10 DAYS

SPRING WATERING AFTER PLANT ESTABLISHMENT: TREE, SHRUB AND GROUNDCOVER SYSTEMS: 6 MIN, 3X PER WEEK

SUMMER WATERING AFTER PLANT ESTABLISHMENT: SHRUB AND GROUNDCOVER SYSTEMS: 10 MIN., 3X PER WEEK

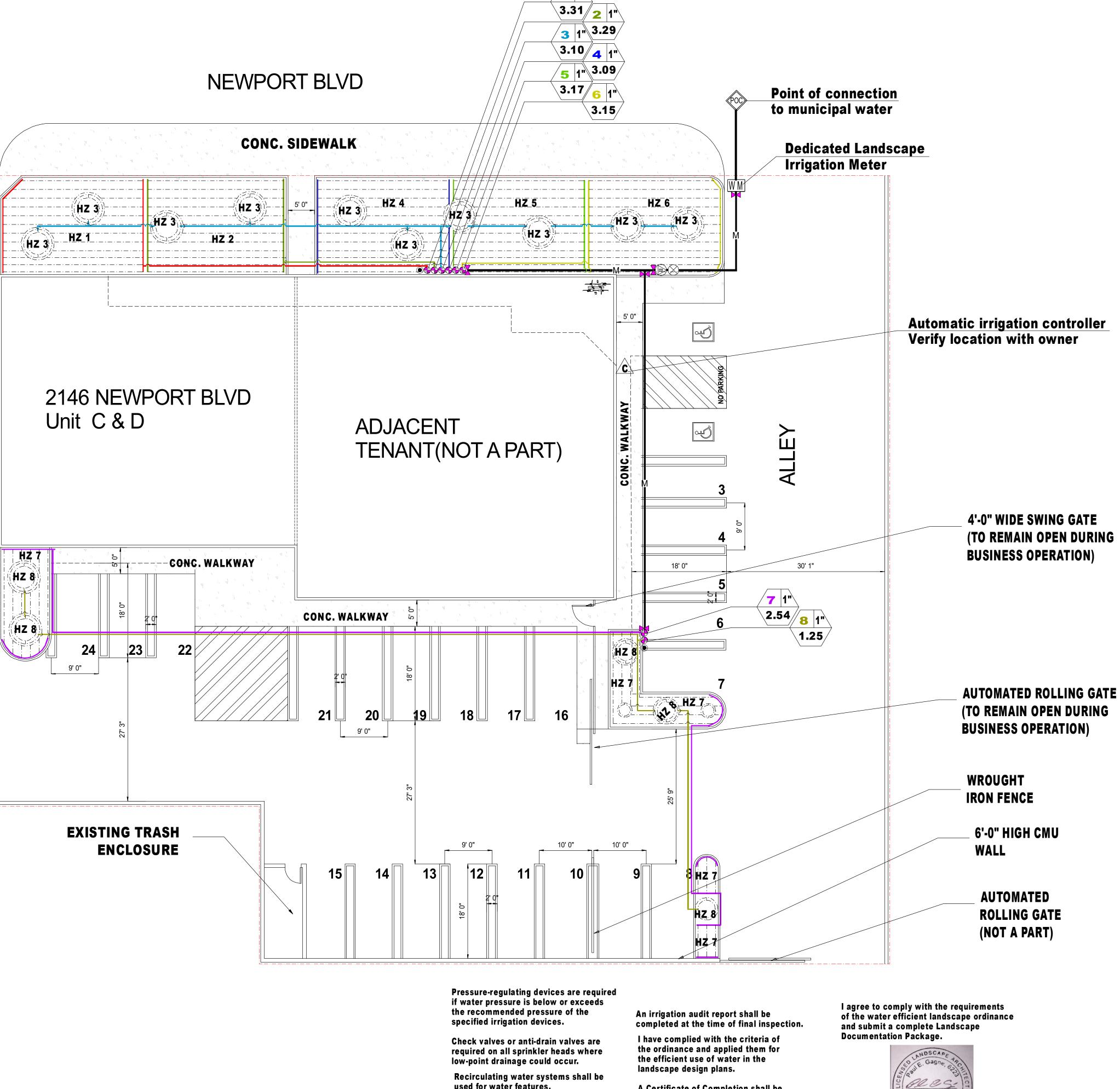
FALL WATERING AFTER PLANT ESTABLISHMENT: TREE, SHRUB, AND GROUNDCOVER SYSTEMS: 6 MIN, 3X PER WEEK

WINTER WATERING AFTER PLANT ESTABLISHMENT: SHRUB AND GROUNDCOVER SYSTEMS: 10 MIN., 2X PER WEEK

ALL IRRIGATION SYSTEMS TO BE OPERATED IN EARLY MORNING OR IN THE EVENING.

NOTES:

REFER TO CIVIL PLANS FOR LID AND DRAINAGE INFORMATION MWELO CALCULATIONS ARE LOCATED ON SHEET L3



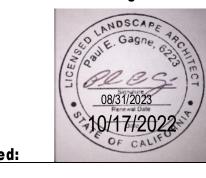
used for water features.

Locks shall be installed on all publicly accessible exterior faucets and hose bibs.

A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.

A Certificate of Completion shall be filled out and certified by either the signer of the landscape plans, the signer of the irrigation plans, or the licensed landscape conractor for the project.

For projects that include landscape work, Landscape Certification shall be completed prior to final inspection approval. (State Assembly Bill No. 1881, 5.304.1)



REVISION LOG

SUBMITTAL: DATE:

ADDRES

10/17/2022 Scale:

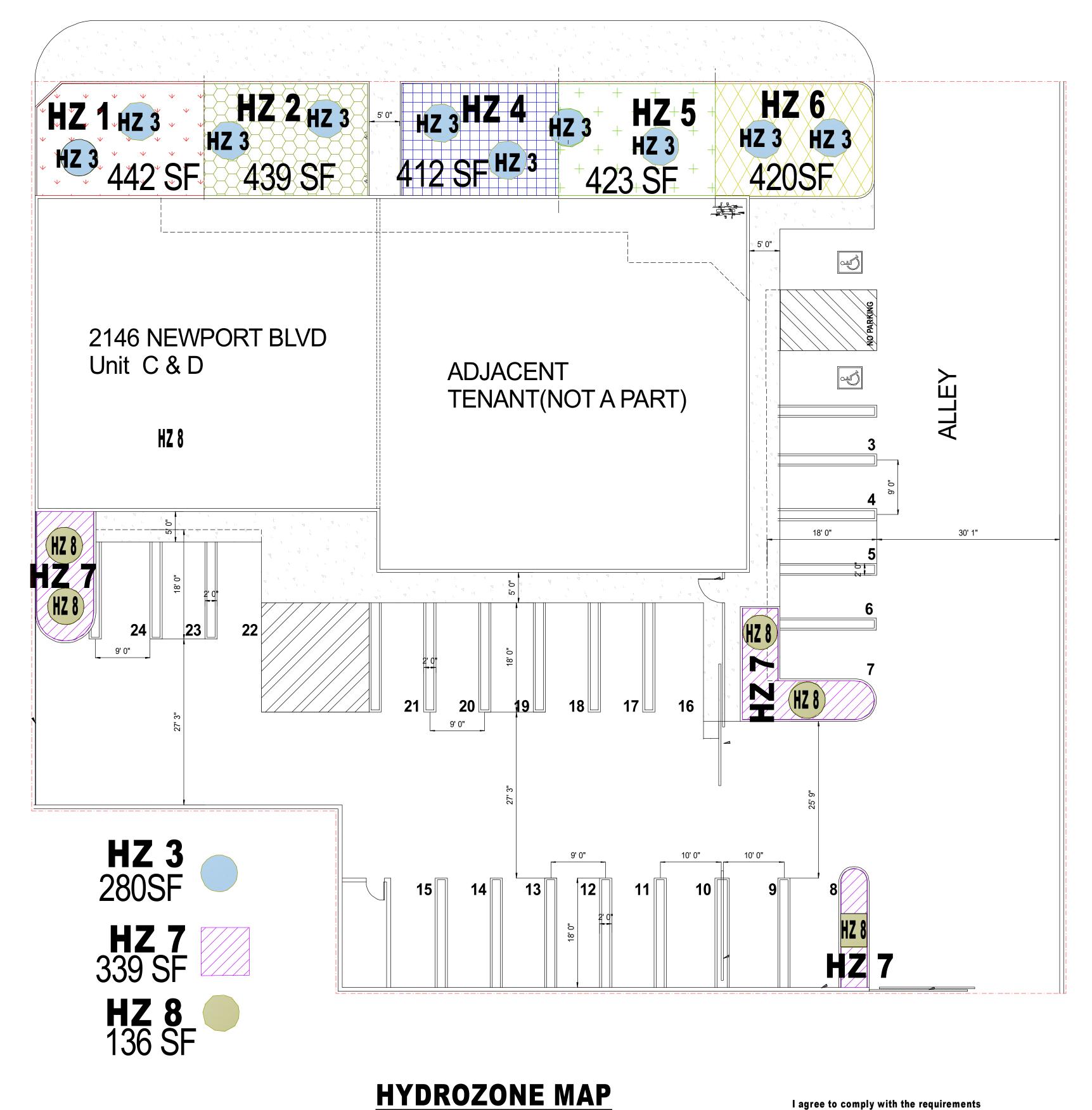
Drawn By: PG Sheet No.

2 of 4

NEWPORT BLVD

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								red cells.	Fill in all colo
ewport Blvd	2146 N	or address:	ject name	Pro			Costa Mesa	Select your city:	
Residential		ector Type:	-				45.6	ce Evapotranspiration (ETo):	Referen
		,.	·						
		Landscape		Irrigation					
Estimated Tot	ETAF x	Area (sq-	ETAF	Efficiency	Irrigation	Plant Factor		Hydrozone #/Planting	
Water Use (ETW		ft)	(PF/IE)	(IE)	Method	(PF)	Location	Description	
water ose (ETV	Aica	10)	(11/12)	(12)	Wicthod	(11)	Location		Regular Land
3,0	109	442	0.25	0.8	Drip emitter	0.2	Front	Low water use plant	_
3,0	108	439	0.25	0.8	Drip emitter	0.2	Front	Low water use plant	
4,8	173	280	0.62	0.8	Drip emitter	0.5	Front	Medium water use plant	
2,8	102	412	0.25	0.8	Drip emitter	0.2	Front	Low water use plant	
2,9	104	423	0.25	0.8	Drip emitter	0.2	Front	Low water use plant	
2,9	104	420	0.25	0.8	Drip emitter	0.2	Front	Low water use plant	
2,3	84	339	0.25	0.8	Drip emitter	0.2	Back	Low water use plant	
2,3	84	136	0.62	0.8	Drip emitter	0.5	Back	Medium water use plant	
	<u> </u>		0.02						9
									10
									11
									12
									13
									14
	Total	Total	Average						-
	0.30 2,891 868		on location	vn self depcription	add dropdov				
In Compliance	cape Areas:	gular Lands	ETAF for Re	Average					
			-						Special Land
							Select	Select	
									SLA-2
									SLA-3
									SLA-4
									SLA-5
	-	-	Totals						
2,8	Total Landscape Area Sitewide ETAF								
24,5 36,7	ETWU Total			Maximum A					

ALLEY



NOTE: Refer to LID plans for LID and drainage systems

I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.

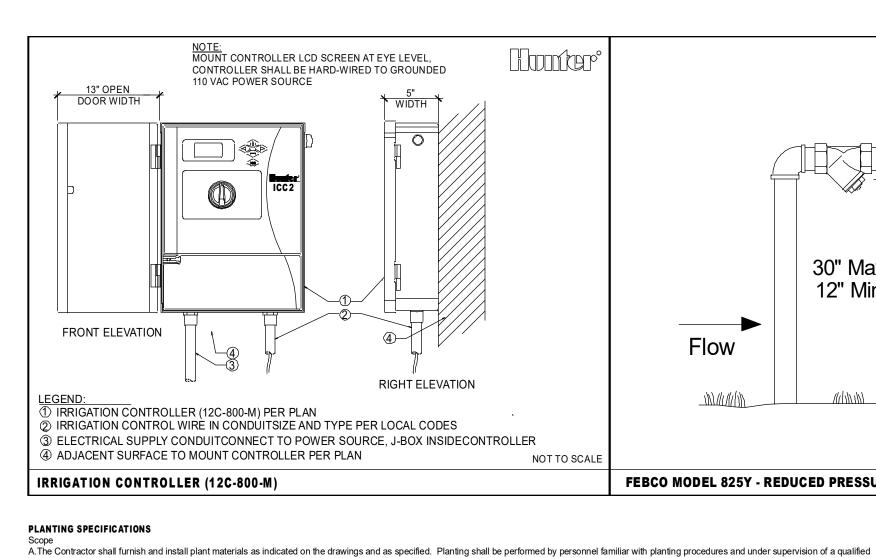


Sheet No.

L3
3 of 4

SUBMITTAL: NO: DATE:

PROJECT AE 2146 Newpor Units C & D Costa Mesa,



planting foreman adjudged by the Landscape Architect to be capable of performing the class and scale of work contemplated

Contractor will not be permitted to initiate the succeeding steps of work until he has received approval to proceed by the inspector.

A. inspections will be made by the Owner or Owner's Representative. Contractor shall be on the site when inspections are made. Request inspection by telephone at least 2 working days in advance of date desired.

B. Contractor shall find out from the Owner or Owner's Representative if a soils test has been made and shall not begin work on the site until the results of such tests are know unless told otherwise by Owner.

A.Topsoil: Existing soil on the site shall be used as topsoil for planting purposes insofar as possible, but shall be free of debris, oil, weeds, plaster, concrete, gasoline, paint, solvents, or other foreign matter.

1. Imported topsoil shall be fertile, friable, clean, sanitary, free of weeds, rocks, gravel, debris and other deleterious matter. Soil shall contain sufficient quantities of available nitrogen, phosphorous, potassium,

2. Topsoil shall be subject to inspection at the source from which it is obtained before delivery, but such approval shall not impair the right of inspection and rejection at the site during delivery and progress of work.

Contractor shall submit samples of the mix to soil testing laboratory for conformance testing. In addition, small amounts of the components (1 quart each bark and sand, 1 cup of each of other ingredients) should be

delivered for lab to mix to specifications and compare. Contractor shall have report sent to Owner or Owner's Representative and shall pay all costs.

1. Quality and size of all plants shall conform to the California Standard Grading Code of Nursery Stock and shall be No. 1 grade. Plants shall be vigorous, of normal growth, free from disease, insects, insect eggs

2. Container stock shall have grown in containers for at least one year, but not over two years. Samples shall be shown to prove that no root bound conditions prevail. No container plants that have cracked or

12. Substitutions will not be permitted without proof of the unavailability of any specified material. In the event it is impossible to provide the quantities or varieties of plants specified, the Owner or Owner's

supply larger plants than those specified in the plant list at no additional cost, in which case, the root systems shall be proportional to the size of the component parts of the plants.

13. Verification of dimensions and quantities: All scaled dimensions are approximate. Before proceeding with any work, the Contractor shall carefully check and verify all dimensions and quantities, and

E. Tree Stakes: Tree stakes shall be black painted 1 1/2" Schedule 40 steel pipe (actual dimension) or as shown on detail. F.Wood bark mulch: Use 1/2" to 3/4" diameter wood bark. If not available in bulk

2. Within five days after notification by the Owner or Owner's Representative conduct operations continually to completion, unless weather conditions are unfavorable. All work shall conform to high standards

B. Site clearance: Clean up and remove from the planting areas weeds and grasses, including roots, and any minor accumulated debris and rubbish before commencing work. Existence of major amounts of construction debris shall be called to the attention of the General Contractor or Owner for removal.

b. Use any properly calibrated low-pressure boom-type herbicide sprayer with 50-mesh or coarser screens in strainers, nozzles and suction units. Spray equipment shall provide vigorous by-pass agitation

a. Position plants as indicated in drawings. Secure city approval of plant locations if required by local authority, or call Owner or Owner's Representative prior to planting for inspection. Before excavating pits, make necessary adjustments if indicated. The irrigation system shall be operable and tested prior to any planting.
b. Excavate pits with vertical sides for all plants. If hardpan or compacted soil is encountered, use a soil auger, digging-bar, or posthole digger to loosen soil and ensure drainage. Pits shall be twice the diameter

and at a depth equal to the container or rootball. Dig 3-6 inches deeper around the edges of the hole's bottom to create a plateau of undug soil to support plant at proper depth. Where drainage is a problem,

d. Refill holes with backfill mixture about halfway up the rootball. Soil amendments, if used, should generally not exceed 5% by volume. Tamp mixture around root ball. Water sufficiently to thoroughly settle backfill.

Allow water to drain then fill remaining void with soil. Tamp firmly and water again to settle. Make impermanent basin and water plant immediately. The top of the root ball should sit 1 to 3 inches above soil grade.

1. On-grade trees: place stake in prepared hole and drive stake one foot into solid ground. Plant tree as close to stake as possible without crowding roots. Fasten tree to stake in at least two places (preferably

one-half inches in diameter. Final grade shall be one inch below existing walkways, sloping to drain to adjacent cement or asphalt surfaces, drain swale or catch basins. Surface drainage shall flow away from

6" below top of stake and 3 feet below first tie) using corded rubber tree ties. Tie trees loosely to permit crown to move 4 to 6 in. in the wind Stakes shall be black painted 1 1/2" steel pipe (actual dimension),

g. Finish grade all planting areas to a smooth and even condition making certain that no water pockets or irregularities remain. Remove and dispose of all foreign materials, clods and rocks over one and

A. After all work indicated on the drawings or herein specified has been completed, inspected and approved by the Owner or Owner's Representative, maintain all planted areas for a period of 90 days.

C. The Contractor shall maintain a sufficient number of men and adequate equipment to perform the maintenance work herein specified from the time of planting until completion of the maintenance

A. Within 15 days after notification by Owner, remove and replace all plant materials which for any reason fail to meet these requirements of the guarantee. All plant materials shall be the same as

B. All trees, shrubs and plant material 15 gallon size and smaller shall be guaranteed for a period of 3 months, larger than 15 gallon shall be guaranteed for a period of one year. This includes

replacement of material, which has been correctly maintained after final acceptance. This does not include replacement of material improperly maintained after final acceptance

B. During the maintenance period specified above, all plants and planted areas shall be kept well watered at all times; weeds and grass shall be removed and disposed of; basins and depressions shall be maintained and cultivated and kept well formed around trees and shrubs; the water system will be maintained and repaired and the entire project shall be so cared for that a neat and clean

Representative must be given notice in writing to submit a revised plant list. When substitutions are made, all requirements of the plant list shall be met, and in no case shall substitutions be made without

approval of the Owner or Owner's Representative. The cost of substitute plants shall not exceed the original plants, except by the written approval of the Owner or Owner's Representative. Contractor may

shall immediately inform the Owner or Owner's Representative of any discrepancy between the drawings and/or specifications and actual conditions. No work shall be performed in any area where there is

6. Inspection: Plants shall be subject to inspection and approval by the Owner or Owner's Representative at the place of growth or upon delivery, for quality, size and variety. Such approval shall not impair the right

Contractor shall obtain soils test and send report to Owner or Owner's Representative if no such test exists and pay all costs for such reports. Soil amendments and general backfill mixes listed below are for bid

B.General Contractor of Owner shall supply to Landscape Contractor a grade condition of within 2% of 1 foot of finish grade

purposes only. Contractor will be responsible for providing mixes as specified based on the results of soil tests.

Rejected topsoil shall be removed immediately from the site.

3. Furnish the Owner or Owner's Representative with the following information 30 days prior to the importation of topsoil:

b. Contractor shall submit topsoil to soil testing Laboratory for conformance testing. Contractor shall have report sent to

100 lbs. washed sand5 lbs. Gro-Power3.Backfill for Palms shall be the following:100% coarse sand for at grade planting

9. Protection: Plants shall be protected at all times from sun and drying wind, and shall be kept watered.

a discrepancy until Owner or Owner's Representative has given approval of it. D. Tree Ties: Corded rubber tree tie as approved by Owner or Owner's Representative.

1. The irrigation system shall have been installed and approved prior to soil preparation.

Apply water if necessary to provide ideal moisture content for tilling and planting.

3. Grade all areas to be amended and lower, or fill areas not to grade.

3. Remove all tags, labels, nursery stakes and ties from all plants.

33% Sand plus nutrients and minerals (triple super phosphate, potassium sulfate, ureaformaldehyde, lime, gypsum and iron sulfate).

and larvae. All plants shall equal or exceed the measurements specified in the plant list and be supplied from those sources indicated when a source is specified.

7. Certificate of Inspection: To accompany shipment of plant materials shall be furnished which may be required by Federal, State, County or other authorities.

0. Nursery Order Placement: Place plant material order sufficiently in advance of planting to insure availability of plant materials and sizes specified.

C. Storage: Secure permission to store plants of the project site, and insure that they are protected from damage by sun, rain, wind and construction work.

c. Spray equipment shall be calibrated before use and checked frequently during application to insure a uniform spray pattern.

2. Prior to placing conditioners and fertilizer, scarify all planting areas, except slopes exceeding 2:1 to a depth of 12" below grade.

plant so the upper half of the root ball is above grade and add a ring of soil around root ball that gradually tapers down to the natural grade.

c. Remove plants from container and inspect root ball. Circling, matted, and kinked roots on outer surface should be trimmed away.

h. Groundcover shall be planted as specified in triangular configurations. After groundcover has been planted, water thoroughly.

2. Clean up and remove all remaining debris and surplus materials upon completion of work, leaving the premises neat and clean.

1. During the course of the work, remove surplus materials from the site and leave premises in a neat and clean condition.

G. Wood Bark Mulch: Apply a minimum of 2" layer in all shrub areas without groundcover planting. Wood bark not be applied to groundcover areas

b. Do not contaminate any body of water by direct application, cleaning of equipment or disposal of wastes.

f. After planting has been completed, double stake all trees up to and including 24" boxes, as follows:

not less than 8 feet in length. Stakes should be place at right angles to prevailing winds. Install 24" below finish grade.

1. All landscape areas to receive an application of Surflan 75W and Devrinol following manufacturers instructions for rate, method and sequence with planting.

a. Harmful if swallowed or absorbed through the skin. Avoid contact with skin, eyes and clothing. In case of contact, flush with water. Do not contaminate food.

e. Once a tree has been planted and thoroughly watered to settle soil, exposed soil to be covered with 2 to 3 in. wood mulch. Keep mulch 3 to 4 in. from the trunk.

4. Incorporate soil amendments into existing soil by means of a Rototiller to a depth of 6" using the soil amendments in paragraph 2.01C, thoroughly.

3. Apply 1/2" to 1" water within two or three hours after applying this combination. This will incorporate the herbicides into the soil surface to control the susceptible weeds.

a. Add the recommended rate of Surflan 75W and Devrinol to the spray tank during the filling operation. Apply in enough water to assure adequate coverage, 50 to 250 gallons per acre.

1. No soil preparation work shall occur when moisture content is so great that excessive compaction will occur, not when it is so dry that dust will form in the air, or that clods will not break readily.

11. Names of Plants and Standards: All plant materials shall conform to the standards as outlined by the Association of Nurserymen.

broken balls or earth when taken from containers shall be planted, except on special approval of the Owner or Owner's Representative.

3. Plants shall have been grown under climatic conditions comparable to those of the project site, unless otherwise specifically approved by the Owner or Owner's Representative.

of inspection and rejection at the site, during progress of work, for size and condition of ball or roots, latent defects or injuries. Rejected plants shall be removed immediately from the site.

1. Nomenclature conforms to customary usage: For clarification, the term "multi-trunk" defines a plant having a minimum of three trunks and a maximum of five trunks of nearly equal diameter.

5. Sod to be freshly cut and provided with minimum 3/4" thick root area and at least 9-12 months old. All sod to be protected from sum and wind drying while being shipped and prior to planting

C. Soil Amendments: (For bid purposes only): All planting areas shall be prepared by incorporating the following amendments: Amounts per 1,000 square feet: 100 lbs. of Gro-Power Plus 100 lbs. of Gypsum 3 cubic yards of nitrolized shavings or Organic Alternative:

1. When trees and other plant material are spotted for planting, but before planting occurs.

Contaminated soil shall be removed and replaced with acceptable existing soil or imported soil.

Owner or Owner Representative and shall pay all costs.
c. Contractor shall amend imported topsoil according to soil testing specifications.

2. Backfill for Succulents, Cacti and other drought tolerant plants shall be the following:

2. When planting and all other specified work has been completed

calcium, and magnesium to support normal plant growth.

3 cubic yards of Organic (no sludge included) Compost

4 parts by volume nitrolized organic amendment

5 lbs. Gro-Power Plus per cubic yard of mix

E. On-slab Planter mix shall be the following:

33% Vermiculite (coarse grade)

quantity use bagged wood bark.

2. Application is to be made by licensed personnel.

A Commencement of Work

D. Weed Control

during application

all building foundations.

period and acceptance by the Owner.

originally specified, as indicated in planting plan.

1. Backfill shall be the following: (For bid purposes only):

8. Identify each species and variety with a weatherproof label.

a. Specific location of topsoil source.

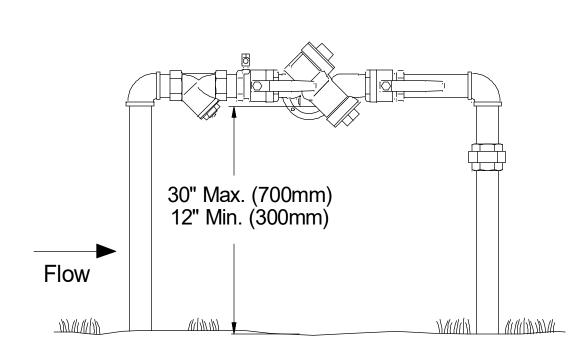
6 parts by volume site soil

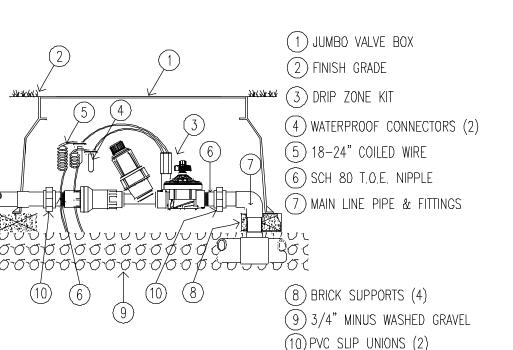
6 parts coarse peat moss

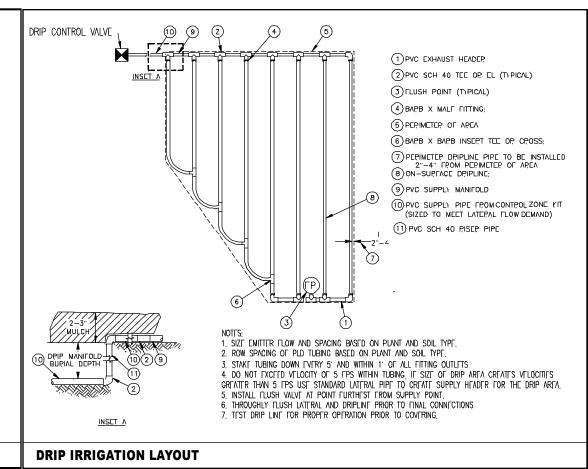
2 parts planter mix 8 parts volcanic rock

33% Peat moss

MATERIALS







1)MULCH BED LINE

(6)HUNTER PLD TEE

7) TUBING STAKE

(8) FLUSH VALVE

2) HUNTER PLD DRIPLINE

(3) LATERAL TO PLD CONNECTION

(4) HUNTER DRIP CONTROL VALVE

(5)LATERAL PIPE TO HUNTER PLD

SIZE EMITTER FLOW AND SPACING BASED ON PLANT AND SOIL TYPE.

STAKE TUBING DOWN EVERY 5' AND WITHIN 1' OF ALL FIFTING OUTLETS

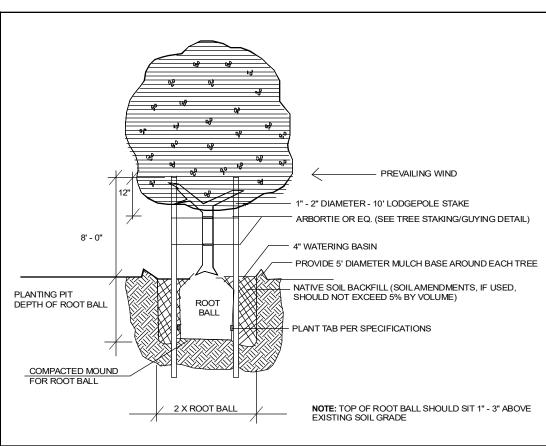
DO NOT EXCEED VELOCITY OF 5 FPS WITHIN TUBING IF SIZE OF DRIP AREA CREATES VELOCITIES

ROW SPACING OF PLD TUBING BASED ON PLANT AND SOIL TYPE

INSTALL FLUSH VALVE AT POINT FURTHEST FROM SUPPLY POINT

. TIST DRIP LINE FOR PROPER OPERATION PRIOR TO COVERING,

TREE IRRIGATION DETAIL



TREE PLANTING DETAIL

ArborTie

nailed to stake.

TREE STAKING/GUYING

REVISION LOG:

Fold ends of

roofing nail

Specified ArborTie green (or white) staking and guying material is to be flat-woven polypropylene material. 3/4" (19.05mm) wide,

ArborTie shall be fastened to stakes in a manner that permits

900 lb. break strength.

tree movement and supports the tree.

or use a knot.

ArborTie back.

Secure to stake

with 1" galvanized

SUBMITTAL:

BIVD

Sheet No

HUNTER DRIP ZONE VALVE KIT

FEBCO MODEL 825Y - REDUCED PRESSURE ASSEMBLY

3. Obtain and pay for all plumbing permits and all inspections required by authorities stated above.

B. Scope includes backfilling and recompacting soil equal to adjacent undisturbed soil.

C. Owner shall provide a rough grade within 2% of 1 foot of finish grade prior to commencement of irrigation work. D. The Irrigation Contractor shall be familiar with site conditions and shall coordinate work with General Contractor and other subcontractors for locating pipe sleeves through walls, under paying and coordinate with mechanical and electrical subcontractors for water and electrical supplies.

E.Water supply provided for by Owner. F. Manual shut-off valves shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency or routine maintenance. Requirements of regulatory agencies

A. Comply with all local and state codes, ordinances, safety orders and regulations of all legally constituted authorities having jurisdiction over this work.

C. Notify the Landscape Architect in the event any equipment or methods indicated on the drawings or in specifications conflicts with local codes, prior to installation. In the event this notification is not performed, the Contractor must assume full responsibility for revisions necessary.

Submittals A.As-built Record Drawings: points of reference, show connection to existing water lines, gate valves, pressure supply pipe, control valves and control wiring.

B.Operations and Maintenance Manuals:

1. Prepare and deliver to the Owner within ten days by calendar prior to completion of construction, all required and necessary descriptive material in complete detail and sufficient quantity, properly one bound copy of the operation and maintenance manuals. The manual shall describe the material installed and shall be in sufficient detail to permit operating personnel to understand, operate and maintain all equipment. Spare parts lists and related manufacturer information shall be included for each equipment item installed. Each complete, bound manual shall include the following information: a.Index sheet stating Contractor's address and telephone number. b.Duration of guarantee period.

c.List of equipment with names and addresses of local Manufacture Representative. 2.In addition to the above maintenance manuals, provide the maintenance personnel and Owner with instructions for major equipment

B. Irrigation lines shown adjacent to planter shall be located in planters. Wherever possible, locate lines in same trench. Materials to be furnished

2.Two keys for automatic controller

allowed without prior written approval of Owner.

B. Equipment or materials installed or furnished without the prior approval of the Owner or Owner's Representative may be rejected and such materials removed from the site at no expense to the Owner.

nreads are required in plastic fittings, these shall be injection molded also. All tees and ells shall be side gated. B.All threaded nipples exposed above grade shall be gray in color.

C.All pipe and fittings shall be as manufactured by Lasco Co., pacific Western or S.M. or approved equal.

D.Solvent weld pipe shall be extruded of an improved P.V.C. virgin pipe compound featuring high tensile strength, high chemical resistance, and high impact strength. In terms of the current ASTM Standard D-1784, or D-2241, this compound shall meet the requirements of cell classification 12454B for pipe. This

compound must have a 2,000 p.s.i. hydrostatic design stress rating.

E.All supply lines up to 2" diameter shall be Schedule 40 P.V.C. PVC lines to be manufactured by GSR, Johns Manville, Pacific Western Cleanese or approved

A. Automatic controller shall be fully automatic in operation and shall be capable of operating the number of stations of remote control valves as noted on the B.Controller shall be wall mounted type (see plan), with a heavy duty watertight case and locking, hinged cover.

Controller compounds shall be fused and chassis grounded.

Controller shall be equipped with an approved on and off switch for 115 volt service and electrical outlet, located inside housing. The exact location of the controller shall be determined as noted on drawings and verified with Owner. The Irriga ordinating the electrical service to this location. In the event a conflict prevents this coordination, the Landscape Architect shall be notified immediately F.Electrical power and connections including 1-1/2" conduit sleeve, to automatic controller as per manufacturers specifications.

B. Valve shall be capable of being operated in the field without electricity at the controller, by a bleeder valve. .Valve shall be installed in shrub area whenever possible and installed according Manufacturer's instructions.

Wiring, Low Voltage

E.Use a continuous wire between controller and remote control valves. Under no circumstances shall splices exist without prior approval. Any splices allowed F.All splices shall be made using Scotch Lok Unipack waterproof sealing packets, Pen-Tite Connectors, or approved equal. An expansion loop of 12 inches shall be provided at each wire connection and/or directional turn. G.Ground wires shall be white in color.

A. The contractor shall not willfully install the irrigation system as shown on the drawings when it is obvious in the field that obstructions, grade differences or discrepancies in equipment usage or area dimensions exist that might not have been considered in the engineering. Such obstructions or differences shall be brought to the attention of the Owner or Owner's Representative. In the event this notification is not performed, the Contractor shall assume full responsibility. B. Before starting work on sprinkler system, carefully check all grades to determine that work may safely proceed, keeping within the specified material depths C. The installation of all sprinkler materials, including pipe, shall be coordinated with the landscape drawings to avoid interfering with the trees, shrubs, or other planting.

D.Layout sprinkler heads and make any minor adjustments required due to difference between site and drawings. Any such deviations in layout shall be within the intent of the original drawings, and without additional cost to the Owner. When directed by the Owner or Owner's Representative the layout shall be approved before installation. Check valves to prevent drainage of sprinklers through lowest head shall be installed on every sprinkler head at a lower elevation than the

E.Contractor shall verify location of Controller. Contractor shall supply and install a rechargeable battery for controller back up, per manufacturer's instructions. F.All piping or equipment shown diagrammatically on drawing outside of planting areas shall be installed inside planting area whenever possible. G.Sprinklers with adjustable flow rate nozzles shall be adjusted by fully opening the sprinkler furthest from the control valve. The manual adjustment of the control valve shall be opened slightly to obtain a 12" high spray at the sprinkler mentioned above. After this condition has been met, all other sprinklers in the section shall be adjusted for equal height sprays, regulating the control valve as required to maintain this condition. With a pressure gauge on the sprinkler first opened, the control valve shall be adjusted to obtain the catalog rated pressure for the sprinkler installed. Individual heads shall be rotated and adjusted as required to

A.Water Supply: Connections shall be made to the water meter or existing pipe as shown at approximate location on drawings or to point of connection. Minor changes caused by actual site conditions shall be made without additional cost to Owner. B.Assemblies: 1.Routing of pressure supply lines as indicated on drawings is diagrammatic

3.Install all assemblies on a swing joint connection.

C.Line Clearance: All lines shall have a minimum clearance of 4 inches from each other, and 6 inches from lines of other trades. Parallel lines shall not be installed directly over one another.

1.Dig trench and support pipe continuously on bottom of ditch. Shake pipe in trench to an even grade. Trenching excavation shall follow layout indicated on drawings and as noted. Where lines occur under paved areas, these dimensions shall be considered below subgrade. 2.Provide minimum cover of 18 inches for all pressure supply lines 2 1/2" and smaller. Provide minimum cover of 18 inches for all control wires

1.Backfill for trenching shall be compacted to a dry density equal to the adjacent undisturbed soil., and shall conform to the adjacent grades without dips, sunken

G.Flushing the System: 1.After all new sprinkler pipe lines and risers are in place and connected, all necessary diversion work has been completed, and prior to installation of sprinkler heads, the control valves shall be opened and a full head of water used to flush out the system. 2. Sprinkler heads shall be installed only after flushing of the system has been accomplished to the complete satisfaction of the Owner's Representative.

3.Sprinkler heads in lawn or turf areas shall be elevated to a minimum of 3 inches above grade. Heads along curbs, walks, paving, etc., shall be placed 1/2 inch above finish grade or coordinated with adjacent shrub heights. adjust sprinkler heads within ten days after notification by Owner. Adjusting the System

C. The entire system shall be operating properly before any planting operations commence. Irrigation System Coverage Test

Clean-up and Repair A. Upon completion of the work, make the ground surface level, remove excess materials, rubbish, debris, etc., and remove construction and installation equipment from the premises. Inspection of Work

A. Installations and operations must be approved by owner.

B. Prior to commencing work, the Contractor shall arrange a meeting with the Owner, at which time the Contractor will be informed of specific inspections required and the method of calling for such inspections as the individual work is completed.

C. In no event shall the Contractor cover up or otherwise removes from view any work under this contract without prior approval of the Owner. The Contractor at his expense shall open any work covered prior to inspection to view.

D.All hydrostatic tests shall be made only in the presence of the Landscape Architect, or other duly authorized representative of the Owner. No pipe shall be

program for the site. A. The entire sprinkler system shall be guaranteed for one year by the Contractor as to material and date of final acceptance of the work.

B. Should any trouble develop within the specified guarantee period due to inferior or faulty material and/or workmanship, the trouble shall be corrected without delay by the Contractor to the satisfaction and at no expense to the Owner.

protect these installations from any damages whatsoever.

IRRIGATION SPECIFICATIONS

Scope

A. Includes furnishing all labor, materials and equipment required to provide and install the irrigation system specified herein and required to complete the work

| Includes | Provide Representative prior to irrigation system installation. per the plans. Contractor shall test water pressure to verify adequacy and inform Owner or Owner's Representative prior to irrigation system installation.

1.The contractor shall maintain a complete and accurate set of "as-built" drawings. These drawings shall be kept up with the progress of the work. The Owner shall furnish a set of drawings on which to record "as-built" conditions.

2.The Contractor shall indicate clearly and correctly work installed differently from the shown on the contract drawings. By dimensioning from two permanent

A. For purposes of legibility, sprinkler lines are essentially diagrammatic. Although size and location of sprinkler equipment are drawn to scale wherever possible, make use of all data in all of the contract documents and verify this information at the construction site. The work shall be installed in such a manner as to avoid conflicts between irrigation systems, planting and architectural features.

Prior to final inspection the Contractor shall furnish the following materials to the Owner: 1.Two wrenches for disassembling and adjusting each type of sprinkler head supplied.

Materials and Equipment

A. All irrigation equipment shall be new and unused prior to installation, shall conform to the Irrigation Plan and Legend, and as specified. No substitution shall be

Plastic Pipe and Fittings

A. All fittings shall be injection molded Schedule 80 of an approved P.V.C. fitting compound featuring high tensile strength, high chemical resistance, and high impact strength. In terms of the current ASTM Standard D-1784-69, the compound must meet the requirements described in cell classification 13454B. Where

Remote Control Valves, Electrical A. Valve shall be spring-loaded, packless diaphragm activated type with brass or plastic body as specified on drawings.

A. Unless otherwise specified, connections between the controller and remote control valves shall be made with direct burial AWG-UF type wire, installed in accordance with valve manufacturer's wire chart and specifications.

B. Wiring shall occupy the same trench and shall be installed along the same route as the pressure supply lines wherever possible, and shall be installed before pressure line whenever possible.

C.Where more than one wire is placed in a trench, the wiring shall be taped together at intervals of 10 feet. D. Sizing of wire shall be according to manufacturer recommendations, in no case less than #14 in size.

2.All plastic threaded pipe and fittings shall be assembled using Teflon dope or equivalent, applied to the male threads only.

4. Provide minimum cover of 12 inches for all other non pressure lines. E. Paved Areas:

 Coordinate installation of sleeves under paved areas with General Contractor. 2.If the only piping installed is over 20 feet long, pressure testing is required for that section at the time of installation. Upon completion of piping installation, the areas, humps or other irregularities. Initial backfill on all lines shall be of a fine granular material with no foreign matter larger than 1/2" size. 2. Trenches shall be backfilled promptly after the open trench inspection.

1.Install sprinkler heads as designated on the drawings.
2.Spacing of heads shall not exceed the maximum indicated on the drawings. In no case shall the spacing exceed the maximum recommended by the

A. Adjust valves, alignment and coverage of all sprinkler heads.

B. If it is determined that adjustments in the irrigation equipment or nozzle changes will provide proper and more adequate coverage, make all necessary changes, without additional cost to the Owner, prior to any planting.

A. When the sprinkler system is completed, determine if the water coverage of planting areas is complete and adequate. Furnish all materials and perform all work required to correct any inadequacies of coverage due to deviations from plans. This test shall be accomplished when planting is complete.

backfilled until it has been inspected, tested, and approved in writing.

E.All pressure supply lines shall be tested under hydrostatic pressure of 150 pounds per square inch for a period of two hours.

F.Upon completion of the project, the Contractor shall transfer all information concerning the dimensions to a clear set of transparency prints of the drawings. The changes and dimensions shall be recorded in a legible and workmanlike manner to the satisfaction of the Owner. The Contractor shall, for this purpose, procure from the Owner a copy of the piping layout to mark all as-built dimensions and work that differs from the original plans. G.Contractor shall instruct Owner on use of irrigation controller. Contractor shall consult with Owner and Landscape Architect to establish appropriate watering

C.Any and all damage to rain water drains, water supply lines, gas lines and/or other service lines shall be repaired and made good by the Contractor at no extra cost to the builder. It is the responsibility of the Contractor to be aware of the location of all utilities or other permanent or non-permanent installations and to

KEEP MULCH 3" ROOT CROWN TO BE FROM TRUNK 1 to 2" ABOVE FINISHED DeepRoot Barrier, typ (UB 18-2 or UB 24-2) **GRADE** <u>WATERING BASIN</u> **BACKFILL MIX** PER SPECIFICATION SUBGRADE PLANT TAB PER SPECIFICATION ROOT BALL DIAMETER 3x Root Ball Dia. (min.) 2 X ROOT BALL DIAMETER SHRUB PLANTING DETAIL DEEPROOT UNIVERSAL BARRIER SURROUND DETAIL Spacing per L1 plan and legend Chain link 10'-0" Max. Drip Line (Varies) Fence Location 6" FROM EDGE OF PAVING , TYP. Limit of Critical Zone EDGE OF PAVING Critical Root Zone Drip Line **GROUNDCOVER PLANTING**

Tree Protection fence

PROTECTED TREE ENCLOSURE - TO BE ERECTED PRIOR TO DEMOLITION / CONSTRUCTION

2146 Harbor Blvd, Unit E Costa Mesa, CA 92627

BBS ARCHITECTS AND A

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No. Issue Date

1 Project Number:
31020078

Date:

14 March 2023

Sheet Title:

Photometric Plan

Scale As Noted

Drawing Number:

A1.02